



Alcohol and Entertainment Licensing Sub-Committee (B)

Friday 12 December 2014 at 10.00 am
Board Room 1 - Brent Civic Centre, Engineers Way,
Wembley HA9 0FJ

Membership:

Members

Councillors:

Hector (Chair)
Mahmood
BM Patel

Substitute Members

Councillors:

Aden, Collier, Hoda-Benn, Long,
Tatler and Warren

For further information contact: Toby Howes, Senior Democratic Services Officer
020 8937 1307, toby.howes@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
1	
Declarations of personal and prejudicial interests	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
2	1 - 28
Application by PC Nicola McDonald on behalf of the Commissioner of the Metropolitan Police Service to review the premises licence for 'First Class Sports Bar' (125 Wembley Park Drive, Wembley, HA9 8HQ) pursuant to the provisions of the Licensing Act 2003	
3	29 - 62
Application by the Metropolitan Police to review the premises licence for 'Variety Food & Wines' (261 High Road, London, NW10 2RX) pursuant to the provisions of the Licensing Act 2003	

The application was adjourned at the meeting of Alcohol and Entertainment Licensing Sub-Committee (C) on Monday, 24 November 2014.



Please remember to switch your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.

LICENSING ACT 2003

Application to Review a Premises Licence

Name of Applicant:	PC Nicola McDonald on behalf of the Commissioner of the Metropolitan Police Service
Name & Address of Premises:	First Class Sports Bar, 125 Wembley Park Drive, Wembley HA9 8HQ
Applicants Agent:	N/A

1. Application

The application is for the review of a premises licence held by First Class Sports Ltd.

2. Grounds for Review

The grounds for review are the prevention the prevention of crime & disorder, the protection of children from harm, public safety and prevention of public nuisance. The full grounds can be found on pages 4-7 of the application and the supporting Statements.

3. Relevant Representations

No other representations have been received.

4. Background

The Designated Premises Supervisor is Mr Niral Abhay Thakkar. The premises is licenced for sale of alcohol and regulated entertainment as follows:

Sunday to Thursday from 09:00 until 01:00 hours and Friday to Saturday from 09:00 until 02:00 hours

5. Associated Papers

- A. Copy of Review Application
- B. Copy of supporting Statements
- C. Copy of Current Licence

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APPLICATION FOR A REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in **block capitals**. In all cases ensure that your answers are inside the boxes and written in **black ink**. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I...Police Constable Nicola McDonald on behalf of the Commissioner of the Metropolitan Police Service.....

[insert name of applicant] **apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).**

Part 1 – Premises or club premises details

Name and postal address of premises or, if none, ordnance survey map reference or description	
First Class Sports Bar 125 Wembley Park Drive	
Post Town Wembley	Post Code (if known) HA9 8HQ
Name of premises licence holder or club holding club premises certificate (if known)	
First Class Sports Bar Limited Riverbank House, 1 Putney Bridge Approach, London, SW6 3JD	
Number of premises licence or club premises certificate (if known)	
159380	

Part 2 - Applicant details

- I am
- Please tick ✓ Yes**
- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
 - 2) a responsible authority (please complete (C) below)
 - 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

Please tick ✓ Yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Police Constable Nicola McDonald Brent Police Licensing Wembley Police Station 609 High Road Wembley HA0 2HH
Telephone number (if any) 02087333206
E-mail address (optional) Nicola.mcdonald@met.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|---|
| 1) the prevention of crime and disorder | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | X |

Please state the ground(s) for review (please read guidance note 1)

Within an eight month period from 31st January to 14th September 2014 this venue has come to Police notice for four separate incidents, three of them involving serious violence.

On each occasion there have been breaches of licensing legislation or the operation of the premises has not been such to be promoting the licensing objectives. See page 5.

The Designated premises supervisor Mr Niral Thakkar, has received warning letters from Brent Police Licensing officers and received advice in person either at the venue or by his attendance at Brent Civic Centre, after each incident on how to improve and strengthen his role and responsibilities.

To assist Mr Thakkar control the venue more successfully, Police consider some of the conditions of the current premises licence need to be re-worded appropriately to support current legislation and best practice. In addition the plans of the premises submitted with the conversion application in 2005, do not reflect the current layout of the premises. I am fully aware that a side door has been constructed in recent months and that licensable activity takes place in the external rear area, however this is not on the plans.

Police request the following conditions to be removed from the premises licence

1. The premises shall only be open to members and their guests when licensable activities are taking place. *This venue is not a members club and is open to the public.*

2. The licensee or his/her deputy shall be a member of, and actively participate in the local pubwatch scheme. *Membership of such a scheme is voluntary and can not be enforced.*

3. All staff shall be trained in respect of relevant licensing law, the implementation of licence conditions, health and safety, first aid, alcohol, and drug awareness and conflict management. *This is part of the licence holders operating schedule and not required as a condition.*

9. Promotions that promote irresponsible drinking shall not be permitted. *This is now covered by a mandatory condition.*

10. Known troublemakers shall be barred from the premises. *This would be best practice and not enforceable.*

12. The Portman Group proof of age scheme or similar such scheme shall be adopted. *Due to the easy accessibility of such cards on the internet, this is better managed with an age verification scheme.*

16. The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority. *A more specific condition is required.*

19. A free supply of drinking water shall be made available to customers. *This is now covered by a mandatory condition.*

20. Public transport information including night time travel options shall be made available. *This is too detailed, and there is a bus stop directly outside the front door of the venue*

Police require the following conditions to be added to the premises licence

Door supervisors shall wear clothing that can be clearly and easily identified on CCTV.

A register/log containing the names, badge number, dates & times of duty of security staff and any incidents that occur shall be kept and made available to the Police and Licensing Authority.

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.

A CCTV camera shall be installed to cover the entrance and exit of the premises.

A "Challenge 21" policy shall be adopted and adhered to.

A refusal book detailing date and time of the refused sale and the name of the person refusing the sale shall be kept and maintained and made available for inspection.

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 incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

No entry or re-entry shall be permitted after 2330 hours.

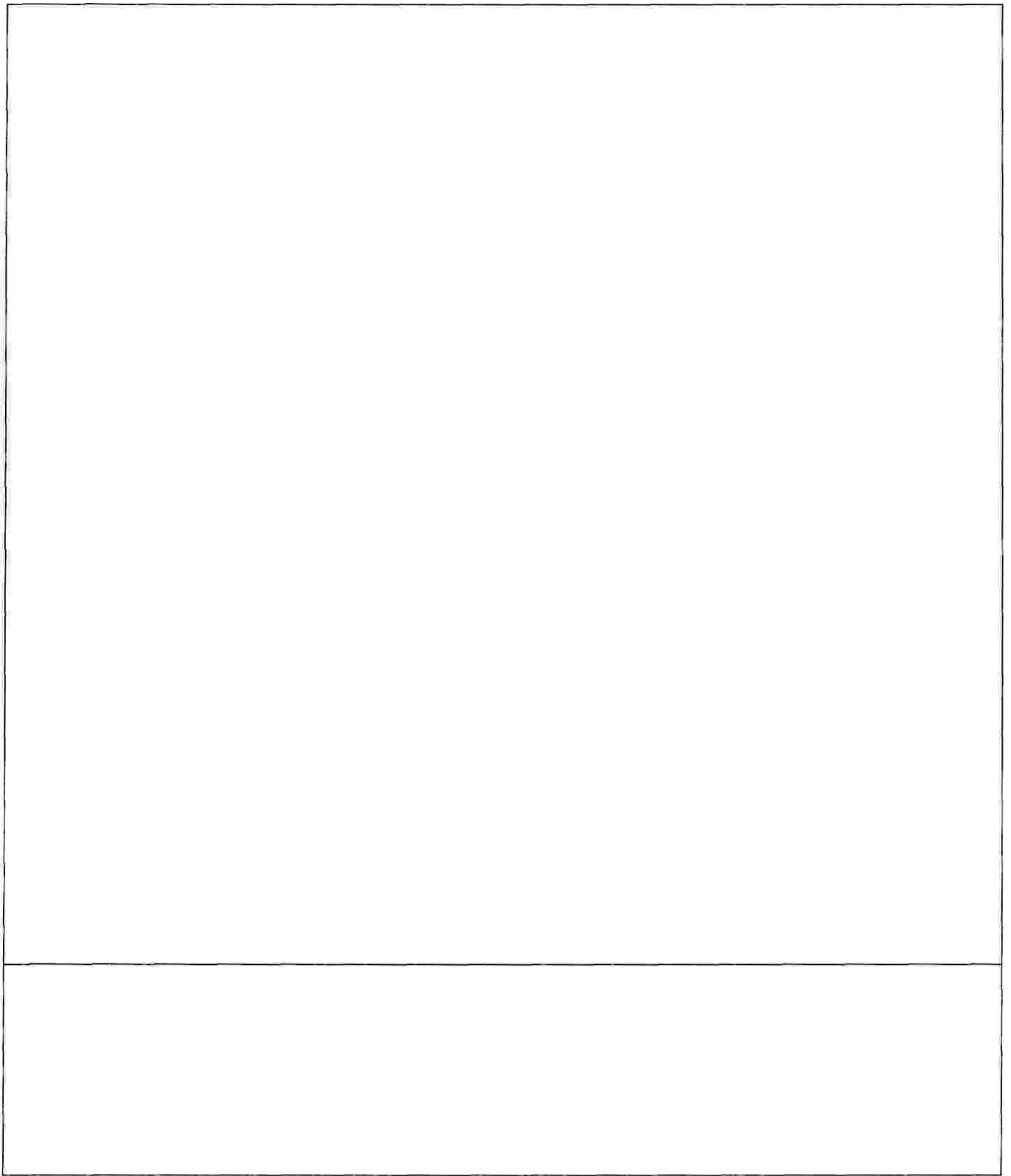
Regular documented staff training on licensing legislation and operating procedures to be given. This training shall be signed and dated and a copy of these training records available for inspection by Police and local authority enforcement officers.

On major event days at Wembley Stadium the following shall apply:

- Customers shall not be allowed to congregate outside the premises.
- No drinks shall be served in glass containers.
- The DPS or deputy shall work in partnership with the Police and if necessary comply with any direction given by a senior Police Officer on duty at the event.
- Supply of alcohol shall cease one hour prior to the designated kick off time.
- Supply of alcohol shall not resume until 15 minutes after the actual kick off time.

This list is not exhaustive and relies upon up to date plans of the premise.

Police feel that these are wholly reasonable, proportionate and appropriate measure to be put in place to promote the licensing objectives. Police reserve the right to give evidence on any further incidents which may take place at, or in the vicinity of the premises, between the service of this application and the hearing and/or during the time allowed for any appeal proceedings.



Please provide as much information as possible to support the application (please read guidance note 2)

Cris 1922063/14

On Friday 12th September 2014 at 2315hours. The DPS and his wife were not working. The premises had been left under the control of a member of a female member of bar staff named Rochelle (she is not a personal licence holder). However the bar takings were to be removed that night by a friend named David, he was also in possession of the keys for the premises and would be locking up the bar. There were no door supervisors working at the premises because it was closing to the public before midnight. David was involved in an incident on the street outside the bar whilst out purchasing limes for drinks, from a nearby shop. Outside the doorway of the venue and in sight and sound of other customers smoking, David viciously head butted another male causing him to loose a tooth. This incident was captured on CCTV. This incident has required substantial Police and NHS resources. This violent behaviour by an employee or representative of the venue does not promote the licensing objectives.

On Sunday 15th June 2014 at 0010hrs PC Nicola McDonald visited the venue. The bar was open to the public and supplying alcohol. The DPS, Mr Thakkar was present. The venue was showing world cup football games. There were no door supervisors working at the premises. This breaches condition number 4 of the premises licence. This was explained to the DPS, he chose to stop selling alcohol immediately and close the venue as soon as the football game had finished.

Cris 1922133/14

On 31st January 2014 at 2230 hours, a father and son were drinking at the venue when they began to argue and began physically fighting. One of the males punched the other, knocking him unconscious; he fell to the floor causing a broken nose, collapsed lung and head injuries. Both males were very heavily intoxicated and admitted in interview with Police to have consumed approximately 9 pints and several shots of spirits whilst at First Class Sports bar. It is an offence under S141(1)(a) of the licensing act 2003 to knowingly sell or attempt to sell alcohol to a person who is drunk. During the incident there was a child in the venue contrary to Condition 25 of the premises licence. This incident was captured on CCTV. This incident has used considerable NHS and Police resources.

Cris 1922133/14

On Sunday 14th September 2014 at 0230 hours. The DPS was at the premises and only one door supervisor working at this time. Prior to the venue closing at 0230hours there had been two separate groups within the venue that began arguing. The door supervisor had managed to separate the two parties and directed one of them to leave through the rear entrance. Approximately 20 minutes later, when the premises were closing the second group left through the front entrance. As soon as these customers left the bar closed and shutters pulled down. Both parties then began fighting at the bus stop outside the front of the bar. Two females that began the initial altercation within the bar did not enter until one hour before the premises closed to the public. From experience customers arriving at a venue at such a late hour have already consumed alcohol in a previous location; this is something that can be prevented with a no entry / re entry Policy after a reasonable hour.



Have you made an application for review relating to this premises before?

Please tick ✓ **Yes**

If yes, please state the date of that application

Day

Month

Year

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If you have made representations relating to this premises before, please state what they were and when you made them

Checklist

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature *Will FC1570K*

Date *17-10-14*

Capacity *POLICE CONSTABLE*

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Data Protection: The London Borough of Brent will use this information for the purposes of The Licensing Act 2003 and related purposes. Any member of the public may examine the application form on request. In addition, this information may be disclosed to the Police, The London Fire and Emergency Planning Authority, relevant ward Councillors and other Council departments.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with law enforcement agencies and other bodies responsible for auditing or administering public funds for these purposes.

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Please return the completed form and any accompanying documents to the following address with a copy to the premises licence holder / Club that the application relates to:-

Safer Streets
Brent Council
Brent House
3rd Floor West, 349-357 High Road
Wembley,
Middlesex
HA9 6BZ

☎ 020 8937 5359

Fax: 020 8937 5357

Email: environmentandprotection@brent.gov.uk

Please send copies of your application and any supporting documents to the responsible authorities. Contact details shown below:

Chief Officer of Police
Brent Licensing Department
Wembley Police Station
603 Harrow Road
Wembley
Middlesex
HA0 2HH

Tel: 020 8733 3206

North West Area 1
London Fire Brigade
169 Union Street
London
SE1 0LL

Tel: 020 7587 2778

Trading Standards
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5555

Environmental Health Department
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5252

Children's Services
Brent Council
Chesterfield House
9 Park Lane
Wembley
HA9 7RJ

Tel: 020 8937 4175

Licensing Authority
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5359

Area Planning Service
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5210

Public Safety Team
Brent Council
Brent House
3rd Floor East
349-357 High Road
Wembley, Middlesex
HA9 6BZ

Tel: 020 8937 5359

DAAT
Public Health Directorate
Wembley Centre for Health
and Care
116 Chaplin Road
Wembley
HA0 4UZ



Mr Niral Thakkar
First Class Sports Bar
Wembley Park Drive
Wembley
HA9

Brent Police Licensing
5th Floor
Brent Civic Centre
Engineers Way
HA9

Telephone: 0208 733 3206

4th February 2014

WARNING LETTER

Reference the assault that occurred on 31/1/13 at 2220

Dear Mr Thakkar

This letter will set out what I believe to be failings in the support and promotion of the Licensing Act 2003.

Having viewed the CCTV of the incident and also seen a transcript of the suspect's interview it is my opinion that both gentlemen were served too much alcohol whilst in the premises and that they were drunk.

This is an offence under S141(1)(a) which states that "knowingly sell or attempt to sell alcohol to a person who is drunk", a conviction for this can lead to a fine.

I appreciate your honesty and partnership approach during my visit to the premises on Monday 3rd February 2014.

In relation to a child being within the premises, although there is no offence as he was under the supervision of an adult I suggest that 'good practice' would dictate that this was too late and he should not have been there.

The Metropolitan Police as a Responsible Authority under the Licensing Act 2003 reserves the right to initiate a Review of your Premises License and take enforcement action with reference to the commission of offences under the 'Act'

Yours faithfully
Nick Mortimer
Licensing Manager
Brent Police

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ENVIRONMENT & NEIGHBOURHOOD
REGULATORY SERVICES
BRENT CIVIC CENTRE
ENGINEERS WAY
WEMBLEY
HA9 0FJ

TEL: 020 8937 5359
EMAIL: business.licence@brent.gov.uk

London Borough of Brent Premises Licence

PART A

*This Premises Licence was granted by Brent Council, Licensing Authority for the area of the Borough of Brent under the **Licensing Act 2003**.*

Signed.....
Director of Environment and Neighbourhood

Date: 7 May 2014

Licence number 159380

Licence start date: 16/01/2006

Part 1 - Premises Details

FIRST CLASS SPORTS BAR, 125 Wembley Park Drive, Wembley, HA9 8HQ
Telephone: 020 8900 0096

Licensable activities and the times authorised by this licence

Live Music:

Day	Start Time	End Time
Monday	09:00	01:00
Tuesday	09:00	01:00
Wednesday	09:00	01:00
Thursday	09:00	01:00
Friday	09:00	02:00
Saturday	09:00	02:00
Sunday	09:00	01:00

Non standard timings: On the days/dates listed below the additional hours are to be permitted for the licensable activity:- 1st January New Years Day 1 hour, Burns Night 1 hour, 14th February Valentines Night 1 hour, 1st March St. David's Day 1 hour, 14th March Commonwealth Day 1 hour, 17th March St. Patricks Day 2 hours, 23rd April St. Georges Day 1hour, Easter Sunday 1 hour, Easter Monday 1 hour, May Day Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, May Day Bank Holiday Monday 1 hour, F.A. Cup Final Day 1 hour, Spring Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Spring Bank Holiday Monday 1 hour, Summer (August) Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Summer (August) Bank Holiday Monday 1 hour, Halloween 1 hour, Guy Fawkes Night 1 hour, 30th November St. Andrews Day 1 hour, Christmas Eve 2 hours, Boxing Day / St. Stephens Day 2 hours, 27th December 2 hours, 28th December 2 hours, 29th December 2 hours, 30th December 2 hours.

Recorded Music:

Day	Start Time	End Time
Monday	09:00	01:00
Tuesday	09:00	01:00
Wednesday	09:00	01:00
Thursday	09:00	01:00
Friday	09:00	02:00
Saturday	09:00	02:00
Sunday	09:00	01:00

Non standard timings: On the days/dates listed below the additional hours are to be permitted for the licensable activity:- 1st January New Years Day 1 hour, Burns Night 1 hour, 14th February Valentines Night 1 hour, 1st March St. David's Day 1 hour, 14th March Commonwealth Day 1 hour, 17th March St. Patricks Day 2 hours, 23rd April St. Georges Day 1hour, Easter Sunday 1 hour, Easter Monday 1 hour, May Day Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, May Day Bank Holiday Monday 1 hour, F.A. Cup Final Day 1 hour, Spring Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Spring Bank Holiday Monday 1 hour, Summer (August) Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Summer (August) Bank Holiday Monday 1 hour, Halloween 1 hour, Guy Fawkes Night 1 hour, 30th November St. Andrews Day 1 hour, Christmas Eve 2 hours, Boxing Day / St. Stephens Day 2 hours, 27th December 2 hours, 28th December 2 hours, 29th December 2 hours, 30th December 2 hours.

Performances of Dance:

Day	Start Time	End Time
Monday	09:00	01:00
Tuesday	09:00	01:00
Wednesday	09:00	01:00
Thursday	09:00	01:00
Friday	09:00	02:00
Saturday	09:00	02:00
Sunday	09:00	01:00

Non standard timings: On the days/dates listed below the additional hours are to be permitted for the licensable activity:- 1st January New Years Day 1 hour, Burns Night 1 hour, 14th February Valentines Night 1 hour, 1st March St. David's Day 1 hour, 14th March Commonwealth Day 1 hour, 17th March St. Patricks Day 2 hours, 23rd April St. Georges Day 1hour, Easter Sunday 1 hour, Easter Monday 1 hour, May Day Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, May Day Bank Holiday Monday 1 hour, F.A. Cup Final Day 1 hour, Spring Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Spring Bank Holiday Monday 1 hour, Summer (August) Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Summer (August) Bank Holiday Monday 1 hour, Halloween 1 hour, Guy Fawkes Night 1 hour, 30th November St. Andrews Day 1 hour, Christmas Eve 2 hours, Boxing Day / St. Stephens Day 2 hours, 27th December 2 hours, 28th December 2 hours, 29th December 2 hours, 30th December 2 hours.

Anything Similar to Performance of Live/Recorded Music or Dance:

Day	Start Time	End Time
Monday	09:00	01:00
Tuesday	09:00	01:00
Wednesday	09:00	01:00
Thursday	09:00	01:00
Friday	09:00	02:00
Saturday	09:00	02:00
Sunday	09:00	01:00

Non standard timings: On the days/dates listed below the additional hours are to be permitted for the licensable activity:- 1st January New Years Day 1 hour, Burns Night 1 hour, 14th February Valentines Night 1 hour, 1st March St. David's Day 1 hour, 14th March Commonwealth Day 1 hour, 17th March St. Patricks Day 2 hours, 23rd April St. Georges Day 1hour, Easter Sunday 1 hour, Easter Monday 1 hour, May Day Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, May Day Bank Holiday Monday 1 hour, F.A. Cup Final Day 1 hour, Spring Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Spring Bank Holiday Monday 1 hour, Summer (August) Bank Holiday Sunday prior to Bank

Holiday Monday 2 hours, Summer (August) Bank Holiday Monday 1 hour, Halloween 1 hour, Guy Fawkes Night 1 hour, 30th November St. Andrews Day 1 hour, Christmas Eve 2 hours, Boxing Day / St. Stephens Day 2 hours, 27th December 2 hours, 28th December 2 hours, 29th December 2 hours, 30th December 2 hours.

Provision of Entertainment Facilities for Making Music:

Day	Start Time	End Time
Monday	09:00	01:00
Tuesday	09:00	01:00
Wednesday	09:00	01:00
Thursday	09:00	01:00
Friday	09:00	02:00
Saturday	09:00	02:00
Sunday	09:00	01:00

Non standard timings: On the days/dates listed below the additional hours are to be permitted for the licensable activity:- 1st January New Years Day 1 hour, Burns Night 1 hour, 14th February Valentines Night 1 hour, 1st March St. David's Day 1 hour, 14th March Commonwealth Day 1 hour, 17th March St. Patricks Day 2 hours, 23rd April St. Georges Day 1 hour, Easter Sunday 1 hour, Easter Monday 1 hour, May Day Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, May Day Bank Holiday Monday 1 hour, F.A. Cup Final Day 1 hour, Spring Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Spring Bank Holiday Monday 1 hour, Summer (August) Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Summer (August) Bank Holiday Monday 1 hour, Halloween 1 hour, Guy Fawkes Night 1 hour, 30th November St. Andrews Day 1 hour, Christmas Eve 2 hours, Boxing Day / St. Stephens Day 2 hours, 27th December 2 hours, 28th December 2 hours, 29th December 2 hours, 30th December 2 hours.

Provision of Entertainment Facilities for Dancing:

Day	Start Time	End Time
Monday	09:00	01:00
Tuesday	09:00	01:00
Wednesday	09:00	01:00
Thursday	09:00	01:00
Friday	09:00	02:00
Saturday	09:00	02:00
Sunday	09:00	01:00

Non standard timings: On the days/dates listed below the additional hours are to be

permitted for the licensable activity:- 1st January New Years Day 1 hour, Burns Night 1 hour, 14th February Valentines Night 1 hour, 1st March St. David's Day 1 hour, 14th March Commonwealth Day 1 hour, 17th March St. Patricks Day 2 hours, 23rd April St. Georges Day 1hour, Easter Sunday 1 hour, Easter Monday 1 hour, May Day Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, May Day Bank Holiday Monday 1 hour, F.A. Cup Final Day 1 hour, Spring Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Spring Bank Holiday Monday 1 hour, Summer (August) Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Summer (August) Bank Holiday Monday 1 hour, Halloween 1 hour, Guy Fawkes Night 1 hour, 30th November St. Andrews Day 1 hour, Christmas Eve 2 hours, Boxing Day / St. Stephens Day 2 hours, 27th December 2 hours, 28th December 2 hours, 29th December 2 hours, 30th December 2 hours.

<p>Provision of Facilities for Entertainment of a Similar Description to Making Music or Dancing:</p>
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Day	Start Time	End Time
Monday	09:00	01:00
Tuesday	09:00	01:00
Wednesday	09:00	01:00
Thursday	09:00	01:00
Friday	09:00	02:00
Saturday	09:00	02:00
Sunday	09:00	01:00

Non standard timings: On the days/dates listed below the additional hours are to be permitted for the licensable activity:- 1st January New Years Day 1 hour, Burns Night 1 hour, 14th February Valentines Night 1 hour, 1st March St. David's Day 1 hour, 14th March Commonwealth Day 1 hour, 17th March St. Patricks Day 2 hours, 23rd April St. Georges Day 1hour, Easter Sunday 1 hour, Easter Monday 1 hour, May Day Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, May Day Bank Holiday Monday 1 hour, F.A. Cup Final Day 1 hour, Spring Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Spring Bank Holiday Monday 1 hour, Summer (August) Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Summer (August) Bank Holiday Monday 1 hour, Halloween 1 hour, Guy Fawkes Night 1 hour, 30th November St. Andrews Day 1 hour, Christmas Eve 2 hours, Boxing Day / St. Stephens Day 2 hours, 27th December 2 hours, 28th December 2 hours, 29th December 2 hours, 30th December 2 hours.

Supply of Alcohol:

Day	Start Time	End Time
Monday	09:00	01:00
Tuesday	09:00	01:00
Wednesday	09:00	01:00
Thursday	09:00	01:00
Friday	09:00	02:00
Saturday	09:00	02:00
Sunday	09:00	01:00

Non standard timings: On the days/dates listed below the additional hours are to be permitted for the licensable activity:- 1st January New Years Day 1 hour, Burns Night 1 hour, 14th February Valentines Night 1 hour, 1st March St. David's Day 1 hour, 14th March Commonwealth Day 1 hour, 17th March St. Patricks Day 2 hours, 23rd April St. Georges Day 1hour, Easter Sunday 1 hour, Easter Monday 1 hour, May Day Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, May Day Bank Holiday Monday 1 hour, F.A. Cup Final Day 1 hour, Spring Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Spring Bank Holiday Monday 1 hour, Summer (August) Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Summer (August) Bank Holiday Monday 1 hour, Halloween 1 hour, Guy Fawkes Night 1 hour, 30th November St. Andrews Day 1 hour, Christmas Eve 2 hours, Boxing Day / St. Stephens Day 2 hours, 27th December 2 hours, 28th December 2 hours, 29th December 2 hours, 30th December 2 hours.

Whether alcohol is authorised to be supplied on or off the premises: **Both**

The Opening Hours of the Premises:

Day	Start Time	End Time
Monday	09:00	01:30
Tuesday	09:00	01:30
Wednesday	09:00	01:30
Thursday	09:00	01:30
Friday	09:00	02:30
Saturday	09:00	02:30
Sunday	09:00	01:30

Non standard timings: On the days/dates listed below the additional hours are to be permitted for the licensable activity (not including drinking up time):- 1st January New Years Day 1 hour, Burns Night 1 hour, 14th February Valentines Night 1 hour, 1st March St. David's Day 1 hour, 14th March Commonwealth Day 1 hour, 17th March St. Patricks Day 2 hours, 23rd April St. Georges Day 1hour, Easter Sunday 1 hour, Easter Monday 1 hour, May Day Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, May Day Bank Holiday Monday 1 hour, F.A. Cup Final Day 1 hour, Spring Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Spring Bank Holiday Monday 1 hour, Summer (August)

Bank Holiday Sunday prior to Bank Holiday Monday 2 hours, Summer (August) Bank Holiday Monday 1 hour, Halloween 1 hour, Guy Fawkes Night 1 hour, 30th November St. Andrews Day 1 hour, Christmas Eve 2 hours, Boxing Day / St. Stephens Day 2 hours, 27th December 2 hours, 28th December 2 hours, 29th December 2 hours, 30th December 2 hours.

Part 2

Details of Holder of Premises Licence:

Name: First Class Sports Bar Limited
Address: Riverbank House, 1 Putney Bridge Approach, London, SW6 3JD
Registered Address: Riverbank House, 1 Putney Bridge Approach, London, SW6 3JD
Registered Number: 04315650

Details of Designated Premises Supervisor:

Name: Niral Abhay Thakkar
Address: Data Removed
Personal Licence Number: Data Removed
Issuing authority: London Borough of Brent

Annexe 1 - Mandatory Conditions

- (a) No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended.
- (b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (c) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (d) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:-

- (i) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
- drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - drink as much alcohol as possible (whether within a time limit or otherwise);
- (ii) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (iii) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (iv) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
- the outcome of a race, competition or other event or process, or
 - the likelihood of anything occurring or not occurring;

(v) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

(f) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

(g) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

(h) The responsible person shall ensure that-

(i) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- beer or cider: half pint;
- gin, rum, vodka or whisky: 25ml or 35ml; and
- still wine in a glass: 125ml; and

(ii) customers are made aware of the availability of these measures.

(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Embedded Conditions

Annexe 2 - Conditions Consistent With the Operating Schedule

1. The premises shall only be open to members and their guests when licensable activities are taking place.
2. The licensee or his/her deputy shall be a member of, and actively participate in the local pubwatch scheme.
3. All staff shall be trained in respect of relevant licensing law, the implementation of licence conditions, health and safety, first aid, alcohol, and drug awareness and conflict management.
4. Door supervisors of a sufficient number and gender mix, shall be employed from 20:00 hours on any day when the premises are open for the sale of alcohol past 24:00 hours.
5. Customers shall not be permitted to take open glass containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.
6. Closed Circuit Television (CCTV) shall be installed and maintained in accordance with the Association of Chief Police Officers (ACPO) guidance, and all recorded images kept and made available to the Police and the Licensing Authority for 31 days.
7. The total number of people permitted on the premises including staff and performers shall not exceed 75.
8. 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.
9. Promotions that promote irresponsible drinking shall not be permitted.
10. Known troublemakers shall be barred from the premises.
11. Toilets shall be checked every 2 hour(s) for the use of drugs and other illegal activities.
12. The Portman Group proof of age scheme or similar such scheme shall be adopted.
13. Notices clearly explaining the licensee's drugs policy shall be displayed at the entrance and at suitable places through out the premises.
14. Signs alerting customers to theft shall be displayed.
15. A suitable burglar alarm shall be fitted and maintained.
16. The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority.
17. All furniture and soft furnishings shall comply with relevant fire safety standards.
18. A fire detection and warning system together with suitable and sufficient fire extinguishers shall be installed and maintained.

19. A free supply of drinking water shall be made available to customers.
20. Public transport information including night time travel options shall be made available.
21. Notices advertising the number of a local licensed taxi service shall be displayed in a prominent position.
22. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
23. All deliveries shall take place during the normal working day (i.e. 09:00 to 18:00 daily).
24. No person under the age of 16 shall be admitted unless accompanied by a responsible adult.
25. No children shall be permitted on the premises after 21:00 hours

Annexe 3 - Conditions Attached After a Hearing by the Licensing Authority
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None

Annexe 4 - Plans

See attached sheet.

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LICENSING ACT 2003

Application to Review a Premises Licence

Name of Applicant:	Metropolitan Police
Name & Address of Premises:	Variety Food & Wines, 261 High Road London NW10 2RX
Applicants Agent:	N/A

1. Application

The application is for the review of a premises licence held by Mr Sellathurai and Mr Manickam Rajeetharan

2. Grounds for Review

The grounds for review are the prevention of crime and disorder, public safety and the protection of children from harm.

3. Relevant Representations

Representation has been received from PC Nicola McDonald of the Metropolitan Police.

4. Background

These premises licence was transferred from the Magistrates under “grandfather rights” to supply alcohol for consumption OFF the premises with no conditions attached to the licence.

The licence allows the sale of alcohol from 08:00 hours until 23:00 hours Monday to Saturday and from 10:00 to 22:30 hours on Sundays.

The Designated Premises Supervisor is Manickam Rajeetharan.

5. Representations

Representations have been received from the Licensing Authority and Trading Standards

6. When hearing a review the Committee if satisfied that additional measures are required to satisfy the four licensing objectives they may:

- Modify, remove or add conditions
- Exclude one or more of the licensable activities
- Remove the Designated Premises Supervisor
- Suspend the licence for a period not exceeding 3 months
- Revoke the licence

If the Committee find no steps are necessary to meet the licensing objectives they may decide not to take any action or to issue a warning.

6. Associated Papers

- A. Copy of Review Application
- B. Copies of supporting evidence
- C. Copy of Current Licence

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APPLICATION FOR A REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in **block capitals**. In all cases ensure that your answers are inside the boxes and written in **black ink**. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I...Police Constable Nicola McDonald on behalf of the Commissioner of the Metropolitan Police Service..... *[insert name of applicant]* **apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).**

Part 1 – Premises or club premises details

Name and postal address of premises or, if none, ordnance survey map reference or description	
Variety Food & Wine 261 High Road	
Post Town Willesden	Post Code (if known) NW10 2RX
Name of premises licence holder or club holding club premises certificate (if known) Mr Sellathurai PRABAHARAN Mr Manickam RAJEETHARAN	
Number of premises licence or club premises certificate (if known) 161072	

Part 2 - Applicant details

I am

Please tick ✓ Yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)

- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

Please tick ✓ Yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Nicola McDonald PC157QK Brent Licensing Wembley Police Station 603 Harrow Road, Wembley, HA0 2HH
Telephone number (if any) 02087333206
E-mail address (optional) Nicola.mcdonald@met.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|---|
| 1) the prevention of crime and disorder | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | |
| 4) the protection of children from harm | X |

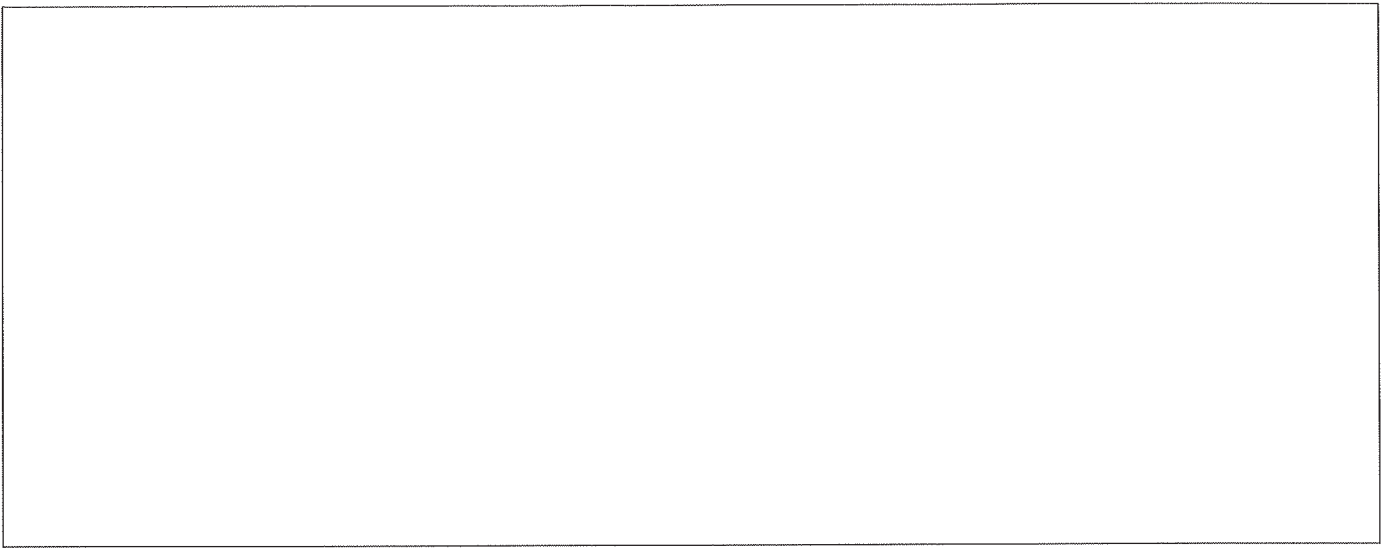
Please state the ground(s) for review (please read guidance note 1)

Variety Food And Wine is currently authorised to supply alcohol for consumption OFF of the premises. The venue has a converted premises licence from 2005 with traditional 'Off' licence permitted hours and no conditions attached.

The premises licence holder and designated premises supervisor are one and the same; Mr. Sellathurai Prabakaran. He holds the premises licence with Mr. Manickam Rajeetharan, he appears to be a silent business partner, someone I have never met or seen at the premises.

Variety Food & Wine is failing to promote three of the licensing objectives, namely the protection of children from harm, prevention of crime and disorder and public safety. Police have no faith in the ability of the management to operate the premises responsibly and therefore wish to bring the matter before the sub-committee for consideration. Police are primarily concerned with under age sales, total disregard of licensing legislation and sales of prohibited items. Police have witnessed much of this and in addition have received complaints from other authorities. Police seek the removal of the DPS who struggles to supervise the venue sufficiently. A period of suspension to enable both intensive licensing legislation training of staff and locate a suitable DPS. Police would request conditions be attached to the premises licence including those highlighted in the action plan, restrictions on sales of high strength beers, lockable shutters for secure storage of alcohol when the premises are still open to the public outside authorised hours, anti-robbery time delay safe, and a clear and unobstructed view in to the shop.

Police feel that these are wholly reasonable, proportionate and appropriate measure to be put in place to promote the licensing objectives



Please provide as much information as possible to support the application (please read guidance note 2)

27th August 2013

Under age test purchase operation carried out by Brent Trading Standards Service in the Brent area. Using two children aged 15 and 13. Children asked to buy alcohol from Variety Food Fairs (High Road Food & Wine Variety Food), 261 High Road, London, NW10 2RX. A child aged 15 was able to purchase 4 cans of Strongbow cider contrary to Section 146 Licensing Act 2003.

The seller was Mrs Vimla Bhowdal, she was the sole member of staff and appeared to have minimal licensing knowledge.

At the same time Trading Standards Officers discovered a large amount of hand rolling tobacco and cigarettes with no health warning displayed.

30th November 2013

At 0045hrs PC Nicola McDonald Brent Police Licensing and Esther Chan Brent Licensing Enforcement Officer visited Variety Food & Wine. There was one lone member of staff working. The designated premises supervisor was not present. There was no written authority from the DPS to sell alcohol. There was no CCTV recording, no incident or refusal book. Whilst the Officers were in the shop two separate drunken males entered the shop and purchased cans of beer contrary to Section 141 of The Licensing Act 2003. In addition other males entered the shop asking to buy single cigarettes. Officers discovered open packets of cigarettes beneath the serving counter. See exhibit photos NM/1, NM/2, NM/3 and NM/4 taken by PC McDonald. The premises licence does not authorise sales of alcohol at 0045 hours, these sales were contrary to section 136 Licensing Act 2003

4th December 2013

The DPS Mr Mr. Sellathurai Prabakaran attended Brent Civic Centre and after a formal discussion with PC McDonald and Ms Chan an Action Plan was produced (see attached)

Actions to be implemented:

. Ensure that the full license is available within the premises for inspection at all times and a summary displayed at the venue. This is a legal requirement.

. Premises Hours of licensable activity

Monday to Saturday 08.00 am to 23.00 hours Sunday 10.00 am to 22.30 hours

. Premises Opening Hours

Monday to Saturday 08.00 am to 23.00 hours Sunday 10.00 am to 22.30 hours

. D.P.S or a personal license holder to be on site when open for business.

The above person shall be responsible for an incident log which shall be kept at the premises, and made available on request to an authorised officer of the 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 incidents of disorder

(e) seizures of drugs or offensive weapons

(f) any faults in the CCTV system or searching equipment or scanning equipment

(g) any refusal of the sale of alcohol

(h) any visit by a relevant authority or emergency service.

.Challenge 21 policy to be adhered to at all times and signage supporting this initiative prominently displayed within the venue.

.D.P.S to keep a record of all staff employed at the venue which is to include names, addresses and national insurance details.

. CCTV

Adequate CCTV will be installed at the venue. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition as well as comprehensive coverage of all outside drinking areas.

Management and permanent staff will be trained in how to use the system.

The system at the venue will have the capability to either download footage on to disc or memory stick.

The footage on the CCTV system will be held for a minimum of 30days before rewriting itself with correct

date and time showing.

. STAFF TRAINING

All staff will undergo training of Licensing Act 2003 legislation, this will be documented and signed for by the DPS giving the training. This training log shall be kept on the premises and made available for inspection by relevant authorities.

Mr Prabakaran was also reminded selling single cigarettes, selling alcohol to drunks offering counterfeit or non duty paid products is illegal and should not be allowed to happen under any circumstance.

Friday 14th June 2014

Premises visited by Brent Police Licensing Officers at 2345 hours. There was one solitary member of staff Mr Thavanesan Prabakaran, he informed Police he is not a personal licence holder. The premises were still open to the public and alcohol was still being sold contrary to Section 136 of the Licensing Act 2003, conducting licensable activities without authority. (See attached Police Statement)

During that visit I identified the following points of the action plan were not being conformed with:

Ensure that the full license is available within the premises for inspection at all times and a summary displayed at the venue. This is a legal requirement.

Hours of licensable activity

Monday to Saturday 08.00 am to 23.00 hours

Opening Hours

Monday to Saturday 08.00 am to 23.00 hours

D.P.S or a personal license holder to be on site when open for business.

18th June 2014

PC McDonald posted a letter to the DPS both home address and shop address (letter attached). The DPS has failed to make contact with PC McDonald in order to view the CCTV and examine staff training records.

Please tick ✓ **Yes**

Have you made an application for review relating to this premises before?

If yes, please state the date of that application

Day

Month

Year

--	--	--	--	--	--	--	--

If you have made representations relating to this premises before, please state what they were and when you made them

Checklist

Please tick ✓ Yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature *WJ PC1570K*

Date *21-8-2014*

Capacity *POLICE CONSTABLE*

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Data Protection: The London Borough of Brent will use this information for the purposes of The Licensing Act 2003 and related purposes. Any member of the public may examine the application form on request. In addition, this information may be disclosed to the Police, The London Fire and Emergency Planning Authority, relevant ward Councillors and other Council departments.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with law enforcement agencies and other bodies responsible for auditing or administering public funds for these purposes.

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Please return the completed form and any accompanying documents to the following address with a copy to the premises licence holder / Club that the application relates to:-

Safer Streets
Brent Council
Brent House
3rd Floor West, 349-357 High Road
Wembley,
Middlesex
HA9 6BZ

☎ 020 8937 5359

Fax: 020 8937 5357

Email: environmentandprotection@brent.gov.uk

Please send copies of your application and any supporting documents to the responsible authorities. Contact details shown below:

Chief Officer of Police
Brent Licensing Department
Wembley Police Station
603 Harrow Road
Wembley
Middlesex
HA0 2HH

Tel: 020 8733 3206

North West Area 1
London Fire Brigade
169 Union Street
London
SE1 0LL

Tel: 020 7587 2778

Trading Standards
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5555

Environmental Health Department
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5252

Children's Services
Brent Council
Chesterfield House
9 Park Lane
Wembley
HA9 7RJ

Tel: 020 8937 4175

Licensing Authority
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5359

Area Planning Service
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5210

Public Safety Team
Brent Council
Brent House
3rd Floor East
349-357 High Road
Wembley, Middlesex
HA9 6BZ

Tel: 020 8937 5359

DAAT
Public Health Directorate
Wembley Centre for Health
and Care
116 Chaplin Road
Wembley
HA0 4UZ

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Witness Statement

CJ Act 1967, s9;

MC Act 1980, ss5A(a) and 5B;

MC Rules 1981, r70;

UPRN:

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Statement of:Esther Chan.....

Age:Over 18.....

Occupation:Licensing Officer.....

This statement (consisting of 1 page each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Dated the:17.09.14.....

Signature: 

I am employed by the London Borough of Brent as a Licensing Officer. My duties include enforcing the Licensing Act 2003. I was on duty with Licensing Police PC Nicola McDonald on Saturday 30th November 2013 carrying out licensing visits. At approximately 00:45 hours, we visited Variety Food Fair, 261 High Road, Willesden, London, NW10 2RX. On entering the premise, I observed one worker known to be Mr Edward Stani of 309A Chapter Road NW2 5ND, DOB 19/04/66. The licence holder and designated premise supervisor were not present. The premises licence was not displayed. There were no training records nor written authority from the DPS to state that Mr Stani is authorised to sell alcohol. The CCTV was not working. There were no incident records and refusal book on site. During the visit I observed two drunk males entered shop and purchased cans of beer. Three other customers came in asking to buy single cigarettes. I then found an open packet of cigarettes under the serving counter. PC McDonald spoke to a male called Mr Sellathurai Prabaharan, who is one of the licence holders via the telephone. We left the premise and returned to the shop at 0055hrs when Mr Prabaharan had arrived. PC McDonald told Mr Prabaharan he should not be selling alcohol after 2300hrs and explained the contraventions that we had identified.

On Wednesday 4th December 2014 at 10:00hrs, Mr Sellathurai Prabaharan attended Brent Civic Centre to have a formal discussion with PC McDonald and myself. It transpired that the second licence holder and DPS Manickam Rajeetharan is no longer involved with the business. Mr Prabaharan was informed to vary DPS and notify the Council of his change of address, which he confirmed is 45 Orchard Grove, Harrow, HA3 9QR (previous address 238 High Road Willesden NW10 2NX). I gave him all the relevant application forms to Transfer the Premise Licence and Vary DPS. PC McDonald discussed concerns with Mr Prabaharan and ran through incident reports over the years, concerning underage sale, single cigarette sales and highlighted issues from visit from our visit on Saturday 30th November 2013. PC McDonald gave Mr Prabaharan a formal warning and plan of action which was confirmed in writing. I also gave Mr Prabaharan a licensing pack explaining the staff training, age verification policy and statement of authorisation.

Signature:



Signature Witnessed by:



Witness Statement

CJ Act 1967, s9;

MC Act 1980, ss5A(a) and 5B;

MC Rules 1981, r70;

Continuation of Statement of

Page No: of

Signature.....

Signature Witnessed by:.....



Witness Statement

CJ Act 1967, s9;

MC Act 1980, ss5A(a) and 5B;

MC Rules 1981, r70;

Witness Name:LICENSING OFFICER.....

Home Address: ..BRENT CIVIC CENTRE, ENGINEERS WAY,WEMBLEY, HA9 0FJ

Telephone No: *Home* :.....*Business:*02089375303.....

Mobile:.....*E-mail:*.....

Female (delete as applicable)

Date of Birth.....

Dates to be avoided. Delete dates of non-availability of witness to attend court.

January

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February

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March

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April

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August

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September

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October

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November

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December

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24 25 26 27 28 29 30 31

STATEMENT TAKEN BY (Print name)ESTHER CHAN.....

Job Title:LICENSING OFFICER.....

Date/Time Statement taken17.09.14@15:00HRS.....

Place statement taken:.....BRENT CIVIC CENTRE.....

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Witness Statement

(C.J.Act 1967 - S.9, M.C. Act 1980 – ss5A(3)(a) and 5B, M.C. Rules 1981 r.70)

Statement of: Winston BROOKS
Age if under 18: Over 18
Occupation: Regulatory Team Leader

This statement (consisting of 4 page(s) signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated 5th September 2014

Signature



I am employed by the London Borough of Brent, Regulatory Services as a Regulatory Team Leader within the Trading Standards division. My duties include investigating alleged offences under the Consumer Protection Act 1987, The Trade Marks Act 1994 and other consumer protection legislation.

5

On 28th August 2013 Trading Standards Officers and child volunteers were conducting a test purchasing exercise and monitoring the sale of age restricted goods to children.

I was accompanied by two Officers from Brent Trading Standards and two school boys one 15 years old and the other 13, to Variety Food Fair, 261 High Road, Willesden, London, NW10 2RX. The time was 14:15PM, the children were instructed to enter the premises and attempt to purchase alcohol. Both children were instructed to tell the truth

Signature



E31 Sept 2003

Continuation of witness statement of : Winston BROOKS

and provide their true ages if asked. The younger child's role was to record the attempted test purchase on a covert recording device.

15

The 15 year old child came out of Variety Food Fair after successfully purchasing a 4 pack of Strongbow cider. Next, I entered the premises accompanied by another Trading Standards Officer, produced our warrant card and explained that a sale of alcohol to someone under the age of 18 had just taken place. We spoke with the only person in the shop, standing behind the sales counter. This person is now known to me as Vilma Dhowtal, a sales assistant who had only been working at the premises for 3 days. Mrs Dhowtal provided her personal details and claimed she thought the boy was over 18.

20

At around 14:20PM the business owner, designated premises supervisor and premise licence holder arrived. This person is now known to me as Sellathurai Prabakaran. I explained that alcohol had just been supplied by Vimla Dhowtal to someone under the age of 18 and as such possible offences under Section 146 (1) of the Licensing Act 2003 may have been committed.

25

30

An inspection of under the sales counter, revealed packets of non UK duty paid cigarettes and hand rolling tobacco, a number of which did not contain UK statutory health warnings. 20 packets of cigarettes and 15 packets of hand rolling tobacco were seized, which did not comply with the labelling requirements as specified in regulation 14 (1) of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002, contrary to section 12(1) of the Consumer Protection Act 1987. We left the premises at around 15:15PM.

35

Signature



E31 Sept 2003

Continuation of witness statement of : Winston BROOKS

As part of my investigation Vilma Dhowtal and Sellathurai Prabaharan were later formally interviewed. It transpired from these interviews that Mrs Dhowtal's training was woefully inadequate, consisting only of being verbally told not to sell alcohol to underage, intoxicated persons, prostitutes and Police Officer's in uniform. I doubt very much she understood entirely what the training was about, as her interpretation of underage was "little boys".

45 The only evidence of training on underage sales was provided by Mr Prabaharan at his formal interview and confirmed by Mrs Dhowtal at hers. This was an A4 book called 'Staff Training Book' with a statement signed by Mrs Dhowtal on 26/08/2013 which states: "*I have completed my off-license, E-pay, card processing training. I understand the rules and regulations of the business.*"

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Mrs Dhowtal confirmed at interview that Mr Prabaharan told her to write this statement because he struggled to write in English. Mrs Dhowtal also explained that she would have written anything Mr Prabaharan had told her to write. In my view, this does not equate to staff training on the laws relating to the sale of age restricted goods.

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On 18th February 2014 Sellathurai Prabaharan was summonsed to appear before Willesden Magistrates Court, where he pleaded guilty to selling 4 cans of Strongbow cider to a 15 year old schoolboy. Mr Prabaharan also admitted having in his possession 20 packets of cigarettes and 15 packets of hand rolling tobacco, none of which had the statutory health warnings on their packaging. Mr Prabaharan was fined £300 for each offence and was ordered to pay a further £840 in prosecution costs to the London Boroughs of Brent & Harrow Trading Standards Service. He was also ordered to pay a £30 victim surcharge.

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Signature



E31 Sept 2003

Continuation of witness statement of : Winston BROOKS

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Mr Sellathurai Prabakaran of 261 High Road, Willesden NW10 2RX is known to Trading Standards and after interrogating our computerised databases, it reveals that Mr Prabakaran signed a 'Simple Caution' on 25th July 2011 for offences contrary to Sections 92(1)(b) and (c) of the Trade Marks Act 1994.

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The Simple Caution relates to the following. On 11th February 2011, Trading Standards Officers inspected his business and discovered 10 counterfeit bottles of Smirnoff Red Vodka. These items were seized and when Officers returned to 261 High Road, Willesden NW10 2RX on 30th March 2011, an undercover Trading Standards Officer was able to purchase a counterfeit bottle of Jacobs Creek wine. Officers then searched the premises and found 5 more bottles of counterfeit Jacobs Creek wine.

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80

Signature

A handwritten signature in black ink, appearing to be 'W. Brooks', written on a light-colored background.



Brent and Harrow Trading Standards Service
 WORKING IN PARTNERSHIP

N. S. Bilon
 Head of Service
Brent & Harrow Trading Standards Service
 Quality House, 249 Willesden Lane
 London, NW2 5JH
 TEL 020 8937 5555
 FAX 020 8937 5544
 EMAIL trading.standards@brent.gov.uk
 WEB www.tradingstandards.gov/brent&harrow

SIMPLE CAUTION

CASE REFERENCE: 21/11

OFFENDER'S NAME AND ADDRESS: Mr Sellathurai Prabaharan
 238a High Road, Willesden NW10 2NX

DATE AND PLACE OF BIRTH: 09/03/73 Sri Lanka

DATE OF INFRINGEMENT: 11/2/11 and 30/3/11

PLACE OF INFRINGEMENT: High Road Food & Wine, 261 High Road, Willesden NW10 2RX

BRIEF CIRCUMSTANCES: On 11th February 2011, Trading Standards Officers inspected your business premises 'High Road Food and Wine', located at the above mentioned address. The Officers discovered in your possession for the purposes of supply, 10 counterfeit bottles of Smirnoff Red Vodka bearing signs identical to or likely to be mistaken for the registered trade mark of Diageo Plc.

Officers returned to the same address on 30th March 2011, where your employee did with a view to gain for yourself or another and without the consent of the trade mark owner, sold a counterfeit bottle of Jacobs Creek wine bearing a sign identical to or likely to be mistaken for the registered trade mark of, Pernod Ricard UK.

Officers then found in your possession for the purposes of supply, 5 bottles of counterfeit Jacobs Creek wine bearing signs identical to or likely to be mistaken for the registered trade mark of, Pernod Ricard UK.

The above circumstances constitute offences contrary to Sections 92(1)(b) and (c) of the Trade Marks Act 1994.

DECLARATION: I Sellathurai Prabaharan, declare and admit the infringements as described above and agree to accept, a caution in this case. This admission is based on the fact that between 11th February and 30th March 2011, at High Road Food and Wine, I had in my possession for the purposes of supply, 10 bottles of Smirnoff Red Vodka and 6 bottles of Jacobs Creek wine, one of which my employee sold, bearing signs identical to, or likely to be mistaken for registered trade marks contrary to Sections 92(1)(b) and (c) of the Trade Marks Act 1994. I understand that a record of this caution will be kept on file and may influence a decision to implement proceedings in the future. I further understand

Continued Overleaf:

L36 Feb 2000



that this caution may be cited should I be subsequently found guilty of an offence by a court of law.

SIGNED: S. Legg

DATED: 25th July 11

SIGNED ON BEHALF OF BRENT AND HARROW
TRADING STANDARDS SERVICE: Simon Legg

NAME: Simon Legg

TITLE: Assistant Head of Trading Standards



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

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

Mr Sellathurai Prabakaran
Variety Food & Wine
261 High Road
Willesden
NW10 2RX

Wembley Police Station
603 Harrow Road
Wembley
HA0 2HH
Telephone: 020 8733 3206
Mobile 07500959432
Facsimile:
Email:

Nicola.mcdonald @met.police.uk

Licensing-qk@met.police.uk

www.met.police.uk

Your ref:

Our ref:

18th June 2014

Dear Sir

I visited the premises on Friday 14th June 2014 at 2345 hours.

I spoke to the solitary member of staff Mr Thavanesan Prabakaran he told me he is not a personal licence holder. The premises were still open to the public and alcohol was still being sold.

In December 2014 I had a meeting with you at Brent Civic centre to discuss the operation of the shop and an action plan was generated.

During my recent visit I identified the following points of the action plan were not being conformed with:

Ensure that the full license is available within the premises for inspection at all times and a summary displayed at the venue. This is a legal requirement.

Hours of licensable activity

Monday to Saturday 08.00 am to 23.00 hours

Opening Hours

Monday to Saturday 08.00 am to 23.00 hours

D.P.S or a personal license holder to be on site when open for business.

Police request to see the staff training log and the incident log.

Can you please contact me immediately to arrange a time when I can view these logs and discuss this matter further.

Yours sincerely

Nicola McDonald
Licensing Constable 157QK
Brent Police

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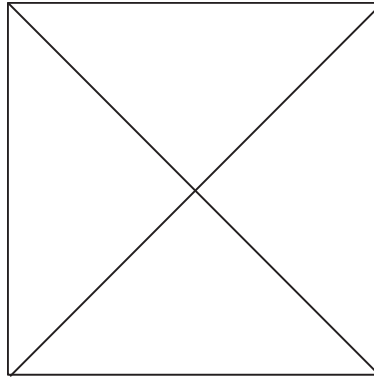
Brent & Kilburn
Times

Fine for Kingsbury man after his shop in Willesden sold alcohol to schoolboy, 15



Variety Food and Wine sold alcohol to an underage schoolboy (pic credit: Google streetview)

Lorraine King, News editor Thursday, February 20, 2014
11:13 AM



A shop owner from Kingsbury has been fined in court after his store in Willesden sold alcohol to an underage schoolboy.

To send a link to this page to a friend, you must be logged in.

Sellathurai Prabakaran, of Orchard Grover, admitted selling the four cans of Strongbow cider to the 15-year-old at Variety Food and Wine in High Road.

The 40-year-old also pleaded guilty to having in his possession 20 packets of cigarettes and 15 packets of hand rolling tobacco, none of which had the statutory health warnings on their packaging.

On Tuesday, Willesden Magistrates Court heard he was snared after officers from Brent and Harrow Trading Standards Service (BHTSS) carried out an undercover operation with a child volunteer last August.

The cashier failed to challenge the youth on his age or ask for ID.

Following the illegal sale, BHTSS searched the shop where they discovered the unlawful tobacco products hidden under a counter at the till.

Prabakaran acknowledged the sale and admitted the cashier had been left alone unsupervised in the shop, despite the fact that it was only her third day working there.

He was fined £300 for each offence and was ordered to pay a further £840 in prosecution costs to BHTSS and a £30 victim surcharge.

Bill Bilon, head of BHTSS, said: “The law rightfully places a heavy burden on retailers to ensure that they and their staff act responsibly in order to comply with legislation and prevent sales to children. Where it is evident that retailers have blatantly ignored their responsibilities, we will have no hesitation in prosecuting them.”

Action Plan

PRO ACTIVE LICENSING UNIT

Venue Name	Variety Foods		
Venue Address	261 High Road	Date	04/12/2013
	Willesden	Borough	Brent
	London	Officer Completing	PC Nicola Mcdonald
Postcode	NW10	DPS/License Holder	Sellathurai Prabaharan

Actions to be implemented

Ensure that the full license is available within the premises for inspection at all times and a summary displayed at the venue. **This is a legal requirement.**

Hours of licensable activity

Monday to Saturday 08.00 am to 23.00 hours

Sunday 10.00 am to 22.30 hours

Opening Hours

Monday to Saturday 08.00 am to 23.00 hours

Sunday 10.00 am to 22.30 hours

D.P.S or a personal license holder to be on site when open for business.

The above person shall be responsible for an incident log which shall be kept at the premises, and made available on request to an authorised officer of the 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 incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

Challenge 21 policy to be adhered to at all times and signage supporting this initiative prominently displayed within the venue.

D.P.S to keep a record of all staff employed at the venue which is to include names, addresses and national insurance details.

CCTV :-

Adequate CCTV **will** be installed at the venue. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition as well as comprehensive coverage of all outside drinking areas.

Management and permanent staff will be trained in how to use the system.

The system at the venue will have the capability to either download footage on to disc or memory stick.

The footage on the CCTV system will be held for a minimum of 30days before rewriting itself with correct date and time showing.

STAFF TRAINING

All staff will undergo training of Licensing Act 2003 legislation, this will be documented and signed for by the DPS giving the training. This training log shall be kept on the premises and made available for inspection by relevant authorities.

Selling single cigarettes, selling alcohol to drunks offering counterfeit or non duty paid products is illegal and should not be allowed to happen under any circumstance.

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Environment & Culture Dept
Health, Safety & Licensing Unit
P.O. Box 411, Brent House
349-357 High Road, Wembley
Middlesex HA9 6EP
Telephone: 020 8937 5359
Fax: 020 8937 5357
Email: hsl@brent.gov.uk

London Borough of Brent

Premises Licence

PART A

*This Premises Licence was granted by Brent Council, Licensing Authority for the area of Borough of Brent under the **Licensing Act 2003**.*

Signed.....
Director of Environment and Culture

Date: 6 March 2006

Licence number 161072

Licence start date: 24/11/2005

Part 1 - Premises Details

High Road Food and Wines, 261 High Road, London, NW10 2RX
Telephone: 0208 459 5145

Licensable activities and the times authorised by this licence

Supply of Alcohol:

Day	Start Time	End Time
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00

Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00
Sunday	10:00	22:30

Non standard timings: Good Friday 08.00hrs to 22.30hrs
Christmas Day 12.00hrs to 15.00hrs and 19.00hrs to 22.30hrs

Whether alcohol is authorised to be supplied on or off the premises: **Off**

The Opening Hours of the Premises:

Not Applicable

Part 2

Details of Holder of Premises Licence:

Mr. Sellathurai Prabaharan, [REDACTED]
Mr. Manickam Rajeetharan, [REDACTED]
Telephone: 0208 459 5145

Details of Designated Premises Supervisor:

Name: Manickam Rajeetharan
Address: [REDACTED]
Personal Licence Number: LBHIL0703
Issuing Authority: London Borough of Hillingdon

Annexe 1 - Mandatory Conditions

(a) No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended.

(b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

All persons present on the premises who are required to carry out a security activity must be licensed by the Security Industry Authority.

Embedded Conditions

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Alcohol shall only be sold between the times specified:

On weekdays, other than Christmas Day, between 08:00 and 23:00 hours

On Sundays, other than Christmas Day, between 10:00 and 22:30 hours

On Christmas Day, from 12:00 to 15:00 and 19:00 to 22:30 hours

On Good Friday, between 08:00 and 22:30 hours

Annexe 2 - Conditions Consistent With the Operating Schedule

None

Annexe 3 - Conditions Attached After a Hearing by the Licensing

Authority

None

Annexe 4 - Plans

See attached sheet.