

Application for the review of a premises licence or club premises certificate 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.

- 2 NOV 2012

I Nicola McDonald on behalf of the Chief Officer of Police for Brent
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description G Food Store 1-3 Glengall Road	
Post town Kilburn	Post code (if known) NW6 7EL

Name of premises licence holder or club holding club premises certificate (if known) Mr Javed Akhtar
--

Number of premises licence or club premises certificate (if known) 598011

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Nicola McDonald Police Constable 157QK Brent Police Wembley Police Station 603 Harrow Road Wembley Middlesex HA02HH
Telephone number (if any) 020 8733 3206
E-mail address (optional) nicola.mcdonald@met.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm



Please state the ground(s) for review (please read guidance note 1)

G Food Store is currently authorised to supply alcohol for consumption OFF of the premises.

The premises licence holder and designated premises supervisor are one and the same; Mr Javid Ahkter.

This shop is located in a hot spot area for alcohol related anti social behaviour primarily fueled by street drinkers. This is currently being addressed by the local ward panel who have coordinated a sub committee to deal with the issues. There is currently a dispersal zone in the vicinity of the shop which expires in February 2013. In just over two years that this shop has held a premises licence the following breaches of licensing legislation and criminal offences have been committed at the premises:

Stocking cheap beers in excess of 5.5% ABV (condition 6) witnessed by Police officers on 10th April 2011, 27th July 2011, 28th Sept 2011

Stocking contraband alcohol 23rd May 2012

Failing to display statutory tobacco warning notice 23rd May 2012

Selling alcohol to a 16 year old child contrary to section 146 Licensing Act 2003

Selling alcohol to a person who was drunk contrary to section 141 Licensing Act 2003 on three occasions

Failure to record and supply CCTV footage from 28th July 2012 and 5th August 2012 (condition 1)

Please provide as much information as possible to support the application
(please read guidance note 2)

I am employed as a licensing officer for Brent Police, one of the premises I supervise is G Food Store, 1 - 3 Glengall Road, Kilburn, NW6 7EL. This Shop has a premises licence under section 17 of the Licensing Act 2003 authorising the supply of alcohol for consumption off of the premises and open to the public daily from 0900 hours to 22.30 hours. The premises licence holder and designated premises supervisor is Mr Javid AHKTER 169 The Vale, London, NW11 8TL. This premises licence was granted by Brent council licensing sub-committee on 22nd July 2010 at a hearing following representations objecting to the application made by Brent Police. Glengall Road at the junction of Kilburn High Road and immediate vicinity has been plagued for several years with anti-social behaviour and low level crime all impacting on public nuisance. The local safer neighbourhood team receive complaints almost daily from local residents and businesses in regard to alcohol fuelled unacceptable behaviour by groups of adults that gather around this area. The whole of the London Borough of Brent is a controlled drinking zone, but this area was the pilot because of its problems and it remains so. The signage is constantly being removed and unless there is uniformed Police presence in the area, adult groups openly drink alcohol from cans and bottles despite frequent police intervention. This problem is exasperated by the lack of responsibility of premises licence holder Mr Javed AHKTAR and his staff.

Following in date order are incidents at G Food Store 1-3 Glengall Road since the grant of the premises licence, where procedure at the shop has failed to promote the licensing objectives or staff have committed criminal offences under the Licensing Act.

Crimint QKRT 399024. On Sunday 10th April 2011 at 1202 hours PC's 7144QK , 7154QK and 886QK carried out an alcohol license check at PRIME HALAL MEAT GROCERS AND BUTCHERS 1-3 GLENGALL ROAD NW6 7EL. Part B of the premises license was fully on display and correct with a MR Javed AHKTER dob 02/03/1961 being the designated premises supervisor and owner of the premises. There was a MR ASAD AHKTER dob 16/05/1989 behind the till who had been given in house training with a certificate as evidence of being trained on the sale of alcohol. Part A of the licence was checked and a condition of the licence prohibits the sale of any beers lagers or ciders over 5.5% ABV unless a premium lager. After walking around the shop it could be seen that there were a number of lagers and ciders that were over 5.5% and these included K CIDER 8.4% SKOL SUPER 9.0% KESTREL SUPER 9.0% SPECIAL BREW 9.0% and SCRUMPY JACK 6% these were both in fridges and in large stacks on display. PC 886QK pointed out to MR JAWAD AHKTER that the licence prohibits the sale of any beers lagers or ciders over 5.5% unless a premium lager and it seemed as though he wasn't fully aware of this until shown on the licence.

On previous occasions PC Allen 886QK a local safer neighbourhood officer had witnessed 1-3 Glengall Road breaching their alcohol premises licence and had made them aware they were selling alcohol over 5.5% ABV. Soon after the shop stopped stocking and supplying strong beers. But on 27th July 2011 PC Allen visited the shop and recognised that they were selling strong lagers again over 5.5%, I did not mention this to the shop owner but contacted Brent Police Licensing team.

On 28th September 2011 at 1800Hrs PS 10QK Adrian Adolphus visited 1-3 Glengall Road. He spoke to the licence holder and DPS Mr Javed Akhtar mobile 07949260750 and his son Asad Akhtar. Mr Akhtar provided PS Adolphus his personal licence for examination (LB of Barnet LN200712202) The refusal register was examined and found to be blank as was the incident book. Staff training was completed for his son and one other member of part time staff, otherwise it is just the

two of them that staff the shop from open till close. The CCTV was not recording which appeared to be due to the fact that they had just forgot to push the record button. PS Adolphus checked the system recorded properly and images were viewed back. There were no cans of high strength beer but there were three different kinds of 2 litre plastic bottles of high strength white cider. PS Adolphus told Mr Akhter to remove these immediately. Ps Adolphus informed Mr Akhter to comply by the conditions of his premises licence or Police would make an application for it to be reviewed.

On 23rd May 2012 London Borough of Brent Trading Standards Officers accompanied by HMRC Officers visited 1-3 Glengall Road after receiving complaints about illegal cigarettes being sold from this shop. HMRC officers seized 60 Bottles of Wine because alcohol duty had not been paid.

Owner of the business Mr Akhter was in the shop and when asked by the HMRC Officer, acknowledged the existence of the wine bottles and that he knew it should not have been on sale. Mr Akhter was not displaying a Tobacco warning notice. He was verbally warned of this.

On Saturday 30th June 2012 at 1240 hours at 1-3 Glengall Road, Mr Asad Akhter supplied alcohol (a bottle of Smirnoff Ice) to a 16 year old girl contrary to section 146 of the Licensing Act 2003. This was part of a test purchase operation, witnessed by Police Officers. Mr Asad Akhter was issued with a Fixed penalty notice. (see other statements)

On Saturday 28th July 2012 at 1530 hours I (PC Nicola McDonald) was on duty in plain clothes on foot in Kilburn High Road attending a pre-planned appointment with a business owner in the vicinity of Glengall Road, Kilburn. I noticed standing around the roadside bollards at the top of Glengall Road junction with Kilburn High Road a group of five middle aged black males. I recognised one of the males in the group to be Khalid SAID a habitual street drinker. Another of the males was dark skinned wearing a distinct baseball cap with a 'Burberry' style chequered peak. They were communicating together in a social, animated manner. They were all holding small black plastic carrier bags containing drinking vessels, and were taking mouthfuls of the drink. As I walked past the group I could smell intoxicating liquor. I watched the male with the cap walk to the rubbish bin on the corner of the street, he was unsteady on his feet, swaying. He dropped the black bag containing a can that he had been drinking from in to the bin. He then followed me along Glengall Road. I could smell intoxicating liquor on him. He was drunk. He crossed the road between the parked cars and entered 1-3 Glengall Road. I could see an Asian male wearing a white butchers coat standing outside the shop organising the groceries, I recognised him to be Javed AKHTER. I remained opposite the shop outside a hairdresser, where I had a clear view of the serving counter with the cash register. I saw the male with the cap approach the counter with a can of drink. I saw an Asian male across the serving counter put the can in to a black carrier bag. The male with the cap then walked out of the shop holding the black bag in his hand, he crossed the Road towards me and then stood slightly in Glengall Passage. The male pulled the can halfway out of the carrier bag and opened the ringpull. I recognised the can to be Holsten Pills Lager. The male took a large drink from the can, he then lowered the can in to the black bag and holding it in his hand he staggered back to the group of males.

At 1555 hours on the same day I was walking along Glengall Road towards Kilburn High Road on the same side of the Road as 1-3 Glengall Road. I was approximately 30 metres from the shop when I saw Khalid SAID walking towards me. As he got to the entrance of G Food Store he entered the shop. I slowly continued walking towards the shop and stopped outside and faced the grocery display. I had a clear and unobstructed view of the serving counter. I saw SAID place a can of Holsten Pills beer on the counter he handed over what I presumed to be payment and the

Asian male serving him placed the can in a black plastic bag slightly below the counter. The Asian male handed SAID the black bag and he walked out of the shop. As he walked past me I noticed his eyes were glazed he smelt strongly of intoxicating liquor his clothing was shabby. As he walked towards Kilburn High Road I saw he was unsteady on his feet, he was drunk. As I walked towards Kilburn High Road I saw the male with the 'Burberry' hat standing some way down Glengall Passage. He was facing the brick wall urinating. SAID did not go back to the group of males still standing at the bollards, he staggered away towards Cricklewood.

On Sunday 5th August 2012 at 1415 hours I (PC Nicola McDonald) was on duty in plain clothes on foot in Kilburn High Road attending a pre-planned appointment in Willesden Lane. As I walked past the junction with Glengall Road heading for the railway station, I noticed three white male habitual street drinkers who I know to be Steven Driscoll, James Newman and Daniel Lawrence in company with a white female habitual street drinker who I know to be Tracey Childs leaning on and standing around the green BT box at that junction. They were very loud, shouting and swearing argumentatively between each other. All of these people were drinking from containers concealed in either blue or black plastic bags. I could see Childs was drinking from a plastic 2 litre bottle of white Ice cider that was protruding from the plastic bag. Having shouted obscenities towards the remainder of the group Childs walked away towards south Kilburn. Lawrence then put the bag with the vessel he had been drinking from on the ground to the side of the green box and swearing he staggered from the green box towards 1-3 Glengall Rd. I saw Lawrence walk in to 1-3 Glengall Road. The distance from where I was standing to the entrance of 1-3 Glengall Road was approximately a 25 metres. After a couple of minutes Lawrence came out of 1-3 Glengall Road. He walked back towards the green box near where I was standing in Kilburn High Road. I noticed Lawrence was now carrying a black plastic bag in his hand. As he got to the green box he stopped to speak with Newman and Driscoll, Lawrence placed the plastic bag on top of the green box and removed a can of Fosters Lager. Lawrence released the ring pull of the beer can and took a large mouthful of the contents. He then placed the can inside his coat pocket. The bag was discarded in the street and Lawrence walked in to Kilburn High Road the same direction as Childs. As he walked passed me I could smell intoxicating liquor, he was unsteady on his feet and his appearance was dishevelled. He was drunk.

On 6th August 2012 I wrote a letter addressed to Mr Javid Akhter formally requesting CCTV footage from the Shop covering the period 1500 hours to 1630 hours on 28th July 2012 and 1330 hours to 1530 hours on 5th August 2012. Upon receipt of my letter Mr Akhter telephoned me to ask why I requested the footage. I explained I was investigating allegations of offences under the Licensing Act 2003. I subsequently received a letter dated 21st August 2012 from Mr Javed Akhtar stating the footage I requested had been accidentally deleted whilst trying to make copies.

Please also see the attached supporting statements

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

0	1	1	1	2	0	1	2
---	---	---	---	---	---	---	---

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature Will P. 1570k

Date 1-11-2012

Capacity Licensing Constable on behalf of the Chief Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.