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POLICE**

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TERRITORIAL POLICING

The Arch Public House
324 Harrow Road
Wembley
Middlesex
HA9 0FJ

NW BCU Licensing Department - Brent

South Harrow Police Station
74, Northolt Road
Harrow
HA2 ODN

Tel: 07500 087 115

Email: Phil.S.Graves@met.police.uk

Web: www.met.police.uk

Your Ref: 30551

Date: Friday 2nd of February 2024

Our ref: 01QK/042/23/3122NW

Police representations to the application to vary a premises Licence for 'The Arch Public House, 324 Harrow Road, Wembley HA9 0FJ'

Police certify that we have considered the application shown above and 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 are of the opinion that the risk to the Council's objectives can be mitigated by removing the requested variations or attaching conditions to the Licence as shown below. If these conditions were accepted in full, police would be in a position to withdraw their representations.

Officer: Phil Graves
Licensing Constable 3122NW

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 to vary a premises licence under Section 34 of the Licensing act 2003. The Police representations are concerned with all four of the licensing objectives.

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

The Application

This variation is requesting the removal of numerous conditions from the existing premises license with a great deal of these are around match day restrictions, capacity and noise abatement issues.

Police have no issues with the removal of the following conditions:

18. Any locks or flush latches on exit doors shall be unlocked and kept free from fastenings other than push bars whilst the public are on the premises.

19. Exits shall not be obstructed (including by curtains, hangings or temporary decorations), and accessible via non slippery and even surfaces, free of trip hazards and shall be clearly identified.

20. Any socket outlets (or other power supplies used for DJ equipment, band equipment and other portable equipment) that are accessible to performers, staff or the public shall be suitably protected by a residual current device (RCD having a rated residual operating current not exceeding 30 milliamps).

Police Objections / Issues

As many will know the existing Licensing conditions were only put into place on the 29th of March 2023 where a hearing was held at Brent Civic Centre. The hearing took place due to a very similar variation request from the licensee holder / DPS. The applicant had the opportunity to appeal against this decision but elected not to. This current variation is in effect an appeal against the decision made on the 29th of March 2023.

Police are opposing the applicant (except points 18, 19 & 20 above) for the same reasons that were detailed on the 29th of March last year. The reasons for these objections are as follows:-

Warning Letters

Warning Letter – 26th of March 2022 – Failing to close hours before on Match Day

Warning Letter - 1st of January 2022 – Breach of license, using outside area past authorised time

Warning Letter – 19 May 2018 – Over crowding of a TEN on match Day

Warning Letter – 26 May 2018 – Over crowding of a TEN on match Day

Warning Letter – 11 Sep 2018 – Failing to provide CCTV and nine (9) other breaches of license

Copy of Hearing Decisions – 20th February 2019 – application withdrawn during hearing

Copies of the above are all attached.

DPS Mr Patel

As you can see from the list of warning letters above there is a long history of licensing breaches at the Arch.

Mr Patel has been the DPS throughout this period and unfortunately does not fill police with confidence that he will uphold the licensing objectives. As detailed in the warning letter dated 26th of March 2022 Mr Patel had not even read his own premises license and was unaware that he should be closing the pub on match days one hour before kick-off.

With a DPS that appears unable to understand and enforce the conditions of his license, I don't see that the removal of key conditions around crime and disorder, public nuisance and public safety is the appropriate course of action to be taken.

Previous Hearing Result

This current hearing will be a repeat of that in March 2023 with the same points being discussed as before. Below is a cut and paste of the hearing result. As you can see from point two, the Cllr's shared the view of the police that Mr Patel has a history of licensing breaches.

6. Decision

The sub-committee listened carefully to the representations made by the parties at the hearing and took into account the written representations.

The sub-committee decided that it was appropriate to grant the variations sought in part, for the following reasons:

1) They felt that the licensing objectives would be achieved by the conditions to be imposed.

2) There was some concern stemming from the previous breaches of the licence and the licence holder's failure to be fully conversant with the terms of that licence but the sub-Committee noted, as pointed out by the agent, the existence and purpose of the review mechanism.

3) The sub-committee discussed the concerns raised by the Metropolitan Police about the playing of live/recorded music but noted that that is not a licensable activity provided it is played only between the hours of 8am and 11pm.

The committee have decided to impose the following conditions:

34) Subject to any updated and future risk assessment, the maximum number of customers allowed on the premises will be:-

(a) 300 on normal trade days;

(b) 380 on football event days;

(c) Provided the overall capacity in (a) or (b) above is not exceeded, the number of customers in the outdoor area of the premises shall not exceed 100 at any time.

35) No alcohol shall be served or consumed in the outdoor area of the premises past 12.00am (midnight) on any day of the week. After midnight, the following conditions apply:

(a) From midnight until 1.30am on any day no more than 100 customers, excluding staff, may be present in the outdoor area, e.g. whilst smoking; and

(b) On the nights/early hours of Fri-Sat and Sat-Sun, no more than 25 customers, excluding staff, may be present in the outdoor area from 1.30am until 2.30am.

36) The premises will not show live domestic or international televised football matches on football event days.

Removal of Conditions

The application is asking for the following points to be removed.

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

Mr Patel is the DPS that in March 2022 and 2015 has stated to the respective police licensing officer that he does not know the conditions on his own license. Taking this into account I would argue that it is a very sensible idea for a copy to be made available. Yes, section 57 does cover this but very few people will be aware of this legislation. Also, where is the harm of having this on your license as the majority of responsible license holders do?

I had taken prem licence dated 9/12/2015 with me.

Savan had no idea of the conditions except the football match day conditions.

I went through all the conditions Breaching

3. Door supervisors not working 4 hours prior to designated kick off

7. No incident log

9. Outside areas are open until 0100hrs

11. Not one visible

12. No noise limiter

14. Not sure if this is a true capacity, one fire exit locked and not in use as it leads on to a new structure.

Chris and Esther visiting tomorrow

15. No entry re-entry policy. People can come and go at will.

18. No notices

Nicola

The above shows that in 2015 PC Nicola McDonald has attended The Arch and spoken to Mr Patel. There is transpired that he was unaware of the conditions on his license apart from the Match Day restrictions.

Then in March 2022 I attended the venue and spoke to Mr Patel about his match day restrictions. There he had no idea of his match day restrictions (that the pub was meant to close).

This clearly shows a history of Mr Patel having no knowledge of the conditions of his premises License. How can Mr Patel operate as the DPS and support the licensing objectives when he either ignores or genuinely has no knowledge of the conditions on his license?

16. No noise or vibration shall be detectable at any neighbouring noise sensitive premises.

It concerns me that the DPS is asking to have this condition removed. What responsible license holder would not take his neighbours into consideration when running their business?

36. The premises will not show live domestic or international televised football matches on football event days.

Public houses within the footprint showing the game attract ticketless fans. It is then those fans that caused the riots in the Euro 2020 finals.

As detailed by PC Paul Jennings (attached statement) the showing of football games and ticketless fans on event days at the stadium is the route of crime, ASB, rioting and disorder at our National Stadium.

This is supported by the Baroness Casey Report. Link below, with a section highlighted emphasising the issues around ticketless fans.

<https://www.skysports.com/football/news/19692/12485109/euro-2020-fa-review-on-wembley-final-disorder-finds-series-of-crowd-near-misses-which-could-have-led-to-fatalities>

The review carried out by Baroness Louise Casey of Blackstock found that approximately 2,000 ticketless fans gained entry to the stadium, of which around 400 were ejected, for the showpiece between England and Italy on July 11.

Police Dedicated Football Officer – PC Paul Jennings

Below is a cut and paste from a statement written by PC Paul Jennings, the Met's Dedicated Football Officer giving his experience on ticketless fans and alcohol in and around the stadium

Premises not serving alcohol for an hour before kick-off greatly assists in the safe ingress of thousands of supporters. Without this, we would inevitably see a later walk up of large numbers of supporters, often under the influence of alcohol, putting increased pressure on the stewarding operation and on the turnstiles themselves increasing the rise to both supporters, staff and police officers.

The issue presented by the presence of ticketless supporters was highlighted in Baroness Casey review of the UEFA Euro 2020 Final. Licensed premises showing live football during matches at Wembley matches would only serve to attract ticketless supporters to the area.

Summary

Those that follow football and the events taking place at Wembley Stadium will be aware that the UEFA Champions League Final is being held at Wembley Stadium on Saturday 1st of July 2024

<https://www.uefa.com/uefachampionsleague/news/0278-15c59d96fb8d-876986ad6544-1000--2024-uefa-champions-league-final-wembley-stadium/>

The whole of the footballing world will be watching Wembley on this day with rival teams travelling from across Europe. Taking into account what happened at the last European final to be held at our National Stadium I would argue that now is not the appropriate time for any venue to relax its football licensing conditions. I would further argue that a venue such as the Arch with its long history of licensing breaches, all with the same DPS cannot be trusted to have conditions removed at this critical stage.

Police are of the opinion that the existing license, excluding the conditions stated above are appropriate for this venue. A public house within the Wembley footprint needs conditions in place to stop a repeat performance of the Euro 2020 riots. Any removal of the match day conditions or an increase in capacity would more than likely lead to a rise in crime and disorder.

Police strongly support the decision made by the committee in March last year and believe the existing conditions should remain in place. The removal of any conditions runs a high risk of a drastic increase in crime and disorder and will undermine all four of the licensing objectives.

Yours Sincerely,

PC Phil Graves 3122NW
NW BCU - Brent Licensing
Philip.Graves@met.police.uk