



**METROPOLITAN
POLICE**

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TERRITORIAL POLICING

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Your ref: 18686

Our ref: 01QK/136/253NW/20

Police representation to the application for a new Premises Licence for PANAV FOOD & WINE, 804 Harrow Road HA0 3EL

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 Council's Licensing Objectives for the reasons indicated below.

I am of the opinion that the risk to the Council's objectives can't be mitigated and request the application for a new premises licence within an area subject to a CIZ, be refused.

Officer: Damien Smith
Licensing Sergeant 253NW

Dear Sir/Madam,

On 4th March 2020 an application was received from Mr Harshilkumar Patel for a Premises Licence under Section 17 of the Licensing Act 2003.

The application can be summarised as follows:-

Panav Food & Wine has applied to be a shop selling food and alcohol. 'It would have the facilities to conduct licensable activity of sale of alcohol for consumption off the premises.' Mr Patel has applied for a licence to sell alcohol (Off Premises) from 1000 hours until 2300 hours daily for all 7 days with the store to open at 0800 hours and close at 2300 hours daily.

The application states that a challenge 25 Policy will be strictly implemented, CCTV that records for 31 days will be installed, all staff will be trained in alcohol retail sales and a training manual will be available at the premises.

Police wish to make representations to this application on all four of the licensing objectives with the following grounds:

Street Drinking is a serious and well documented problem in the Borough of Brent. So much so that there have been a number of official measures put in place to restrict the supply and consumption of alcohol:

A Public Space Protection Order (PSPO) is in place for the Borough of Brent which provides limited powers to the Police and Local authority to tackle a particular problem or nuisance that is detrimental to the local communities' quality of life.

- Brent have implemented a PSPO to address anti-social behaviour in all their parks.
- Brent have introduced a borough wide PSPO to assist in dealing with street drinkers.
- Harrow Road is currently subject to a Cumulative Impact Zone (CIZ) relating to 'Off Licences'.

The premises that this application refers to, is situated on the Harrow Road in Sudbury Town, Sudbury ward. It is a terraced property with a number of other licensed venues in close proximity that can already sell alcohol, or late night refreshments and has residential premises above. It is approximately 3 minutes' walk to Butlers Green Park, which has been subject to ASB and people caught drinking in the park. There is another larger park named Barham Park that is approximately 5 minutes' walk. Both of these parks have children play areas and drinkers have left half empty cans and bottles of alcohol in the park presenting risk to the public and has attracted adults seeking half empty cans in order to consume the contents. This also presents risk to children.

It is known that Street drinkers adversely affect residents and businesses in Sudbury Town. Local residents have complained about litter, drunk people urinating in the street and parks and behind the shops. Litter has been found in gardens, parks including broken glass bottles. One resident has repeatedly complained about the sale of alcohol to her son despite him being an alcoholic and has visited the venues along the parade in which this application has been made. There have been complaints of drinkers loitering in the area.

The local Safer neighbourhood team (SNT) have been patrolling the ward and exploring the legislation under the ASB act to issue Community protection warnings to people intent on causing ASB which if ignored will progress to a notice that if breached could result in arrest or fine. There are limitations to this legislations use and currently the SNT are exploring issuing warnings to the individuals on the street. With regards to addressing issues with premises the MPS have worked with the Local authority to provide regular updates of what happens in the area, which has contributed to the implementation of the CIZ for this ward/location. The use of CPW and CPN is time consuming for officers and would impact on the time in which they could be out of the work place patrolling their ward.

Attached to this application is a statement signed by the ward team sergeant responsible for the ward in which this premises is situated.

From a Police perspective it is believed that any additional alcohol retailer within Sudbury Ward (This CIZ) will add to the supply of alcohol to street drinkers and directly contribute towards the existing problem. The police see a reduction in the supply of alcohol should be explored at every opportunity especially where it is thought the addition of a new premises would clearly exacerbate the problem(s) being experienced already.

As a snapshot, I can confirm that each of these incidents listed have been recorded as use of the 999 network and I have redacted characters from crime numbers that are available if so required by the committee. This is not an exhaustive list but relevant to demonstrate that licensed premises are linked / associated with calls based on alcohol and the attraction to those intent on gambling or eating late night refreshments in the area;

29/4/19 1744 Hours Public order
1/7/19 2055 Hours ASB /Alcohol
6/7/19 0242 Hours ASB / Alcohol
16/7/19 1504 Hours ASB / Alcohol
2/8/19 1240 Hours Assault Crime 19**790/19
13/9/19 2358 Hours Assault Crime 19**587/19
3/11/19 0342 Hours Assault Crime 19**356/19
7/11/19 1947 Hours Assault Crime 19**810/19
18/1/20 1100 Hours ASB / Alcohol
18/1/20 2024 Hours GBH Assault Crime 19**516/20
20/2/20 1022 Hours ASB /Alcohol

***Each of the above entries is within 3-5 minutes' walk form 804 Harrow Road HAO 3EL.**

On Monday the 9th March 2020 I contacted the applicant by telephone to try and arrange a meeting at the new proposed premises. I have seen the premises and it is in the process of being fitted out and renovated. The applicant has displayed a blue notice detailing the hours applied for. I spoke to Mr Patel. He does not possess the keys yet as they are with the landlord. I asked if he could see if he can get the keys and I would call him back in twenty minutes. I called back and Mr Patel said he couldn't get the keys this week but aims to get them one day next week. I asked if he was happy to answer a few questions about the application to which he replied yes. I asked the following, and recorded his replies;

Do you know what a CIZ is? No. A what? – Cumulative impact zone. NO
Are you in regular contact with your agent? Yes.
Who will work at the store? Me and my wife.
Are you a PLH? Yes, me and my wife both are.
How long have you held your PLH? me 2 years, my wife 6 months.
What are the 4 Licensing objectives? – answered in own words but all 4 addressed by applicant
What will be your opening hours for the store? Applicant paused – maybe 1000 hours
What does YOUR application state? I don't know maybe 1000 hours, the agent did this for me
What will you be selling? Alcohol
What else? Take away Indian food, I want to run 2 business from the shop but first alcohol as off licence.
If you open before 1000 what will you sell at the shop? Nothing
If you aren't successful with application what will you sell? A pause, cigarettes and groceries, but if not successful this will be a big problem.
Have you run a licensed premises before? I used to work at 'Corals'.
Your wife? No this is a new venture for us both we will run and work there.
Do you live locally? Yes, we used to live by Ealing Road, we have moved but still live near the shop.

Are you aware of how many licensed venues are already near your proposed premises? Yes, but we want to try and see how it goes.
With you selling groceries, are you aware there are at least 3 other larger shops selling groceries, one being TESCO EXPRESS? Yes.
When will the shop be ready to open? We are hoping maybe April
Tell me more about the Indian takeaway please.....We want to do two business. First the off licence and then introduce Indian food in the evenings and provide alcohol with the take away food.
Will you use a third party for this? Yes maybe 'Just eat' or another company.
What can you tell me about the local area such as crime or any issues? I don't believe there are any.
I can provide you with internet links to check on crime in the area. Do you have internet access? No.
What else do you know about the area? There are schools we will use the challenge 25 process.
Do you have any questions for me / police?

I have my concerns with the applicant's business plan and ideas for the store, still seem uncertain. He resides locally and is aware of the amount of licensed premises in existence already. Going through some of the application it was soon apparent the applicant has entrusted the completion of the application to his appointed agent. At no stage did the applicant tell me that he was looking to open the store from 0800 hours and on a couple of occasions referred to alcohol sales 'maybe' starting at 1000 hours. I had to ask him twice about what else he would be selling while open. One answer was 'nothing' this heightens my concern that the applicant has concentrated on the sale of alcohol as being the highest yield for his investment into a new business. Mr Patel has indicated he at some point wants to sell take away Indian food, as with the licensed premises in the area there are several fast food premises in close proximity and two further take away shops selling similar food. It does not make business sense to me to open a store that might sell alcohol and might sell food in an area subject to a CIZ and in effect full of competition that is already creating issues upon the local community that the premises are meant to be there to serve.

Aside from my concerns, Sudbury Town cannot cope with another off-licence. The area is already saturated with similar venues. There are already similar premises within a 150m radius. The temptation to provide lower cost alcohol in an attempt to undercut competition will be high. Police have seen an increase in similar types of premises obtaining alcohol from illicit sources (alcohol sourced from overseas but having not paid the duty, or handling stolen goods).
Even with the strictest of conditions attached ANY additional supplier of alcohol with the Cumulative impact zone will be a contributor to crime and disorder and anti-social behaviour.

In the interests of upholding all four licensing objectives;

1. The prevention of Crime & Disorder
2. Public Safety
3. The prevention of public nuisance
4. The protection of children from harm

I most strongly request that this application for a Premises licence at 804 Harrow Road HA0 3EL – Panav Food & Wine be refused.

I do not believe there are any conditions that could be attached to the licence to negate the risk of the objectives being undermined. I accept the decision

does not rest with me but with the committee. With that in mind, if the licence was granted I would ask for the following conditions:

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 licensing officers immediately upon request. A member of staff fully conversant with the use and operation of the CCTV system and how to provide footage to police or local authority requests shall be present throughout the permitted hours for sale of alcohol.
2. A CCTV camera shall be installed to cover the entrance of the premises and capture clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises. Suitable signage re the use of CCTV must be displayed.
3. A sign stating "No proof of age - No sale" shall be displayed at the point of sale
4. A "Challenge 25" policy shall be adopted and adhered to.
5. An incident/refusal book 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 details (including day, date, time, summary of incident) of any of the following:
 - all crimes reported to the venue
 - all ejections of patrons
 - any complaints received
 - any faults in the CCTV system
 - any refusal of the sale of alcohol including 'Off Deliveries/sales of alcohol'
 - any visit by a relevant authority or emergency service.
6. A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises.
7. Any staff directly involved in selling alcohol for retail to consumers, staff who provide training and all managers will undergo regular training of Licensing Act 2003 legislation. This will be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.
8. "Robbery awareness" crime prevention measures shall be installed and all staff given suitable training.
9. A safe shall be installed by the till area with a deposit slot and delay mechanism and anti-fishing mechanism to assist staff.
10. Promotions that encourage irresponsible drinking shall not be permitted.
11. A clear and unobstructed view into the premises shall be maintained at all times.
12. A suitable intruder alarm complete with panic button shall be fitted and maintained.
13. No high strength beers, lagers, and ciders above 5.5% ABV shall be stocked with the exception of premium beers.

14. A personal licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol
15. A minimum of two members of staff shall be present throughout the permitted hours for the sale of alcohol.
16. No single cans of beer, lager or cider shall be sold
17. No miniatures to be sold – (5cl or 50ml)
18. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by customers or staff.
19. All alcoholic drinks shall be clearly labelled or marked with the name of the premise.
20. A notice asking Customers to leave quietly from the premises shall be displayed by the exit/entrance.
21. Invoices are to be produced to Police, or a member of an appropriate authority, upon request to evidence payment of duty on goods.

***Should the applicant introduce the take away food:**

22. All 'OFF Sales' must accompany a meal order and an age verification policy must be in place at the point of order and at the point of delivery/supply. Delivery drivers must be instructed to verify the identification by means of photo ID if it appears the person being delivered alcohol appears to be aged under 25 (Refusals log – as above)

Yours sincerely

Damien Smith 253NW

Brent Licensing Police Team