



**METROPOLITAN
POLICE**

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TERRITORIAL POLICING

**QK - Brent Borough
QD - Licensing Department**

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Your ref:

Our ref: 01QK/349/15/368

30th June 2015

**Police Representation to the application to vary a Premises
Licence for 'BUDGENS 959-963 Harrow Road, Wembley,
Middlesex, HA0 2SF**

I certify that I have considered the application to vary the Licence for the above named premises **my representations** are set out below

I am of the opinion that the risk to the police and 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 **I would** withdraw my representation.

Officer: Michael Sullivan,

Licensing Constable 368QK

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 premises licence under section 34 of the act 2003.

O'Leary Retail Ltd have formally asked for a variation to their current licensing conditions, as they feel the current conditions are having a detrimental affect on the current running of the business.

The condition they are requesting to be removed is.

1. Condition 9 - *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.*

When Budgens initially applied for a Premise Licence there was strong objection from local residents to this application, and police asked for this condition to be added to allay the local residents fears, this condition allows the shop to run efficiently and reassures the local residents and police that the staff are correctly trained and confident in dealing with the sale of alcohol, and are not selling to children or street drinkers, and staff are able to refuse people that are under the influence of alcohol, and ask any person they believe to be under age for identification.

The advantage of having a person fluent in English and that holds a Personal Licence is that they understand the licensing objectives, they are aware of the legal responsibilities of a personal licence holder, and the penalties relating to failure to comply with the law, they are aware of the content and purpose of an operating schedule, they are also aware of the duties and responsibilities of the designated premises supervisor, and it also makes them knowledgeable about the responsible retail sale of alcohol.

The applicant has made reference in his application that other shops do not appear to have this condition, I can confirm that other premises have this condition attached to their licence, and that they are able to comply with the condition easily, however I must add that every application is looked at individually, and no comparison is made with any other premises.

Moreover this premise is failing to uphold the Licensing objectives, on the 12/11/2014 officers from Brent Council Licensing team conducted a visit at the shop and found Eight Breaches, namely 1. No Personal Licence Holder present 2. Challenge 21 policy not being adhered to 3. The sale of high strength beer above 5.5 %, 4. No time delay safe fitted 5. No Incident log kept 6. No Refusal book 7. Premise Licence not displayed correctly and 8. Alcohol not tagged or alarmed, these eight breaches show a lack of management and supervision of the premises, a warning letter was sent to the shop outlining the breaches of the license, and advice on what needed to be done to bring the shop in line with its conditions and to meet the licensing objectives.

A further visit by Police Licensing Officers on the 18/04/2015 found that there were three breaches, namely the shop was still selling High Strength beers, there was no Personal Licence Holder present and not all alcohol was tagged

and alarmed, for these breaches the shop was issued with a Final written warning.

In May 2015 The shop put in an application to vary their licence conditions, during my research into this application it became apparent that the shops CCTV was not working correctly and that since December 2014, there had been eight shoplifting offences and an assault most of these incidents could not be progressed due to the shops CCTV system not working, I spoke to Mr Davoren and informed him that this needed to be rectified immediately, he assured me it would be.

On the 29/05/2015 I attended the shop again to see if the CCTV system was working, only to find it still not working correctly and I was forced to stop the shop selling alcohol until this was rectified.

The above breaches show that there is a lack of management within the shop and I feel that if this condition is removed the premise will have no one in place that can enforce the current licensing conditions, and be in charge of the overall supervision of the shop, and I envisage that the shop will continually be in breach of its conditions.

This condition was put in place to help the shop comply with the licensing objectives but it is clearly failing even with this condition attached, I feel this condition needs to stay and be robustly complied with for the licensing objectives to be met.

The Police representations are concerned with Licensing Conditions, crime and disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.

3. Condition 9 - The applicant is asking for this condition to be removed completely

This condition was proposed by police as good practise, a person trained and able to speak Fluent English should be present to challenge any Under age persons attempting to purchase alcohol, or refusing intoxicated persons purchasing alcohol. **I will be asking for this condition to remain**

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.

Yours sincerely

Michael Sullivan QK
Licensing Constable
Brent Police