

Viechweg, Dennis

From: LicensingServicesAgency@ntlworld.com
Sent: 03 July 2015 14:13
To: Paul.Whitcomb@met.pnn.police.uk; susana.figueirido@brent.gov.uk
Cc: business licence
Subject: Arada Mini Market

I have been contacted by Mr Hamid Raza regarding his premises licence variation application he has made recently and the representations made by both the Police and the Licensing Authority. Having visited Mr Raza at his shop yesterday I have the following comments to make:

With regard to the Police representation made by Paul Whitcomb I understand that you visited the premises on 10th June and met with Mr Raza. Mr Raza advised me that the high strength beers and cider that you found on the shelves that day had been bought at cash and carry by Mr Naseef, an employee, while Mr Raza was on holiday for a few weeks in April/May and Mr Raza had not realised that these had been purchased and were on sale until you noticed them. He immediately removed them from sale and they are no longer at the premises but have been given to another local shop that is allowed to sell them. Mr Raza knows that he should have made it clear to Mr Naseef that he was not to buy any high strength beers due to the condition on the premises licence. Mr Naseef was fired from the shop and no longer works there.

With regard to the CCTV system, this was working and operating correctly on the day of your visit but the DVR machine was kept in the ceiling in case of a robbery at the shop. Normally they can access this by ladder but this had been recently lent to a local neighbour and had not yet been returned. Since then Mr Raza has had another DVR system delivered and installed as the previous one was complicated to operate, and the new one is kept above the fridge where it can be easily accessed. Both staff who work there know how to operate the system. Mr Raza has always operated Challenge 21 and understands the age verification policy but when you asked him about it he thought you were talking about the poster which was not very visible, and which was later removed to a more prominent position. Since then they have now adopted Challenge 25 and have a poster behind the counter advising customers of the fact. Mr Raza has always operated a refusals register ever since they opened the shop back in 2008, and I understand that he showed you this when you visited.

When the visit was made to the shop by Susana Figueirida on 13th June at 00.40 hours she found the shop open and alcohol being displayed. As the opening hours are not a licensable activity Mr Raza was not aware that this was an offence under the Licensing Act to open after the hours shown on his licence. He had only been opening later at night since he made the variation application to gauge the likely customer footfall after 11pm. Mr Ejaz was working that evening, and he has a personal licence, and is aware that alcohol must not be sold after 11pm. Ms Figueirida did not witness the sale of alcohol during her visit. There was a sign displayed in the alcohol area saying "no alcohol" which regular customers knew meant that they were not allowed to buy alcohol after 11pm and in fact Ms Figueirida witnessed a customer coming in to the shop to buy alcohol while she was there and leaving again when he saw the sign. They are now closing at 11pm every day and 10.30 pm on Sundays.

I have been through all of the conditions that PC Paul Whitcomb has requested and those are to be replaced by new conditions and Mr Raza agrees to them all, however with the following comments:

Please clarify condition 2. There is already a CCTV system which covers the entrance to the shop.

With regard to condition 10 staff can already see outside the shop from the counter and the front door is always open. If they remove any other notices or posters from the shop windows anyone passing by will be able to look in and see the till which Mr Raza is not happy about. I would be grateful for your comments regarding this condition and wonder if it could be amended accordingly.

Having discussed the hours Mr Raza has applied for he is willing to amend the hours for the sale of alcohol to 8am – 2am Sunday – Thursday and 8am – 4am Friday and Saturday, with the opening hours of 24 hours daily. There are already a number of premises open until the early hours in the close vicinity, including another convenience store AM – PM which is a few hundred metres away and two or three Shisha cafes which stay open to 3 or 4am so there is already plenty of activity in the area which we feel will remain unchanged if Mr Raza is granted the additional hours he requires. After 2am weekdays and 4am Friday and Saturday Mr Raza will operate a window service only so there is no opportunity for customers to help themselves to alcohol after licensable hours.

With regard to Ms Figueirda's visit on 13th June she witnessed Mr Naseef refusing alcohol, so the shop was not in breach of the Licensing Act in selling alcohol after licensable hours. Mr Naseef's English was not good which was why he was nervous when she came into the shop. He had only been asked to work behind the counter for a short while that evening while Mr Ejaz took a friend home after he had visited the shop. Normally he only worked stocking shelves and making the occasional visit to cash and carry. As already mentioned Mr Naseef now no longer works at the shop.

While visiting the shop Mr Figueirda mentioned that she came across a number of mattresses and some cooking equipment in the basement so she presumed that it was being used as living accommodation. We would like to make it clear that Mr Raza has never used the premises as a residential flat at any time, though perhaps on occasions members of staff have used one of the mattresses for a short nap in between shifts. No one has ever slept there overnight or while the shop is closed. Since your visit all the mattresses have now been removed and all of the basement rooms are now virtually empty except for a few old tyres and a small cupboard, and some old gas canisters and gas stove which they will be getting rid of in the next few days.

On 19th June, the date of your second visit, the only breach of conditions was that the shop was open after the hours shown on the licence. As already mentioned Mr Raza now closes promptly at 11pm daily and 10.30 on Sundays.

With regard to Mr Mehdi's personal licence he had not advised the Council of his change of address as his ex wife and daughter still live at that address so he still has access to any mail that is sent there. He has now applied to change the address on his licence.

I would like to point out that Mr Raza is not in breach of the conditions on his licence by alcohol being displayed outside the hours of licensable activity as it is not a condition on his licence that the area is covered outside of these hours. With regard to your view that the licensee has failed to comply with the Licensing Act 2003 by opening after licensable hours this he accepts and has done something about, even though the opening hours are not a licensable activity. The fact that there was not a personal licence holder present when you visited at 00.40 hours was not an offence as this was not within the hours of licensable activity and no alcohol was being sold. The premises have never been used as a residential property and therefore no planning permission was required and no Council tax would be payable. We would like to reiterate that this is not being used as a three bedroomed flat therefore there has been no dishonesty on the part of any of the staff or the licence holder.

Mr Raza would be happy to take you around the premises at any time to show you that all of the issues that you have concerns about have been dealt with and if you would like to contact me to arrange a time and date he can make sure that he is there to show you around.

Please email me on receipt of this email if you have any other concerns or queries or would like to visit the premises to see for yourselves that all the above matters have been dealt with.

Yours sincerely

Debra Silvester
Licensing Services Agency

Tel: 01992 584959 / 07931 484635