



Alcohol and Entertainment Licensing Sub-Committee

Wednesday 6 January 2021 at 5.00 pm

This will be held as an online virtual Meeting

Details on how to access the link in order to view the meeting will be made available online via the following link: [HERE](#)

Membership:

Members

Councillors:

Denselow (Chair)
Hylton
Maurice

Substitute Members

Councillors:

Ahmed, Chohan, Hector, Kennelly, Long, McLeish,
Shahzad

For further information contact: Devbai Bhanji, Governance Assistant
Tel: 020 8937 6841; Email: devbai.bhanji@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting as an online virtual meeting. The link to view the meeting will be made available via the following link: [HERE](#)

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
 - To which you are appointed by the council;
 - which exercises functions of a public nature;
 - which is directed is to charitable purposes;
 - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
- (b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item	Page
1 Apologies for absence and clarification of alternate members	
2 Declarations of Interests	
Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.	
3 Application for a New Premises Licence by Westfield Food & Wine Ltd for the premises known as Westfield Food & Wine, 248-250 High Street, NW10 4TD, pursuant to the provisions of the Licensing Act 2003	1 - 48

Date of the next meeting: Date Not Specified



Please remember to **SWITCH OFF** your mobile phone during the meeting.

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LICENSING ACT 2003

Application for New Premises Licence

1. The Application

Name of Applicant:	Westfield Food & Wine Ltd
Name & Address of Premises:	Westfield Food & Wine, 248-250 High Street, NW10 4TD
Applicants Agent:	Mr Manuel Rocha

The application is for a new premises licence:

- 1 For the sale and supply of alcohol from 10am to 11pm Monday to Sunday and to remain open from 7am to midnight Monday to Saturday and from 8am to Midnight Sunday.

2. Background

The review of the Statement of Licensing Policy has introduced Cumulative Impact Zones for all new or variation applications for 'Off' licences in the borough.

This application falls within a Cumulative Impact Zone.

In October 2020, alcohol was found on display for sale at the premises, a warning letter was sent to the applicant and can be found as part of the representation from the Licensing Officer.

3. Promotion of the Licensing Objectives

See page 17 of the application

4. Relevant Representations

Representations have been received from the Ward Councillor, Police and Licensing Officers who request that the application is refused.

5. Interested Parties

None

6. Policy Considerations

Policy 1 – Process for Applications

Conditions on the licence, additional to those voluntarily sought/agreed by the applicant, may be considered. Conditions will focus on matters which are within the control of individual licensee and which relate to the premises or areas being used for licensable activities, the potential impact of the resulting activities in the vicinity. If situations arise where the licensing objectives may be undermined but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be granted or continue to operate.

7. Determination of the Application

Members can take the following steps when determining a new premises licence application:

- grant the licence;
- exclude from the scope of the licence any of the licensable activities to which the application relates;
- refuse to specify a person in the licence as the premises supervisor;
- reject the application

8. Associated Papers

- A. Copy of Application Form & Plan
- B. Police Representation
- C. Licensing Representation
- D. Councillor Kelcher Rep
- E. OS Map

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We **WESTFIELD FOOD AND WINE LTD**

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
WESTFIELD FOOD AND WINE 248-250 HIGH STREET LONDON			
Post town	LONDON	Postcode	NW10 4TD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£28500

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a
 statutory function or ☐
 a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes		
Nationality:					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	WESTFIELD FOOD AND WINE LTD
Address	248-250 HIGH STREET LONDON NW10 4TD
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED
Telephone number (if any)	
E-mail address (optional)	manuelrocha01@hotmail.com

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
0	6	1	1	2	0	2	0

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

Please give a general description of the premises (please read guidance notes

WESTFIELD FOOD AND WINE IS A NEW SUPERMARKET. WE SELL GROCERIES AND DELI PRODUCTS.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3) NOT APPLICABLE	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	23:00			
Fri	10:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	10:00	23:00			
Sun	10:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name DEV RAJ RAUT	
Date of birth	
Address:	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

☐ ☐ ☐ ☐

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NOT APPLICABLE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	07:00	00:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Tue	07:00	00:00	
Wed	07:00	00:00	
Thur	07:00	00:00	
Fri	07:00	00:00	
Sat	07:00	00:00	
Sun	08:00	00:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

CCTV WILL BE INSTALED WITH 31 DAYS DATA. STAFF TRAINING REGARDING THE FOUR LICENSE OBJECTIVES, UNDER 25 CHALLENGES, SIGNAGE LIKE NO PROOF NO SALE, RESPECT OUR NEIGHBOURS, REFUSAL BOOK, STAFF TRAINING RECORDS. DRUNK OR VIOLENT CUSTOMERS WILL NOT BE ALLOWED PURCHASE ALCOHOL IN OUR BUSINESS. WE WILL PARTICIPATE IN PUB WATCH MEETINGS OR OTHER SIMILAR ASSOCIATIONS. NO IRRESPONSIBLE PROMOTIONS. BEER/CIDER ON SALE WILL NOT EXCEED 6% ABV AND WILL BE SOLD IN PACKS OF 4X MINIMUM. PREMISES WILL HAVE ALWAYS A PERSONAL LICENSE HOLDER ON DUTY. NO SALE OF ALCOHOL MINIATURES. SPIRITS WILL BE DISPLAYED BEHIND THE COUNTER.

b) The prevention of crime and disorder

**CCTV WITH DATA FOR 31 DAYS. THE BUSINESS WILL HAVE ALWAYS A STAFF MEMBER THAT IS FAMILIAR WITH THE CCTV OPERATION. DPS AND PREMISES LICENSE HOLDER WILL PARTICIPATE IN PUB WATCH AND SIMILAR ASSOCIATIONS
. OUR BUSINESS WILL NOT ENGAGE WITH IRRESPONSIBLE SALE OF ALCOHOL PROMOTIONS.**

c) Public safety

CCTV WITH DATA FOR 31 DAYS WILL BE INSTALLED. WE WILL PARTICIPATE IN PUB WATCH MEETINGS AND WITH LOCAL NEIGHBOURS ASSOCIATION. ALCOHOL TO BE STORED IN A COOL DRY PLACE AND AWAY OF ANY HEAT SOURCE. NO IRRESPONSIBLE PROMOTIONS. WE WILL IMPLEMENT ANY RECOMMENDATIONS GIVEN BY THE POLICE AND OTHER AUTHORITIES

d) The prevention of public nuisance

DELIVERIES DONE BY OUR SUPPLIERS WILL TAKE PLACE WITHIN THE RECOMMENDED TIMES BY THE AUTHORITIES. RUBBISH BIN COLLECTION WILL TAKE PLACE WITHIN THE RECOMMENDED HOUR BY THE AUTHORITIES. STAFF MEMBER TO CLEAN ANY RUBBISH OR LITTERING IN FRONT OUR PREMISES DURING THE DAY ON A REGULAR BASIS. SIGNAGE WILL BE IN PLACE. STAFF TRAINING.

e) The protection of children from harm

STAFF WILL BE TRAINED REGARDING THE PROTECTION OF CHILDREN FROM HARM. OUR BUSINESS WILL HAVE A UNDER 25 CHALLENGE POLICY. NO PROOF, NO SALE. SIGNAGE AND POSTERS WILL GO UP. STAFF TRAINING RECORDS. REFUSAL BOOK. REFRESHER TRAINING EVERY 6 MONTHS TO ALL STAFF

Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
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	<ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	Manuel Rocha
Date	07/10/2020
Capacity	AGENT

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

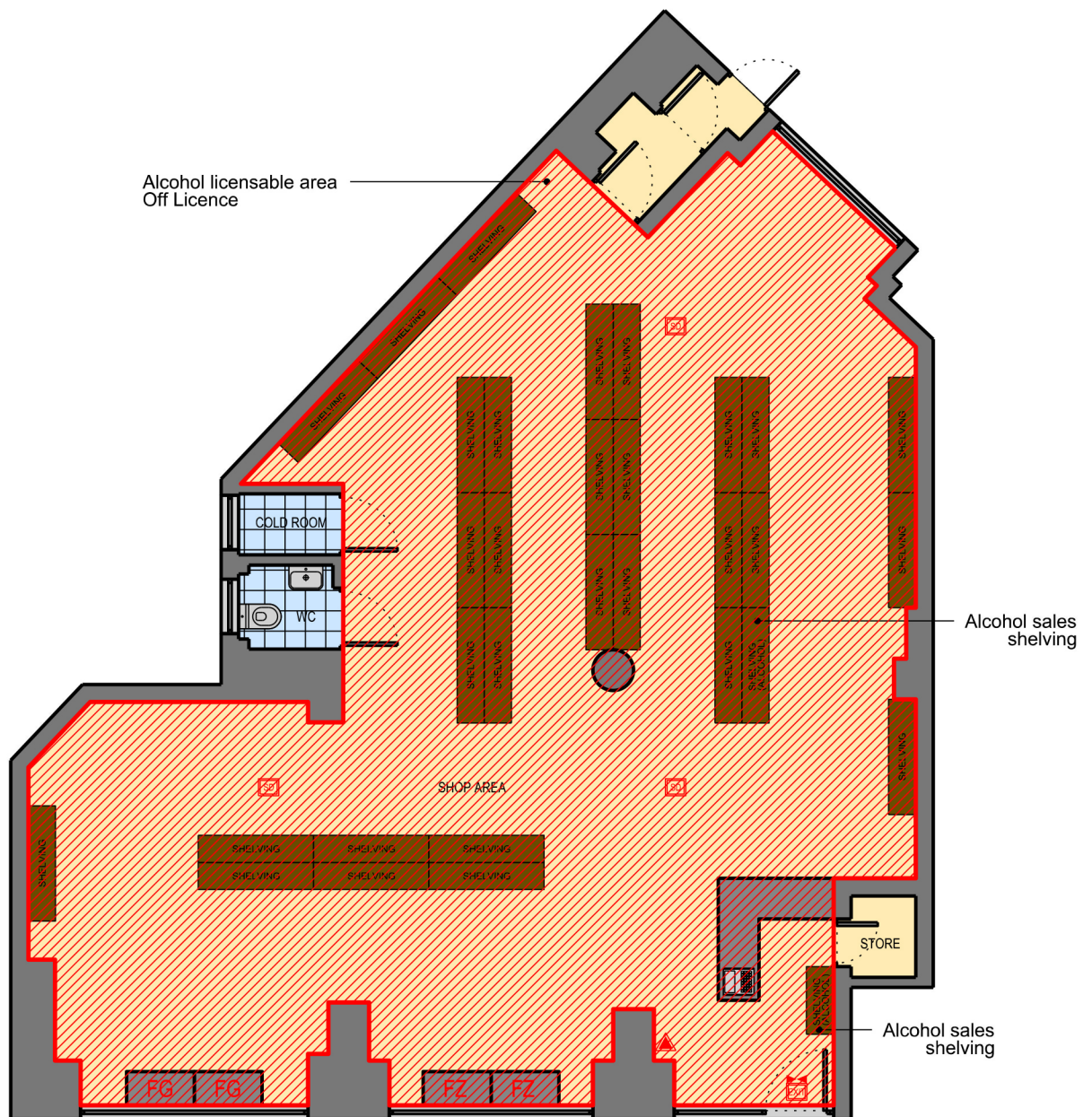
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
MANUEL ROCHA UNIT 35 BATTERSEA BUSINESS CENTER 99-109 LAVENDER HILL LONDON			
Post town	LONDON	Postcode	SW11 5QL
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
MANUELROCHA01@HOTMAIL.COM			

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;



Ground Floor Plan

	APPLICATION AREA All fire doors to be 30/30 with self closers and intumescent strips	1 Hour fire compartment Fire blanket 9 Litre water fire extinguisher 5kg CO2 Extinguisher Fire door locked (5mm letters)	Emergency light & exit sign Emergency lighting Primary escape route Secondary escape route Heat detector (To BS5839)	Smoke detector Gas Interlock System Fire Alarm Control Panel Central alarm CCTV	FF Fridge freezer FG Fridge FZ Freezer OV Oven CCTV	GR Grill FY Fryer FD Fridge Display CK Cooker TO Toaster
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Mini Market
Alcohol Licence - Off Licence
Ground Floor Plan

Jose Manuel Rocha
Unit 35 Battersea Business Centre 99-109 Lavender Hill London SW11 5DL
Tel: +44 (0) 7868 697778 - Email: manuelrocha01@hotmail.com

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Applicant
Westfield Food & Wine,
248-250 High Street, Harlesden,
London, NW10 4TD

Number
JR_78_001

Scale @ A4
1:100

Date
06/11/20

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**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

The Licensing Authority

*Brent Civic Centre
Engineers Way
Wembley
Middlesex
HA9 0FJ*

Your ref: 19949

Our ref: 20/2965NW

Brent Borough Licensing Department

*Harrow Police Station
74, Northolt Road
Harrow
Middlesex
HA2 0DN*

E-mail: Gary.L.R.Norton@met.police.uk

Web: www.met.police.uk

Date: 05/11/2020

Police representations to a New Premises Licence application for "Westfield Food & Wine, 248-250 High Street, Harlesden, London, NW10 4TD".

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 Council's Licensing Objectives for the reasons indicated below.

**Police Officer: Gary Norton
Licensing Constable PC 2965NW**

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, in accordance with section 12 of the Licensing Act 2003. The Police representations are primarily concerned with crime and disorder, public nuisance and public safety and protecting children from harm.

The premises sits on a parade of shops on a busy high street in Harlesden London. The area has a heavy traffic and footfall of pedestrian custom, all within a densely populated residential area. Some parts of Harlesden have become badly affected by crime, disorder and anti-social behaviour (ASB). This has resulted in the London Borough of Brent designating Cumulative Impact Zones under the Statement of Licensing Policy 2020-2025. A **Cumulative Impact** Area is a designated **zone** where evidence has indicated that the number, type or density of licensed premises is impacting adversely on the licensing objectives, namely, crime and disorder, public safety, public nuisance and the protection of children from harm.

Harlesden has a large number of on/off licenses in close proximity and this has facilitated the bad habits of street drinkers, giving them easy access to alcohol, often compounded by irresponsible sales. This in turn has had a negative effect in the area leading to more crime, disorder and public nuisance and even children having access to alcohol.

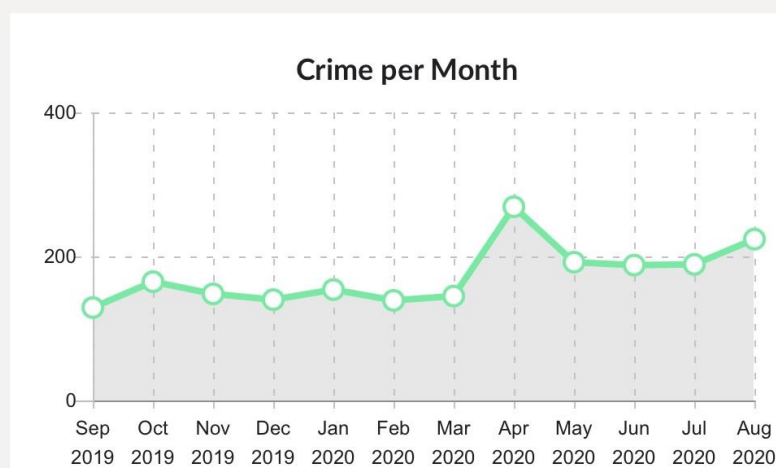
Crime, disorder and Anti-Social Behaviour (ASB) has been rising during the course of the past year in the NW10 4TD area, as shown in the police.uk website figures. The applicant's premises also sits in

one of the three main hotspot areas within the CIZ itself. To add yet another off licence to the area will no doubt adversely affect the existing situations.

The following graph shows the overall increase in crime levels as shown on www.police.uk including Anti-Social behaviour, violence and sexual offence and drugs. The impact of prolonged drinking or binge drinking significantly increases the risk of committing violent offences. This fact is recognised by many pieces of medical and socio-economic studies. The Harlesden area does suffer from street drinker issues and a high crime rate shown to be on the rise.

Crime levels overview

Crime for last year



Given the Harlesden area is already saturated by off-licence premises, the need for another seems somewhat pointless, aside for the potential financial reward for the supplier. Whilst I have no issue with a legitimate business making a profit, allowing another off-licence to open would only compound existing serious problems.

The application was written by an agent experienced in licensing issues & terminology, which puts forward clearly proposed alcohol sales practices and licensing conditions for the business. However, none of these demonstrate how the premises would any better at coping with the existing issues in the CIZ, as they are quite standard in nature. In actuality, these proposed conditions merely show how far off track the supposed responsible applicant is.

The applicant's actual performance at upholding the licensing objectives and their sub-standard practices for alcohol sales are already known.

I state this as fact given we have already been found to be displaying and selling alcohol without a licence and continuing to do so despite a previous warning by Brent Council.

In early October 2020, I was sent a photo via e-mail that claimed to show alcoholic beer products were already on display for sale at the "Westfield Food & Wine" venue. Given the premise's licence application was only in the consultation stage, nor were there any Temporary Event Notice's granted to facilitate such sales, I was very concerned by the e-mail claim. I conducted a visit to the premises on Friday 23rd October 2020 at 2110hrs, along with Sergeant Mike Sullivan. The visit was recorded on Body Worn Video (BWV). Towards the left-side aisle at the rear of the shop, I found a working chilled open vertical refrigerator containing a number of beers and ciders in bottles and cans. These included Fosters, Kronenberg 1664, Strongbow, Desperado, Holsten Pils, Budweiser and more worryingly "K", which is 8% ABV. It was also noted that some of the beers had been taken out of their vacuum wrapped plastic seal "four packs" and there was a presence of odd numbers of similarly branded alcohol. This suggested single unit sales were taking place.

I introduced myself to a gentlemen who stated he was the manager of the shop. I asked if there was anyone to discuss details about the alcohol licence and he said "We don't have a licence..."

PC NORTON: "Why are you selling it?"

MANAGER: "We don't sell it."

PC NORTON: "Why is it on display to sell?"

MANAGER: "Because today we had an inspector from the council, they give me notice I can't sell anything. Then she has gone."

PC NORTON: "Why have you been selling it then?"

MANAGER: "I haven't been selling."

PC NORTON: "Well I've got a report that you have, that's what someone told me..."

MANAGER: "No, no, no."

PC NORTON: "So why have you still got it on display?"

MANAGER: "Look, what is here-." (He is indicating towards an under counter space behind the till area.)

PC NORTON: "There is alcohol on the shelves now."

MANAGER: "Because she asked me 'Where you want to put it?', I told her I don't have a stores and I have to take it out. But tomorrow morning I will take it out."

SGT SULLIVAN: "You have it on display and that is an offence."

MANAGER: "It's okay."

SGT SULLIVAN: "It's not okay."

PC NORTON: "You're not allowed to have it on display at all. There isn't that much there so I don't see why you can't store it somewhere else..... Are you the DPS? The designated Premises Supervisor?"

MANAGER: "Yes..... I had apply."

PC NORTON: "I'm asking you. Are you the designated premises supervisor?"

MANAGER: "I don't understand?"

PC NORTON: "So you haven't got a licence?"

MANAGER: "Yeah, yeah, I have."

SGT SULLIVAN: "A personal licence, for you, like a drivers licence" (He indicates a small rectangle shape with his hand.)

MANAGER: "Yes I have a licence here, not for me, for someone else."

PC NORTON: "Yeah, where is he?"

MANAGER: "He is outside, not here."

PC NORTON: "Yeah, well you haven't got a license to serve it anyway?"

MANAGER: "He has a licence."

PC NORTON: "Yeah, but he's not here. Let me explain something to you, I'm not stupid and I wasn't born yesterday. You wouldn't have this stuff here if it wasn't being sold. I wouldn't have been told two weeks ago that you were selling alcohol, if someone hadn't seen it and told me okay? You don't need to lie to me."

MANAGER: "Yes."

PC NORTON: "I'm just doing my job, so that I'm trying to find out exactly why this stuff is still on display after you have been told by the council today that you shouldn't have it on display. There is not thousands of bottles here. You've got a big shop. You should be able to move that and put it somewhere else, or at least lock it away. The fact you have a shutter (I pull the shutter blind down to cover the alcohol) which works, but you don't have it shut is because I believe you're are selling it. Now I haven't proved the offence, but that's not the point. This is an offence (indicating the alcohol on display)."

MANAGER: "Yes, you are right. 100%."

PC NORTON: "I know I am. Also, even if you were thinking you could do it, because you think you are mistaken enough to have a licence, part of your regulations for this shop, (I pick up a tin of K 8%ABV and show him), that's not right. Do you know why?"

MANAGER: "You are right."

PC NORTON: "No, do you know why this particular drink isn't right?"

MANAGER: "Sorry my English is not very well."

PC NORTON: "Its been perfectly good up until now. 8 percent. What has the shop applied for? Maximum 6 percent. That's what your boss, or whoever is running the place, has asked for on their application. But there: 8 percent. This area is a major problem for street drinkers, people who like street drinking, like high strength beer. They get one tin of that and they get off their heads okay?"

MANAGER:" Yes."

That's the reason why this place is a cumulative impact zone. This whole area has a problem. So your application for an alcohol licence has to be approved by the council and the police.

MANAGER:"Yes."

PC NORTON:" I won't be approving it okay? I will argue it that you shouldn't have a licence to serve alcohol. Because clearly straight away, your application is just paying lip service to what we want to hear. You're not actually practicing what you preach. The fact you've got this stuff on display and had it here for weeks tells me everything I need to know. So whoever is in charge of it, you need to tell them the police are aware of it. This should be removed until you get a licence, which won't be at least until the 6th or 9th of November, when it goes to a hearing, which will be happen sometime after that. So I know you can't be having the alcohol here, because no one has applied for any kind of temporary notice either, okay?"

MANAGER:" Yes, You know something, because my English is not very good."

SGT SULLIVAN:" It's good enough."

MANAGER:" They sent already one paper, I have the picture..." (He opened a photo of the blue notice).

SGT SULLIVAN:" If your English is not good enough, maybe you should not be running the shop in charge of licensing issues."

PC NORTON:" What is your name?"

MANAGER : " Omid." They send this to my shop, you see this one. I think this is a licence."

PC NORTON:" No it's not a licence. It can't be a licence. It says here, this is a blue notice. A notice of application. It's what you put on the front of the shop so everyone knows you are having a shop with alcohol. That's what its for"

MANAGER:" Yes. I didn't know, trust me."

PC NORTON:" You're not the person who filled in the form are you? You're not the designated premises supervisor?

MANAGER: "For here? Yeah, before I did."

SGT SULLIVAN:" This needs to be removed." (Indicating the alcohol)

MANAGER: "Yes I do."

SGT SULLIVAN:" Let's be honest, three grown men, yeah, treat us with dignity and respect and we will treat you the same. You have CCTV?

MANAGER: "Yes."

SGT SULLIVAN:" Have you been selling the alcohol?

MANAGER:"Yes."

SGT SULLIVAN:"You have been selling the alcohol? I'll have a look at your hard drive, I will seize the hard drive and we will go through it and see if anyone takes it and goes to the counter. You want us to work with you, you need to be honest with us. Have you been selling the alcohol?"

MANAGER:" (Unintelligible comment)"

SGT SULLIVAN:" Have you sold any alcohol?"

MANAGER:" Before? Yes."

SGT SULLIVAN:"Today?"

MANAGER: "Today? (pause) Yes."



Two photos taken from Body Worn Video of PC NORTON showing the offence of displaying alcohol for sale without a licence. (Date and time stamped in top right hand corner).

Even if you believe the explanation given by Omid, that the premises licence was granted, they were breaching their proposed conditions:

STAFF TRAINING REGARDING THE FOUR LICENSE OBJECTIVES. Omid didn't even know if they had a licence or not. Even after being told this by the Council earlier the same day, he still suggested he had a premises licence when he spoke to police, nor did he have a personal licence.

BEER/CIDER ON SALE WILL NOT EXCEED 6%AVB. Tins of 8%ABV "K" on sale.

BEER/CIDER WILL BE SOLD IN PACKS OF 4 X MINIMUM. Clear evidence of separated beers for sale.

PREMISES WILL HAVE ALWAYS A PERSONAL LICENSE HOLDER ON DUTY. No personal licence holder present to sell alcohol.

Given the principle reason the CIZ's were put in place, this business provides clear evidence it is not fit to hold a premises licence for the purpose of alcohol sales. It seems very likely it that this premises, if the licence were granted, would merely add to the existing issues: more focused on its revenue stream than its responsibilities towards the licensing act.

For this reason, I oppose the license application.

Yours Sincerely,

Gary Norton 2965NW
Licensing Constable – Brent Police

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Manuel Rocha
Unit 35 Battersea Business Center
99-109 Lavender Hill
London
SW11 5QL

9th November 2020

Our Ref: 19200

Dear Mr Rocha,

Licensing Representation to the Initial Application for the Premises Licence at Westfield Food and Wine, 248-250 High Street, NW10 4TD

I certify that I have considered the application shown above and I wish to make a representation that the likely effect of the grant of the application is detrimental to the Licensing Objectives for the reasons indicated below.

An officer of the Licensing Authority, 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 Licensing Authority representations are primarily concerned with the four licensing objectives;

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Cumulative Impact Zone (CIZ)

The Council's current Licensing Policy came into effect 7th January 2020. Crime and complaints assessments in 2015, did not identify any requirement for a CIZs. However, since 2016 there has been a significant and notable increase in alcohol related crime and anti-social behaviour which is having an adverse impact in some areas and neighbourhoods generating complaints from residents, councillors and the Police. This is undermining the licensing objectives and also has potential to undermine the vitality of Brent's town centres.

Data captured from various sources including alcohol related police and ambulance call outs have been mapped and have shown suitable evidence to implement CIZs in the specified areas. In

particular crime data and evidence shows a correlation between concentrations of off-licences and alcohol related anti-social behaviour, particularly that associated with street drinking.

Harlesden has been identified as one of ten Cumulative Impact Zones (CIZs) in Brent, where the authorising of further licences may undermine the promotion of the licensing objectives.

The Statement of Licensing Policy states: -

Harlesden

Harlesden Town Centre is a hotspot for alcohol flagged calls to the Police for crime and anti-social behaviour. It is also a hotspot for ambulance calls where the victim has sustained an injury. The data shows the whole of the town centre suffers from high levels of alcohol related issues, including residential streets off the main town centre such as Rucklidge Avenue, Wendover Road, Buckingham Road and St Albans Road.

Data captured from various sources including alcohol related police and ambulance call outs have been mapped and have shown suitable evidence to implement CIZs in the specified areas. In particular crime data and evidence shows a correlation between concentrations of off-licences and alcohol related anti-social behaviour, particularly that associated with street drinking. Therefore, it is proposed that a CIZ be introduced for off-licences for the following streets; Craven Park, Craven Park Road, Park Parade and High Street Harlesden

Street Drinking Hotspots

There are relatively few calls to police specifically about street drinking. This may be because they are recorded as other ASB types such as littering or noise. Between 01/06/2017 and 31/05/2018, there were only 53 calls to police. The following year, there were 142. This represents an increase of 168%. Part of this increase may be attributed to callers being aware of the borough wide PSPO on drinking in public which came into effect in October 2017.



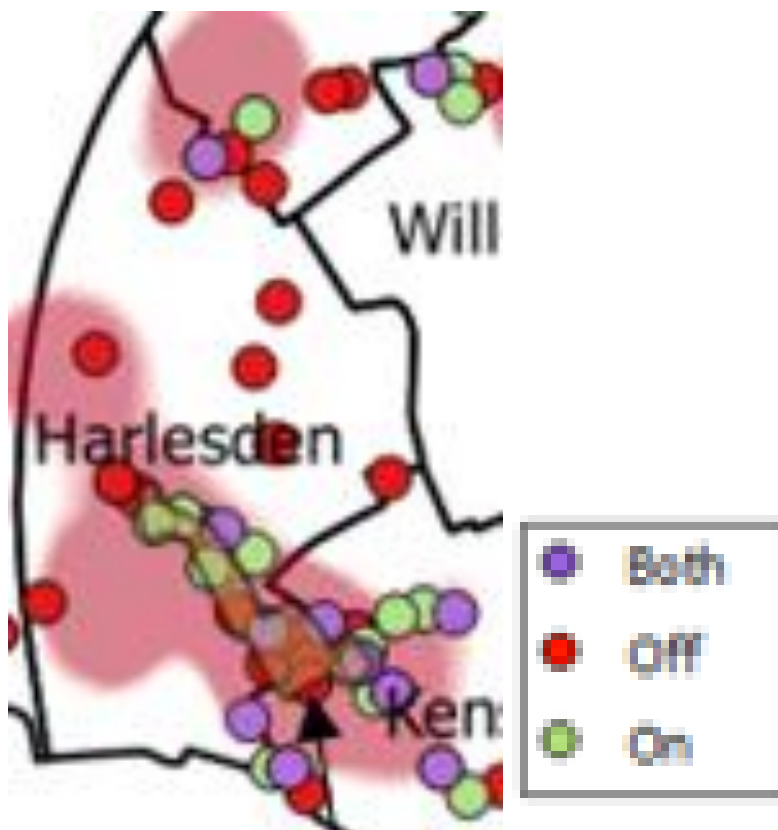
Calls to police specifically related to street drinking between 01/06/2017 and 31/05/2019

Hotspots in Brent in Ambulance and Police alcohol flagged call out data



Alcohol-related ambulance and Police calls between 01/06/2017 to 31/05/2019

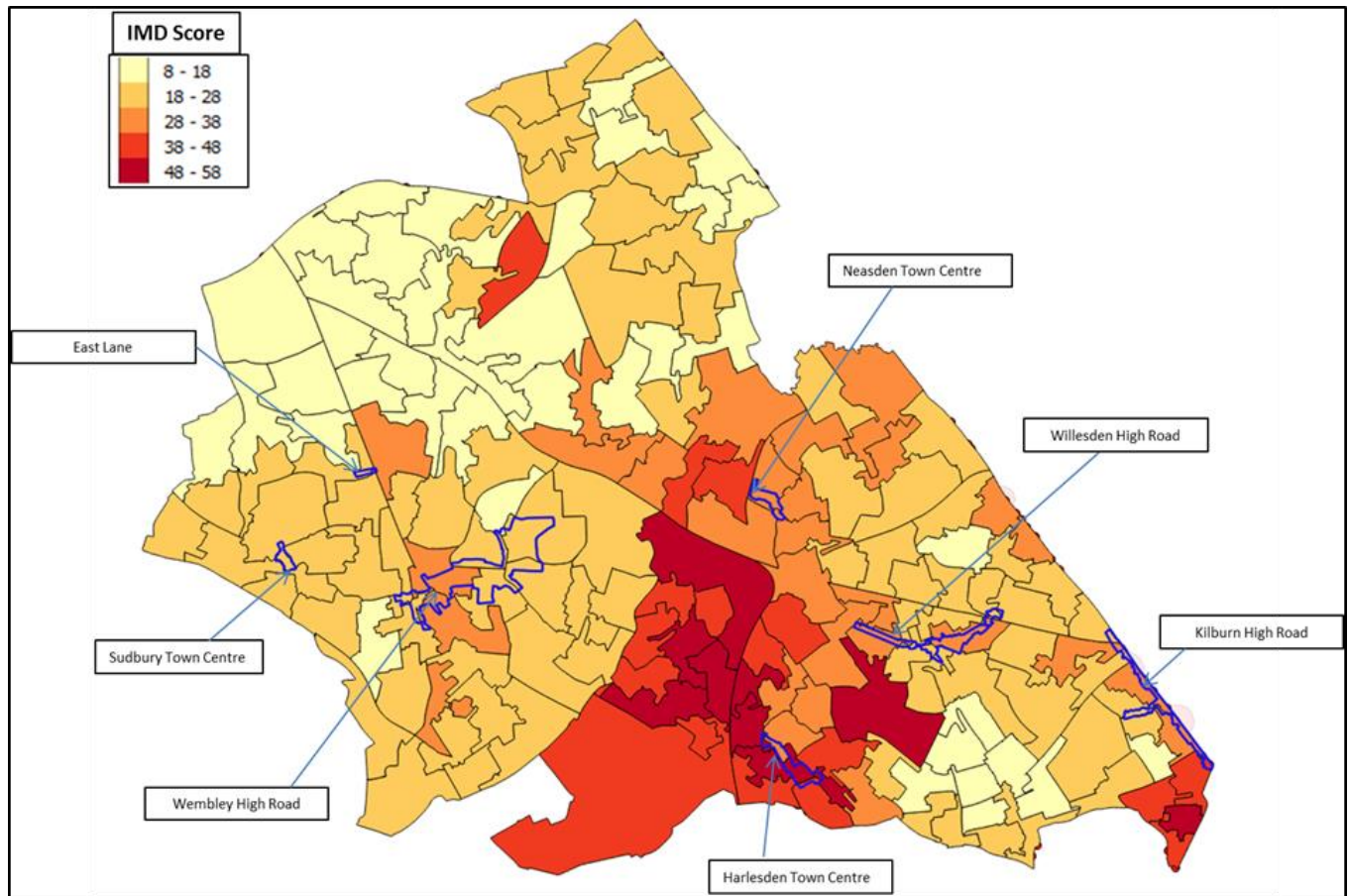
Hotspot of Violence with Injury Crimes



All violence with injury crimes between 01/06/2017 and 31/05/2019

Brent Index of Multiple Deprivation (IMD) score 2015 by Lower Super Output Areas

The Index of Multiple is made up of income deprivation, employment deprivation, education, skills and training deprivation, health deprivation and disability, crime, barriers to housing services and living environment.



Brent Index of Multiple Deprivation (IMD) score 2015 by Lower Super Output Areas

The purpose of the CIZ in Harlesden is to address the issues mentioned above.

The Premises

The premises, namely Westfield Food and Wine / Westfield Supermarket, 248-250 High Street, NW10 4TD falls within one of Brent's ten CIZs.







Westfield Food and Wine / Westfield Supermarket, 248-250 High Street, NW10 4TD

Harlesden town centre consists of a series of parades of shops that run along Craven Park, Craven Park Road, Park Parade and High Street Harlesden. The town centre falls between, Harlesden and Kensal Green ward and is one of the most deprived areas in the borough.

The map below shows the number of existing licensed premises within close proximity of the Westfield Food and Wine / Westfield Supermarket, 248-250 High Street, NW10 4TD.



Key			
 Premises applying for new OFF Licence	 Premises that already have an ON Licence	 Premises that already have an OFF Licence	 Premises that already have an OFF/NO Licence
	1. Triangle Club, 252 High Street (Less than 1 min Walk)	2. 222 High Street (1min Walk / 289 Feet)	5. 202 High Street (2min Walk / 479 Feet)
	3. 214 High Street (1min Walk / 364 feet)		
	4. 212 High Street (1min Walk / 290 Feet)		

Public Space Protection Order (PSPO)

The entire Borough of Brent is subject to a Public Space Protection Order for street drinking and therefore it is an offence to drink alcohol in any public place.

If a police officer reasonably believes that a person is, or has been, consuming intoxicating liquor within these areas, the officer may require the person concerned:

- a) not to consume in that place anything which is, or which the officer reasonably believes to be, intoxicating liquor
- b) to surrender anything in his/her possession which is, or which the officer reasonably believes to be, intoxicating liquor or a container for such liquor (other than a sealed container)
- c) An officer may dispose of anything surrendered to him/her as above.
- d) Issue fixed penalty notices on offenders
- e) Prosecute persistent offenders

However, in reality there are limited police officer resources, which in practice would prevent the above from being enforced. This therefore places a greater emphasis on the responsibility of those premises that are selling alcohol for consumption off the premises. It is clear that if off licences did not exist, the number of street drinkers would decline.

Therefore simply selling alcohol to customers who once off the premises, are no longer the responsibility of the licence holder, the Designated Premises Supervisor (DPS) and/or members of staff is no longer a viable option.

Premises Licence Application

Operational Plan, Training Manual & Conditions

According to Section M of the application form, the proposed steps that the applicant intend to take to promote the licensing objectives are quite generic.

The Licensing Authority would expect to see information on how the business plans to ensure that their particular premises will go above and beyond in promoting the licensing objectives in a crime hot spot.

Safeguarding the Local Area

The Statement of Licensing Policy lists considerations to be made when applying for a new premises licence, particularly those considerations relating to street drinking.

However, there are no specific conditions that are mentioned in the application to address the likes of such things outside of the premises that could be directly linked to the premises. This includes items such as the labelling of alcohol with the premises name in order to link street drinkers back to the premises or measures to discourage street drinkers from loitering outside the premises.

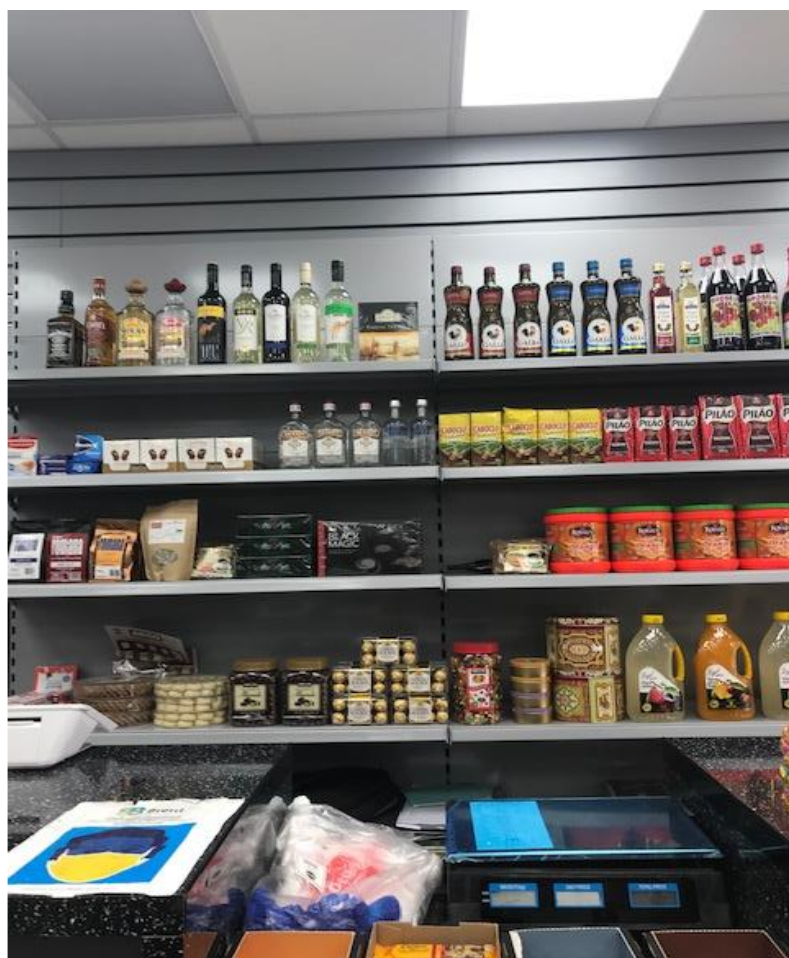
As per Brent Council's Statement of Licensing Policy, a voluntary offering of a ban on high strength alcohol sales does not necessarily address the requirements under a Cumulative Impact Zone.

Complaint

On 19th October 2020, the Council received information from a member of public alleging that the premise is storing alcohol without authorisation.

Visit

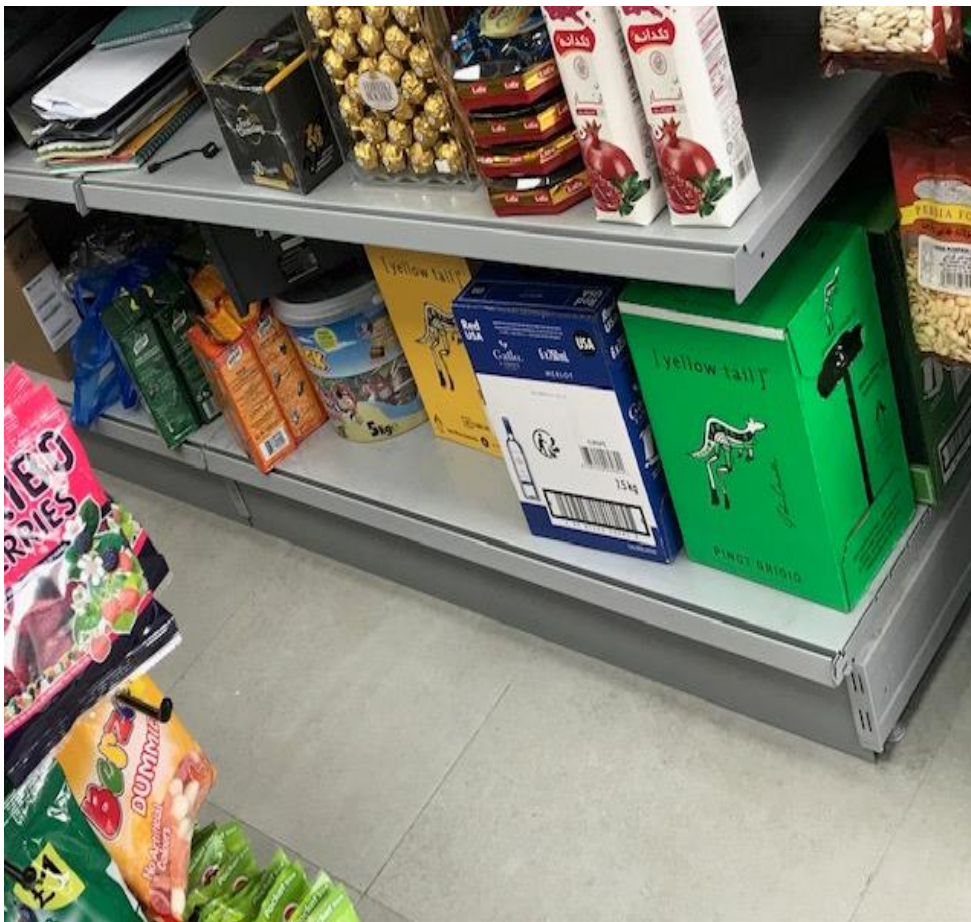
On Friday 23rd October 2020, I conducted a visit at 13:17hrs. On entry, I walked around the premises and observed bottles of alcohol visibly displayed behind the front counter.



Bottles of alcohol displayed behind the front counter.



Bottles of wine and spirit displayed visibly.



Boxes containing wine located behind the counter.



Boxes of wine located underneath the counter.

As I turned to the left hand side of the premises, I noticed a refrigeration unit at the end of aisle with a screen covering the content, however the side clear panel revealed alcohol in storage.

I met Mr Omidreza Zaremoayedi, director of Westfield Food & Wine Ltd and Mr Ali Akbar who confirmed he is the leaseholder and a 'silent partner' to discuss the application for a new premise licence.

The following questions were asked and recorded below:

Esther Chan (LA): When did you take over the business?

Mr Zaremoayedi: I took over the business one month ago.

Esther Chan(LA): Are you the business rate payer?

Mr Zaremoayedi: Yes, I have registered.

Esther Chan (LA): Do you hold a personal licence?

Mr Zaremoayedi: I did my personal licence exam in September. I have passed and applied with Brent Council.

Esther Chan (LA): Can you explain the four licensing objectives?

Mr Zaremoayedi: I don't understand very much English, I have a manager.

Esther Chan (LA): When did you start supplying alcohol?

Mr Zaremoayedi: I am not supplying at the moment but have a licence.

Esther Chan (LA): Who confirmed you have a premise licence?

Mr Zaremoayed: I have a poster on the window and 'Rocha' my agent issued the licence this week.

Esther Chan (LA): Have you read the content on the application on application form?

Mr Zaremoayed: Yes

Esther Chan (LA): What do you know about the area?

Mr Zaremoayed: Portuguese, Somalian and British people.

Esther Chan (LA): Are there any schools in the local area?

Mr Zaremoayed: There is one school close by.

Esther Chan (LA): Are you aware of ASB issues in the area?

Mr Zaremoayed: Yes

Esther Chan (LA): If you get the premise licence, explain the age verification policy that you will adopt?

Mr Zaremoayed: Over 18.

Esther Chan (LA): Will you sell alcohol (beer) over 5.5% abv?

Mr Zaremoayed: We will sell up to 8.4% abv.

Esther Chan (LA): Will this include the sale of single cans?

Mr Zaremoayed: No, we won't, the minimum is four cans.

Esther Chan (LA): Who will train your staff?

Mr Zaremoayed: My agent Rocha.

Esther Chan (LA): How many staff will you employ?

Mr Zaremoayed: There will be two members of staff at all times.

Esther Chan (LA): What times are you open?

Mr Zaremoayed: 06:30hrs to 23:30hrs everyday.

The application form states the proposed hours premises are open to the public (Section L) is Monday to Saturday at 07:00hrs to 00:00hrs and Sunday at 08:00hrs to 00:00hrs.

After the questioning session, I informed both Mr Akbar and Mr Zaremoayed that I found alcohol on display in the premise, which is an offence as the application is still going through consultation. Mr Zaremoayed was convinced that he was permitted to sell alcohol and pointed at the blue public notice on the front door.

It was explained to both Mr Akbar and Mr Zaremoayed that the blue public notice is to alert members of the public that a new premise licence is being applied for. Furthermore, the position of the blue public notice failed to satisfy the advertising requirements as the door was left opened, therefore members of the public would not be able to read the notice conveniently.

It has been noted that graphics advertising alcohol were displayed on front entrance door, which appear to indicate to members of the public that the premise is already licensed to supply alcohol.



Blue public notice displayed on the front door.



Front entrance advertising alcohol.

As we walked around the premises, I indicated the alcohol behind the counter and refrigeration unit. Mr Zaremoayedi opened the screen on the refrigeration unit displaying a selection of beers, ciders and lagers including K-Cider (8.4% abv), which is classed as a high strength cider favoured by street drinkers. Mr Zaremoayedi said he was not selling the alcohol. I warned him that it is also an offence to expose and keep the alcohol on the premise without a premise licence. Mr Zaremoayedi and Mr Akbar were instructed to remove all alcohol from the premise immediately.



Refridgeration unit displaying a selection of beers, ciders and lagers.

Mr Zaremoayedí then disappeared from the scene and I continued to look around the premise in Mr Akbar's presence. I showed Mr Akbar the plan provided with the application and asked him to check and confirm if the plan is accurate as the location of the alcohol display in the premise did not coincide with the plan. Mr Akbar confirmed that changes have been made since the architect submitted the drawing.

There was no obvious store room within the premise, Mr Akbar mentioned that the owner will purchase another premise as a storage unit. I told Mr Akbar that alcohol must not be stored in a separate premise without a premise licence.

Prior to leaving the premise, I advised Mr Akbar that the agent will be notified of the failures with the plan and advertisement of the blue notice, therefore the consultation period will subsequently extend.

On 27th October 2020, I received an email from PC Gary Norton confirming that he had conducted a visit on Friday 23rd October in the evening around 21:00hrs. PC Norton states:
"PS Sullivan & I experienced a similar situation when we arrived. He claimed he wasn't selling the alcohol, yet had beers chilling in the open fridge. He mentioned the Council had visited him earlier that day and showed a photo of something the "Council took away", which was simply

the required signage he needed to display to inform others that he has applied for a licence. His claim that he didn't sell any alcohol didn't make a lot of sense given he believed he had a premises licence. When PS Sullivan suggested we check the CCTV, he then stated he had sold alcohol that day and others. Even after your visit and the fact you told him to stop displaying the alcohol, he left it out for the purpose of selling it."

On 27th October 2020, I communicated via email with the agent, Mr Manuel Rocha to confirm the issues identified at my visit. Mr Rocha confirms in writing that he never said to the applicant the premises was licensed. This is a new business and he is aware that a new application has to be submitted.

On 28th October 2020, I issued a warning letter to Mr Zaremoayedí regarding the supply and exposure of alcohol without authorisation.

Based on my conversation with Mr Zaremoayedí, I am not confident that he will be able to uphold the licensing objectives. Despite, he has passed his personal licence examination, he was not able to answer my questions in detail during my visit on 23rd October 2020. Furthermore, it is apparent that Mr Zaremoayedí has supplied alcohol knowingly that the premise is unlicensed, which demonstrates Mr Zaremoayedí is not a responsible trader.

Summary

The Statement of Licensing Policy states that any licence application in a CIZ area will need to demonstrate with evidence that its operation will not add to any cumulative impacts that the CIZ is seeking to address. Further, new applicants and those applying for variations would be required to demonstrate how their premises will not contribute to street drinking in those areas.

The effect of adopting a CIZ is to "create a rebuttable presumption" that applications for licences which are likely to add to the existing cumulative impact will normally be refused (or subject to certain limitations) unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives.

The operating schedule fails to demonstrate that a grant will not lead to a negative cumulative impact on one or more of the licensing objectives and to the contrary add to the issues of an existing saturated area.

It is on this basis, that the Licensing Authority ask that the application for a new premises licence is **refused** by the Licensing Sub-Committee. Adding conditions to a premises licence, in the Licensing Authority's opinion is not adequate when the application does not demonstrate what is being put in place in order to avoid further cumulative impact. Adding an additional off licence to a number that already exist in the immediate area, will no doubt be detrimental to the local area.

If the committee however decide that there is sufficient evidence to the contrary, the Licensing Authority would ask that the following conditions be added to the operating schedule:-

The Licensing Authority require the following points to be included in the operating schedule or added as conditions on the 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.

2. 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.
3. A CCTV camera shall be installed to cover the entrance to the premises and further cameras to cover the entire serving area and till.
4. A member of staff shall always be present on the premises whilst they are open who is capable operating the CCTV system and able to facilitate immediate viewing of CCTV footage upon the request of the Police and Authorised Officer of the Licensing Authority.
5. Promotions that encourage irresponsible drinking shall not be permitted.
6. A "Challenge 25" policy shall be adopted and adhered to at all times.
7. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
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. Any staff directly involved in selling alcohol for retail to consumers, staff who provide training and all managers will undergo regular training (every 12 months) 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.
10. 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 or staff.
11. All alcoholic drinks shall be clearly labelled or marked with the name of the premises.
12. A notice asking Customers to leave quietly from the premises shall be displayed by the exit/entrance.
13. A single 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) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
14. No high strength beers, lagers, and ciders above 5.5% ABV shall be stocked or sold at the premises.
15. No single cans of beer, lager or cider be sold.

16. No miniatures (5cl or 50ml) to be sold.
17. A clear and unobstructed view into the premises shall be maintained at all times.
18. Invoices are to be produced to Police, a member of an appropriate authority or council officers upon request to evidence payment of duty on goods.
19. All deliveries shall take place during the normal working day (i.e. 09:00 to 18:00 daily).
20. A lockable safe with deposit slot and anti-fishing mechanisms must be used at the counter till area in order to prevent crime.
21. A suitable intruder alarm and panic button shall be fitted and maintained.
22. A personal licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.
23. All alcoholic drinks shall be clearly labelled or marked with the name of the premises.
24. An electronic till prompt should be used for all alcohol sales.
25. A clear and unobstructed view in to the premises shall be maintained. Signage and/or visual obstructions on the entrance door and any of the windows may be allowed to a maximum height of 1.2 metres from ground level.

Yours faithfully



Esther Chan
Licensing Inspector
Regulatory Services

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EXHIBIT EC/01

From: Esther, Chan
Sent: 27 October 2020 12:20
To: 'Jose Manuel Rocha' [REDACTED] >
Cc: Business Licence <business.licence@brent.gov.uk>; Legister, Linda <Linda.Legister@brent.gov.uk>
Subject: RE: Westfield Food & Wine, 248-250 High Street, NW10 4TD - 19949 - CONSULTATION SUSPENDED

Dear Mr Rocha,

Your client was under the impression that the blue public notice indicated that the premise is licensed.

Kind Regards
Esther Chan
Licensing Inspector
Regulatory Services
Brent Council

Tel: 0208 937 5303

www.brent.gov.uk
@Brent_Council

From: Jose Manuel Rocha [mailto:[REDACTED]]
Sent: 27 October 2020 12:16
To: Esther, Chan <Esther.Chan@brent.gov.uk>
Subject: Re: Westfield Food & Wine, 248-250 High Street, NW10 4TD - 19949 - CONSULTATION SUSPENDED

Dear Mrs Chan

Thanks for your email. I'm gone discuss your email with the Applicant and I will let you know

I never said to the applicant the Premises was Licensed. This is a new business and he his aware that a new Applicant have to be submitted.

Kind Regards
Manuel Rocha

From: Esther, Chan <Esther.Chan@brent.gov.uk>
Sent: 27 October 2020 11:47
To: [REDACTED] >
Cc: Business Licence <business.licence@brent.gov.uk>; Legister, Linda <Linda.Legister@brent.gov.uk>

EXHIBIT EC/01

Subject: FW: Westfield Food & Wine, 248-250 High Street, NW10 4TD - 19949 -
CONSULTATION SUSPENDED

Dear Mr Rocha,

Further to your email on 23rd October 2020, I am writing to confirm my visit on Friday 23rd October 2020 as the consulting officer on the behalf of the Licensing Authority.

Public Advertisement

At the time of my visit at approx. 13:17hrs, it has been noted that the front door where the blue public notice was displayed was left opened inwards, therefore members of the public were not be able to view the notice conveniently. Secondly, the blue notice was displayed above eye-level (see below image).

Plan

During my visit, I presented the plan associated to the application for a new premise licence to the leaseholder Mr Ali Akbar who confirmed that the building layout has changed after the drawing was completed. The alcohol was displayed in a different location and the rear which features three doors have been changed according to Mr Akbar. Mr Akbar and the applicant, Mr Zaremoayedi was under the impression that the premise was licensed as advised by you.

Please made the necessary amendments and submit an updated plan to us.

Opening Hours

Mr Zaremoayedi confirmed that the premises opens from 6:30hrs to 23:30hrs daily, however according to Section L on the application form, it states the premises is open from:

- Monday to Saturday – 07:00hrs to 00:00hrs
- Sunday – 08:00hrs to 00:00hrs

Please confirm the opening hours and any relevant aspects with your client. If any elements have changed, you are required to submit a fresh application to reflect the changes.

Once the above points are rectified, please contact business.licence@brent.gov.uk to confirm the new consultation start date.

Kind Regards
Esther Chan
Licensing Inspector
Regulatory Services
Brent Council



EXHIBIT EC/01

www.brent.gov.uk
@Brent_Council

From: Jose Manuel Rocha <[REDACTED]>
Sent: 23 October 2020 19:30
To: Business Licence <business.licence@brent.gov.uk>
Subject: Re: Westfield Food & Wine, 248-250 High Street, NW10 4TD - 19949 -
CONSULTATION SUSPENDED

Dear Miss Linda

Thanks for your email.

I will talk with the Applicant and try to understand what happened. I put the Notices myself and I have taken pictures that I can send to your attention

Does this Inspector have any pictures of the Notices ? Can you send me those pictures

Also, I don't understand what you mean about the Plan of the Premises is incorrect.. The premises shouldn't have any alcohol stocked until the License is Granted

I will call you on Monday for clarification

Kind Regards
Manuel Rocha

From: Business Licence <business.licence@brent.gov.uk>
Sent: 23 October 2020 14:58
To: manuelrocha01@hotmail.com <manuelrocha01@hotmail.com>
Cc: Business Licence <business.licence@brent.gov.uk>; Esther, Chan <Esther.Chan@brent.gov.uk>
Subject: Westfield Food & Wine, 248-250 High Street, NW10 4TD - 19949 -
CONSULTATION SUSPENDED

Dear Mr Rocha

Licensing Act 2003
Westfield Food & Wine, 248-250 High Street, NW10 4TD - 19949 -
CONSULTATION SUSPENDED

The Inspector visited the premises today and found that the premises are already selling alcohol. They have been told to stop selling immediately, but it has also been found that the plan submitted with the application is incorrect and does not reflect where the alcohol is stocked.

The blue notice is also not displayed correctly. It should be displayed in a prominent position where it can be seen at all times by the public.

EXHIBIT EC/01

The consultation period will therefore be suspended from today until we receive the correct plan. When the correct plan has been received we will let you know when to put the re-dated public notice back in place.

Regards

Linda Legister
Licensing Applications Officer
Regulatory Services
[REDACTED]

[REDACTED]



Westfield Food & Wine Ltd / Omidreza Zaremoayedi
248 -250 High Street
Harlesden
London
NW10 4TD

28th October 2020

Our Ref: 19949

Dear Mr Zaremoayedi,

Licensing Act 2003 – Unauthorised Licensable Activities

Re: Westfield Food & Wine Ltd, 248 – 250 High Street, Harlesden, London, NW10 4TD

I am writing to confirm my visit on Friday 23rd October at 13:17hrs, when the premises was open to the public and alcohol was kept and exposed on display.

During our conversation, you stated that the premises is licensed as advised by your agent, however you were not supplying alcohol. It was clearly explained to both you and Mr Ali Akbar that the premises is unlicensed, therefore you were instructed to remove all the alcohol from the premises.

Since my visit, it has been brought to my attention that Police Officers visited the premises in the evening on Friday 23rd October 2020 and found alcohol exposed for sale. PC Gary Norton was informed that alcohol was sold despite my warning.

Please be aware of the serious breaches committed under the Licensing Act 2003:

Section 136 - Unauthorised licensable activity

The maximum penalty for such an offence is an unlimited fine and/or a six month imprisonment.

Section 137 - Exposing alcohol for unauthorised sale

The maximum penalty for such an offence is an unlimited fine and/or a six month imprisonment.

Section 138 - Keeping alcohol on premises for unauthorised sale etc

The maximum penalty for such an offence is £500

On this occasion, please take this letter as a formal warning. Should we find evidence that you are supplying alcohol unlawfully, we will consider prosecution without further warning.

You must ensure no licensable activities are supplied until a premise licence or TEN's (Temporary Event Notice) is granted.

Please note, the premises is in a **Cumulative Impact Zone (CIZ)**, which means where an application for a new off-licence is received, the presumption is that the application will be **refused** unless the applicant can satisfactorily evidence that their application will not negatively impact on the licensing objectives.

The findings at my visit will be documented in my representation, which will be submitted to you and your agent before the consultation end date.

Now that the implications have been made known to you, I trust that the Council can rely upon your co-operation in this matter.

Please do not hesitate to contact me quoting the above reference should you require any further advice or information.

Yours faithfully,



Esther Chan
Licensing Inspector
Regulatory Services

cc: PC Gary Norton (Licensing Police)
Manuel Rocha (Agent)

From:

Sent: 14 October 2020 09:56

To: Business Licence <business.licence@brent.gov.uk>

Subject: New Premises Licence Application - 19949 - Kensal Green

Good morning,

As ward councillor I wish to note an objection to the above proposal.

There is already an off licence 50m away on Furness Rd and within the local CIZ there is no further need to widen the availability of off sales alcohol. With the opening of the Welk Inn hotel/hostel directly above the store there will be some concern that Furness Road Pocket Park will become a magnet for street drinking

Beyond that it's noted that the proposed premises are currently listed as Use Class A3 (restaurant) not A1 (shop) and that a planning enforcement notice E/20/0527 has been served (alteration to shopfronts not in accordance to the approved plans and conditions of permission 20/0225). Subsequent to the enforcement notice further planning breaches have occurred including an illegal structure on the pavement. It is also unclear yet if they have sought, or been granted, a street trading licence for their external fruit and veg stall?

Since the carriageway in front of the supermarket is marked as No Loading, the business has no reasonable way to restock its shelves without delivery vehicles parking illegally. This will be particularly true for regular restocking of alcohol.

Finally, I have been involved by an active local residents association that the supermarket is engaged in daily flytipping of their business waste onto the pavement in unmarked domestic black bin bags. This and all the previously mentioned behaviour indicate a business with scant regard for regulations and unlikely to take a responsible attitude to their licensing obligations.

In the event this application goes to the licensing committee and they are minded to approve it, then Minimum Unit Pricing should be a condition.

Best wishes,

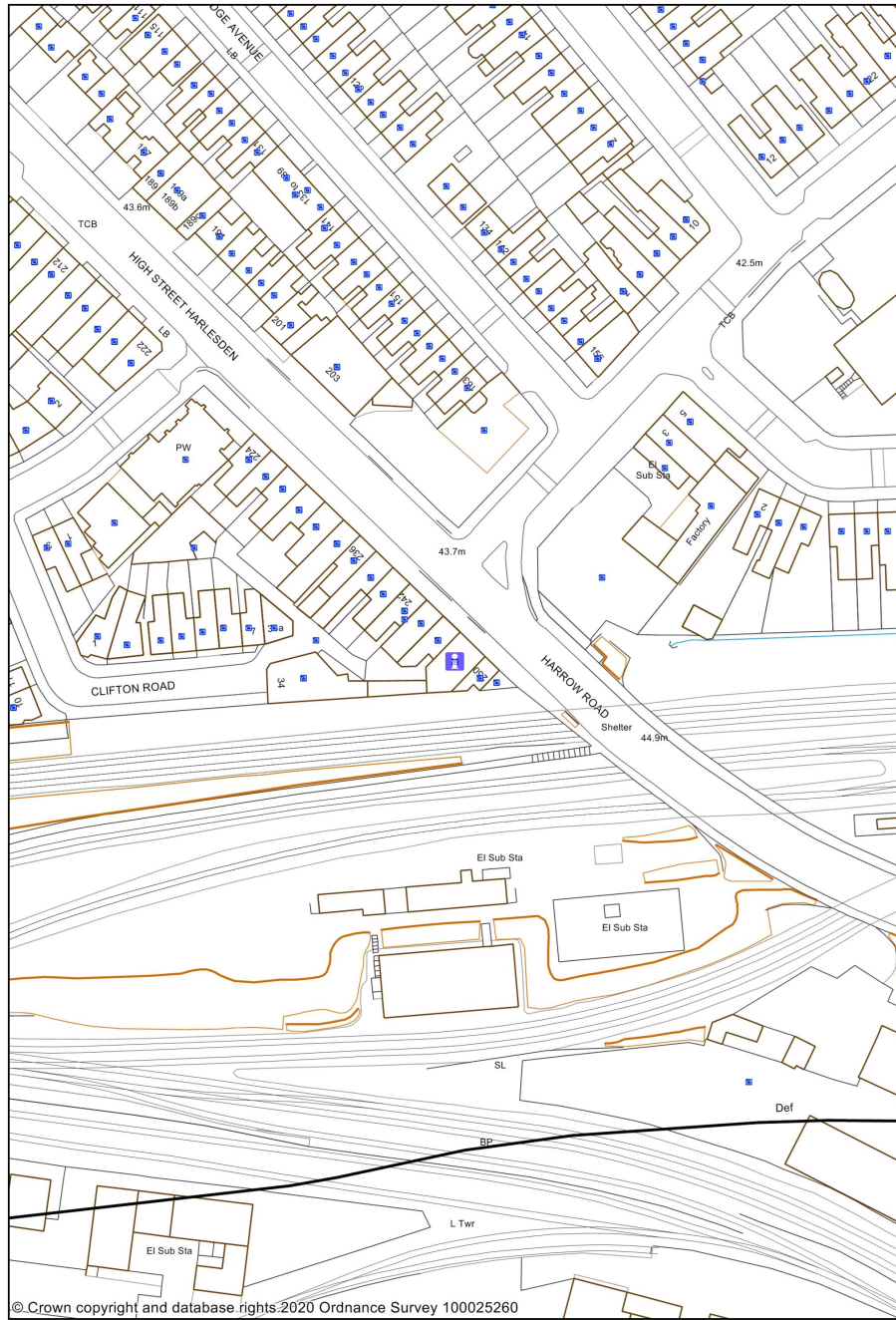
Matt

Cllr Matt Kelcher

Labour Councillor for Kensal Green Ward

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Westfield 248-250 High Street NW10



1:1250

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Brent

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