
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.



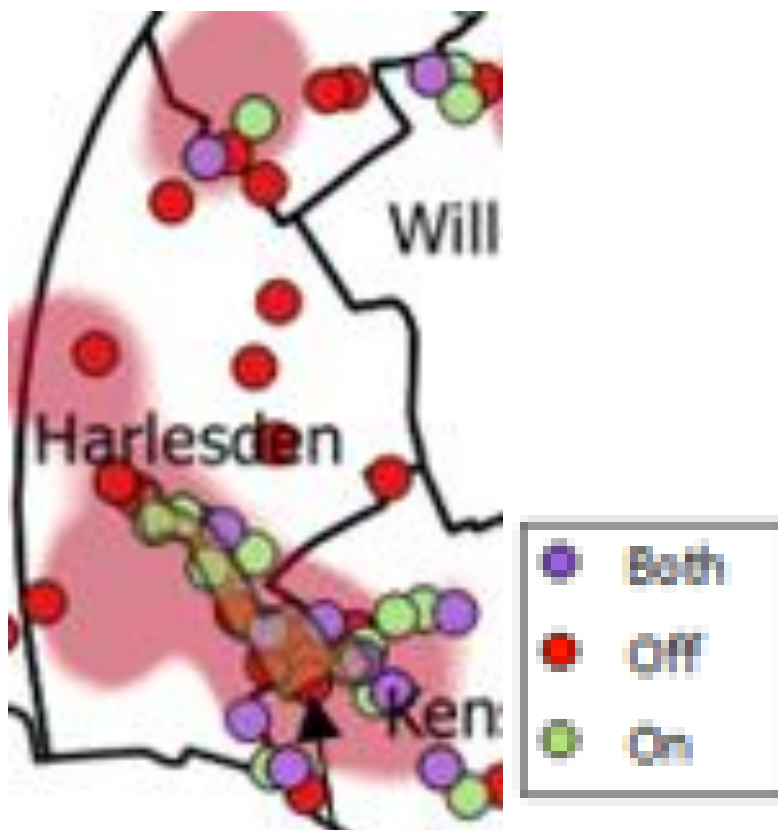
Calls to police specifically related to street drinking between 01/06/2017 and 31/05/2019

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

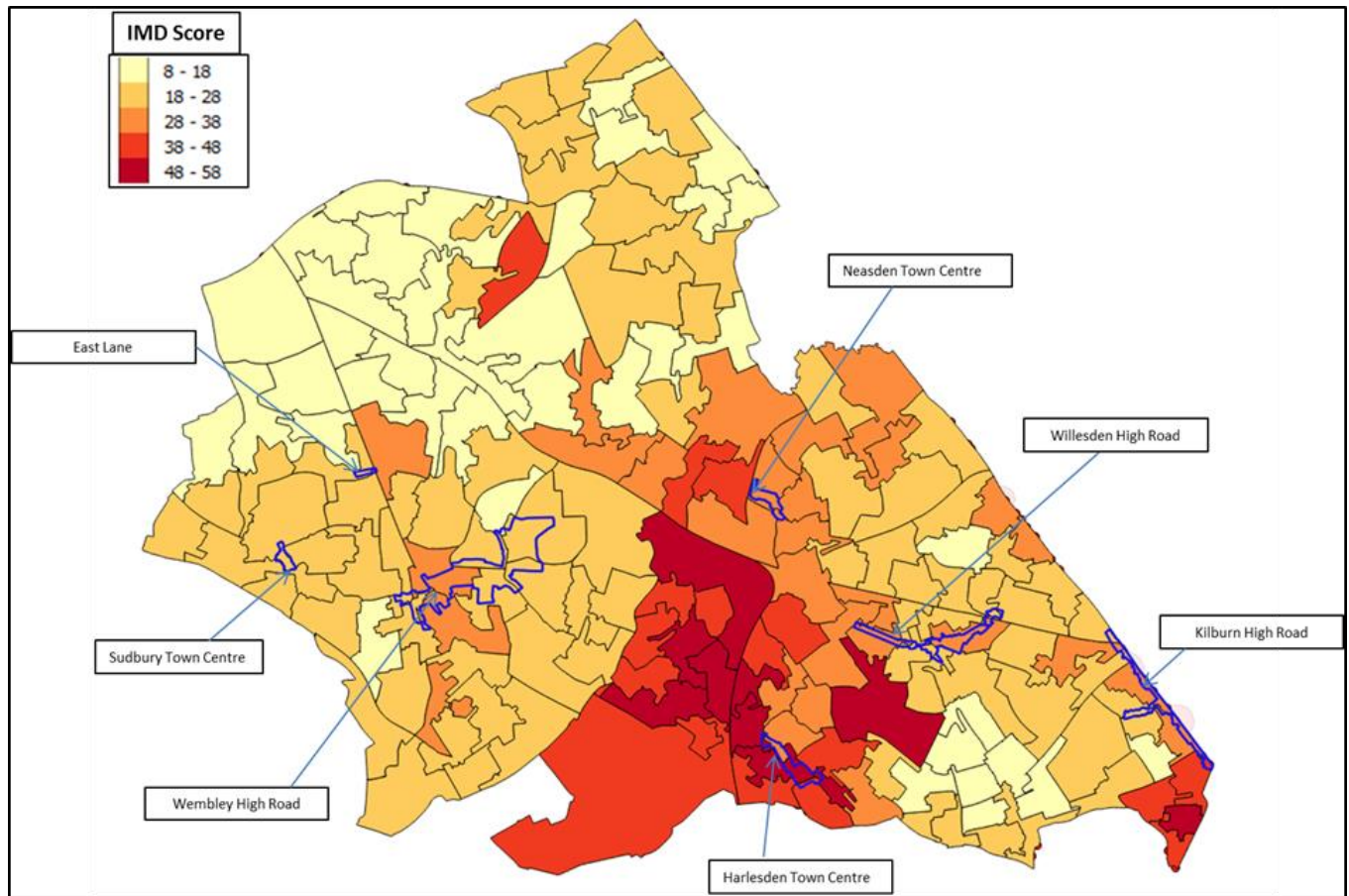
Hotspot of Violence with Injury Crimes



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.

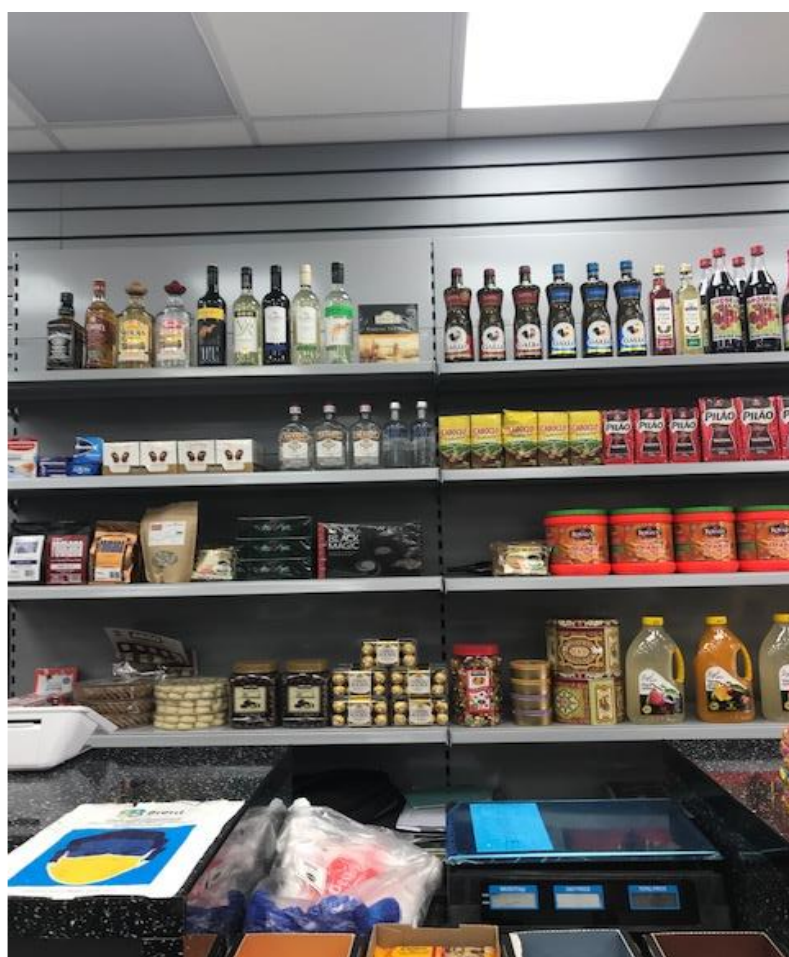
As per Brent Council's Statement of Licensing Policy, a voluntary offering of a ban on high strength alcohol sales does not necessarily address the requirements under a Cumulative Impact Zone.

Complaint

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

Visit

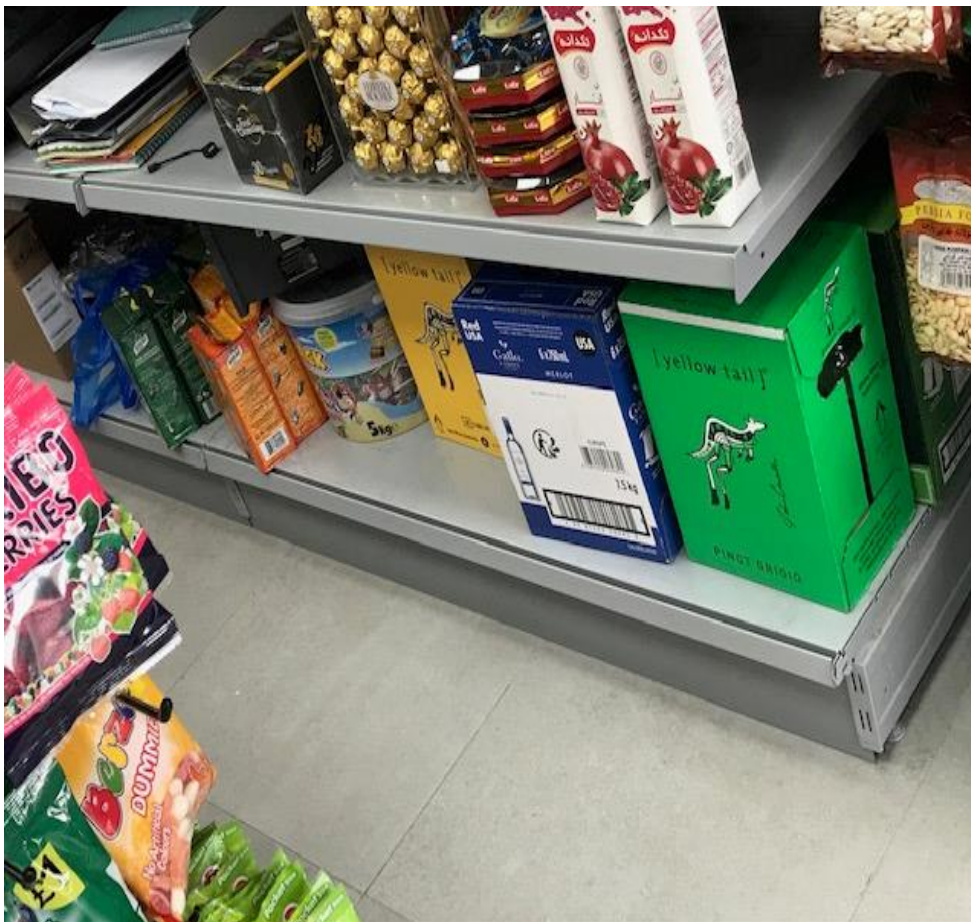
On Friday 23rd October 2020, I conducted a visit at 13:17hrs. On entry, I walked around the premises and observed bottles of alcohol visibly displayed behind the front counter.



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 Zaremoayeddi 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

A handwritten signature in black ink, appearing to read 'E Chan', enclosed within a faint, irregular circular outline.

Esther Chan
Licensing Inspector
Regulatory Services