



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

The Licensing Authority

*Brent Civic Centre
Engineers Way
Wembley
Middlesex
HA9 0FJ*

Your ref:

Our ref: 01QK/ 01/17/157

Brent Borough Licensing Department

*Wembley Police Station
603 Harrow Road
Wembley
HA0 2HH*

Tel: 020 8733 3206

Email: nicola.mcdonald @met.police.uk

Web: www.met.police.uk

Date: 2nd February 2017

Police representation to the Premises Licence Review Application for 'Essentials' 383 Church lane, Kingsbury, London, NW9 8BJ.

Officer: Nicola McDonald
Licensing Constable PC 157QK

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 for a review of the premises licence number 162470 under section 51 of the act.

I certify that I have considered the application shown above and I wish to make representations.

The Police representations are concerned with the prevention of crime and disorder.

In 2011 on behalf of the Commissioner of Police, I made an application to review this premises licence (number 162470). At that time the premises was known as Boozewell however the premises licence holder and designated premises supervisor were the same as the current, Mr Mahesh Hamraj Shah. Until this point there were no conditions on the licence and the authorised hours were those of an 'old converted OFF Licence'. The review application was held on 24th May 2011 and the committee decision was to add conditions to the premises licence. The following conditions were added:

- 1) Mr Punit Shah, being the son of Mr Mahesh Hamraj Shah the Designated Premises Supervisor (DPS), be specifically excluded from the premises.
- 2) A Personal Licence Holder (PLH) fluent in English language shall be present at the premises and supervise the sale of alcohol throughout the licensable hours.
- 3) CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to Police and Licensing Officers if requested.
- 4) The CCTV cameras shall be positioned to cover the following areas; - Shop entrance - Till area - Entrance to storeroom.

These conditions may appear to the reader to be unusual and more rigid than the norm, that was because of the serious nature of the review that was brought before the committee on that occasion. The committee however took in to consideration during their decision that this was a family run shop. Police believe that the Shah family are now taking advantage of the decision as they are in recent months neglecting their responsibilities to uphold the licensing objectives and comply with the licensing legislation i.e. the conditions of the licence.

On 25th September 2015 PC Whitcomb attended Essentials and spoke with Mr. Mahesh SHAH who was working in the shop. PC Whitcomb saw that Part B of the premises licence was on display in the shop, he asked to see part A of the premises licence but Mr Shah could only produce the first page of it. The second page of the licence that lists the premises licence conditions was conveniently missing. **This contravenes Section 57 Licensing Act 2003.** Mr Shah produced his personal licence number 148217 issued by Brent. Mr Shah stated that he believed that he only had one condition on his licence and that was that he must have CCTV in operation. Mr Shah went on to explain to PC Whitcomb that the CCTV in the shop was currently not working, there was an issue with the hard drive. Mr Shah was advised that Police would check the premises licence and contact him. PC Whitcomb observed there was a vast amount of high strength beer and cider on display, including 3 litre bottles of Hammers cider at 7.5% ABV. Mr Shah was advised that this type of cheap cider is linked with street drinking issues that are occurring in that local area. PC Whitcomb asked Mr Shah to consider not stocking such cheap beers and cider. He said he would consider the idea.

On 28th September 2015 PC Whitcomb having obtained a copy of the premises licence from the local authority telephoned Mr Shah. The premises licence conditions were discussed and Mr Shah said the CCTV system was still not recording correctly. Mr Shah was told he was committing an **offence under Section 136 Licensing Act 2003 'conducting carrying out licensable activity from the premises without authority.** He was advised until the CCTV is operating correctly as the licence requires he must stop selling and displaying alcohol for sale.

On Wednesday 7th December 2016 at approximately 2100 hours PC McDonald and PC Sullivan attended Essentials. The premises was open to the public alcohol was being sold. Mr Mahesh Hamraj Shah was not in the shop. There was one male member of staff who claimed to be Mr Shahs' son (not Punit has listed in the premises licence conditions). He could not produce his personal licence although he claimed to hold one. Part A of the premises licence was not available for officers to examine **this contravenes Section 57 Licensing Act 2003.** He was able to operate the CCTV for the officers but Officers found by viewing the footage on the monitor that the camera positioned towards the entrance door of the shop was slightly off set. That meant that the footage did not capture a clear image of everybody entering and leaving the premises. In addition this camera needed to be zoomed closer to the doorway to capture a head and shoulders image. The camera covering the store room area did not appear to be functioning. Mr Mahesh Hamraj Shah was called to the shop. The issues around the CCTV footage were pointed and told to have a Part A of the premises licence available to examine on the premises.

Police consider the conditions put forward by the applicant for the premises licence review to be appropriate and would assist the licence holder uphold the licensing objectives.

Police reserve the right to add further evidence in the way of representations if it arises before the full hearing.

Yours Sincerely,
Nicola McDonald PC 157QK
Licensing Constable Brent Police