
Hamid Raza
Arada Mini Market
17 Malvern Road
London
NW6 5PS

29th June 2015

Licensing Representation to the Application to Vary the Premises Licence for Arada Mini Market, 17 Malvern Road, London, NW6 5PS

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 Licensing Objectives for the reasons indicated below.

Officer: Susana Figueiredo – Licensing Inspector

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 to vary the premises licence under section 34 of the Act.

The Licensing Authority may make representations concerning any of the four licensing objectives below;

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

Looking at the premises as a whole I feel that this application to extend the operating hours should be REFUSED.

Observations

A visit took place on Saturday 13th June 2015 (Friday night) at 00.40hrs as a result of the application to vary the licence of the above premise. The applicant Hamid Raza was not present at the premise at the time of my visit. There was one male working behind the counter

known to me as Ahmed Naseef who has been employed at the business for three to four months.

When I asked Mr Naseef what were the closing times of the shop he replied by saying it was 02.00hrs on a weekend and 23.00-00.00hrs during the week and then stated that alcohol is not sold after 23.00hrs. Along one side of the premise there was alcohol being displayed for sale, including shelves and a fridge. There was an A4 size paper stuck in the middle of the alcohol which said 'No Alcohol' (**see Appendix 1**). Mr Naseef stated that the CCTV was recording but was unsure for how many days it records in total. I was unable to verify whether the CCTV was recording as Mr Naseef was unable to show me.

For the short time that I was in the premise, there was a high number of people that attempted to enter the premise, one of which went to the fridge to take a beer and when Mr Naseef told him that the alcohol was not for sale the male became annoyed and seemed to ignore Mr Naseef, reaching into his pocket to pay for the beer. It was only because his friend came in and heard the conversation that he managed to get his friend out of the premise. I'm not sure how Mr Naseef would have dealt with this had the customers friend not been present.

Whilst I was at the premise, I told Mr Naseef that I was going to check the plans of the premise that had been sent to Brent Council as part of the application to vary in order to ensure they matched the building. Mr Naseef appeared became very suddenly nervous and stuttered when he spoke. My colleague Alpesh Kerai who had walked to the back of the premise, opened the door that led down the stairs into the basement and then came back to where I was standing to wait for me. I then heard Mr Naseef who was now positioned on the other side of the aisle to where I was standing talking in another language on the phone. As I walked to the back of the premise to check the plans, Mr Kerai stated that the door was now locked. I asked Mr Naseef to unlock the door and he replied that his boss had the keys and he had no access. Mr Naseef had become very shaky at this point and his stuttering worsened. I believed that Mr Naseef was hiding something from me and explained that the door had just been unlocked. It seemed at this point that the person Mr Naseef had been on the phone to was in fact one of the persons downstairs telling them to lock the door from the inside so that I could not gain access.

I asked him to open the door immediately and so he started banging on the door after which I heard a voice say hello. It took a few minutes for a male to open the door from the inside of the basement, he appeared to have been sleeping. There was a very strong, stale smell that came from the basement as I moved towards it. For safety reasons I asked Mr Kerai to wait at the top of the steps whilst I went down to check the basement. When I reached the bottom of the steps, there were three bedrooms and a shower (**see Appendix 2**), the smell was unbearable and I had to cover my nose and mouth whilst I walked through. There was also an area in the corridor where food had clearly been cooked, this looked hazardous (**see Appendix 2**). There was a door that led to an outside area but it was too dark to check what may be outside. I was also aware that there may have been more people downstairs who may have moved to the outside area and so it felt risky to approach this on my own.

As I came back upstairs I asked why there were bedrooms set up in place of what was clearly marked as a storage area on the plans. Mr Naseef replied by saying they weren't used as bedrooms, it was just somewhere for staff to go down to eat. I left the premise at approximately 01.03hrs.

There were a number of concerns raised during both visits that have prompted me to refuse this application;

- **Condition 4 states ‘A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol’. Mr Naseef is not a personal licence holder. This is a clear breach of the Premises Licence. Additionally, although Mr Naseef spoke English, in my opinion he was not fluent in English, although he appeared to be hesitant to talk to me so I’m not sure whether this is the reason why.**
- **The alcohol was clearly still on display for sale when I entered the premises at 00.40hrs yet the licence states that the premise should be closed at 23.00hrs. Mr Naseef confirmed that the premises is normally opened until 02.00hrs on a weekend and 23.00-00.00hrs during the week. This is a clear breach of the Premises Licence.**
- **In my opinion Mr Naseef was not being honest about the use of the area in the basement and I believe that it was in fact being used as 3 bedroom flat. On checking with Planning, they confirmed that there is no planning permission in place for a change of use from commercial to residential and therefore no Council Tax has been paid for the 3 bedroom flat.**

A further visit took place on Friday 19th June at 23.55hrs and I found that the premises was again still open. The premise should have been closed at 23.00hrs as per my previous visit. On this occasion there was a different male behind the counter who I now know to be Mr Malik Mehdi, Mr Hamid Raza’s (the owner) brother. I asked to see his personal licence, which he produced and I wrote down the details on the card.

When I asked Mr Mehdi why the premises was open after 23.00hrs, he replied by saying that Mr Raza had attempted to call me but I hadn’t returned his call. I explained to Mr Mehdi that whether or not I had spoken to Mr Raza, his duty as a Licence Holder and DPS was to abide by the conditions of his licence and it was clear he had failed to do this. I told Mr Mehdi that this would not be accepted as an excuse for him to open the premises after 23.00hrs. I told Mr Mehdi he would need to close the premise immediately.

There were a number of concerns raised during my second visit that has prompted me to refuse this application;

- **When I accessed Brent Council’s alcohol Licensing system I was able to verify that Mr Mehdi had failed to notify Brent Council of his change of address contrary to section 127 of Part 6 of the Licensing Act 2003. I became aware of this since Mr Mehdi is a DPS at two other premises in Brent alone and the home address he has given for those premises is different. It is apparent that Mr Mehdi is not aware of his duties as a Personal Licence Holder and this leads me to be concerned about his involvement in Arada Mini Market.**
- **When I went downstairs to check the basement again I found that all of the room furniture had now been removed and piled up into one room (See Appendix 3). This has caused me to further believe that the basement is being used as a three bedroom flat and it was as a result of my visit that the furniture had been removed.**

It appears that if I had not visited in the first instance, the three bedroom flat would still be in use, and no Council Tax would have been paid. I believe that Mr Raza is covering up the use of a residential property with a commercial unit that is governed by a Premises Licence. This is not what I believe a Premises Licence was designed for.

The principle Grounds for Objection – Crime & Disorder & Public Safety.

As reported above, the licensee has failed to comply with the Licensing Act 2003 in varying degrees and I believe this contravenes both the **Crime & Disorder** and **Public Safety** objectives;

- Opening after licensable hours
- Alcohol on display for sale outside of the licensable hours
- No Personal Licence holder present at the premise as per condition 4
- The use of a commercial property as an unauthorised residential property without planning permission which is governed by a Premises Licence
- The safety of those people living in the three bedroom flat and those customers using the premises as the eating area in the flat downstairs appeared to be hazardous
- The dishonesty of the staff at the premise who attempted to hide the three bedroom flat which leads me to question their integrity.

Yours sincerely

Susana Figueiredo
Licensing Inspector
Regulatory Services

