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Date: 13th February 2018

Police representation to the application for a new Premises Licence at Delipod Hub (the Café only) The Library at Willesden Green 95 High Road, NW10 2SF

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.

If conditions suggested below were accepted in full I would withdraw my representation.

Officer: **Michael Sullivan PC 368QK**
Brent Borough Police Licensing Constable

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 new premises licence under section 17 of the act. The Police representations are primarily concerned with the prevention of crime and disorder and the protection of children from harm.

The applicant has responded to the conditions police have requested in the first Representation letter, I will address each point below.

Police Request the following conditions be added to the new premises licence:

1 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 authorised Officers from Brent Council.

Applicants Reply - *The primary function of the Delipod Hub is a café attached to a library. The ceiling of the café is concrete with highly designed visible metal conduit being used to house the wiring and lighting points therefore any CCTV cameras will be highly visible; the requirement to install CCTV cameras to meet Home Office Guidance we believe will be seen as intrusive during the café operating hours, which is the primary business of the establishment. There is currently steel conduit and wiring in place for one CCTV camera to assist with managing the business, this has been shown in the plans submitted. We propose that as a condition we commission this existing CCTV point. However, the CCTV would be discreet and not necessarily meet Home Office Guidance. We believe this would be sufficient as a deterrence and a proportionate record of events given the nature of the establishment.*

Furthermore, there is a public CCTV camera within metres of the outside seating area. See picture below.

Police response – Police would ask that the condition around CCTV be implemented to comply with the licensing objective, namely **The Prevention of Crime and Disorder**, the applicant makes reference to the venue being a Café, however the application states that the venue wants to have live music, and the sale of alcohol daily until 23.45 hours which makes this more than just a café, and will be used as a music venue that sells alcohol, during my meeting with the applicant he stated that he would also be looking to take private bookings for events.

The applicant has said that the venue currently has a CCTV camera that does not meet the Home office guidance, police would say that this is not sufficient to uphold the licensing condition **the Prevention of Crime and Disorder**, as police would look to rely on CCTV as part of any investigation to crime that may happen at the venue, he also says that there is a public CCTV camera outside the venue, this would not form part of a condition that would be able to be attached saying that a public camera a few meters away will be part of the cafes condition.

2 Customers shall not be permitted to take open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.

Applicants Reply - *Agreed, but can this be linked directly to alcoholic beverages as we are a café and patrons of the café frequently purchase take away coffee, for example.*

Police response – *the conditions within this application refer to the sale of alcohol.*

3 A “Challenge 25” policy shall be adopted and adhered to at all times.

Applicants Reply - *We are happy to adopt Challenge 25, but if this comes with the condition that we must create an incident log of every occurrence where we may need to refuse to serve alcohol to a patron, who may be 24 year of age but does not have ID, we would only want to adopt Challenge 21, simply to reduce the administrative burden of creating the potential volume of occurrences.*

Police response – *the applicant has mentioned several times within his schedule that he will be adopting challenge 25, however he now wants to change this to Challenge 21 as it will be inconvenient to record the fact that a refusal has taken place, again under the licensing Objectives namely Prevention of Children from harm police would ask that this condition remain, and that the applicant adopt Challenge 25 to uphold the objective.*

4 There shall be no vertical drinking.

Applicants Reply - Agreed

5 An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:

- (a) all crimes reported to the venue**
- (b) all ejections of patrons**
- (c) any complaints received**
- (d) any faults in the CCTV system**
- (e) any refusal of the sale of alcohol**
- (f) any visit by a relevant authority or emergency service.**

Applicants Reply - *During the day to day running of the café there are situations occur, e.g. a cup is broken, a spillage happens. We could choose to record these incidents and create a log of them, but we don't, we deal with them as they happen and if they were to happen frequently we would deal with them differently.*

While recording the incidents listed above would create a record of the incidents, it is unclear how the act of recording these incidents, which we understand if accepted would become a legal requirement upon us and prosecutable if not adhered to, would serve the ultimate objective of meeting the four licensing objectives.

Police response – This condition is not concerned with the spillage or a broken cup, a record is required under the licensing objectives to show police that an incident has happened and been recorded, if a complaint or an allegation is made the Licensee will be able to produce a legible record of the incident and show what action was taken, it also asks for things like faults with the CCTV are recorded as this will possibly be a licence condition to have recording CCTV and shows that action to repair any faults have been implemented.

6 No drinks shall be served other than in plastic or toughened glasses.

Applicants Reply - Agreed

7 Notices requesting customers to leave quietly shall be displayed at each exit.

Applicants Reply - *Following consultation with the Public Safety Officer, Chris Pearce the internal exit (now referred to as Exit 2) will be unlocked at certain times but it will only be used in case of emergency. Therefore, I would request that the condition above relates to Exit 1 only as the notices by Exit 2 will be confusing. See attached amended plan.*

Police response – I'm am unsure how a sign asking customers to leave quietly will confuse patrons, the exit will be signed as an emergency exit.

I have now received and looked at the updated plans and note that the applicant wants to use the outside area for the consumption of alcohol, this area is just a few meters from a residential block of flats and feel that allowing the outside area to be used past 9pm would impact on the residents of these flats. Due to this I would ask that a further condition be implemented that reads

8. The outside area shall not be used after 9pm daily

Yours Sincerely,

Michael Sullivan PC368QK
Licensing Constable
Brent Borough Police