



Alcohol and Entertainment Licensing Sub-Committee

Tuesday 25 February 2020 at 10.00 am

Members Suite - 4th Floor, Brent Civic Centre,
Engineers Way, Wembley, HA9 0FJ

Membership:

Members

Councillors:

Ahmed (Chair)
W Mitchell Murray
Maurice

Substitute Members

Councillors:

Chohan, Hector, Kennelly, Long, McLeish and RS Patel

For further information contact: Devbai Bhanji, Governance Assistant
Tel: 020 8937 6841; Email: devbai.bhanji@brent.gov.uk

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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
 - To which you are appointed by the council;
 - which exercises functions of a public nature;
 - which is directed is to charitable purposes;
 - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
- (b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item	Page
1 Apologies for absence and clarification of alternate members	
2 Declarations of Interests	
Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.	
3 Application for the Review a Premises Licence by Metropolitan Police for the premises known as Woodchurch Filling Station, 242 Church Lane, NW9 8SL, pursuant to the provisions of the Licensing Act 2003	1 - 104
4 Application for the Review a Premises Licence by Metropolitan Police for the premises known as North Wembley News, 129 East Lane, HA9 7PB, pursuant to the provisions of the Licensing Act 2003	105 - 186
5 Application for the Review a Premises Licence by Metropolitan Police for the premises known as Poziomka, 30-32 High Street, NW10 4LX, pursuant to the provisions of the Licensing Act 2003	187 - 278

Date of the next meeting: Date Not Specified



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

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LICENSING ACT 2003

Application for the Review a Premises Licence

Name of Applicant:	Metropolitan Police
Name & Address of Premises:	Woodchurch Filling Station, 242 Church Lane, NW9 8SL
Applicants Agent:	

1. Application

The application is for the review of a premises licence held by Sithamparanathan Kirubendran. The premises are known as Woodchurch Filling Station, 242 Church Lane, NW9 8SL.

2. Grounds for Review

The grounds for review are the Prevention of Crime and Disorder.

3. Relevant Representations

Representations have been received from The Police and Licensing Officers.

4. Background

The premises are currently licensed for the sale of alcohol from 08:00hrs to 00:00hrs Monday to Saturday and 10:00hrs to 00:00hrs Sunday. Opening hours are from 07:00hrs to 00:00hrs Monday to Sunday.

5. Associated Papers

- A. Copy of Review Application
- B. Police Representation
- C. Licensing Representation
- D. OS Map

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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 Sergeant Michael Sullivan on behalf of the Commissioner of the Metropolitan Police Service apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Name and postal address of premises or, if none, ordnance survey map reference or description Premier Party Shop Woodchurch Filling Station 242 Church Lane Kingsbury London	
Post Town Kingsbury	Post Code NW9 8SL
Name of premises licence holder or club holding club premises certificate (if known) MR Kiruendran SITHAMPARANATHAN	
Number of premises licence or club premises certificate (if known) 162050	

Part 2 - Applicant details

I am

Please tick ✓ Yes

- 1) An individual, body or business which is not a responsible authority
(Please read guidance note 1 and complete (A) or (B) below) ☐
- 2) a responsible authority (please complete (C) below) x
- 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 Michael Sullivan PS 238NW Brent Police Licensing Unit Harrow Police Station 74 Northolt Road Harrow HA2 ODN
Telephone number 0208 733 5008
E-mail address Michael.sullivan3@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 | <input type="checkbox"/> |
| 3) The prevention of public nuisance | <input type="checkbox"/> |
| 4) The protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

Premier/Party shop also known as Woodchurch Filling Station is a petrol station interconnected with a party shop, this petrol station is located on Church Lane, Kingsbury which is surrounded by residential dwellings and within close proximity to an industrial area.

The Premises Licence Holder, (PLH) is recorded on the Licence as Mr Kiruendran SITHAMPARANATHAN, and has provided a residential address.

The Designated Premise Supervisor (DPS) is recorded on the licence as Sithamptaranathan KIRUENDRAN, and given his address as Woodchurch Filling Station.

It appears that Mr Kiruendran SITHAMPARANATHAN swaps his first and surname around for different situations, I will refer to him as Mr Kiruendran SITHAMPARANATHAN during my review.

The current premises licence, has nine conditions imbedded in Annex 2, namely:

1 CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.

2 A CCTV camera shall be installed to cover the entrance of the premises

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

4 No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked.

5 An incident log shall be kept at the premises, and made available for inspection on request to an

authorised officer of Brent Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any 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.

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 A clear and unobstructed view into the premises shall be maintained at all times.

8 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.

9 The following crime prevention measures shall be implemented:

A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area
Regular robbery awareness and cash minimisation training shall be given to all staff.

The premises have been continually breaching the majority of the above conditions after being advised and warned by responsible authorities to comply.

Please provide as much information as possible to support the application

In November 2015, an application was made by Mr Kiruendran SITHAMPARANATHAN to vary the premises licence. The application was to extend the supply/sales of alcohol from 0600 to 2400 hours daily. This generated a compliance visit to the premises by the police on the 11th December 2015. During the visit it became apparent that a number of the conditions on the licence were not being complied with, which included the following:

Condition 4 - No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked.

Numerous high strength beers found on display for sale, you were asked to remove them.

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

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any 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.

There was no incident book.

Condition 8 - 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.

There was no lockable grill, screen or cabinet covering the fridge or shelves where alcohol was being stored. This condition was explained to him.

Condition 8 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.

No lockable grills, screens, or cabinet

Condition 9 - The following crime prevention measures shall be implemented:
A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area:
Regular robbery awareness and cash minimisation training shall be given to all staff.

At the time of my visit there was a key safe located under the floor behind the counter. Mr Kiruendran SITHAMPARANATHAN was informed that this safe did not meet the condition and advised to replace it.

On the 12th December 2015, a formal letter outlining the breaches was served to Mr Kiruendran SITHAMPARANATHAN.

I exhibit this letter as MJS/01

On the 21st January 2016, a hearing was held at Brent Civic Centre for the variation application to be heard. As mention the application was for the opening hours of the premises to be extended from 06:00hrs to 24:00hrs Monday to Sunday and the sale of alcohol to be from 06:00 to 24:00 Monday to Sunday.

The Police objected to the application raising concerns about the following licensing objective: prevention of public nuisance. The Police informed the Sub Committee that the reason why Mr Kiruendran SITHAMPARANATHAN wishes to extend his operating hours is to 'catch the passing trade of Eastern Europeans' that are either going to or leaving work at the nearby industrial estate, on the basis that he is losing out to other local shops who sell alcohol to these males, which demonstrated a total lack of awareness that Brent is a controlled drinking zone. The Police stated that Mr Kirubendran has not considered the potential implications to the local community of street drinkers that will congregate to consume beers at the end of their shifts or even more worryingly males drinking alcohol before the start of their working day.

The Police told the Sub Committee that there is a problem with street drinkers in the area and that if the application is granted there is a risk that this would promote street drinking. The Police were of the view that the application had not been well thought out, was purely profit driven and that there was no evidence before the Sub Committee as to how Mr Kiruendran SITHAMPARANATHAN intended to promote the licensing objectives.

The Police further informed the Sub Committee that upon visiting the premises on 11th December 2015, there were a number of breaches to the licence conditions, namely: alcohol screen not lockable, no time delay safe, no incident book and a number of high strength beers were on display which Mr Kirubendran subsequently removed from the fridge.

The Sub-Committee decided to grant the application in part. They did not agree to extend the opening hours from 6am.but did agree to extend the terminal hour for the sale of alcohol to midnight Monday to Sunday and that the change of hours be incorporated into the new licence. All the mandatory conditions relating to off sales still apply together with all the Operating conditions in Annexe 2. The terminal hour for the sale of alcohol in the embedded conditions be extended to midnight.

I exhibit the determination notice as MJS/02 and a copy of the updated premise licence as MJS/03

On the 12th April 2018, Miss Esther Chan, Licensing Inspector from Brent Council conducted a licensing visit at the premises, which was followed up by revisit on the 30th April 2018. On both occasions, Miss Chan found numerous breaches to the licence, this indicated that Mr Kiruendran SITHAMPARANATHAN disregarded the warnings issued by the police back in December 2015.

Moreover, a further breach was found, amongst other none compliances that were found in 2015 this condition was that the shops CCTV was not meeting the condition as set out in the operating schedule, the condition reads - 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.

During the visit Mr Kirubendran stated to Miss Chan that the CCTV only recorded for 28 days. Following this visit Miss Chan issued a warning letter to Mr Kiruendran SITHAMPARANATHAN

I exhibit Miss Chan's warning letter dated 1st May 2018 as MJS/04

On the 1st May 2018, Mr Kiruendran SITHAMPARANATHAN was sent a further letter from Miss Esther Chan, regarding the sales of high strength beers, namely Dragon Stout. The letter clearly states that:

No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked with the exception of bottles of imported (Nigerian) Guinness and draft Guinness. As a result Mr Kiruendran SITHAMPARANATHAN was instructed to remove all alcohol labelled 'Dragon Stout with 7.5% ABV' from display and not supply this at any time.

I exhibit Miss Chan's letter dated 1st May 2018 as MJS/05

On the 19th December 2019, sergeant Damien Smith and I conducted a licensing visit at the premises. Mr Kiruendran SITHAMPARANATHAN was present. during our inspection a number of breaches were found:

1. Condition 4 - No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked with the exception of bottles of imported (Nigerian) Guinness and draft Guinness.

Alcohol above 6.0% AVB namely Dragon Stout was being displayed for sale, in the fridge

2. Condition 5 - An incident log shall be kept at the premises, and made available for inspection on request to

an authorised officer of Brent Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any 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

An empty incident book was produced, no incidents recorded.

Mr Kiruendran SITHAMPARANATHAN stated that there had been no incidents at the premises, I asked for the previous incident book, he was not able to provide a copy.

Picture of blank Incident book which I exhibit as MJS/06

3. Condition 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.

There was no part B licence summary being displayed

Condition 7 - a clear and unobstructed view into the premises shall be maintained.

The window had posters covering the lower half of the window, breaching this condition.

Picture of window with posters I exhibit this as MJS/07

4. A check of the fridge and shelves where alcohol was being stored for display for sale was conducted, Condition 8 - 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.

It was noted that there were no locked grills, locked screens, or locked cabinets when I checked the fridge and shelves where alcohol was being exposed for sale.

Picture of shelves storing alcohol with no lockable shutter, grill, or cabinet, I exhibit this as MJS/08 and MJS/09

5. Condition 9 - The following crime prevention measures shall be implemented:

A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area: Regular robbery awareness and cash minimisation training shall be given to all staff.

There was no time delay safe fitted.

Picture of key safe, I exhibit as MJS/10

The above breaches were pointed out to Mr Kiruendran SITHAMPARANATHAN, who was dismissive and stated that last time someone tried to implement the conditions he was given compensation.

I asked Mr Kiruendran SITHAMPARANATHAN why there was no incidents recorded in the incident book, he stated that there had been no incidents at the premises. I later checked the police systems to see if this information provided was correct, and found numerous calls for police to the premises. Police records also showed visits by the council licensing team which had not been recorded in the incident book.

Regarding condition 8 which stipulates that 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. Mr Kiruendran SITHAMPARANATHAN believed that he was complying this condition and pulled down a chiller blind to show me. I pointed out that this was not sufficient, as it was not lockable. I reminded him that he had been warned in the past about failing to comply with this condition.

Mr Kiruendran SITHAMPARANATHAN was asked why the premise licence summary (part B) was not being displayed at the entrance. His explanation was that it had been taken down when a new door was fitted. He was asked when the new door had been fitted. He replied a few years ago.

In accordance with Condition 4 which stipulates that No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked with the exception of bottles of imported (Nigerian) Guinness and draft Guinness, this condition originally caused some confusion as the first draft of the licence did not have the words with the exception of bottles of imported (Nigerian) Guinness and draft Guinness on it. However this was clarified by Miss Chan on the 1st of May 2018 where she informs Mr Kiruendran SITHAMPARANATHAN in a letter that Dragon Stout must be removed as it breaches his licence condition. I observed Dragon Stout in the fridge along with the (Nigerian) Guinness and draft Guinness, but was unaware at that stage that the matter had been resolved and clarified.

I asked to see the time delay safe with deposit slot and anti-fishing mechanisms which must be used at the counter till area. Mr Kiruendran SITHAMPARANATHAN lifted up a hatch behind the counter floor and showed me a key safe. This was the same one that was there during my previous visit back in November 2015. I again explained to him that this did not satisfy the condition on the licence.

I pointed out the condition that reads a clear and unobstructed view into the premises shall be maintained. I then pointed to posters that were covering the front window facing the forecourt and explained that the reason for the condition was that if a robbery was occurring inside the shop, having a clear and unobstructed view might give a passer-by the opportunity to witness what was going on and call police. Mr Kiruendran SITHAMPARANATHAN said he had it to cover the till area.

A notification of alleged offences under the Licensing Act 2003 form was completed outlining the breaches found. Mr Kiruendran SITHAMPARANATHAN was served with a copy of the notice which he refused to sign. This is a Police notice which informs that failure to comply with Licensing Act 2003 is an offence and may result in Police initiating criminal proceedings against the DPS and/or the Premises Licence Holder or be used as evidence to support a review of the premises licence, or to support a closure order under section 20 Criminal Justice and Police Act 2001.

I exhibit a copy of the notice that was served on Mr Kiruendran SITHAMPARANATHAN as MJS/11

On the 3rd January 2020, a follow up visit was conducted by the Police officers to ensure the premises was operating in accordance to the conditions stipulated on the premises.. Regrettably officers identified all the breaches that were identified on the 19th December 2019. During their visit Mr Kiruendran SITHAMPARANATHAN was present and again was dismissive to Police Officers. He stated that he had contacted his agent and was in the process of having the conditions removed from the licence.

To date there has been no application submitted requesting the conditions to be removed.

A statement from PC3302NW Paul SCOTT, outlining the breaches found is attached to the review.

SUMMARY

In November 2015, the DPS/PLH applied to vary the premises licence to extend the hours for the supply and sale of alcohol. During a consultation visit a number of breaches were identified and Mr Kiruendran SITHAMPARANATHAN was advised to address the breaches and comply with his licence conditions. In January 2016 the Sub Committee at a hearing agreed to extend the terminal hour for the sale of alcohol to midnight Monday to Sunday, but also stated that the conditions on the licence would remain in full.

In April 2018 a licensing visit was conducted and it became apparent that none of the previous breaches identified at the beginning of 2016 had been addressed.

Miss Chan again warned the PLH/DPS about the breaches and the consequences if he did not comply.

Further visits in December 2019 and January 2020 have shown that nothing has changed and the premises continue to breach the conditions set out in the licence.

Mr Kiruendran SITHAMPARANATHAN has shown a complete disregard for the conditions on the licence. He has previously stated that he wanted to sell alcohol to Eastern Europeans in the early hours of the morning as they start or finish work, it is clear from that statement that he has no regard for upholding the licensing objectives and sees profit before anything else. He also claims that no incidents have happened at the premises when asked why his incident book has no entries, clearly this is untrue.

He has been warned numerous times about not complying with the conditions on his licence and appears to think he is above the law by dismissing the advice and warnings given to him by both the Police and Licensing Inspector..

It is evident Mr Kiruendran SITHAMPARANATHAN has no intention of adhering to the conditions on his licence and sees them as an inconvenience.

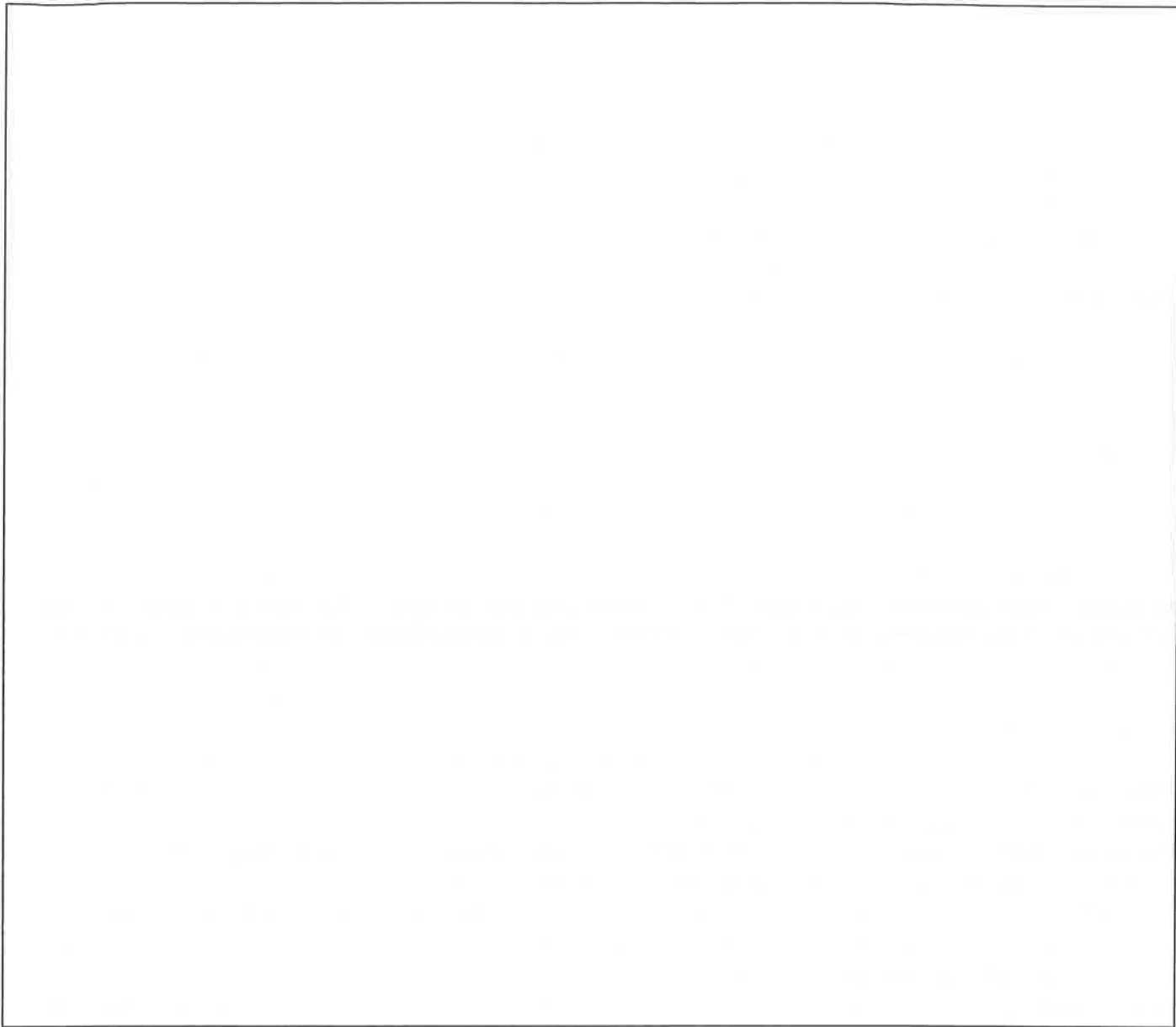
He is not upholding the licensing objectives the Police and licensing authority have exhausted every avenue to help Mr Kiruendran SITHAMPARANATHAN promote the licensing objectives. He has demonstrated that he is not a responsible DPS and PLH.

I have carefully considered the options that are available under this review, I do not believe that a suspension will benefit Mr Kiruendran SITHAMPARANATHAN given the fact that he has had four years to achieve compliance, and demonstrate that he is a fit and proper person to hold a premises licence.

I do not believe that adding any more conditions will benefit Mr Kiruendran SITHAMPARANATHAN, or help upholding the licensing objectives.

I therefore ask the Sub – Committee to consider **revocation** of the licence.

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.



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			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Checklist

- 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

x

- I understand that if I do not comply with the above requirements my application will be rejected

x

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Michael Sullivan PS238NW

Date 8th January 2020.....

Capacity Licensing Sergeant on behalf of the Chief Officer of Police

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
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. Further information can be found at www.brent.gov.uk/privacy

You are providing your information to Brent Council, contact details business.licence@brent.gov.uk. The Council's Data Protection Officer can be contacted via dpo@brent.gov.uk, or 020 8937 1402.

Your information is collected for the purpose of processing your licence application as required to fulfil the council's duties under the following legislation, statutory or contractual requirement or obligation.

Legislation
Licensing Act 2003

Context
For the processing of licensing applications and the prevention of fraud

The information may be shared with the Metropolitan Police, London Fire Brigade and teams within Brent Council, as statutory consultees, the Home Office to ascertain the right to work and HM Revenue and Customs, at their request, to identify potential fraud. The information shall be retained until the licence is surrendered and shall be processed in adherence to your legal rights, including but not limited to the right to withdraw consent, right to copies of your information and right to be forgotten. You have a right to lodge a complaint with the Information Commissioner's Office

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. 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:-

Licensing Department
Brent Council
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

☎ 020 8937 5359

Email: business.licence@brent.gov.uk

Cheques should be crossed and made payable to London Borough of Brent.

Please follow the instructions in the checklist to submit the relevant copies to the responsible authorities. Contact details shown below:

Chief Officer of Police
Brent Licensing Department
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8733 3206

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

Tel: 020 8555 1200 x38778

Trading Standards
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5555

Environmental Health
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5252

Children's Services
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Licensing Authority
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ
Tel: 020 8937 5359

Area Planning Service
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5210

Public Safety Team
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5359

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

Home Office Immigration Enforcement
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY



Territorial Policing

TOTAL POLICING

MJS/01

**QK - Brent Borough
QD - Wembley Police Station**

Mr Kirubendran Sithamparanathan



Wembley Police Station
603 Harrow Road
Wembley
HA0 2HH
Telephone: 0208 733 3206
Facsimile:
Email:
michael.sullivan3@met.pnn.police.uk
www.met.police.uk
Your ref:
Our ref:
12 December 2015

Dear Mr. Sithamparanathan Kirubedran

I am writing this letter in response to my licensing visit to Premier/Party Shop, Wood church Filling Station, Church Lane, London, NW9 8SL, on Friday 11th December 2015, when the venue was open to the public and alcohol was being sold.

My licensing visit was as a result of you putting in an application to vary your Licence, during my visit you were present and we went through the current conditions on your licence.

Condition 4 on the licence reads, No High strength beers, lagers, and ciders above 6.0 % AVB shall be stocked. On checking the shops fridge I found seven high strength beers all above 6.0 % AVB, namely Dragon Stout 7.5% AVB, Spockle 7.0% AVB, Warka Strong 6.5% AVB, Okocim 7.0% AVB, Debowe 7.0% AVB, Perla Mocne 7.6% AVB, and Tatra Mocne 7.0% AVB.

I asked you to remove these beers, which you did.

I then asked to see your Incident Book, Condition 5 of the licence states, 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 complains received, (d) any incidents of disorder, ((e) all seizures of drugs or offensive weapons, (f) ant 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. You spent some time looking for the incident book but was unable to find one, you then produced and handed me a refusal book which had one entry, dated October 2014, it was explained to you that this was not an incident book and that one would need to be started and used immediately.

I then asked you to show me the shops time delay safe, Condition 9 reads, The following crime prevention measures shall be implemented ; A time delay safe with deposit slot and anti fishing mechanisms must be used at the counter till area. You showed me a key safe that was situated under the floor behind the counter area, it was explained to you that this did not meet the condition on your licence.

I then looked at your fridge and shelves that held the alcohol stock, to see if they complied with licence condition number 8, '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'. On checking the fridge and shelves, there was only a pull down screen on the fridge, which was not lockable, I made you aware of the condition and what needed to be done.

I must point out that these breaches amount to an offence under section 136 Licensing Act 2003, namely conducting licensable activities without authority, which carries a fine of up to £20,000 and/or up to 6 months imprisonment.

However, I have taken into account the fact that you removed all the high strength alcohol from the fridge, and that all other conditions will be complied with by the 01/02/2016

As such, please accept this letter as a **formal 'warning'** on this occasion. Please call me on the above telephone number if you would like to discuss this further.

Yours Sincerely,

Michael Sullivan PC 368QK

Brent Police Licensing Officer

London Borough of Brent

Decision of the Alcohol and Entertainment Licensing Sub-Committee (C) following a hearing on 21 January 2016 at Brent Civic Centre, Engineers way, Wembley HA9 0FJ

Application by the premises licence holder to vary a premises licence relating to Woodchurch Filling Station 242 Church Lane Kingsbury NW9 8SL

Members of the Sub-Committee

Councillors Long (Chair); Hylton and McLeish.

The application

The Sub-Committee has given careful consideration to an application by the premises licence holder, under section 34 of the Licensing Act 2003, to vary the premises licence relating to Woodchurch Filling Station 242 Church Lane NW9 8SL by extending the existing hours for the sale of alcohol. Mr Sithamparanathan Kirubendran is the premises licence holder (PLH). The premises are licensed for the sale of alcohol from 08:00hrs to 23:00hrs Monday to Saturday and from 10:00hrs to 22.30hrs Sunday.

The application is for the opening hours of the premises to be from 06:00 to 24:00 Monday to Sunday and the sale of alcohol to be from 06:00 to 24:00 Monday to Sunday.

The police objected to the application raising concerns about the following licensing objective: prevention of public nuisance. The Police informed the Sub Committee that the reason why Mr Kirubendran wishes to extend his operating hours is to 'catch the passing trade of Eastern Europeans' that are either going to or leaving work at the nearby industrial estate, on the basis that he is losing out to other local shops who sell alcohol to these males, which demonstrated a total lack of awareness that Brent is a controlled drinking zone. The Police stated that Mr Kirubendran has not considered the potential implications to the local community of street drinkers that will congregate to consume beers at the end of their shifts or even more worryingly males drinking alcohol before the start of their working day.

The Police told the Sub Committee that there is a problem with street drinkers in the area and that if the application is granted there is a risk that this would promote street drinking. Furthermore Mr Kirubendran was not able to explain what measures he would put in place to deal with this problem over and above not selling alcohol to persons who appeared drunk. The Police were of the view that the application had not been well thought out, was purely profit driven and that there was no evidence before the Sub Committee as to how Mr Kirubendran intended to promote the licensing objectives.

The Police further informed the Sub Committee that upon visiting the premises on 11 December 2015 there were a number of breaches to the licence conditions namely: alcohol screen not lockable, no time delay safe, no incident book and a number of high strength beers were on display which Mr Kirubendran subsequently removed from the fridge. Mr Kirubendran was issued with a formal warning.

The full details of the application made by the premises licence holder as well as the Police objection amongst other information, is contained within the document pack attached to the

Agenda for our meeting. This information is publicly available and is therefore not repeated in detail in our decision notice.

The hearing

Mr Sithamparanathan Kirubendran attended the hearing.

PC Michael Sullivan represented the Police.

The decision

We have listened to all the representations and have read all the material.

We have had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy.

We have taken into account our duty under section 17 of the Crime and Disorder Act 1998 to have due regard to the likely effect of the exercise of our discretion on, and the need to do all we reasonably can, to prevent crime and disorder in our area and the misuse of alcohol.

We confirm that in making our decision we have sought to promote the licensing objectives.

We also confirm that we have imposed further regulation only if satisfied that it was necessary, proportionate and appropriate to do so and justified on the facts of this particular case.

On the facts of this application, it is particularly noteworthy that, according to statutory guidance, we should accept all reasonable and proportionate representations made by the Police unless we have evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the Police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

We found that the evidence submitted by the Police related to sporadic street drinking in the area that was not directly related to the premises.

However, we did have concerns about public safety/protection of children given that the premises is ostensibly a filling station but has large amounts of alcohol on sale. Furthermore, Mr Kirubendran admitted that he sells more alcohol than petrol. The premises is also located near to a Primary School.

During the course of the hearing we heard evidence from Mr Kirubendran. Mr Kirubendran stated that he had been in business since 1999, had never had any complaints about the operation of his business from the public, police local authority or neighbours and that he has known most of his customers for many years since childhood. Mr Kirubendran disputed the evidence in the paperwork from the Police as regards breaches to conditions on his licence on the basis that on the day of their visit in December 2015 they only had a draft version of the licence. At the time the Police inspected the premises, because of a backlog, the licensing team had not been able to issue the licence premises document. This however did not mean that Mr Kirubendran was not required to comply with the conditions of his licence. Mr Kirubendran was clearly taking advantage of his licence in order to lawfully carry

on licensable activities at his premises and was therefore bound to comply with the conditions attached to his licence and which he was aware of. Those conditions remain attached to his licence and are unaffected by our decision to extend the hours of his licence.

We noted that the photographs produced by the Police at pages 49, 51 and 57 of the document pack show vast quantities of alcohol stocks far more than we would expect to see at a petrol station and the photographs on pages 50 and 51 show a tube of plastic cups behind the counter. Mr Kirubendran stated that the plastic cups were available for staff to make tea and coffee because he no longer has a kitchen. It was pointed out to him by the Sub Committee that the coffee machine can be clearly seen from the photograph at page 57 with its own supply of cups attached. Mr Kirubendran went on to inform the Sub Committee that the Police had not presented any evidence to substantiate the allegation that single cups of alcohol were being sold from the premises.

Mr Kirubendran concluded that there were no street drinkers in the vicinity of the filling station and that all the petrol stations in the area have 24 hour licences. Mr Kirubendran also informed the Sub Committee that he is entitled to run his business for profit, that he has business expenses like everyone else and he is not a charity.

We have therefore decided to grant the application in part. We do not agree to extend the opening hours to 6am. We do agree to extend the terminal hour for the sale of alcohol to midnight Monday to Sunday and that the change of hours be incorporated into the new licence. All the mandatory conditions relating to off sales still apply together with all the Operating conditions in Annexe 2. The terminal hour for the sale of alcohol in the embedded conditions be extended to midnight.

Informative

An up to date floor plan is to be submitted. If any subsequent changes are made to the layout of the premises a new floor plan will be submitted.

The effective date of this decision

This decision takes effect immediately.

Right of Appeal

The party has a right of appeal to Brent Magistrates' Court against this decision.

If you wish to appeal you must notify Brent Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

Dated 27 January 2016

MJS103



Brent

REGENERATION AND GROWTH
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.....
Head of Regulatory Services

Date: 16 February 2015

Licence number 162050

Licence start date: 24/11/2005

Part 1 - Premises Details

PREMIER/PARTYSHOP, Woodchurch Filling Station, Church Lane, London, NW9 8SL
Telephone: 020-8905-8327

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:

Day	Start Time	End Time
Monday	07:00	23:00
Tuesday	07:00	23:00
Wednesday	07:00	23:00
Thursday	07:00	23:00
Friday	07:00	23:00
Saturday	07:00	23:00
Sunday	07:00	23:00

Part 2

Details of Holder of Premises Licence:

Name: Kirubendran, Sithamparanathan

Address: [REDACTED]

Email: kiruba@partyocean.com

Details of Designated Premises Supervisor:

Name: Sithamparanathan Kirubendran

Address: 242 Church Lane, Kingsbury, London , NW9 8SL

Personal Licence Number: 148691

Issuing authority: London Borough of Brent

Annexe 1 - Mandatory Conditions

Age Verification Policy

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either?

(a) a holographic mark, or

(b) an ultraviolet feature.

Minimum Price of Alcohol

1. 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.

2. For the purposes of the condition set out in paragraph 1?

(a) —dutyll is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) —permitted price is the price found by applying the formula?

$$P = D + (D \times V)$$

where?

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the

alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) —relevant personll means, in relation to premises in respect of which there is in force a premises licence?

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) —relevant personll means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) —value added taxll means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub- paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (—the first dayll) would be different from the permitted price on the next day (—the second dayll) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Requirement for a DPS

(1) No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended.

Cont.

Embedded Conditions

Mandatory Conditions (Cont)

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
Door Supervisors and Security Staff to be Licensed by the SIA (Only if required)

Where the licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority, with the following exceptions:

- a) premises where the premises licence authorises plays or films
- b) any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 to the Private Security Industry Act 2001 (premises being used exclusively by a club with a club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
- c) any occasion within paragraph 8(3)(d) of Schedule 2 to the Private Security Industry Act 2001

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

1 CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.

2 A CCTV camera shall be installed to cover the entrance of the premises

3 A ?Challenge 21? policy shall be adopted and adhered to.

4 No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked with the exception of bottles of imported (Nigerian) Guinness and draft Guinness.

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

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any 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.

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 A clear and unobstructed view into the premises shall be maintained at all times.

8 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.

9 The following crime prevention measures shall be implemented:

? A time delay safe with deposit slot and anti fishing mechanisms must be used at the counter till area

? Regular robbery awareness and cash minimisation training shall be given to all staff.

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

Annexe 4 - Plans

See attached sheet.

LBB - Premises Licence Licence number 162050

MJS/04



Brent Civic Centre
Engineers Way
Wembley
Middlesex HA9 0FJ

TEL 020 8937 5303

EMAIL esther.chan@brent.gov.uk

WEB www.brent.gov.uk

Mr Sithamparanathan Kirubendran
Woodchurch Filling Station
242 Church Lane
Kingsbury
London
NW9 8SL

1st May 2018

Our Ref: 162050

Dear Mr Kirubendran,

Licensing Act 2003 – Premises Licence

Re: Woodchurch Filling Station, 242 Church Lane, Kingsbury, London, NW9 8SL

I am writing to confirm my visit to the above premise on Thursday 12th April 2018 at 13:45hrs followed by a re-visit on Monday 30th April 2018 at 12:35hrs. During my inspections it became apparent that the following conditions attached to the current premises licence were not being complied with:

Conditions 1 on your Premise Licence:

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.

Action for Conditions 1:

During my visit, you stated that current CCTV records for 28 days. You must ensure CCTV is installed to Home Office Guidance standards and maintained in a good working condition and recordings are kept for 31 days.

Condition 3 on your Premise Licence:

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

Action for Condition 3:

I am aware that you have adopted the 'Challenge 21' age verification/restriction policy; however, I strongly recommend that you display suitable signage advertising your age verification policy in a prominent position for customers to see at all times.

Please take this opportunity to remind your staff regarding the Licensing Act 2003 and in particular the sale of alcohol to underage persons, proxy purchases and selling to drunken people. You must ensure all staff training documents are kept and maintained.

Condition 4 on your Premise Licence:



No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked with the exception of bottles of imported (Nigerian) Guinness and draft Guinness.

Action for Condition 4:

It has been noted that you supply bottles of 'Dragon Stout' which is 7.5% ABV. I will confirm whether you are permitted to supply Dragon Stout once this is verified.

Condition 5 on you Premise Licence:

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.

Action for Condition 5:

During my visit on 30th April 2018, you presented the incident book and confirmed that no records have been documented due to no incidents or refusal of alcohol. In accordance to point (h), you must record any visit by a relevant authority or emergency service. This would include my initial visit on the 12th April 2018.

Condition 6 on the Premise Licence:

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.

Action for Condition 6:

You have not displayed the full summary of Part B of the premise licence at the front entrance and Part A of the current premise licence was not available to see upon request.

You must display the full summary of the licence (Part B) on the front entrance facing outside and ensure the premise licence (Part A) is available for inspection upon request by police officers and authorised officers. *If you require a copy of your licence, you must complete and submit an application for copy of Premises Licence or Summary with a fee of £10.50.*

Condition 8 on the Premise Licence:

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.

Action for Condition 8:

It has been noted that there were no locked grills, locked screens or locked cabinet doors covering the alcohol by the counter. During our discussion, you confirmed the premise is open from 07:00hrs, therefore between 07:00hrs to 08:00hrs, all alcohol must be covered in accordance to the above condition.

Condition 9 on the Premise Licence:

The following crime prevention measures shall be implemented:

- A time delay safe with deposit slot and anti fishing mechanisms must be used at the counter till area
- Regular robbery awareness and cash minimisation training shall be given to all staff.



Action for Condition 9:

The safe behind the counter is not a time delay safe with deposit slot and anti fishing mechanisms must be used at the counter till area. You must ensure the above points are complied with.

Failure to comply with the above conditions may result in the review of your premise licence.

Please do not hesitate to contact me quoting the above reference should you require any further advice or information.

Yours faithfully,



Esther Chan
Licensing Inspector
Planning, Transportation & Licensing

Enc: Application for copy of Premises Licence or Summary



MSS/05



Brent Civic Centre
Engineers Way
Wembley
Middlesex HA9 0FJ

TEL 020 8937 5303

EMAIL esther.chan@brent.gov.uk

WEB www.brent.gov.uk

Mr Sithamparanathan Kirubendran
Woodchurch Filling Station
242 Church Lane
Kingsbury
London
NW9 8SL

1st May 2018

Our Ref: 162050

Dear Mr Kirubendran,

Licensing Act 2003 – Premises Licence

Re: Woodchurch Filling Station, 242 Church Lane, Kingsbury, London, NW9 8SL

Further to my previous letter dated 1st May 2018, I can confirm that you are **not** permitted to supply **Dragon Stout** as it does not comply with condition 4 on your premise licence, which states:

'No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked with the exception of bottles of imported (Nigerian) Guinness and draft Guinness.'

You must remove all alcohol labelled 'Dragon Stout with 7.5% ABV' from display and not supply this at any time.

Please do not hesitate to contact me should you require further clarification.

Yours faithfully,

Esther Chan
Licensing Inspector

1. 1. 1. 1. 1.



MJS/07



MIS/08



MSS 109



MJS/11



Book 694

Police Copy

Notification of alleged offences under the Licensing Act 2003

Venue Name: Woods Lane, Ealing, STA. DOW REF: (CAD/CRIS etc.)
 Address: 242, STURGEON LANE, HAMPSHIRE (MURGO)
LONDON NW1 8SL Date: 17/12/11 Time: 11.10am
 Details of person in charge at the relevant time: MR. SUMANDESH K. SINGH
 DPS ☐ Personal Licence Holder ☒

Summary of alleged offences identified

- ☒ Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- ☐ Section 57 (7) Failure to produce a premises licence or a certified copy.
- ☐ Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- ☐ Section 109 (8) Failure to produce a TEN to a police officer.
- ☐ Section 135 (4) Failure to produce a personal licence to a police officer.
- ☐ Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y ☐ No ☐)
- ☐ Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y ☐ No ☐)
- ☐ Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y ☐ No ☐)
- ☐ Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- ☐ Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- ☐ Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- ☐ Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- ☐ Section 146 (1) Selling alcohol to an individual aged under 18.
- ☐ Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- ☐ Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- ☐ Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:
 * WOODS LANE, EALING - CCTV TO COVER MAINS ENTRANCE
 * MARK INCIDENT BOOK
 * CLEAR & UNOBSTRUCTED VIEW AT ALL TIMES
 * SUMMARY LICENCE MUST BE DISPLAYED BY LANDLORD
 * 1. WOODS LANE, EALING - CCTV TO COVER MAINS ENTRANCE
 * NO TIME DUTY SAFE

Issuing officer: PS. DANIEL SMITH, 2534 Print: PS. DANIEL SMITH, 2534

I acknowledge receipt of this form: (venue) DUOLINZ

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9

URN

Statement of: Paul SCOTT PC 3302NW

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Police Constable

This statement (consisting of 2 page(s) 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 in it anything which I know to be false, or do not believe to be true.

Signature:

(witness)

Date: 04/01/2020

On Friday 3rd January 2020, I was on duty in plain clothes, in company with PS Sullivan and PC Cowley. At around 12.23hrs, I attended Woodchurch Filling Station, 242, Church Lane, Kingsbury, NW9 8SL to carry out a full compliance visit at the venue. Upon entering the venue I walked down an aisle that led me to the fridge where the can of alcohol were stored. I was aware from the licence that there were to be no high strength beers, lagers or ciders above 6.0% to be sold. I immediately saw several bottles of Dragon Stout for sale. These are 7.5% ABV.

At this time I was approached by a male who I now to be as Kirendran SITAMPARANATHAN. I identified myself as a Police officer from the Brent Police Licensing Team and showed him my warrant card. I asked him for his name, which he confirmed and his position within the premises. I explained to Mr SITAMPARANATHAN that I was here to carry out a full compliance visit. I asked him whether his CCTV was recording and for how long it saved for. He explained that he could view this on his mobile 'phone and that it saved for two to three months. I asked him to show me CCTV from 5th December 2019, which he did. This was correct.

I then explained to him that he was not legally allowed to sell high strength beers and that these were in the fridge for sale. Mr SITAMPARANATHAN explained that he was allowed to sell high strength stout, particularly Nigerian Stout. He then produced a licence from 2016 which did state that this was the case. However, it did not state that he could sell Dragon Stout which was clearly for sale on the fridge shelf.

I asked to see a copy of the incident log which should record crimes, complaints etc. He produced a book, but there were no entries made inside. I asked him why there were no entries and he informed me that they never had any crimes or any issues.

I then moved around to the fridge and this was clearly not lockable. There was a plastic type cover that could be pulled down, but this appeared to be a way of keeping drinks cool. Once the cover was pulled down, which Mr SITAMPARANATHAN showed me, I could easily reach through and pull out a can of beer. This was not a screen or grill that could be locked and wasn't even a suitable grill or screen.

When I asked him about a time delay safe, he told me that there was not enough room and that he had a floor safe instead. I spoke to him about robbery awareness and cash minimisation training and he didn't know what I was talking about. A short time later, my self and PC Cowley left the venue.

From my visit, there were clear breaches of the licence at this venue;

No high strength lagers, beers and ciders above 6.0% ABV. Dragon Stout was on sale, 7.5% ABV.

An Incident log had not been completed. One of the entries made should relate to any visit by a relevant authority or emergency service. Police had been at the venue a week before and that entry should at least have been recorded.

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 cabinet doors. A flimsy grey plastic cover was used for this.


RESTRICTED (when complete)

MG11

No time delay safe.

No knowledge of robbery awareness or training.

Signature:

A handwritten signature in black ink, appearing to be "J. J. Jones" or similar, written over the "Signature:" label.

Signature witnessed by:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PS238NW Michael Sullivan** URN:

--	--	--	--

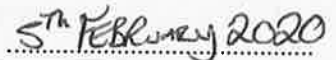
Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Sergeant 220776**

This statement (consisting of: **1**..... pages 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 in it which I know to be false, or do not believe to be true.

Signature:



Date:

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Police Sergeant of 15 years' experience, I am currently attached to the Partnership and Prevention unit for the NW BCU, I have been authorised via a delegated authority to represent the Borough Commander of the London Borough of Brent and for the Commissioner of the Metropolitan Police Service to act on licensing matters. On the 8th January 2020 I Premier Party Shop, Woodchurch Filling Station, 242 Church Lane, Kingsbury NW9 8SL, where I spoke to a male I know to be Mr Kiruendran SITHAMPARANATHAN the Premise Licence Holder and Designated Premises Supervisor for the above premises.

I served him with a copy of my Review papers dated the 8th January 2020, and explained to him what the process was regarding a review, I asked him if he understood to which he replied 'yes'. We also had a brief conversation where Mr Kiruendran SITHAMPARANATHAN stated that his licensing agent was putting in a variation to have the conditions removed from his licence.

I noted that he was still selling Dragon Stout beers, when I point this out he said he was allowed to sell them, and that he had not received a letter from Miss CHAN stating that he could not sell them, I also noted that he was still not displaying the licence summary at the entrance to the shop. After serving him a copy of the review I left the premises.

Signature:



Signature witnessed by:

This page is intentionally left blank

Kirubendran Sithamparanathan
Woodchurch Filling Station
242 Church Lane
London
NW9 8SL

23 Januray 2020

Licensing Representation to the Application for a review for Woodchurch Filling Station, 242 Church Lane, London, NW9 8SL

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

An officer of the Licensing Authority, in whose area the premises are situated, who is authroised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made for a review to a premises licence under section 51 of the Act.

The Licensing Authority representations are primarily concerned with the licensing objective;

- the prevention of crime and disorder

Premises History

Date	Notes	Related Document
22nd April 2013	On 22nd April 2013 following a visit, Licensing Inspector Natasha O'Donoghue sent a letter to the LH requesting that a minor variation application be submitted with the correct plan, because the plan of the premises that had been submitted was not a true reflection of the premises . The deadline for this submission was Friday 24th May 2013.	N/a
23rd May 2014	The LH stated that he submitted a minor variation application on 23rd May 2014, this has never been received by Brent Council. There has been no proof of submission provided neither has there been any proof shown that payment for the application was made.	N/a

25th July 2014	Licensing Inspectors attended the above premises to speak to the licence holder regarding failure to submit a variation application. Licensing officers were aware the LH had been previously visited regarding the requirement to submit an application but that these requests had been ignored. The LH was not available. Staff were asked to remove the alcohol on display as there was no correct permission in place in the form of a valid Premises Licence in order to carry out licensable activities. The LH's wife became available when staff were asked to remove alcohol from display. The Licensing officers explained to the staff and the LH's wife that a full variation as opposed to a minor variation was required based on the changes that had been made to the premises layout but in any case the request to submit a minor variation had been ignored	N/a
26th July 2014	Complaint made about Licensing Inspector's visit. During the inspection staff were resistant in removing any of the alcohol from display even after the Licensing inspectors spoke to the LH's wife. There were clear signals of obstruction where the staff were determined to take as long as possible to remove any of the alcohol. As the LH had not met the previous request of being asked to remove the alcohol and apply for a variation, Licensing officers had no other option other than to expedite the process rather than wait for staff to complete it whilst still serving customers. This was done with the intention to help resolve the issue. The remaining alcohol in the sales area was covered.	N/a
5th August 2014	Decision letter regarding complaint made by Licence Holder regarding licensing visit was sent to the LH. The result determined the complaint was unfounded.	sf001
13th August 2014	Full variation application made to update the layout of the premises	N/a
9th September 2014	The representations in relation to the variation application were sent on behalf of the Licensing Police which included a restriction on any beers, lagers and ciders being sold above 6% ABV.	sf002
12th September 2014	The conditions added by the Licensing Police were accepted by the LH but an additional allowance was made to allow for two beers above 6% ABV: - Imported Nigerian Guinness and Draught Guinness	sf003
12th September 2014	Check Visit by Licensing inspectors relating to variation application. Licensing Police agreed that applicant can supply the remaining high strength beers, lagers and ciders within 2 weeks. Thereafter no high strength can be supplied, which is a condition. Owner not present at time of visit. Spoke to staff member Mr Sathasivam Satkunarajah, who pointed out the high strength beers in fridge and store room. He confirmed there is no more high strength alcohol other than what is inside the premise. Approx 10 cases (x24 cans of high strength beers) in the storeroom and 48 cans in fridge. He initially claimed that it will generally take 1 and half months to complete stock. We told him that the Licensing Police have permitted 2 weeks to complete supply - no more sales can take place after. The premises was to close at 23.00hrs. Mr Satkunarajah and staff member behind till stated they both	N/a

	have personal licences but did not have their PL cards. LMJ raised this matter in her previous visit and reminded staff to ensure that their PL cards are kept with them at all times.	
23rd December 2015	Email exchange between Sgt Mike O'Sullivan, the licence holder and Yogini Patel. The licenceholder disputes the conditions on the licence. Mrs Patel then details what has and has not been agreed which includes two named beers that over 6% and may be stocked. These being Imported Nigerian Guinness and Draught Guinness .	sf004
26th July 2016	Complaint made by Licence Holder's agent relating to various matters.	N/a
9th September 2016	Decision letter regarding complaint made by Licence Holder regarding licensing visit. The complaint was determined as unfounded. No compensation was awarded.	sf005
12th April 2018	Compliance visit to premises. Of the 9 conditions, 7 were not being met. This visit took place with a member of staff <ul style="list-style-type: none"> - CCTV not being kept for 31 days - no evidence of challenge 21 policy being adopted - an additional beer above 6% ABV being kept without permission - the incident book had no entries and visits from relevant authorities were not being entered - the summary licence was not displayed as required - there were no lockable grills, screens or cabinet doors to cover the alcohol between 07.00-08.00hrs - no time delay safe 	N/a
30th April 2018	Compliance visit to premises. Of the 9 conditions, 7 were not being met. This visit took place with the LH. The conditions not being met included: - <ul style="list-style-type: none"> - CCTV not being kept for 31 days - no evidence of challenge 21 policy being adopted - an additional beer above 6% ABV being kept without permission - the incident book had no entries and visits from relevant authorities were not being entered - the summary licence was not displayed as required - there were no lockable grills, screens or cabinet doors to cover the alcohol between 07.00-08.00hrs - no time delay safe 	N/a
1st May 2018	Email with letter attachment to LH to detail conditions on the premises licence that were not being met during the visit on 12th & 30th April 2018.	sf006
1st May 2018	Clarification email from Licensing Police to Licensing Officer to state that the agreed beers above 6% are Imported Nigerian Guinness and Draught Guinness. Dragon Stout 7.5% ABV is a beer produced in Jamaica and therefore should not be displayed.	sf007

1st May 2018	Letter to LH to notify the LH that Dragon Stout 7.5% ABV must NOT be stocked as it is not included in the exempted beers. The only ones that should be on display for sale are Imported Nigerian Guinness and Draught Guinness .	sf008
2nd May 2018	Email from LH to Licensing Inspector to state that an agent will be employed to deal with any issues at the premises.	sf009
9th January 2020	<p>Visit by Licensing Inspector in relation to review submitted by Licensing Police. The LH was present on arrival. Out of the 9 conditions, 5 of them were not being met. This included: -</p> <ul style="list-style-type: none"> - no evidence of challenge 21 policy being adopted - a high strength beer Dragon Stout at 7.5% ABV being displayed for sale - an 8-9 month old incident book which has no entries. No previous incident books available - no lockable grills, screens or cabinet doors to cover alcohol between 07.00hrs-08.00hrs - no time delay safe. <p>Whilst at the premises I asked the LH if he could rewind the CCTV footage to show that the recordings could be accessed up to 31 days prior. The LH holder agreed, so I turned my back to the counter to face the CCTV television monitor to see the footage being rewound. After some time I heard 'helllllooooo' in a very stern, aggressive tone but did not pay attention. I then heard the same again a further two times, at which point I turned to find the LH leaning over the counter with his mobile phone held out towards me indicating that I should look at the phone. I turned to the LH to ask if it was me that he had been talking to in that manner to which he replied, yes and that he didn't know my name. I explained that the words 'excuse me' would have been more appropriate than to address me in such a tone using the word 'helllllllooooo'.</p>	N/a

Summary

The Licensing Authority have consider the application by the Licensing Police to revoke the premises licence be proportionate to their findings and therefore support them in this request. It is clear from the above findings and review application submitted by the Licensing Police that Mr Sithamparanathan has no regard for the licensing laws and has continuously chosen to ignore requests by the police and council officers.

Further to this, Mr Sithamparanathan has chosen to be difficult and confrontational, his position always appearing to be one of defensiveness when there has been no necessity to behave in this way. To date, Mr Sithamparanathan has had ample warnings to rectify the few conditions he has on his premises licence but in not doing so suggests that imposing further conditions or restrictions would make no difference as the likelihood is, these would again be ignored. At this point there does not appear to be any other alternative other than to revoke the premises licence.

Should the Licensing sub-committee not consider revocation to be the appropriate measure, the Licensing Authority would ask that the following conditions be considered: -

Premises Licence Conditions to be Added

The Licensing Authority require the following points to be included in the operating schedule or added as conditions on the premises licence:

1. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.
2. A member of staff shall always be present on the premises whilst they are open who is capable operating the CCTV system and able to facilitate immediate viewing of CCTV footage upon the request of the Police and Authorised Officer of the Licensing Authority.
3. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
4. Regular (every 12 months) documented staff training on licensing legislation and operating procedures shall be given. The training shall be signed and dated and a copy of these training records available for inspection by Police and local authority enforcement officers.
5. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
6. 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.

Premises Licence Conditions to Remain on the premises Licence

- 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.
- No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked with the exception of bottles of imported (Nigerian) Guinness and draft Guinness
- 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.
- A clear and unobstructed view into the premises shall be maintained at all times.
- 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.
- The following crime prevention measures shall be implemented:
 - A time delay safe with deposit slot and anti fishing mechanisms must be used at the counter till area
 - Regular robbery awareness and cash minimisation training shall be given to all staff.

Premises Licence Conditions to be Modified

A CCTV camera shall be installed to cover the entrance to the premises

Shall be modified to

CCTV cameras shall be installed to cover the entrance of the premises, the ENTIRE servery counter, till, the units behind the counter and the fridges/shelves displaying alcohol.

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 crime reported to the venue
- b) Any complaints received in respect of the sale and consumption of alcohol
- c) Any faults in the CCTV system
- d) Any refusal of the sale of alcohol
- e) Any visit by a relevant authority or emergency service.

Shall be modified to

A single 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 crime reported to the venue
- b) Any complaints received in respect of the sale and consumption of alcohol
- c) Any faults in the CCTV system
- d) Any refusal of the sale of alcohol
- e) Any visit by a relevant authority or emergency service.

A 'Challenge 21' policy shall be adopted and adhered to

Shall be modified to

A 'Challenge 25' policy shall be adopted and adhered to

In order for the Licensing Authority to withdraw this representation, it will be necessary for you to confirm that you accept the above removal and additional conditions in writing. I also await your three suggested high strength alcohols you would like to serve.

Yours sincerely



Susana Figueiredo
Licensing Inspector
Regulatory Services

Ref: [REDACTED]

Dear Mr. Kirubendran

Complaint about Regulatory Services

This letter is my decision on your complaint under the Council's complaints procedure.

You complained about officers not providing written prohibition or reasons in relation to the actions taken to prevent alcohol sales at the below premises at Woodchurch Service Station, 242 Church Lane, NW9 8SL. You state that this did not happen during the visit or when you visited the Council offices.

You also asked why the officer now required a full variation, where previously you had been told a minor variation should be submitted.

As advised when we spoke on Monday 4 August 2014 and in my previous email certain elements of your complaint require a more detailed review around officer conduct that you have complained about. However I am able to advise on the issues around your licence and the sale of alcohol.

The inspection of your premises showed officers that the layout of the premises were not in accordance with the approved plans in your application and current licence. No submission for approve either for a full variation or a minor variation has been submitted to the Council. You advised officers that you have submitted a minor variation but you were unable to provide any evidence or fee payment details. There is no record of any application being received by the Council for the changes. Due to the type of changes undertaken a minor variation would have been likely to be rejected at application stage and you would have been advised to make a full variation submission.

A minor variation can only be made if it concerns minor changes to the structure or layout, small adjustments to licensing hours or removal of out of date conditions. In all cases the Council must consider if the changes would impact adversely on one or more of the four licensing objectives. The officer that made the initial suggestion for a minor variation has now left the Council so I cannot establish how they may have come to that conclusion, however based on what we now know a minor variation would not have been the correct route.

In this case the visiting officer concluded that due to new openings, moving of doors, line of sight to alcohol sales area, the introduction of the 'party shop' and restricted access routes, means that one or more of the objective could significantly be adversely affected. Having reviewed the layout against the original plans I agree that a minor variation would not be appropriate and additional conditions may be required, which cannot be added as part of a minor variation.

As the changes have already occurred you are effectively operating without a licence. You stated that as you have a licence with no expiry date you can continue trading and selling alcohol. This is not the case and once you changed your layout without approval your licence ceased to be valid. However if you reverted to the approved layout you could continue to sell alcohol. You do not need a prohibition notice

to prevent sales of alcohol. However if you continued you could be liable to prosecution for not having a licence, which as explained previously could result in a fine of up to £20,000 or six months imprisonment.

Due to the fact that you were displaying and selling alcohol without a licence officers advised you to remove the items from sale. I understand that some items were removed but it was agreed that the sales area could be covered, which was done before the officers left. It is not common practice for officers to help remove items but in this case they advise they did it to expedite the process rather than wait for staff to complete it whilst still serving customers. It would appear this was done with the intention to help resolve the issue.

I hope that my investigation and this letter have resolved your complaint in relation to the licence issues. If you do have any remaining concerns please feel free to contact me to discuss them. If you remain dissatisfied you can ask for a final review of your complaint to be done on behalf of the Council's Chief Executive. You will need to explain in detail why you consider that my response has not resolved your complaint. You should make your request for a review within 8 weeks of the date of this letter and address it to:

Phillip Mears
Complaints Service Manager,
Brent Civic Centre
Engineers Way
Wembley HA9 0FJ
Or complaints.service@brent.gov.uk.

We welcome your views on how we handled your complaint, because it helps us to know whether we have done well and the areas where we need to improve. We have developed an on-line customer survey that is quick and easy to complete. You won't need to give your personal details. You can access the survey over the internet by going to www.brent.gov.uk/complaints.

Yours sincerely

Darren Hale
Regulatory Services Manager
Regulatory Services
darren.hale@brent.gov.uk



Working together for a safer London



**Brent Borough
Licensing Department**

The Licensing Officer
Safer Streets
Brent Civic Centre
Engineers Way
Wembley
HA9 7FJ

Your re

Our ref: [REDACTED]

Wembley Police Station
603 Harrow Road
Wembley
HA0 2HH
Tel: 020 8733 3206

Email:
nicola.mcdonald@met.police.uk
www.met.police.uk

Date: Tuesday 9th Sept 2014

Police Representation to the application to vary the Premises Licence for 'Woodchurch Filling Station' 242 Church Lane, NW9 8SL.

I certify that I have considered the application shown above and I wish to make **representations** that the likely effect of the grant of the application is detrimental to the Licensing Objectives for the reasons indicated below.

I am of the opinion that the risk to the objectives can be mitigated by removing the requested variations or attaching conditions to the Licence as shown below.

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

Officer: Nicola McDonald
PC 157QK Licensing Constable

An officer of the Metropolitan Police, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made to vary the premises licence under section 34 of the act. The Police representations are primarily concerned with crime and disorder.

Police require the following points should be included in the operating schedule or added as conditions on the premises licence.

Personal Licence Holder

The sale of alcohol to drunken people and children is a major cause of concern to police and highlighted in the Governments Alcohol Harm Reduction Strategy. Those who sell alcohol should be fully aware of the legislation and issues around alcohol and should be fully trained to a national standard.

Closed Circuit Television (CCTV)

Good quality CCTV is essential as a deterrent for the prevention of crime and the detection of offenders. It allows for both covert and overt monitoring of the premises. With proper signage, this reassures both staff and clientele, that this is a safe environment where illegal activities are not tolerated.

Closed circuit television cameras and recorders of an agreed image standard will be installed at locations on the premises and in accordance with advice from the Police.

All cameras and recording equipment will be installed and maintained in accordance with Home Office Guidance and the manufacturers instructions and will be fully operational when the premises are open to the public.

Notices shall be displayed at the entrance to the premises, and in prominent positions throughout the premises, advising that CCTV is in operation.

Operating Hours to be displayed on Premises

A notice displaying the opening hours, the type of licensing activity and licence conditions should be clearly displayed and visible to anyone outside the premises. This may be incorporated in the summary of the licence, which must be displayed, or take the form of a separate item.

Likewise the name of the Designated Premises Supervisor (D.P.S.) if required should be similarly displayed.

This will allow the Police and other responsible authorities to readily identify the licence details. Clearly displayed opening hours will also reduce any confusion for customers prior to entering the premises and possible conflict when the premises close/stop selling alcohol.

A Summary of the Premises Licence will be displayed at the public entrance to the premises.

High Strength alcoholic drinks

Street drinkers and drunkenness is a major cause for concern in Brent. Brent Borough is a controlled drinking zone. It is proven that high strength but cheap lagers, beers and cider contribute to the problem. If the premise does not stock these cheap high strength drinks (above 6.0% ABV) then the problem will be lessened or displaced. All Off Licenses in the area will be required to stop stocking these High strength drinks as they vary or come to review.

Security Measures

The following measures are proven to improve the security of your shop premises.

The floor area in front of the counter must be kept clear of any objects that could be used as a step to attack staff. Behind the counter the floor area should be raised 15 centimetres.

The premises must be protected by a monitored Intruder Alarm system including a panic button immediately accessible near the till.

The till/s should be secured from being lifted or moved. There shall be a door where access to the till area begins.

The window of the premises shall be kept clear of signage and advertising.

Spirits, Champagne and other similar valued goods should be displayed behind the counter.

All alcohol within the shop should be displayed within the direct sight of the till operator and not obscured by other shelving etc.

The conditions that Police require to be added to the Premises Licence are listed below:

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 of the premises.

A "Challenge 25" policy shall be adopted and adhered to.

No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked.

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.

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.

A clear and unobstructed view into the premises shall be maintained at all times.

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.

The following crime prevention measures shall be implemented:

- A time delay safe with deposit slot and anti fishing mechanisms must be used at the counter till area
- Regular robbery awareness and cash handling training shall be given to all staff.

Yours Sincerely

Nicola McDonald PC157QK
Licensing Constable
Brent Police

From: Nicola.McDonald@met.pnn.police.uk <Nicola.McDonald@met.pnn.police.uk>
Sent: 16 September 2014 15:12
To: Patel, Yogini <Yogini.Patel@brent.gov.uk>; [REDACTED]
Subject: Woodchurch Filling Station

Dear Yogini

I have spoken to the applicant for this variation today and although he has accepted my request for conditions he has made an oversight around the high strength condition. He would like to be able to sell bottles of imported (Nigerian) Guinness and draught Guinness. Both of these products are more than 6% ABV, however they are premium beers.

Police are happy for the high strength condition to read as in my reps with the exception of those two bottled beers.

I do understand that this case has been completed as there was only Police representations but I think the applicant had made a genuine error in a rush to maintain his licence to sell alcohol.

I await your response.

Regards

Nicola

From: McDonald Nicola - QK
 Sent: 12 September 2014 12:54
 To: [REDACTED]; 'Chan, Esther'; 'Figueiredo, Susana';
 'Miller-Johnson, Lavine'
 Cc: Patel, Yogini; 'business licence'; 'Liquor Licensing'
 Subject: RE: Woodchurch service station

Many thanks for your acceptance email.

Police will not be making any further representation to your application.

Police are happy to allow you a two week period from today to allow you to remove/sell your stock of beers above 6% ABV

This would have to be permitted by the licensing authority.

Regards

Nicola

-----Original Message-----

From: [REDACTED]
 Sent: 12 September 2014 12:48
 To: McDonald Nicola - QK
 Cc: yogini.patel@brent.gov.uk
 Subject: Re: Woodchurch service station

On Fri 12/09/14 12:27 , Nicola.McDonald@met.pnn.police.uk sent:

>

>

> Dear McDonald Nicola

I write to confirm that I have accepted all of your conditions stated in the representation.

Sithamparanathan Kirubendran

Yours Sincer

>

>

>

>

> Dear

> Mr Sithamparanathan KirubendranThe

> sales of high strength beers especially the one you state you would require
 > to sell, Super Skol, Tennants Super and Kestrel Super are the ones consumed
 > predominantly by problem risk streetdrinkers. These drinkers cause numerous problems with anti
 social alcohol
 > related crime and disorder. Brent
 > Alcohol Harm reduction strategy 2014 outlines the above, Brent has a high
 > group of risk drinkers. Police
 > will not remove the High Strength Alcohol condition.
 > Regards Nicola -----Original Message-----From:
 > [REDACTED]
 > Sent:
 > 09 September 2014 16:38 To:
 > McDonald Nicola - QK Subject: Re: Woodchurch Filling
 > Station Dear
 > Madam I
 > write to confirm that I have no objection to comply with all of your
 > conditions, but
 > the High strength alcohol, as I understand that you are
 > consider the
 > 'reduce the strength' condition to be disproportionate to
 > the nature
 > of the application that I understand is only to relocate the
 > sales counter and realignment the entrance doors. 'Reduce
 > the strength' campaigns are
 > supposed to be voluntary but on that voluntary basis have found
 > little success so we find a voluntary scheme becoming
 > arbitrarily imposed onto a premises licence fully. Further I never had any
 > police incident or any violation since I have
 > been granted. I
 > would be grateful if you could reconsider your representation
 > for the High
 > strength alcohol. Yours
 > Faithfully Sithamparanathan
 > Kirubendran On Tue
 > 09/09/14 11:46 , Nicola.McDonald@met.pnn.police.uk
 > sent:>
 > Please find attached Police representations to the application
 > to>
 > vary the premises licence at 242 Church Lane NW9 8SL Nicola
 > McDonald PC>
 > 157QK Brent Police Licensing Brent Civic Centre Engineers Way Wembley
 > HA9>
 > 7FJ 020 8733 3206 07824868710 E-mail
 > nicola.mcdonald@met.police.uk>
 > twitter: @MPSBrent >

From: Patel, Yogini <Yogini.Patel@brent.gov.uk>

Sent: 23 December 2015 09:23

To: [REDACTED]

Cc: Business Licence <business.licence@brent.gov.uk>; michael.j.sullivan <michael.j.sullivan@met.pnn.police.uk>; Legister, Linda <Linda.Legister@brent.gov.uk>; Figueiredo, Susana <Susana.Figueiredo@brent.gov.uk>

Subject: RE: Woodchurch filling station -242 Church Lane NW9 8SL

Dear Mr Kirubendran,

I will clarify the matters for you.

1. There was a conversion application on 13th August 2008. There were no conditions attached to this conversion licence.
2. On 13th August 2014 you applied for a variation to your licence. On 9th September 2014, Nicola McDonald made representations to your application requesting that you agree conditions. Her representation is attached for your reference.
3. On 13th September 2014 you agreed to accept these conditions. The Police also gave you a timeline by which you had to remove high strength alcohol. I have attached your e-mail for your reference.
4. On 16th September 2014 Nicola McDonald sent an e-mail again confirming that you had accepted her conditions but that you be allowed to stock imported (Nigerian) Guinness and draught Guinness. E-mail is attached for your reference.
5. The licence was granted because you accepted the conditions. The conditions you agreed are now part of your licence. You can not ignore these as they are now part of your licence. You can not withdraw this application.
6. On 24th November you applied for a variation to increase your opening hours. The Police have objected to the grant of this licence. You can withdraw this application if you wish.

If you are still unclear about matters then can I suggest that you employ services of the licensing agent or solicitor who can advise you.

Kind regards

Yogini Patel
Senior Regulatory Service Manager
Regulatory Services
(020) 8937 5262
07958 237610
www.brent.gov.uk

From: [REDACTED]

Sent: 22 December 2015 20:42

To: Patel, Yogini; Business Licence; michael.j.sullivan; Legister, Linda

Subject: Re: Woodchurch filling station

Dear Mr Michael Sullivan

Thank you for your email, I would like to inform you that I have sent an email to Yogini today and hopefully she will

get back to you.

Further I have spoken to Mr David Thrall, who is head of Regulatory and has informed me that if the police does not impose any

new conditions to my license during my application for variation can not add any conditions on my old license but the police can review

my license with the committee showing full evidence in order to support their claim and review. If the case succeeds then only can the

police place all the conditions on my license.

However in my case, during the variation, the police officer, Nicola McDonald, only asked me one condition which was remove the high

strength beers - I have highlighted this in the attached file. I also replied, "I write to confirm that I have accepted all of your conditions

stated in the representation".

I hope that my position is clear and for your convenience I have highlighted on the sheet all the necessary points.

Yours Sincerely

Mr S Kirubendran

On 22 December 2015 at 11:15 Michael.J.Sullivan@met.pnn.police.uk wrote:

Dear Mr Sithampanathan

Please find attached a copy of your Licence, along with a warning letter regarding the breaches found on my visit to your shop on the 12/12/2015.

I appreciate that you dispute having these conditions on your licence but this is the current licence that the council have sent me, I have spoken to them and they assure me that this licence is the most current one for your shop.

As you can see from the date on the attached licence these conditions have been in place since 16/02/2015, please can you rectify the breaches by the 01/02/2016

Regards

Michael Sullivan
PC368QK
Brent Licensing Team



Brent

sf005

**Planning, Transport
& Licensing**

Civic Centre
Engineers Way
Middlesex, HA9 0JF

YOUR REF
OUR REF LC/YP/
TEL020 8937 5262

Regeneration & Environment

Mr Sivashankar

[Redacted email address]

5th September 2016

Dear Mr Sivashanka

Re: Complaint regarding the premises licence at Woodchurch Filling Station

I refer to your e-mail dated 26th July 2016 which I have considered carefully. I apologise for not providing a substantive response to your complaint sooner. The complaint concerns various issues spanning a number of years and has therefore taken a considerable amount of time to respond to.

1. You complain that your client's licence was not issued correctly in 2005 as it restricts the hours the premises is open to the public. The licence the council issued was in a form prescribed by the Licensing Act 2003 (the Act) and regulations made under the Act and I would point out that the opening hours of the premises has to be recorded in every premises licence. I am satisfied that the licence was correctly issued in 2005.
2. In any event, I note that no complaint was made by your client at the time and it is too late, 11 years later, for your client to attempt to do so now. Indeed, your client had a statutory right of appeal which he could have exercised but did not do so. In addition, in the intervening period, there have been numerous applications reaffirming the opening hours of the premises. It is clear, therefore, that the restriction on opening hours of the premises is an established feature of the licence and one which your client himself has accepted for all these years.
3. Your client's complaint about events in 2014 have already been dealt with. I would refer you to the Council's response dated 15 August 2014, a copy of which is attached, which clearly stated:

'If you do have any remaining concerns please feel free to contact me to discuss them. If you remain dissatisfied you can ask for a final review of your complaint to be done on behalf of the Council's Chief Executive. You will need to explain in detail why you consider that my response has not resolved your complaint. You should make your request for a review within 8 weeks of the date this letter.....'.

4. Your client did not exercise his right of review in 2014 and any attempt to re-argue this complaint now is clearly out of time.
5. You say you are disappointed that the council did not challenge the representation made by the police in response to your client's application to vary his premises in 2014 because it "would have the effect of altering the whole licence" and that "a variation application does not trigger a general review of the licence". (A new entrance door was introduced)
6. The representation made by the police related to one or more of the licensing objectives and also related to the proposed variation of the premises licence. In accordance with the Act, it was a valid 'relevant representation' which the council was required to accept. The council had no basis in law to challenge it and there was no need to do so.
7. The conditions suggested by the police were freely agreed by your client even after I specifically advised him that if he was not happy he could put his case at a hearing and let members decide. The conditions related to the changes introduced by your client and were targeted at promoting the licensing objectives. By the time your client made his retrospective application to vary his premises licence to regularise the unauthorised changes he had made to the layout of his premises, he had also started to sell party items. Although itself not a licensable activity of course, it was lawful and reasonable for the police to request that additional conditions should be added to the premises licence to safeguard against the risks of selling party items in the same shop as alcohol in order to promote the licensing objective of protecting children from harm.
8. The facts clearly demonstrate that the council acted properly, fairly and lawfully in accordance with its powers and obligations under the Act. Besides, I note once again that your client did not raise any of the complaints at the time and it is too late to do so now.
9. Contrary to all the complaints you make about your client's alleged unfair treatment, the facts point in the other direction as outlined above. In addition, on 12 September 2014 your client confirmed in writing his unqualified acceptance of all the conditions set out in the representation submitted by the police. On that agreed basis, the police withdrew their representation and the application, as per the amended operating schedule, was deemed to be granted. Yet, with the support of the police, I subsequently agreed to relax the high strength alcohol condition to allow the sale of (Nigerian) Guinness and Draught Guinness to assist your client.
10. If anything, what my detailed and fact based review of your client's application shows is that his complaint amounts to no more than an attempt to remove conditions which were lawfully and fairly attached to his licence without complying with the requisite statutory process. Namely, a formal application for a full variation of his premises licence which attracts a fee, which has to be advertised, which gives the responsible authorities and other persons the opportunity to make representations and which, if contested, only the council's Licensing Sub-Committee can determine. In the circumstances, I have no hesitation in rejecting such an attempt for all the reasons I have given.
11. For the same reasons, I would reject your claim for compensation and all other claims as they are misconceived and have no basis in law or fact. In any event, I note that the claims you mention are out of time.

Yogini Patel
Snr Regulatory Service Manager
Brent Council

Susana, Figueiredo

From: Chan, Esther
Sent: 01 May 2018 11:38
To: [REDACTED]
Cc: Business Licence
Subject: Woodchurch Filling Station, 242 Church Lane, Kingsbury, London, NW9 8SL 1.5.18
Attachments: Woodchurch Filling Station, 242 Church Lane, Kingsbury, London, NW9 8SL 1.5.18.pdf; Premises Lost or Stolen Application.pdf

Dear Mr Kirubendran,

Please find attached letter following my visit to the above premise yesterday.

Kind Regards
Esther Chan
Licensing Inspector
Planning, Transportation & Licensing
Brent Council

Tel 0208 937 5303

www.brent.gov.uk

Local Elections will take place on Thursday 3 May, polls open between 7am-10pm. Find your polling station [here](#).



Brent Civic Centre
Engineers Way
Wembley
Middlesex HA9 0FJ

TEL 020 8937 5303

EMAIL esther.chan@brent.gov.uk

WEB www.brent.gov.uk

Mr Sithamparanathan Kirubendran
Woodchurch Filling Station
242 Church Lane
Kingsbury
London
NW9 8SL

1st May 2018

Our Ref: 162050

Dear Mr Kirubendran,

Licensing Act 2003 – Premises Licence

Re: Woodchurch Filling Station, 242 Church Lane, Kingsbury, London, NW9 8SL

I am writing to confirm my visit to the above premise on Thursday 12th April 2018 at 13:45hrs followed by a re-visit on Monday 30th April 2018 at 12:35hrs. During my inspections it became apparent that the following conditions attached to the current premises licence were not being complied with:

Conditions 1 on your Premise Licence:

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.

Action for Conditions 1:

During my visit, you stated that current CCTV records for 28 days. You must ensure CCTV is installed to Home Office Guidance standards and maintained in a good working condition and recordings are kept for 31 days.

Condition 3 on your Premise Licence:

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

Action for Condition 3:

I am aware that you have adopted the 'Challenge 21' age verification/restriction policy; however, I strongly recommend that you display suitable signage advertising your age verification policy in a prominent position for customers to see at all times.

Please take this opportunity to remind your staff regarding the Licensing Act 2003 and in particular the sale of alcohol to underage persons, proxy purchases and selling to drunken people. You must ensure all staff training documents are kept and maintained.

Condition 4 on your Premise Licence:

No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked with the exception of bottles of imported (Nigerian) Guinness and draft Guinness.

Action for Condition 4:

It has been noted that you supply bottles of 'Dragon Stout' which is 7.5% ABV. I will confirm whether you are permitted to supply Dragon Stout once this is verified.

Condition 5 on you Premise Licence:

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.

Action for Condition 5:

During my visit on 30th April 2018, you presented the incident book and confirmed that no records have been documented due to no incidents or refusal of alcohol. In accordance to point (h), you must record any visit by a relevant authority or emergency service. This would include my initial visit on the 12th April 2018.

Condition 6 on the Premise Licence:

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.

Action for Condition 6:

You have not displayed the full summary of Part B of the premise licence at the front entrance and Part A of the current premise licence was not available to see upon request.

You must display the full summary of the licence (Part B) on the front entrance facing outside and ensure the premise licence (Part A) is available for inspection upon request by police officers and authorised officers. *If you require a copy of your licence, you must complete and submit an application for copy of Premises Licence or Summary with a fee of £10.50.*

Condition 8 on the Premise Licence:

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.

Action for Condition 8:

It has been noted that there were no locked grills, locked screens or locked cabinet doors covering the alcohol by the counter. During our discussion, you confirmed the premise is open from 07:00hrs, therefore between 07:00hrs to 08:00hrs, all alcohol must be covered in accordance to the above condition.

Condition 9 on the Premise Licence:

The following crime prevention measures shall be implemented:

- A time delay safe with deposit slot and anti fishing mechanisms must be used at the counter till area
- Regular robbery awareness and cash minimisation training shall be given to all staff.

Action for Condition 9:

The safe behind the counter is not a time delay safe with deposit slot and anti fishing mechanisms must be used at the counter till area. You must ensure the above points are complied with.

Failure to comply with the above conditions may result in the review of your premise licence.

Please do not hesitate to contact me quoting the above reference should you require any further advice or information.

Yours faithfully,



Esther Chan
Licensing Inspector
Planning, Transportation & Licensing

Enc: Application for copy of Premises Licence or Summary

Susana, Figueiredo

From: Chan, Esther
Sent: 01 May 2018 13:07
To: 'Licensing-QK@met.pnn.police.uk'
Cc: Patel, Yogini; Business Licence; Figueiredo, Susana
Subject: RE: Woodchurch Filling Station - 242 Church Lane NW9 8SL

Hi Nicola,

Much appreciated for your email.

Kind Regards
Esther Chan
Licensing Inspector
Planning, Transportation & Licensing
Brent Council

Tel: 0208 937 5303

www.brent.gov.uk

From: Nicola.McDonald@met.pnn.police.uk [mailto:Nicola.McDonald@met.pnn.police.uk] **On Behalf Of** Licensing-QK@met.pnn.police.uk
Sent: 01 May 2018 12:15
To: Chan, Esther
Subject: Woodchurch Filling Station - 242 Church Lane NW9 8SL

Hi Esther
Dragon Stout is produced in Jamaica, it is not the same product as draft Guinness or Imported (Nigerian) Guinness.
Nicola

From: Chan, Esther [mailto:Esther.Chan@brent.gov.uk]
Sent: 01 May 2018 10:13
To: Licensing - QK <Licensing-QK@met.pnn.police.uk>; Patel, Yogini <Yogini.Patel@brent.gov.uk>
Subject: Woodchurch Filling Station - 242 Church Lane NW9 8SL

Dear Licensing Police/ Yogini,

I conducted a visit to the above premise yesterday and found bottles of 'Dragon Stout 7.5% abv' displayed in chiller cabinet. In light of the below condition embedded on the Premise Licence and the communication below PC McDonald and the PLH in 2014, what are your thoughts with the sale of Dragon Stout ?

4 No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked with the exception of bottles of imported (Nigerian) Guinness and draft Guinness.

Kind Regards
Esther Chan
Licensing Inspector
Planning, Transportation & Licensing
Brent Council

Tel: 0208 937 5303

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Brent Civic Centre
Engineers Way
Wembley
Middlesex HA9 0FJ

TEL 020 8937 5303

EMAIL esther.chan@brent.gov.uk

WEB www.brent.gov.uk

Mr Sithamparanathan Kirubendran
Woodchurch Filling Station
242 Church Lane
Kingsbury
London
NW9 8SL

1st May 2018

Our Ref: 162050

Dear Mr Kirubendran,

Licensing Act 2003 – Premises Licence

Re: Woodchurch Filling Station, 242 Church Lane, Kingsbury, London, NW9 8SL

Further to my previous letter dated 1st May 2018, I can confirm that you are **not** permitted to supply **Dragon Stout** as it does not comply with condition 4 on your premise licence, which states:

‘No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked with the exception of bottles of imported (Nigerian) Guinness and draft Guinness.’

You must remove all alcohol labelled ‘Dragon Stout with 7.5% ABV’ from display and not supply this at any time.

Please do not hesitate to contact me should you require further clarification.

Yours faithfully,

Esther Chan
Licensing Inspector

Susana, Figueiredo

From: [REDACTED]
Sent: 02 May 2018 13:47
To: Chan, Esther
Cc: Patel, Yogini; Licensing Police; Business Licence; [REDACTED]
Subject: Re: Woodchurch Filling Station, 242 Church Lane, Kingsbury, London, NW9 8SL 1.5.18

Dear Ms Chan

I write to inform you that I have instructed Mr. Sivashankar from compliance direct ltd to resolve any license issue of Woodchurch Service Station.

Kind Regards

P Kirubendran

Page 101

On 01 May 2018 at 14:32 "Chan, Esther" wrote:

Dear Mr Kirubendran,

Please find attached letter regarding the supply of Dragon Stout.

Kind Regards

Sf009

Esther Chan

Licensing Inspector

Planning, Transportation & Licensing

Brent Council

Tel: 0208 937 5303

www.brent.gov.uk

From: Chan, Esther

Sent: 01 May 2018 11:38

To: [REDACTED]

Cc: Business Licence

Subject: Woodchurch Filling Station, 242 Church Lane, Kingsbury, London, NW9 8SL 1.5.18

Dear Mr Kirubendran,

Please find attached letter following my visit to the above premise yesterday.

Kind Regards

Esther Chan

Licensing Inspector

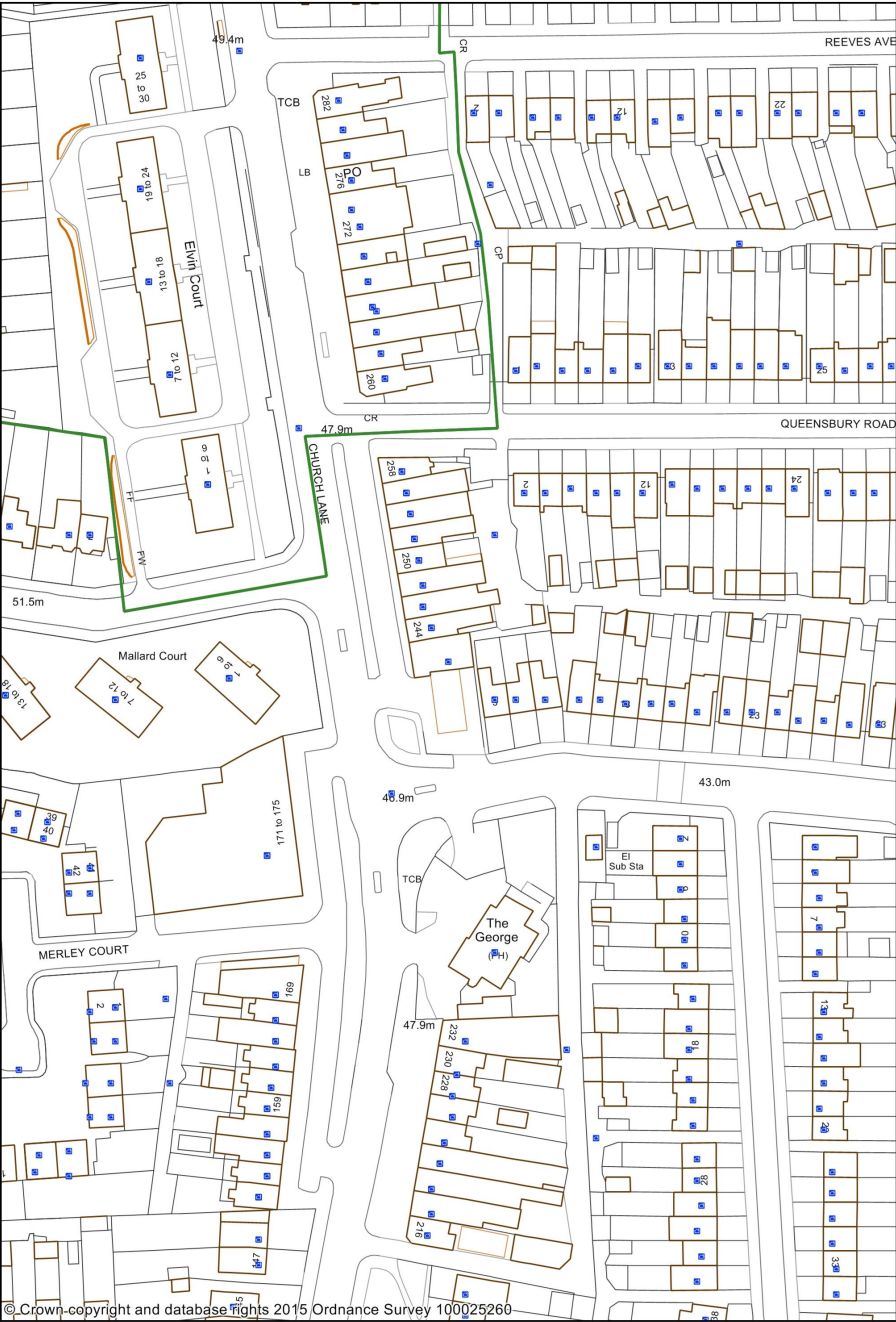
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Woodchurch Filling Station, 242 Church Lane NW9 8SL



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LICENSING ACT 2003

Application for the Review a Premises Licence

Name of Applicant:	Metropolitan Police
Name & Address of Premises:	North Wembley News, 129 East Lane, HA9 7PB
Applicants Agent:	

1. Application

The application is for the review of a premises licence held by VNG Retails Ltd. The premises are known as North Wembley News, 129 East Lane, HA9 7PB.

2. Grounds for Review

The grounds for review are the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance.

3. Relevant Representations

Representations have been received from The Police, Licensing Officers and Trading Standards.

4. Background

The premises are currently licensed for the sale of alcohol and to remain open from 06:00hrs to 00:00hrs Sunday to Thursday and from 06:00hrs to 01:00hrs Friday & Saturday.

5. Associated Papers

- A. Copy of Review Application
- B. Police Representation
- C. Licensing Representation
- D. Trading Standards Representation
- D. OS Map

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APPLICATION FOR A 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 Sergeant Damien Smith on behalf of the Commissioner of the Metropolitan Police Service

Apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description –

North Wembley News
129 East lane
Wembley
London

Post town
London

Post code
HA9 7PB

Name of premises licence holder or club holding club premises certificate –
Mr NAMASIVAYAM THIRUMAL

Gengatharan, Namasivayam

VNG Retails Ltd

Number of premises licence or club premises certificate -

464011

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and 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) **X**

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 ✓ yes

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

Post Code

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

Sergeant Damien Smith 253NW NWCU Police Licensing Unit South Harrow Police Station 74 Northolt Road South Harrow HA2 0DN
Telephone number (if any) 0208 733 5008
E-mail address (optional) Damien.smith@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 | |

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

North Wembley News, 129 East Lane HA9 7PB currently has a premises licence to sell alcohol from 0600 hours every day until Midnight Mon, Tues, Weds, Thurs & Sunday and until 0100 hours on Friday and Saturday. The premises are open to the public between the same hours.

The premises licence holder is a company by the name of VNG Retails Limited, the directors are both PL Holders. Mr Gengatharan NAMASIVAYAM and the DPS Mr Namasivayam THIRUMAL. VNG Retails limited applied to become the premises licence holders on 10th April 2019. Mr Namasivayam THIRUMAL remains the DPS.

The store is situated on a busy road close to residential and industrial units. There have been numerous incidents of crime and ASB in the area – many of which are commonly linked associated to drunkenness reported to Police.

There are 23 Conditions attached to Annex 2 of the premises Licence. Those Conditions are:

- 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 if requested.
- 2 A CCTV camera shall be installed to cover the entrance of the premises made available to police and licensing officers if requested.
- 3 A sign stating “No proof of age, No sale” shall be displayed at the point of sale.
- 4 A “Challenge 21” policy shall be adopted and adhered to.
- 5 A refusal book shall be kept and maintained.
- 6 Promotions that encourage irresponsible drinking shall not be permitted.
- 7 No high strength beers, lagers, and ciders above 5.5% ABV shall be stocked with the exception of premium beers.
- 8 “Raid Control” crime prevention measures shall be installed and all staff given suitable training.
- 9 The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority.
- 10 Signs alerting customers to theft shall be displayed.
- 11 A clear and unobstructed view into the premises shall be maintained at all times.
- 12 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.
- 13 suitable intruder alarm complete with panic button shall be fitted and maintained.
- 14 A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.
- 15 On major event days at Wembley Stadium the following shall apply: - Customers shall not be allowed to congregate outside the premises. - The DPS shall work in partnership with the Police and if necessary comply with any direction given by the most senior Police Officer on duty at the event. - No alcohol or “alcopop” type drinks shall be displayed or sold in glass containers with the exception of wines and spirits.

16 All furniture and soft furnishings shall comply with relevant fire safety standards.

17 A fire detection and warning system together with suitable and sufficient fire extinguishers shall be installed and maintained.

18 Suitable and sufficient firefighting equipment shall be installed and properly maintained.

19 All deliveries shall take place during the normal working day (i.e. 09:0 to 18:00 daily).

20 Advertising, security and access lighting shall be designed, installed and maintained so as not to cause a nuisance to nearby properties.

21 Adequate illumination shall be provided and maintained to the external areas of the premises.

22 Suitable receptacles for rubbish shall be made available outside the premises for customers to use and they shall be emptied regularly to prevent overflow or odours.

23 The licensee shall ensure all public areas within 10 metres of the premises are cleared of litter arising from the premises daily.

On 9th April 2019 Brent Council Trading Standards officers informed their colleagues in Licensing that they had been to North Wembley News and made a seizure of illegal cigarettes and tobacco. While at the venue they recorded the fact that high strength alcohol was on sale in the venue. Condition 7 reads - **No high strength beers, lagers, and ciders above 5.5% ABV shall be stocked with the exception of premium beers.** While at the venue trading standards dealt with a male who identified himself as the owner Mr Gengatharan NAMASIVAYAM and he informed trading standards officers he had taken over the business in **January 2019**. The result and visit details were shared with the Police.

On **12th April 2019** Police were sent an application to transfer the premises licence to VNG Retails Limited, the application was dated the **10th April 2019**.

On **19th December** at 1200 hours, I visited the venue accompanied by Sergeant Mike Sullivan in plain clothes, where we found **14 licensing conditions breached**.

On **7th January 2020** at 1209 Hours Police attended the venue to see if any of the concerns discussed/raised on the 19/12/19 had been addressed. On this visit 11 licensing conditions were found to be breached.

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

Section 136 Licensing Act 2003 ... conducting licensable activities without authority:
The following conditions attached to annex 2 of the premises Licence were not being adhered to:

Condition 7: No high strength beers, lagers, and ciders above 5.5% ABV shall be stocked with the exception of premium beers. This is in relation to a Brent Council Trading Standards officer's visit on 9th April 2019. The owner, Mr Gengatharan NAMASIVAYAM, informed trading standards officers he had taken over the business in January 2019. The result and detail of the visit were shared with the Police.

Condition 14: A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

On 19th December 2019 at 1200 hours, I visited the venue accompanied by Sergeant Mike Sullivan in plain clothes. Both officers identified themselves with warrant cards. There was one male serving and the store was busy. I asked the male his name and requested to see his personal licence. The male was very difficult to communicate with and I am not convinced he understood everything asked of him. He did not produce his licence and made a call on his mobile phone and informed me the owner was coming. I repeatedly requested his Personal Licence and this was not produced.

Condition 7: No high strength beers, lagers, and ciders above 5.5% ABV shall be stocked with the exception of premium beers.

While in the store waiting for the owner, I noticed high strength alcohol (above 5.5% ABV) in the fridge and I estimate the fridge was populated with as many as 8 different brands. **(SEE EXHIBITS DJS/1, DJS/2 and DJS/3).**

Approximately twenty minutes later a male entered the store and immediately spoke to the male behind the counter in a foreign language. The male who came in introduced himself as the owner and produced his personal licence issued by LB Brent bearing the name Mr Gengatharan Namasivayam. I asked him to get the male behind the counter to write his name on a pad for me. The male wrote down Mr Namasivasivayam Jegatheeswaran and his date of birth 8/8/1964. **(SEE EXHIBIT DJS/4).**

As the owner was now present, I continued going through the license with him. I requested a copy of the premises licence, after several attempts of looking under the counter and in a box file this could not be produced. I asked the owner if he knew how many conditions were on the premises licence. He did not know.

Condition 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 if requested. 2 A CCTV camera shall be installed to cover the entrance of the premises made available to police and licensing officers if requested.

I asked the owner if he was the DPS and he said no, my brother is. He provided his brother's details as Mr Namasivayam Thirumal. He told me he lives near the premises and was involved in the running of the premises routinely and there most days. With that in mind, I requested that this be supported by the CCTV to prove the DPS attends the business and carry out his role. I pointed out that Conditions 1 & 2 are CCTV related and that I require footage from the last 31 days to show me when the DPS was in the store and I also requested that the live feed be rewound to show me entering the store. The owner stated the hard drive was situated upstairs. Despite several verbal requests this footage was never shown or produced.

Due to the owner not producing a copy of his licence I accessed a copy on my laptop and systematically went through each of licensing conditions on it.

Condition 3: A sign stating "No proof of age, No sale" shall be displayed at the point of sale. There was no sign displayed at the point of sale, the closest reference to this was a sign

specific to the sale of cigarettes, which was endorsed by a branded tobacco company.

Condition 5: A refusal book shall be kept and maintained. Upon requesting the refusal book for the premises, I was handed a writing pad that had a shopping list recorded on one page without any relevance to a refusal book. The owner and his colleague behind the counter could not produce a record/log.

Condition 8: "Raid Control" crime prevention measures shall be installed and all staff given suitable training. I pointed out to the owner that the visit wasn't going very well and explained the seriousness of not adhering to conditions that appeared on Annex 2 of the licence. I asked the owner if he could explain condition number 8 to me. Mr Namasaviyam did not have any idea what 'raid' was and from his response I doubt he had provided any of the staff the robbery awareness training, as stipulated in condition 8.

Condition 9: The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority. As with the request for a refusals log, I asked the owner to provide me with his Incident log. This could not be produced.

Condition 10: Signs alerting customers to theft shall be displayed. I looked around the store and could not see any signage regarding 'theft'.

Condition 11: A clear and unobstructed view into the premises shall be maintained at all times. I asked the owner to join me outside the shop. Outside the store, I pointed the lack of clear visibility in or out of the store windows. I could not see my colleague, nor Mr Jegatheeswaran or the two customers he had been serving due to the posters on the windows, shelving racks full of products and advertising. **(SEE EXHIBIT DJS/5)** I explained the significance of this condition in relation to preventing crime and disorder. In particular I pointed out that as much as we could not see into the venue, whoever was working could not see outside and if someone was intent on committing a crime in the venue the staff member should be afforded the opportunity to see who was approaching and if necessary allow time to trigger the panic alarm if required. Equally I pointed out that East Lane is a busy road and anyone passing with a clear and unobstructed view could see if anyone was attacking the staff and alert the Police.

Condition 13: suitable intruder alarm complete with panic button shall be fitted and maintained. When asked about an alarm, he nodded and stated "I don't think the Panic button is connected."

Condition 17: A fire detection and warning system together with suitable and sufficient fire extinguishers shall be installed and maintained.

AND

Condition 18: Suitable and sufficient firefighting equipment shall be installed and properly maintained. (SEE EXHIBIT DJS/6).

Back inside the venue, I asked the owner what system did he have installed to warn of fire and he pointed to a single smoke alarm. I asked the owner if he had any fire extinguishers and he got the male behind the counter to move a few items and he lifted an extinguisher covered in dust and displaying a label indicating it was last checked in 2012.

Condition 22: Suitable receptacles for rubbish shall be made available outside the premises for customers to use and they shall be emptied regularly to prevent overflow or odours. I checked outside once again and could not see any bin provided for litter.

I recorded some of my findings of the breaches on a form 694. Such was the extent of breaches, I could not fit them all on the form. This was signed by Mr Jegathaswaran. I explained to him and the owner that the purpose of the form is to notify them that **failure to comply with the Licensing Act 2003 may result in Police initiating criminal proceedings against the DPS, Premises Licence Holder or both. The notification could also be used to support a review of the premises licence pursuant to section 51 of the Licensing Act 2003.**

For closer inspection of the high strength alcohol stored, Police requested access to the store room accessed by a single door to the rear. The owner showed officers into a rear extension

that I would describe as a shed and immediately noticed it was crammed with a large number of boxes of alcohol. I have visited many premises but not seen the amount of alcohol stored in relation to shops of similar size. **(SEE EXHIBITS DJS/7, DJS/8 and DJS/9)**. Upon closer inspection, PS Sullivan noticed a black plastic bag with what appeared to be tobacco inside. The bag was opened in the presence of the owner Mr Namasaviyam. It contained approximately 30 packets of foreign tobacco not displaying any duty paid notice. Mr Namasaviyam became very defensive and mentioned a Chinese man left that there years ago. This was not an answer I expected. PS Sullivan asked the owner if there was any more illegal tobacco or cigarettes in the store. He replied no, but then seemed hesitant and admitted there were more. Trading standards were contacted and they informed police they were able to attend the premises. The off licence is at 129 East Lane approximately 15 minutes away from the Civic centre where trading standards operate from. While in this store room the owner made a significant comment by admitting he purchased bulk alcohol from a white van and not from an approved wholesaler.

While waiting for the trading standards officers to arrive, two large crisp boxes were discovered with sleeves of packaged cigarettes that did not appear to have any UK Duty paid. These cigarettes had deliberately been concealed by loose packets of crisps. **(SEE EXHIBIT DJS/10)** There were a considerable amount of food boxes that had been chewed by rodents and the air smelt strongly of urine and dampness. In the middle of the floor was a bucket and rain water was pouring through the roof section into the bucket. The storage is not what I would expect for products that are for human consumption. **(SEE EXHIBIT DJS/11)**

At this point the owner expressed his concern at making a living and how hard it is. He made reference to other businesses having to do the same thing. Both PS Sullivan and I were quick to remind him that he should be concentrating on his own business model and operation.

Trading standards officers arrived and identified themselves with their ID Cards. Upon examining the tobacco, they confirmed the tobacco and cigarettes were illegal and set about making a seizure of the products. This mirrors their visit in April and it would seem that what they discovered back in April, illegal cigarettes, tobacco and high strength alcohol was still in place and no lessons had been learnt.

While trading standards and the Police were present there was another door at the rear of the store room. It appeared that it would lead into the rear garden. Mr Namasivayam opened the door and it did lead out into the garden. I estimate the garden to be around 70ft long by 24 ft wide. There was a large gate and timber panels all the way around the perimeter. 129 East Lane is the end of the terrace and the rear garden is easily accessible. The owner pointed out it was covered by CCTV. I was astonished to see that all the way along the fence were boxes and boxes of bottled water and alcohol. In the centre of the garden there were large tarpaulins and under the tarpaulin were pallets of alcohol that were stacked a metre high. **(SEE EXHIBITS DJS/12, DJS/13 and DJS/14)**. It is no exaggeration to state that the amount of alcohol stored is excessive and although under cover is exposed to the elements and rodents and vermin that freely roams in that space.

Given the amount of alcohol I am concerned at how the owner proposes to sell that volume via the store he operates. Parked across the gate was a large silver van. I went outside with the owner. The rear tyres of the van were bulging, a clear indicator that the van was loaded with something heavy. The owner contacted the DPS Mr Namasaviyam (His brother) and he came with the keys. He opened the van and it had more cigarettes and alcohol in the van. The DPS had supporting invoices and receipts from DHAMECHA cash and carry for the van's contents.

At this point our visit had come to its conclusion. I handed the owner his copies of the form 694 **(SEE EXHIBIT DJS/15)** and requested he start tackling the issues raised. I asked him to remove all the high strength alcohol from display and to stop selling anything above 5.5% ABV, as per condition number 7.

Police request the premises licence be revoked. This may appear severe, however, it is proportionate when weighed up against the evidence and licence holders flagrant disregard

and lack of understanding of the licensing legislation and his responsibilities. The supply and storage of illicit tobacco products is not only illegal, but has a much larger impact on society and affects the safety of the public. While on the point of Public safety I cannot ignore the state of the fire extinguisher and dread to think what could happen if a fire took hold of the premises. This is a further concern by the way in which rain water is freely pouring through the roof over the storage room by electrical cabling that powers the lighting. The owner resides above the store.

On Tuesday 7th January at around 1209 Hours Police attended the premises to see if the management had acted upon the concerns raised during the 19th December 2019 visit.

Equipped with a copy of the premises Licence PS Smith 253NW introduced himself and colleagues to the two males working in the store. Mr Gengatharan Namasivayam came from the rear section while Mr Namasavasivayam Jegatheeswaran was working at the till area as per the last visit. I wished both males a Happy New Year and explained I Was there as a follow up to the last visit.

Mr Namasivayam was able to show me the CCTV from the room upstairs and addressed conditions 1 & 2 on the premises Licence.

At the till area in the store there was no challenge 21 Policy in place and no sign relating to 'no proof of age – no sale in relation to alcohol sales' This breaches **Conditions 3 & 4 of the licence**.

Neither Male could produce a refusals log or an incident log, breaching **conditions 5 & 9**

There was no signage relating to 'THEFT' breaching **condition 10**

Neither Male could explain about RAID Control – or provide any proof of training in robbery awareness, breaching **condition number 8**

Neither male could demonstrate or show the intruder alarm with panic button worked, breaching **condition 13**

In the fridges there were still numerous brands of alcohol available above 5.5% ABV breaching **condition number 7**

There were still posters, adverts and large racking obstructing the view into and out of the store, breaching **condition number 11**

There was no premises licence summary copy available or visible, including licensable hours, breaching **condition number 12**

No new fire equipment was in use or acquired. On the 19th December it was pointed out that the extinguisher had last been checked in November 2011. Today's visit revealed the extinguisher was still there and out of date **breaching condition 17**.

The male working on the till was the same male present on the last visit. It did not appear to officers that he is fluent in English. **This breaches condition number 14**.

On the last visit in December there was no bin outside. The council have a bin literally 12 feet away from the entrance next to the bus stop, this would negate any breach of **condition number 22**.

This visit was captured on body worn video. Footage is available if required.

Both males were advised to obtain the most up to date licence from the council and provided with the contact details for the council team. Both males were informed they must step up and take the matter more seriously. They were advised to immediately remove the high strength

alcohol above 5.5% abv and address all the other matters identified.

Mr Gentharan Namasivayam took officers to the rear store room. There currently are building works being carried out and a new roof will be installed. All the alcohol that was stored in this area has now been moved under covers in the garden. I once again explained that this was far from ideal based on the fact the product is for Human consumption.

Prior to leaving the venue, I pointed out that there were too many breaches of the licence. It transpired the only difference between the visit on the 19th December 2019 and the visit today was that CCTV was accessible and the bin outside, not through any deliberate amendments or attempts by the owners to improve the running of the premises or to adhere to the conditions on annexe 2 of the premises licence.

I informed Mr Gentharan Namasivayam I would be applying for a review of the premises licence with the Local authority. Mr Namasivayam indicated he would appoint a Solicitor to represent him.

I expected better from the owners especially as the conditions breached in December were explained in full to the staff and the sheer seriousness to the conditions being aligned to the licensing objectives. I am still of the opinion that the application for a review is absolutely necessary to ensure public safety, prevent crime and disorder and prevent children from harm. (PS Damien Smith 253NW)

The owners have had sufficient time since April 2019 to amend their attitude and approach to running their store in a legal manner aligned to the licensing objectives. There are 23 conditions on Annex 2 already, 14 of which have been breached and discovered by Police on the visit on the 19th December 2019 and 12 discovered upon the visit on 7th January 2020. By his own words, the Director of VNG Retails Ltd, Mr Gengatharan Namasivayam, manages his premises 'to make money at any costs and ignores important licensing responsibilities that are key to having/running these businesses.

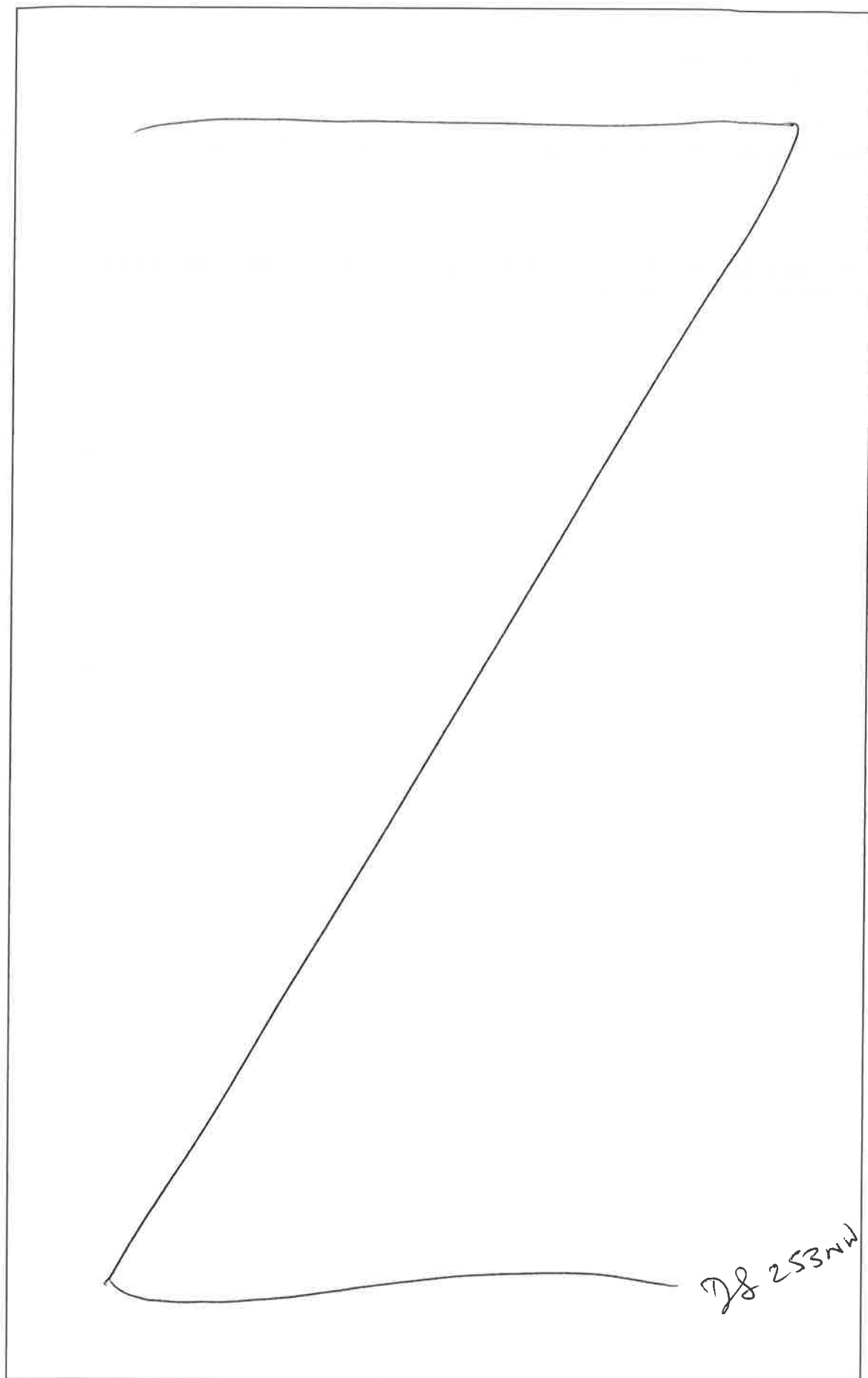
In my opinion these breaches aren't as a consequence of operational hours, but purely down to ignorance to the licensing legislation. Police have no confidence in the owner, the DPS or the other PLH that was serving in the store when attended. Police propose the premise licence be **revoked**.

Our rationale being there was a previous visit in April 2019, highlighting breaches of conditions and exposing a period of trading whereby the premises licence had not been transferred and illegal tobacco/cigarettes were seized. That means 8 months have passed and no change has been implemented by the owner or VNG Retails Limited. I see little point in reducing hours or adding other conditions, thus leaving the only **plausible option from the police is a revocation**.

Of course the decision rests with the Sub Committee Panel. The Police are a responsible authority and feel they have been left with no choice but to bring their concerns to the attention of the Licensing Committee.

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.

PS Damien Smith 253NW



Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day Month Year

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

N/A

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 (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature PS @amein Smith 253NW

Date 8/1/2020

Capacity LICENSING SERGEANT METROPOLITAN POLICE

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address 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 (Licensing)
Brent Council
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

☎ 020 8937 5359

Email: environmentandprotection@brent.gov.uk

Cheques should be crossed and made payable to London Borough of Brent.

Please follow the instructions in the checklist on page 14 to submit the relevant copies to the responsible authorities. Contact details shown below:

Chief Officer of Police
Brent Licensing Department
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8733 3206

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

Tel: 020 8555 1200 x38778

Trading Standards
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5555

Environmental Health
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5252

Children's Services
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Licensing Authority
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ
Tel: 020 8937 5359

Area Planning Service
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5210

Public Safety Team
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5359

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

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PS238NW****Michael Sullivan**..... URN:

Age if under 18

Over 18.....

(if over 18 insert 'over 18')

Occupation:

Police Sergeant 220776.....

This statement (consisting of: **1**..... pages 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 in it which I know to be false, or do not believe to be true.

Signature:

Michael Sullivan

Date:

*8th February 2020*Tick if witness evidence is visually recorded ☐

(supply witness details on rear)

I am a Police Sergeant of 15 years' experience, I am currently attached to the Partnership and Prevention unit for the NW BCU, I have been authorised via a delegated authority to represent the Borough Commander of the London Borough of Brent and for the Commissioner of the Metropolitan Police Service to act on licensing matters. On the 8th January 2020 I attended North Wembley News, 129 EAST LANE, WEMBLEY, HA9 7PB, where I spoke to Mr Namasivayam THIRUMAL the Designated Premises Supervisor for the above premises. I served him with a copy of my Review papers dated the 8th January 2020, and explained to him what the process was regarding a review, I asked him if he understood to which he replied 'yes'. I noted that he still had high strength beers on display, I point this out to which he said he didn't realise, After serving him a copy of the review I left the premises.

Signature:

Michael Sullivan

Signature witnessed by:

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WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Sergeant Damien Smith 253NW

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 8 page(s) 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 in it anything which I know to be false, or do not believe to be true.

Witness Signature: PS Damien Smith 253NW Date: 19/1/2020

This statement refers to North Wembley News, 129 East Lane, Wembley HA9 7PB. North Wembley News currently have a licence to sell alcohol from 0600 hours every day until Midnight Monday, Tuesday, Wednesday, Thursday and Sunday. On Friday and Saturday can sell until 0100 Hours the next day. The store is open for the same hours for trading.

The premises licence holder is a company by the name of VNG Retails Limited, the directors are both PL Holders. Mr Gengatharan NAMASIVAYAM and the DPS Mr Namasivayam THIRUMAL. VNG Retails limited applied to become the premises licence holders on 10th April 2019. Mr Namasivayam THIRUMAL remains the DPS.

The store is situated on a busy road close to residential and industrial units. There have been numerous incidents of crime and ASB in the area – many of which are commonly linked or associated with drunkenness then reported to Police.

There are 23 Conditions attached to Annex 2 of the premises Licence. Those Conditions are:

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 if requested.

2 A CCTV camera shall be installed to cover the entrance of the premises made available to police and licensing officers if requested.

3 A sign stating "No proof of age, No sale" shall be displayed at the point of sale.

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

5 A refusal book shall be kept and maintained.

6 Promotions that encourage irresponsible drinking shall not be permitted.

7 No high strength beers, lagers, and ciders above 5.5% ABV shall be stocked with the exception of premium beers.

8 "Raid Control" crime prevention measures shall be installed and all staff given suitable training.

9 The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority.

10 Signs alerting customers to theft shall be displayed.

Witness Signature: PS Damien Smith 253NW

Signature Witnessed by Signature:

Continuation of Statement of:

PS Damien Smith 253NW

11 A clear and unobstructed view into the premises shall be maintained at all times.

12 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.

13 suitable intruder alarm complete with panic button shall be fitted and maintained.

14 A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

15 On major event days at Wembley Stadium the following shall apply: - Customers shall not be allowed to congregate outside the premises. - The DPS shall work in partnership with the Police and if necessary comply with any direction given by the most senior Police Officer on duty at the event. - No alcohol or "alcopop" type drinks shall be displayed or sold in glass containers with the exception of wines and spirits.

16 All furniture and soft furnishings shall comply with relevant fire safety standards.

17 A fire detection and warning system together with suitable and sufficient fire extinguishers shall be installed and maintained.

18 Suitable and sufficient firefighting equipment shall be installed and properly maintained.

19 All deliveries shall take place during the normal working day (i.e. 09:0 to 18:00 daily).

20 Advertising, security and access lighting shall be designed, installed and maintained so as not to cause a nuisance to nearby properties.

21 Adequate illumination shall be provided and maintained to the external areas of the premises.

22 Suitable receptacles for rubbish shall be made available outside the premises for customers to use and they shall be emptied regularly to prevent overflow or odours.

23 The licensee shall ensure all public areas within 10 metres of the premises are cleared of litter arising from the premises daily.

On 9th April 2019 Brent Council Trading Standards officers informed their colleagues in Licensing that they had been to North Wembley News at 129 East Lane Wembley and made a seizure of illegal cigarettes and tobacco. While at the venue they recorded the fact that high strength alcohol was on sale in the venue. Condition 7 of their licence reads - **No high strength beers, lagers, and ciders above 5.5% ABV shall be stocked with the exception of premium beers.** While at the venue trading standards dealt with a male who identified himself as the owner Mr Gengatharan NAMASIVAYAM and he informed trading standards officers he had taken over the business in **January 2019**. The result and visit details were shared with the Police.

On **12th April 2019** Police were sent an application to transfer the premises licence to VNG Retails Limited, the application was dated the **10th April 2019**.

On **19th December** at 1200 hours, I visited the venue accompanied by Sergeant Mike Sullivan in plain clothes, where we found 14 licensing conditions breached.

Section 136 Licensing Act 2003 ... conducting licensable activities without authority:

The following conditions attached to annex 2 of the premises Licence were not being adhered to:

Condition 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 if requested.

Witness Signature: *PS Damien Smith 253NW*

Signature Witnessed by Signature:

Continuation of Statement of: *PS Damien Smith 253NW*

Condition 2 A CCTV camera shall be installed to cover the entrance of the premises made available to police and licensing officers if requested.

I asked the owner if he was the DPS and he said no, my brother is. He provided his brother's details as Mr Namasivayam Thirumal. He told me he lives near the premises and was involved in the running of the premises routinely and there most days. With that in mind, I requested that this be supported by the CCTV to prove the DPS attends the business and carry out his role. I pointed out that Conditions 1 & 2 are CCTV related and that I require footage from the last 31 days to show me when the DPS was in the store and I also requested that the live feed be rewound to show me entering the store. The owner stated the hard drive was situated upstairs. Despite several verbal requests this footage was never shown or produced. Due to the owner not producing a copy of his licence I accessed a copy on my laptop and systematically went through each of licensing conditions on it.

Condition 3: A sign stating "No proof of age, No sale" shall be displayed at the point of sale. There was no sign displayed at the point of sale, the closest reference to this was a sign specific to the sale of cigarettes, which was endorsed by a branded tobacco company.

Condition 5: A refusal book shall be kept and maintained. Upon requesting the refusal book for the premises, I was handed a writing pad that had a shopping list recorded on one page without any relevance to a refusal book. The owner and his colleague behind the counter could not produce a record/log.

Condition 7: No high strength beers, lagers, and ciders above 5.5% ABV shall be stocked with the exception of premium beers.

I can confirm the brands exceeding 5.5% ABV as;

PERLA MOCNA 7.8% ABV
 PERLA CHMIELOWA 6% ABV
 PERLA MIODWA 6% ABV
 ORANJEBOOM PREMIUM STRONG BEER 8.5% ABV
 DRAGON STOUT 7.5% ABV
 GUINNESS EXPORT 7.5% ABV
 DEBOWE 7% ABV
 WARKA 6.5% ABV
 O.J. PREMIUM 8.5% ABV
 KARPACIE 9% ABV
 HALNE STRONG 7% ABV
 OKOCIM MOCNE 7.5% ABV
 SPECIAL BREW 9% ABV

Condition 8: "Raid Control" crime prevention measures shall be installed and all staff given suitable training. I pointed out to the owner that the visit wasn't going very well and explained the seriousness of not adhering to conditions that appeared on Annex 2 of the licence. I asked the owner if he could explain condition number 8 to me. Mr Namasaviyam did not have any idea what 'raid' was and from his response I doubt he had provided any of the staff the robbery awareness training, as stipulated in condition 8.

Condition 9: The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority. As with the request for a refusals log, I asked the owner to provide me with his Incident log. This could not be produced.

Condition 10: Signs alerting customers to theft shall be displayed. I looked around the store and could not see any signage regarding 'theft'.

Condition 11: A clear and unobstructed view into the premises shall be maintained at all times. I asked the owner to join me outside the shop. Outside the store, I pointed the lack of clear visibility in or out of the store windows. I could not see my colleague, nor Mr Jegatheeswaran or the two customers he had been

Witness Signature: *PS Damien Smith 253NW*

Signature Witnessed by Signature:

Page 3 of 7

Continuation of Statement of: PS Damien Smith 253NW
serving due to the posters on the windows, shelving racks full of products and advertising. I explained the significance of this condition in relation to preventing crime and disorder. In particular I pointed out that as much as we could not see into the venue, whoever was working could not see outside and if someone was intent on committing a crime in the venue the staff member should be afforded the opportunity to see who was approaching and if necessary allow time to trigger the panic alarm if required. Equally I pointed out that East Lane is a busy road and anyone passing with a clear and unobstructed view could see if anyone was attacking the staff and alert the Police.

Condition 13: suitable intruder alarm complete with panic button shall be fitted and maintained. When asked about an alarm, he nodded and stated "I don't think the Panic button is connected."

Condition 17: A fire detection and warning system together with suitable and sufficient fire extinguishers shall be installed and maintained.

AND

Condition 18: Suitable and sufficient firefighting equipment shall be installed and properly maintained. Back inside the venue, I asked the owner what system did he have installed to warn of fire and he pointed to a single smoke alarm. I asked the owner if he had any fire extinguishers and he got the male behind the counter to move a few items and he lifted an extinguisher covered in dust and displaying a label indicating it was last checked in 2012.

Condition 22: Suitable receptacles for rubbish shall be made available outside the premises for customers to use and they shall be emptied regularly to prevent overflow or odours. I checked outside once again and could not see any bin provided for litter.

I recorded some of my findings of the breaches on a form 694. Such was the extent of breaches, I could not fit them all on the form. This was signed by Mr Jegathaswaran. I explained to him and the owner that the purpose of the form is to notify them that failure to comply with the Licensing Act 2003 may result in criminal proceedings or a fine could be issued against the DPS, Premises Licence Holder or both. The notification could also be used to support a review of the premises licence pursuant to section 51 of the Licensing Act 2003.

For closer inspection of the high strength alcohol stored, Police requested access to the store room accessed by a single door to the rear. The owner showed officers into a rear extension would describe as a shed and immediately noticed it was crammed with a large number of boxes of alcohol. I have visited many premises but not seen the amount of alcohol stored in relation to shops of similar size. Upon closer inspection, PS Sullivan noticed a black plastic bag with what appeared to be tobacco inside. The bag was opened in the presence of the owner Mr Namasaviyam. It contained approximately 30 packets of foreign tobacco not displaying any duty paid notice. Mr Namasaviyam became very defensive and mentioned a Chinese man left that there years ago. This was not an answer I expected. PS Sullivan asked the owner if there was any more illegal tobacco or cigarettes in the store. He replied no, but then seemed hesitant and admitted there were more. Trading standards were contacted and they informed police they were able to attend the premises. The off licence is at 129 East Lane approximately 15 minutes away from the Civic centre where trading standards operate from. While in this store room the owner made a significant comment by admitting he purchased bulk alcohol from a white van and not from an approved wholesaler.

While waiting for the trading standards officers to arrive, two large crisp boxes were discovered with sleeves of packaged cigarettes that did not appear to have any UK Duty paid. These cigarettes had deliberately been concealed by loose packets of crisps. There were a considerable amount of food boxes that had been chewed by rodents and the air smelt strongly of urine and dampness. In the middle of the floor was a bucket and rain water was pouring through the roof section into the bucket. The storage is not what I would expect for products that are for human consumption. At this point the owner expressed his concern at making a living and how hard it is. He made reference to other business' having to do the same thing. Both PS Sullivan and I were quick to remind him that he should be concentrating on his own business model and operation.

Trading standards officers arrived and identified themselves with their ID Cards. Upon examining the tobacco, they confirmed the tobacco and cigarettes were illegal and set about making a seizure of the products. This mirrors their visit in April and it would seem that what they discovered back in April, illegal cigarettes, tobacco and high strength alcohol was still in place and no lessons had been learnt.

Witness Signature: PS Damien Smith 253NW

Signature Witnessed by Signature:

Continuation of Statement of: *PS Damien Smith 253NW*

While trading standards and the Police were present there was another door at the rear of the store room. It appeared that it would lead into the rear garden. Mr Namasivayam opened the door and it did lead out into the garden. I estimate the garden to be around 70ft long by 24 ft wide. There was a large gate and timber panels all the way around the perimeter. 129 East Lane is the end of the terrace and the rear garden is easily accessible. The owner pointed out it was covered by CCTV. I was astonished to see that all the way along the fence were boxes and boxes of bottled water and alcohol. In the centre of the garden there were large tarpaulins and under the tarpaulin were pallets of alcohol that were stacked a metre high. It is no exaggeration to state that the amount of alcohol stored is excessive and although under cover is exposed to the elements and rodents and vermin that freely roam in that space.

Given the amount of alcohol I am concerned at how the owner proposes to sell that volume via the store he operates. Parked across the gate was a large silver van. I went outside with the owner. The rear tyres of the van were bulging, a clear indicator that the van was loaded with something heavy. The owner contacted the DPS Mr Namasaviyam (His brother) and he came with the keys. He opened the van and it had more cigarettes and alcohol in the van. The DPS had supporting invoices and receipts from DHAMECHA cash and carry for the van's contents.

At this point my visit had come to its conclusion. I handed the owner his copies of the form 694 and requested he start tackling the issues raised. I asked him to remove all the high strength alcohol from display and to stop selling anything above 5.5% ABV, as per condition number 7. I advised him that I would return at some point unannounced to conduct a follow up visit.

On 7th January 2020 at 1209 Hours Police attended the venue to see if any of the concerns discussed/raised on the 19/12/19 had been addressed. On this visit 11 licensing conditions were found to be breached.

I was equipped with a copy of the premises Licence and introduced my colleagues to the two males working in the store. Mr Gengatharan Namasivayam came from the rear section while Mr Namasavasivayam Jegatheeswaran was working at the till area as per the last visit. I wished both males a Happy New Year and explained I Was there as a follow up to the last visit.

Mr Namasivayam was able to show me the CCTV from the room upstairs and addressed conditions 1 & 2 on the premises Licence.

At the till area in the store there was no challenge 21 Policy in place and no sign relating to 'no proof of age – no sale in relation to alcohol sales' This breaches **Conditions 3 & 4 of the licence**.

Neither Male could produce a refusals log or an incident log, breaching **conditions 5 & 9**

There was no signage relating to 'THEFT' breaching **condition 10**

Neither Male could explain about RAID Control – or provide any proof of training in robbery awareness, breaching **condition number 8**

Neither male could demonstrate or show the intruder alarm with panic button worked, breaching **condition 13**

In the fridges there were still numerous brands of alcohol available above 5.5% ABV breaching **condition number 7**

I can confirm the brands exceeding 5.5% ABV as;

PERLA MOCNA 7.8% ABV
PERLA CHMIELOWA 6% ABV
PERLA MIODWA 6% ABV
ORANJEBOOM PEMIUM STRONG BEER 8.5% ABV
DRAGON STOUT 7.5% ABV
GUINNESS EXPORT 7.5% ABV
DEBOWE 7% ABV
WARKA 6.5% ABV

Witness Signature: *PS Damien Smith 253NW*

Signature Witnessed by Signature:

Continuation of Statement of: PS Damien Smith 253NW
O.J. PREMIUM 8.5% ABV
KARPACKIE 9% ABV
HALNE STRONG 7% ABV
OKOCIM MOCNE 7.5% ABV
SPECIAL BREW 9% ABV

There were still posters, adverts and large racking obstructing the view into and out of the store, breaching **condition number 11**

There was no premises licence summary copy available or visible, including licensable hours, breaching **condition number 12**

No new fire equipment was in use or acquired. On the 19th December it was pointed out that the extinguisher had last been checked in November 2011. Today's visit revealed the extinguisher was still there and out of date **breaching condition 17**.

The male working on the till was the same male present on the last visit. It did not appear to officers that he is fluent in English. **This breaches condition number 14.**

On the last visit in December there was no bin outside. The council have a bin literally 12 feet away from the entrance next to the bus stop, this would negate any breach of **condition number 22**.

This visit was captured on body worn video. Footage is available if required.

Both males were advised to obtain the most up to date licence from the council and provided with the contact details for the council team. Both males were informed they must step up and take the matter more seriously. They were advised to immediately remove the high strength alcohol above 5.5% abv and address all the other matters identified.

Prior to leaving the venue, I pointed out that there were too many breaches of the licence. It transpired the only difference between the visit on the 19th December 2019 and the visit on the 7th January was that CCTV was accessible and the bin outside, not through any deliberate amendments or attempts by the owners to improve the running of the premises or to adhere to the conditions on annexe 2 of the premises licence.

I informed Mr Gentharan Namasivayam I would be applying for a review of the premises licence with the Local authority. Mr Namasivayam indicated he would appoint a Solicitor to represent him.

I expected better from the owners especially as the conditions breached in December were explained in full to the staff and the sheer seriousness to the conditions being aligned to the licensing objectives. On 8th January I submitted a review application to the Council. I am of the opinion that the application for a review is absolutely necessary to ensure public safety, prevent crime and disorder and prevent children from harm. The owners have had sufficient time since April 2019 to amend their attitude and approach to running their store in a legal manner aligned to the licensing objectives. There are 23 conditions on Annex 2 already, 14 of which have been breached and discovered by Police on the visit on the 19th December 2019 and 11 discovered upon the visit on 7th January 2020. By his own words, the Director of VNG Retails Ltd, Mr Gengatharan Namasivayam, manages his premises' to make money at any costs and ignores important licensing responsibilities that are key to having/running these businesses.

In my opinion these breaches aren't as a consequence of operational hours, but purely down to ignorance to the licensing legislation. I on behalf of the Police have no confidence in the owner, the DPS or the other PLH that was serving in the store when attended. With my review application I requested the subcommittee revoke the licence.

My rationale being there was a previous visit in April 2019, highlighting breaches of conditions and exposing a period of trading whereby the premises licence had not been transferred and illegal tobacco/cigarettes were seized. That means 8 months have passed and no change has been implemented by the owner or VNG Retails

Witness Signature: PS Damien Smith 253NW.....

Signature Witnessed by Signature:.....

Continuation of Statement of:

Limited. I see little point in reducing hours or adding other conditions, thus leaving the only plausible option from the police is a revocation.

Of course the decision rests with the Sub Committee Panel. The Police are a responsible authority and feel they have been left with no choice but to bring their concerns to the attention of the Licensing Committee.

PS Damien Smith 253NW *PS Damien Smith 253NW*

Witness Signature: *PS Damien Smith 253NW*

Signature Witnessed by Signature:

Page 7 of 7

Witness contact details

URN

Name of witness: PS Damien Smith 253NW
 Home Address: C/O Harrow Police Station
 E-mail address: damien.smith@met.police.uk
 Home Telephone Number:

Postcode:
 Mobile:
 Work Telephone Number: 02087335008

Preferred means of contact (specify details for vulnerable/intimidated victims and witnesses only):

Gender:

Date and place of birth:

Former name:

Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:Witness care

- a) Is the witness willing to attend court? YES If 'No', include reason(s) on form **MG6**.
 b) What can be done to ensure attendance? Advanced notice
 c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case) If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
 d) Does the witness have any particular needs? If 'Yes' what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?).

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes ☐ No ☐
 b) I have been given the Victim Personal Statement leaflet Yes ☐ No ☐
 c) I have been given the leaflet "Giving a witness statement to the police..." Yes ☐ No ☐
 d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes ☐ No ☐ N/A ☐
 e) I consent to my medical record in relation to this matter being disclosed to the defence Yes ☐ No ☐ N/A ☐
 f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes ☐ No ☐ N/A ☐

'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'.

Signature of witness: *PS Damien Smith 253NW* PRINT NAME:

Signature of parent/guardian/appropriate adult: PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement compiled by: *PS Damien Smith 253NW* Station: Harrow -P&P

Time and place statement taken: Harrow Police
 Station 19/1/2020

Page 8 of 8

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Sergeant Damien Smith 253NW

Age if under 18: Over 18

(if over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of 7 page(s) 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 in it anything which I know to be false, or do not believe to be true.

Witness Signature: PS Damien Smith 253NW Date: 20/12/19

The following images were taken at North Wembley News, 129 East Lane Wembley HA9 7PB during a visit by police and trading standards officers.

Each Exhibit/image was taken as supporting evidence regarding the visit. These Exhibits are referenced to within the Police application for a review of the Premise licence dated 19/12/19.

DJS/1 – High Strength Alcohol



DJS/2 – High strength on display in fridge



Witness Signature: PS Damien Smith 253NW

Signature Witnessed by Signature:

Page 1 of 7

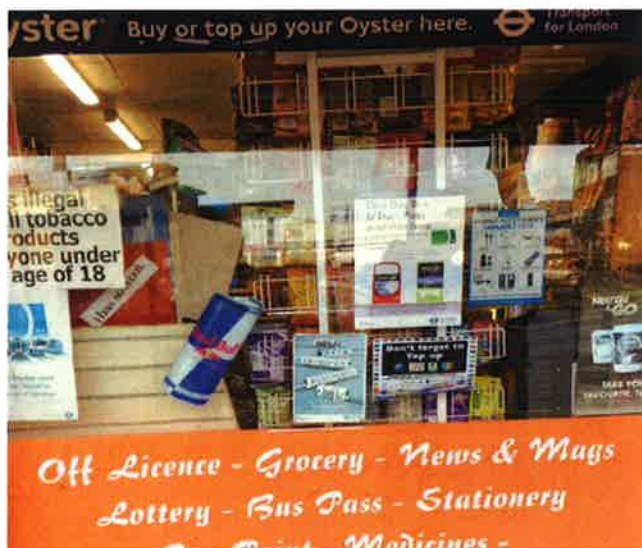
Continuation of Statement of:

PS Damien Smith 253NW in relation to 129 East Lane – North Wembley News

DJS/3 – High strength in open fridge



DJS/5 – View of Windows from the outside looking in - showing Obstructions



Witness Signature:

PS Damien Smith 253NW

Signature Witnessed by Signature:

Page 2 of 7

Continuation of Statement of:

PS Damien Smith 253NW in relation to 129 East Lane – North Wembley News

DJS/12 – Alcohol stored in rear garden



DJS/13 – Alcohol in rear garden



Witness Signature:

PS Damien Smith 253NW

Signature Witnessed by Signature:

Page 6 of 7

Continuation of Statement of:

PS Damien Smith 253NW in relation to 129 East Lane – North Wembley News

DJS/10 – Crisps used to cover cigarettes



DJS/11 – Bucket in store room (Leaking roof)



Witness Signature:

PS Damien Smith 253NW

Signature Witnessed by Signature:

Page 5 of 7

Continuation of Statement of:

PS Damien Smith 253NW in relation to 129 East Lane – North Wembley News

DJS/6 – Dust Covered Fire extinguisher – last checked November 2012



DJS/7 – Seized illegal products by trading standards



PS Damien Smith 253NW in relation to 129 East Lane – North Wembley News

Witness Signature: *PS Damien Smith 253NW*

Signature Witnessed by Signature:

Page 3 of 7

Continuation of Statement of:

PS Damien Smith 253NW in relation to 129 East Lane – North Wembley News

DJS/8 – Seized illegal tobacco products



DJS/9 – Seized goods found in Store room



Witness Signature: PS Damien Smith 253NW

Signature Witnessed by Signature:

Continuation of Statement of:

PS Damien Smith 253NW in relation to 129 East Lane – North Wembley News

DJS/14 – Alcohol stored in rear garden



Witness Signature:

PS Damien Smith 253NW

Signature Witnessed by Signature:

Page 7 of 7

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Sergeant Damien Smith 253NW

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 7 page(s) 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 in it anything which I know to be false, or do not believe to be true.

Witness Signature: PS Damien Smith 253NW Date: 20/12/19

The following images are scanned copies of documents in relation to the police visit at North Wembley News, 129 East Lane Wembley HA9 7PB by police and trading standards officers. Each scan is exhibited as supporting evidence regarding the visit. These Exhibits are referenced to within the Police application for a review of the Premise licence dated 19/12/19.

DJS/4 – The paper that the Male serving behind counter wrote his name on.

129 EAST LANE Licence
464011
North Wembley News

DJS/4 MR NAMASIVAYAM d60 818/1964 PCH
JEGATHEESWARAN Brent Work.

PLH MR GENGATHARAN LBB
NAMASIVAYAM OWNER

1 FELPHAM COURT
S3 LANE RD
HA9 7LP

NAMASIVAYAM THIRUMAL
A PEMBROKE ROAD
HA9 7PB

HALING 7.0%
PERLA 7.6%
WATKINS 6.5%
KARLSON 9.0%
ORANIEBOOM 8.5%
DRAGON STOUT 7.5%
O.J. Premium 8.5%

Witness Signature: PS Damien Smith 253NW

Signature Witnessed by Signature:

Continuation of Statement of:

PS Damien Smith 253NW in relation to 129 East Lane – North Wembley News

DJS/15 – scanned copy of original form 694 handed to DPS and owner

METROPOLITAN POLICE Book 684 **Police Copy**

Notification of alleged offences under the Licensing Act 2003

Venue Name: NORTH WEMBLEY NEWS REF: (CAD/CRTS etc) _____

Address: 122 EAST LANE WEMBLEY HA9 7PB Date: 19/12/13 Time: 1200

Details of person in charge at the relevant time: MR. NAMASIVAYAM JEGATHESWARAN

DPS ☐ Personal Licence Holder ☒

Summary of alleged offences identified

☐ Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.

☒ Section 57 (7) Failure to produce a premises licence or a certified copy.

☐ Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.

☐ Section 109 (8) Failure to produce a TEN to a police officer.

☒ Section 135 (4) Failure to produce a personal licence to a police officer.

☐ Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y ☐ No ☐)

☐ Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y ☐ No ☐)

☐ Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y ☐ No ☐)

☐ Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.

☐ Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.

☐ Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.

☐ Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).

☐ Section 146 (1) Selling alcohol to an individual aged under 18.

☐ Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.

☐ Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.

☐ Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cod and Crime report details:

*CONDITION 3 Breached ASIGN [NO PROOF OF AGE NO SALE]

*CONDITION 5 Breached A Refusal Log

*CONDITION 7 Breached High Strength Alcohol in English

*CONDITION 8 Breached RAIS Control

*CONDITION 9 Breached Incident Log

*CONDITION 10 - NO FINE SUM

*CONDITION 11 - CAN'T SEE INTO VENUE

*CONDITION 13 - Alarm/Police called at closing

*CONDITION 17 - FIRE EXT out of date

*CONDITION 18 - Ineffective

Issuing officer: PS DAMIEN SMITH 253NW Print: PS DAMIEN SMITH 253NW

I acknowledge receipt of this form: (venue) [Signature]

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

Witness Signature:

PS Damien Smith 253NW

Signature Witnessed by Signature:

Page 2 of 2

VNG Retails Limited
THIRUMAL Namasivayam & GENGATHARAN Namasivayam
North Wembley News
129 East Lane
HA9 7PB

5 February 2020

Licensing Representation to the Application for a review for Namasivayam Thirumal, North Wembley News, 129 East Lane, HA9 7PB

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

An officer of the Licensing Authority, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made for a review to a premises licence under section 51 of the Act.

The Licensing Authority representations are primarily concerned with the licensing objective;

- the prevention of crime and disorder
- the prevention of children from harm

As a result of the above application for a review received by the Licensing Police, a visit was carried out to the premises on Thursday 9th January 2020 at approximately 09.05hrs. I met with a Mr EASAN NAMASIVAYAM, who introduced himself as the licence holders brother. He stated that he worked in the premises on a part-time basis and had done so for the last three to four years.

Mr NAMASIVAYAM, stated that he had two brothers that worked at the premises with him. Their names are Siva NAMASIVAYAM and Thirumal NAMASIVAYAM. I then went through the conditions of the licence and found the following: -

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 if requested.

There was no one at the premises that could operate the CCTV to verify whether the recordings were kept for 31 days. Mr NAMASIVAYAM did not know how long the recordings were kept for.

2. A CCTV camera shall be installed to cover the entrance of the premises.
Verified
3. A sign stating “No proof of age, No sale” shall be displayed at the point of sale.
No sign in place
4. A “Challenge 21” policy shall be adopted and adhered to.
A Challenge 25 policy was in place
5. A refusal book shall be kept and maintained.No refusal book in place
There was no refusal book
6. Promotions that encourage irresponsible drinking shall not be permitted.
There were no visible promotions in place
7. No high strength beers, lagers, and ciders above 5.5% ABV shall be stockedwith the exception of premium beers.
There were 4 brands of alcohol over 5.5% which should not have been displayed for sale. These include Perla Miodowa 6%, Perla Pils 6%, Perla Mocna 7.6% and Debowe 7%



8. “Raid Control” crime prevention measures shall be installed and all staff given suitable training.
Mr NAMASIVAYAM stated that he had not received any training
9. The licensee shall keep an incident book which shall be made available to thePolice and Licensing Authority.
There was no incident book kept at the premises
10. Signs alerting customers to theft shall be displayed.
I did not see any such notices in place
11. A clear and unobstructed view into the premises shall be maintained at all times.
From the front of the premises, there wasn't a clear and unobstruted view into the premises





12. 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.

Verified

13. Suitable intruder alarm complete with panic button shall be fitted and maintained.

There was no alarm or panic buttons in place

14. A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

During my visit I asked Mr Easan NAMASIVAYAM for his personal licence as he was the only member of staff at the premises and there is a requirement that one be present during the permitted hours for the sale of alcohol. Mr NAMASIVAYAM stated that he did not have it with him. I suggested that he should keep it with him or at least have a copy so that it can be checked when an officer visits the premises especially in light of the review. I asked for Mr NAMASIVAYAM's current address for which he appeared vague and then gave me an address. He then stated that he did not live at that address anymore to which I responded by saying that I asked for his current address. He then gave me another address. I then asked whether Mr Easan NAMASIVAYAM is the name under which he had applied and he responded by saying yes but it transpired that he had not notified Brent Council that he had moved address in order to ensure his personal licence is registered correctly. Failure to notify the licensing authority of a change of name or address of a personal licence holder is an offence under s127 of the Licensing Act 2005 and subject to a £500 fine.

On leaving the premises, checks were made to ascertain Mr NAMASIVAYAM's personal licence but details of his licence could not be found. I then returned to the premises on Thursday 30th January 2020 to re check Mr NAMASIVAYAM's details. Mr NAMASIVAYAM was present but did not have his personal licence with him. It then transpired that the name given to me during my first visit was not his legal name. His name is in fact NAMASIVAYAM Jegatheeswaran. It is still not clear which of those names is his first name and which is his surname because when comparing them to his brother's names, it appears the name I was given as his first name is the same as both of his brother's surnames. It also transpired that his brother's name Siva, is actually GENGATHARAN Namasivayam, but is known as Siva. At the time of writing, an application to change his address was sent to Mr NAMASIVAYAM's new address.

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

- Customers shall not be allowed to congregate outside the premises.
- The DPS shall work in partnership with the Police and if necessary comply with any direction given by the most senior Police Officer on duty at the event.
- No alcohol or "alcopop" type drinks shall be displayed or sold in glass containers with the exception of wines and spirits.

Could not be verified

16. All furniture and soft furnishings shall comply with relevant fire safety standards.

Could not be verified

17. A fire detection and warning system together with suitable and sufficient fire extinguishers shall be installed and maintained.

Could not be verified

18. Suitable and sufficient fire fighting equipment shall be installed and properly maintained.

Could not be verified

19. All deliveries shall take place during the normal working day (i.e. 09:00 to 18:00 daily).

Mr NAMASIVAYAM stated that deliveries take place in the afternoon

20. Advertising, security and access lighting shall be designed, installed and maintained so as not to cause a nuisance to nearby properties.

Could not be verified

21. Adequate illumination shall be provided and maintained to the external areas of the premises.

Could not be verified

22. Suitable receptacles for rubbish shall be made available outside the premises for customers to use and they shall be emptied regularly to prevent overflow or odours.

Mr NAMASIVAYAM stated that bins are kept at the rear of the premises

23. The licensee shall ensure all public areas within 10 metres of the premises are cleared of litter arising from the premises daily.

There was no visible litter surrounding the premises

Summary

All of the breached conditions that the Licensing Police found on their visit on 7th January 2020 were still breached during my visit on 9th January 2020. Baring in mind they had previously been visited by the Licensing Police on 19th December 2019 where all of the same breaches were pointed out, it is clear that the owners are blatantly contravening the law and undermining the licensing objectives. The Licensing Police have made requests and these have been ignored. The Licensing Authority have considered the application made by the Licensing Police to review the premises licence to be proportionate to their findings and therefore support them in their request for revocation.

At this point there does not appear to be any other alternative other than to revoke the premises licence. However, should the Licensing sub-committee not consider revocation to be the appropriate measure, the Licensing Authority would ask that the following conditions be considered: -

Premises Licence Conditions to be Added

The Licensing Authority require the following points to be included in the operating schedule or added as conditions on the premises licence:

1. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.
2. A member of staff shall always be present on the premises whilst they are open who is capable operating the CCTV system and able to facilitate immediate viewing of CCTV footage upon the request of the Police and Authorised Officer of the Licensing Authority.
3. Regular (every 12 months) documented staff training on licensing legislation and operating procedures shall be given. The training shall be signed and dated and a copy of these training records available for inspection by Police and local authority enforcement officers.
4. 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.
5. All alcohol stocked and sold shall be labelled with the trading name.

Premises Licence Conditions to Remain on the premises Licence

- 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 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.
- A clear and unobstructed view into the premises shall be maintained at all times.
- The following crime prevention measures shall be implemented:
 - A time delay safe with deposit slot and anti fishing mechanisms must be used at the counter till area
 - Regular robbery awareness and cash minimisation training shall be given to all staff.

- A sign stating “No proof of age, No sale” shall be displayed at the point of sale.
- Promotions that encourage irresponsible drinking shall not be permitted.
- “Raid Control” crime prevention measures shall be installed and all staff given suitable training.
- Signs alerting customers to theft shall be displayed.
- Suitable intruder alarm complete with panic button shall be fitted and maintained.
- A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.
- On major event days at Wembley Stadium the following shall apply:
 - Customers shall not be allowed to congregate outside the premises.
 - The DPS shall work in partnership with the Police and if necessary comply with any direction given by the most senior Police Officer on duty at the event.
 - No alcohol or “alcopop” type drinks shall be displayed or sold in glass containers with the exception of wines and spirits.
- All furniture and soft furnishings shall comply with relevant fire safety standards.
- A fire detection and warning system together with suitable and sufficient fire extinguishers shall be installed and maintained.
- Suitable and sufficient fire fighting equipment shall be installed and properly maintained.
- All deliveries shall take place during the normal working day (i.e. 09:00 to 18:00 daily).
- Advertising, security and access lighting shall be designed, installed and maintained so as not to cause a nuisance to nearby properties.
- Adequate illumination shall be provided and maintained to the external areas of the premises.
- Suitable receptacles for rubbish shall be made available outside the premises for customers to use and they shall be emptied regularly to prevent overflow or odours.
- The licensee shall ensure all public areas within 10 metres of the premises are cleared of litter arising from the premises daily.

Premises Licence Conditions to be Modified

No high strength beers, lagers, and ciders above 5.5% ABV shall be stocked with the exception of premium beers.

Shall be modified to

No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked

A CCTV camera shall be installed to cover the entrance to the premises

Shall be modified to

CCTV cameras shall be installed to cover the entrance of the premises, the ENTIRE server counter, till, the units behind the counter and the fridges/shelves displaying alcohol.

The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority.

&

A refusal book shall be kept and maintained.

Shall be modified to

A single 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 crime reported to the venue
- b) Any complaints received in respect of the sale and consumption of alcohol
- c) Any faults in the CCTV system
- d) Any refusal of the sale of alcohol
- e) Any visit by a relevant authority or emergency service.

A 'Challenge 21' policy shall be adopted and adhered to

Shall be modified to

A 'Challenge 25' policy shall be adopted and adhered to

Reduction in Hours for Supply of Alcohol

The Licensing sub-committee may also decide that a reduction in hours for the supply of alcohol to be fair and proportionate.

Yours sincerely



Susana Figueiredo
Licensing Inspector
Regulatory Services



Trading Standards
Brent Civic Centre
Engineers Way
Wembley HA9 0FJ
020 8937 5512
Paul.lee@brent.gov.uk
www.brent.gov.uk

Brent Council Licensing Team
Regulatory Services
5th Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

To Brent Licensing by email - business.licence@brent.gov.uk
31st January 2020

LICENSING ACT 2003

Licence Representation in connection with Licence: Review - Reference: 18291

Dear Sir/Madam,

**Applicant: Paul Lee, Snr. Enforcement Officer Brent & Harrow Trading Standards Service
Premises: VNG Retails Limited T/A North Wembley News, located at 129 East Lane,
Wembley HA9 7PB.**

I certify that I have considered the application shown above and I wish to make a representation as an:

officer of Brent and Harrow Trading Standards Service, Brent Civic Centre, Wembley HA9 0FJ, in whose area the premises are situated, which is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The Brent and Harrow Trading Standards Service representation is concerned with the licensing objectives;

- 1) the prevention of crime and disorder**
- 2) public safety**

REPRESENTATION

This representation is submitted in support of review 18291 that has been submitted by P.S. Damien Smith in his capacity as Licensing Sergeant with the Metropolitan Police.

On 19th December 2019, Metropolitan Police Licensing Officers P.S. Smith and P.S. Sullivan called me regarding their discovery of illicit tobacco and alcohol at VNG Retails Limited T/A North Wembley News, located at 129 East Lane, Wembley HA9 7PB.

My colleague Mr Harris and I attended the premise where one of the Directors of the company Mr Gengatharan Namasivayam was present.

P.S. Smith and P.S. Sullivan showed us 2 boxes containing tobacco products that upon inspection were not in standardised packaging and did not have the correct statutory health warning applied to them.

The tobacco products had health warnings in a foreign language and were not marked as being U.K. duty paid. These non-compliances are contrary to the requirements of the Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015 and constitute criminal offences to have them in possession for supply. A person guilty of an offence under these Regulations is liable on summary conviction to imprisonment for a term not exceeding three months, or fine or both, or on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine.

From previous experience, having illicit tobacco products in a retail premise usually indicates poor or lack off business control in general. Illicit tobacco is usually purchased from persons acting within the 'hidden economy' where no duty or other taxes are paid. Illicit tobacco is purchased cheaply and sold at less than half the price of legitimate tobacco; this not only evades 'duty' taxes but also offers an unfair competitive advantage over compliant businesses.

The business and its Director has been previously investigated by Trading Standards and both the limited company and its Director have received formal warning letters regarding the possession of illicit tobacco after a seizure of over 400 unit packs of tobacco products in April 2019. This fact again shows not only a lack of business control but also a blatant disregard of the law and the requirement to uphold the licensing objectives. At the time of the seizure, Trading Standards also reported to licensing Officers that the shop was stocking high strength beers in breach of the licence conditions.

The general poor state of the non-retail areas at the premise shows neglect and lack of investment but the stockpiling of alcohol seems to indicate that the business owner was concerned with profits, but as he admitted to the Police Officers, he purchased considerable amount of the stock from untraceable traders who did not provide receipts. The amount of

alcohol stored far outweighed the general sales capacity of the shop and the business owner freely admitted that he had purchased the alcohol from unofficial sources and without receipts. The storage of non-perishable food/drinks in outside and only partially covered is not acceptable especially where signs of rodent activity was evidenced. Goods and or their packaging/ containers stored outside and open to the elements can become contaminated or may be likely to deteriorate in quality. In certain circumstances, this could lead to issues that may affect the health of consumers and therefore does not uphold the licensing objective relating to public safety.

In my opinion there is a clear lack of control at the business that breach a number of licensing conditions basic piece of legislation that takes little effort, thought or time to comply with as such indicates that other processes and requirements for legal compliance at the business are likely to be poorly implemented and lacking in management control.

Whilst the poor conditions in the storeroom and storage of products in the open are serious areas of concern, it is the continued stocking of illicit tobacco products and sale of high strength beers that is still occurring even after the business received a letter warning in 2019 that is most worrying.

The above evidences that the following licensing objectives are not being upheld:

- 1) the prevention of crime and disorder;**
- 2) public safety;**

As a responsible authority and taking into consideration the ongoing issues at the premise that the management seem to ignore even after advice and formal warnings have been issued and continue to breach a number of existing licence conditions are already in place. I therefore find that I have no other option than to support the premise the licence review application by P.S. Lewis on behalf of Metropolitan Police Licensing Team and the recommendation **to Revoke the Premises Licence.**

However as the final decision is ultimately made by the committee panel and If revocation is not considered appropriate then I would support any alternative actions or recommended outcomes relating to this case.

List of Documents -

Document - 1

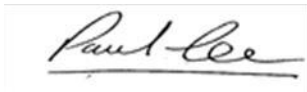
Paul Lee – Copy of witness statement

Document - 2

Printed copies (18 pages) of digital photographs taken at the premise of illicit tobacco, illicit alcohol, high strength beers and storage conditions as exhibits PDL/1 to PDL/19.

Yours faithfully

Paul Lee

A handwritten signature in black ink, appearing to read 'Paul Lee', is written over a horizontal line.

Senior Enforcement Officer
Brent and Harrow Trading Standards Service

TRADING STANDARDS SERVICE

Witness Statement

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

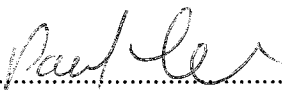
Statement of: Paul Lee

Age if under 18: Over 18

Occupation: Senior Trading Standards Enforcement Officer

This statement (consisting of 5 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 31st January 2020

Signature 

I am employed by the London Borough of Brent, as a Senior Trading Standards Enforcement Officer and as such I am authorised to enforce certain legislation which allows me to enter business premises and inspect goods, via powers conferred to me by the Consumer Rights Act 2015. I am also authorised to enforce certain requirements of the Licensing Act 2003.

5

On 19th December 2019, I received a telephone call from Police Sergeant Mike Sullivan.

P.S. Sullivan informed me that whilst he and his colleague Police Sergeant Damien Smith were conducting a licensing visit at VNG Retails Limited T/A North Wembley News they had discovered a quantity of tobacco products that did not have the correct health warnings applied to their packaging and were not in standardised packaging. P.S. Sullivan also informed me that he had also discovered large stocks of alcohol that the person in control of the premise had admitted to purchasing from a 'white van man' without any receipts.

10

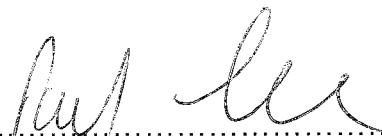
Signature 

Acting on the information provided by P.S. Sullivan myself and my colleague; Paul Harris –
15 Senior Enforcement Officer attended North Wembley News located at 129 East Lane,
Wembley, HA9 7PB.

We entered the shop at approximately 13:25 hrs. and after speaking to P.S. Sullivan and P.S.
Lewis I introduced myself to an Asian gentleman behind the till and showed him my
20 identification card and warrant. The gentleman gave his name as Mr Namasivayam
Gengatharan. Mr Gengatharan informed me that he was a director of VNG Retails limited. I
informed Mr Gengatharan that I would be conducting a search of his premise due to the
fact that the Police Officers had discovered illicit tobacco products in his storeroom. P.S.
Sullivan confirmed with me that Mr Gengatharan had informed him that the illicit tobacco
25 and alcohol had been purchased from a 'man with a van' and that no invoices had been
provided.

P.S. Lewis showed me 2 cardboard boxes containing tobacco products that had been
discovered in the rear storeroom. Upon examining the tobacco products, I discovered that
30 the unit packs of cigarettes and pouches of hand rolling tobacco were not in standardised
packaging and did not have the correct statutory health warning applied to them, thus
making them non-complaint with the requirements of The Standardised Packaging of
Tobacco Products Regulations 2015 and The Tobacco and Related Product Regulations
2016.

Signature



Continuation of witness statement of : Paul Lee

35 I informed Mr Gengatharan that possession of such non-compliant tobacco products could constitute a criminal offence, and as such I would be seizing the products as evidence. Mr Harris then photographed the products, itemised them and then placed them in evidence bags that were later sealed. In total 360 unit packs of non-complaint cigarettes were seized together with 31 unit packs of non-complaint hand rolling tobacco.

40

Whilst carrying out our search at the premise I noticed that the 2 of the refrigerated display units contained high strength beers. When I discussed this with P.S. Lewis he confirmed that one of the licensing conditions of the shop was that no high strength beer, lagers or cider (above 5.5% ABV) were to be stocked, apart from premium beers. A large quantity of beers, 45 lager, cider and spirits in cases were being kept in the rear storeroom and the amount of alcoholic products stored far outweighed the small capacity of the actual premise retail area. The rear storeroom was in a poor condition with boxes of crisps, bottles of spirts and cases of beers all randomly and precariously stacked. There was also clear evidence of some rodent infestation with droppings, urine and gnawed food packaging all being visible. A bag 50 containing 'sticky paper' rodent traps was also observed in the storeroom. At the time of our visit it was raining heavily and the roof of the storeroom was leaking with water dripping down next to the fluorescent ceiling light being collected in a bucket.

The alcoholic and non-alcoholic drinks were also being stockpiled in the garden area. Cases 55 of drink were stored on the grassed area with only tarpaulins and plastic board barely protecting them from the elements.

Signature



Continuation of witness statement of : Paul Lee

Whilst at the premise I took a number of digital photographs of the seized tobacco, high strength lagers, rear storeroom, rodent damaged box and external storage area.

60 I produce in evidence photographic exhibits PDL/1 to PDL/4 showing examples of seized tobacco products, PDL/5 & PDL/6 showing examples of high strength beers (7.6% ABV and 8.5% ABV) in open display cabinet, PDL/7 to PDL/10 showing storeroom stocks, PDL/11 showing crisp box with rodent damage and PDL/12 to PDL/19 showing alcohol stored in rear garden area.

65

After securing the evidence and issuing a receipt Mr Harris and I left the premise and returned to the Civic Centre.

On my return to the Civic Centre I informed the Food Safety Team Leader of my concerns
70 regarding the storage of food and drink at the premise as well as relaying my concerns about the evidence of rodent infestation. I also emailed my contact at HMRC in relation to the large quantities of illicit alcohol stored at the premise and my concerns regarding duty evasion and the purchase of the goods without any checks being conducted.

75 I also checked our premise database for any previous adverse history concerning the premise and after further discussion with Mr Harris he confirmed that he had previously seized 226 unit packs of non-compliant cigarettes, 5 Indian cigarettes and 220 packs of smokeless

Signature



Continuation of witness statement of : Paul Lee

tobacco products from the same premise on 8th April 2019. A letter of warning had been issued to the company at its director in relation to the offences.

80

Paul Lee

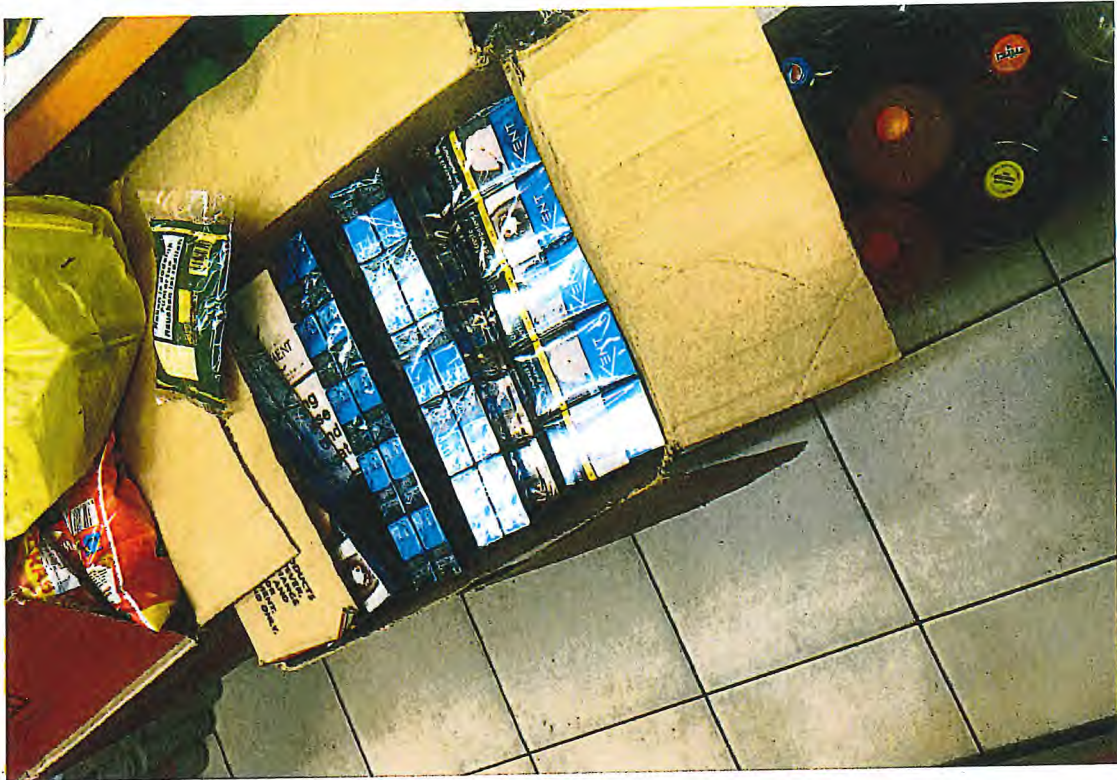
[Large handwritten mark, possibly a stylized 'Z' or '2']

Paul Lee

Signature

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POC / 1



POL 13



POL / 4

*The time is now (time) *I must caution you that you do not have to say

POL rec'd phone call from 26
Mike Sullivan licensing police that
illicit tobacco had been seen on premises
I went with POL in van to premises. 13:27
Showed warehouse man in body of

ază

Fumatul crește
riscul de potență

08008 78673

Tel Verde STOP FUMAT: 08008 78673

Fumatul reduce
fertilitatea

Tel Verde STOP FUMAT: 08008 78673

Fumatul cauzează
9 din 10 cancere
pulmonare

Tel Verde STOP FUMAT: 08008 78673

CORE
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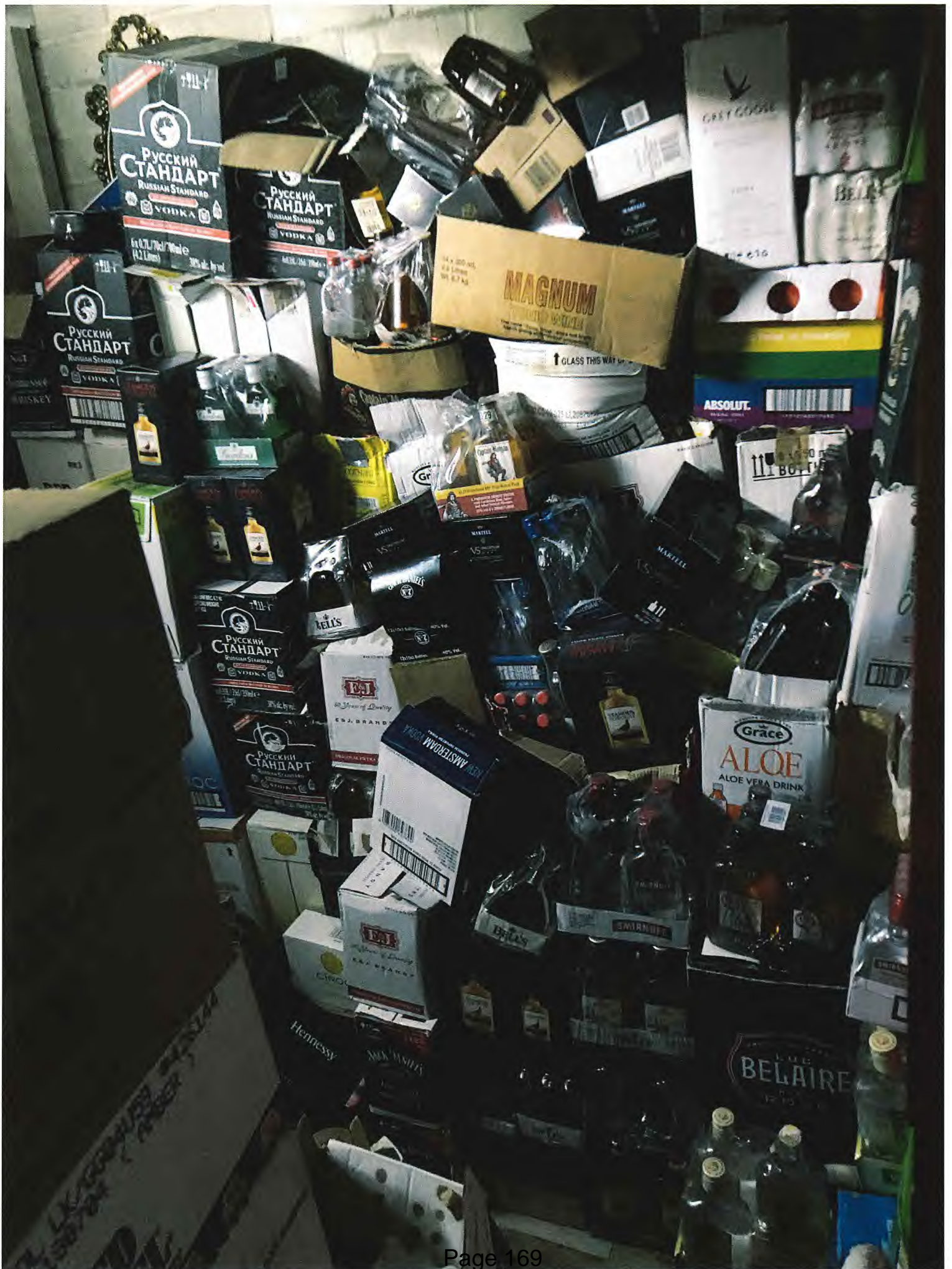


POL 17



pol/a







POU/12







POL/15





7/1/17



8/1/18





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

Original grant date: 24 February 2009
Current issue date: 27 April 2019

.....
Authorised signatory

Premises licence number: 464011

Part 1 – premises details

Postal address of premises, or if none, ordinance survey map reference or description

North Wembley News
129 East Lane, Wembley, Brent, HA9 7PB

Where the licence is time limited the dates

Licensable activities authorised by the licence

Section J: Sale or Supply of Alcohol (Off the premises)

The times the licence authorises the carrying out of licensable activities

Section J: Sale or Supply of Alcohol:(For consumption off the premises)

Day	Start Time	End Time
Monday	06:00	00:00
Tuesday	06:00	00:00
Wednesday	06:00	00:00
Thursday	06:00	00:00
Friday	06:00	01:00
Saturday	06:00	01:00
Sunday	06:00	00:00

The opening hours of the premises

Day	Start Time	End Time
Monday	06:00	00:00
Tuesday	06:00	00:00
Wednesday	06:00	00:00
Thursday	06:00	00:00
Friday	06:00	01:00
Saturday	06:00	01:00
Sunday	06:00	00:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

For consumption off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of the premises licence

VNG Retails Limited
129 East Lane, Wembley, Brent, HA9 7PB

Registered number of holder, for example company number, charity number (where applicable)

09830899

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Namasivayam Thirumal

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Licence Number: [REDACTED]

Issuing authority: [REDACTED]

Annex 1 – Mandatory conditions

No Irresponsible Drinks Promotions

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, 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—

1. (a) games or other activities which require or encourage,

or are designed to require or encourage, individuals to— (i) 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 (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) 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 in a manner which carries a significant risk of undermining a licensing objective;

(c) 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 in a manner which carries a significant risk of undermining a licensing objective;

(d) 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) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Free Water

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age Verification Policy

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either—

(a) a holographic mark, or

(b) an ultraviolet feature.

Small Measures to be Available

The responsible person must ensure that—

(a) 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—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available

Minimum Price of Alcohol

1. 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.

2. For the purposes of the condition set out in paragraph 1—

(a)—duty|| is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b)—permitted price|| is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c)—relevant person|| means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) —relevant person|| means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e)—value added tax|| means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (—the first day||) would be different from the permitted price on the next day (—the second day||) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Requirement for a DPS

(1) No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended.

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

Door Supervisors and Security Staff to be Licensed by the SIA (when required)

Where the licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority, with the following exceptions:

a) premises where the premises licence authorises plays or films

b) any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 to the Private Security Industry Act 2001 (premises being used exclusively by a club with a club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

c) any occasion within paragraph 8(3)(d) of Schedule 2 to the Private Security Industry Act 2001

Film Classification When required

(i) The admission of children to the exhibition of any film must be restricted in accordance with the recommendation of the designated film classification body unless section (ii) applies.

(ii) Where the licensing authority notifies the holder of the licence that this subsection applies the admission of children must be restricted in accordance with any recommendation made by the licensing authority.

In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority

under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

Annex 2 – Conditions consistent with the operating schedule

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 if requested.

2 A CCTV camera shall be installed to cover the entrance of the premises made available to police and licensing officers if requested.

3 A sign stating "No proof of age, No sale" shall be displayed at the point of sale.

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

5 A refusal book shall be kept and maintained.

6 Promotions that encourage irresponsible drinking shall not be permitted.

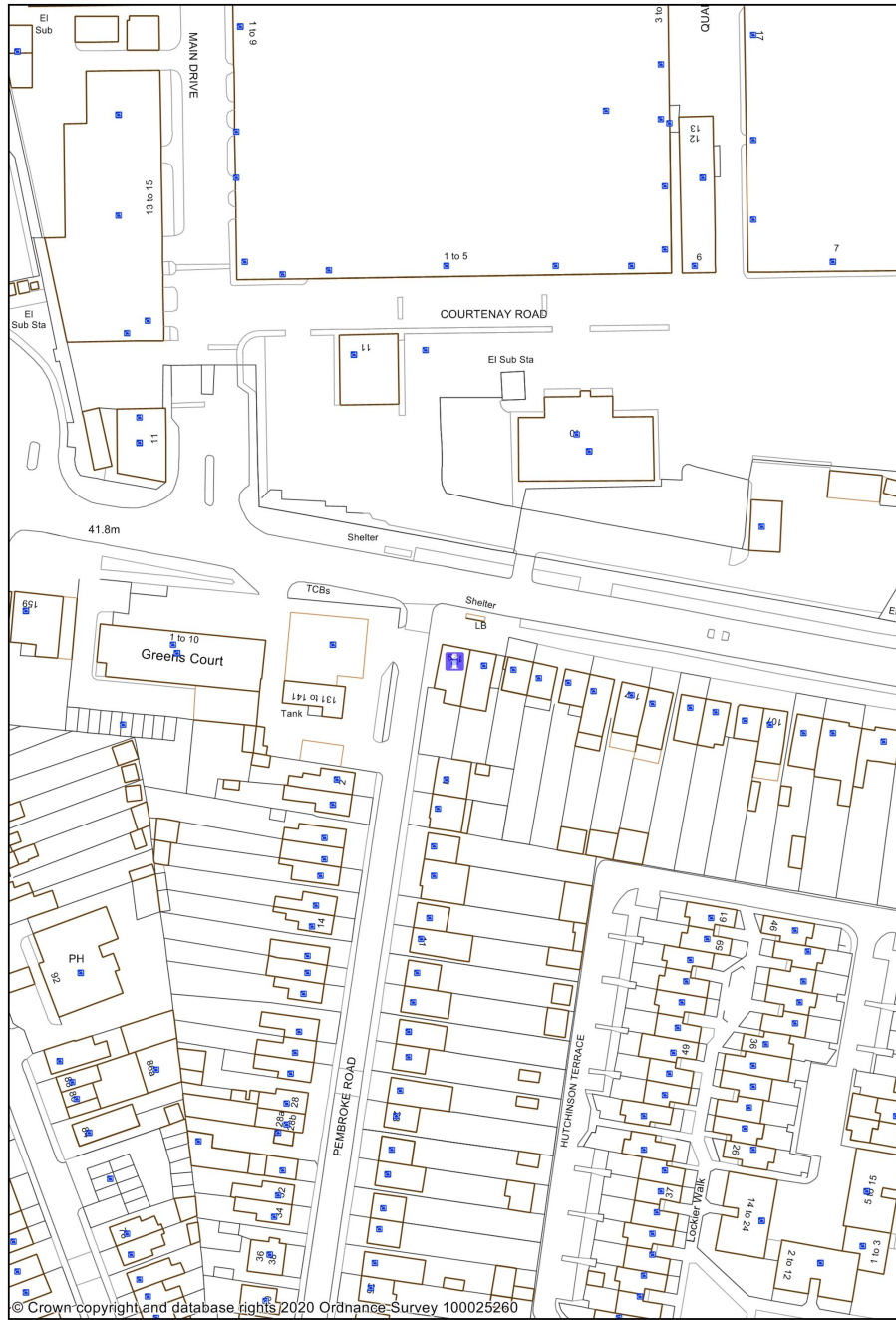
- 7 No high strength beers, lagers, and ciders above 5.5% ABV shall be stocked with the exception of premium beers.
- 8 "Raid Control" crime prevention measures shall be installed and all staff given suitable training.
- 9 The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority.
- 10 Signs alerting customers to theft shall be displayed.
- 11 A clear and unobstructed view into the premises shall be maintained at all times.
- 12 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.
- 13 Suitable intruder alarm complete with panic button shall be fitted and maintained.
- 14 A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.
- 15 On major event days at Wembley Stadium the following shall apply:
- Customers shall not be allowed to congregate outside the premises.
 - The DPS shall work in partnership with the Police and if necessary comply with any direction given by the most senior Police Officer on duty at the event.
 - No alcohol or "alcopop" type drinks shall be displayed or sold in glass containers with the exception of wines and spirits.
- 16 All furniture and soft furnishings shall comply with relevant fire safety standards.
- 17 A fire detection and warning system together with suitable and sufficient fire extinguishers shall be installed and maintained.
- 18 Suitable and sufficient fire fighting equipment shall be installed and properly maintained.
- 19 All deliveries shall take place during the normal working day (i.e. 09:00 to 18:00 daily).
- 20 Advertising, security and access lighting shall be designed, installed and maintained so as not to cause a nuisance to nearby properties.
- 21 Adequate illumination shall be provided and maintained to the external areas of the premises.
- 22 Suitable receptacles for rubbish shall be made available outside the premises for customers to use and they shall be emptied regularly to prevent overflow or odours.
- 23 The licensee shall ensure all public areas within 10 metres of the premises are cleared of litter arising from the premises daily.

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

See attached

North Wembley News 129 East Lane Wembley



1:1250

0 0.02 0.04 kilometres



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LICENSING ACT 2003

Application for the Review a Premises Licence

Name of Applicant:	Metropolitan Police
Name & Address of Premises:	Poziomka 30-32 High Street, NW10 4LX
Applicants Agent:	

1. Application

The application is for the review of a premises licence held by Mrs Monika Kaminska and Mr Sebastian Kaminski. The premises are known as Poziomka, 30-32 High Street, NW10 4LX.

2. Grounds for Review

The grounds for review are the Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.

3. Relevant Representations

Representations have been received from The Police.

4. Background

The premises are currently licensed for the sale of alcohol and to remain open from 08:00hrs to 23:00hrs Monday to Sunday.

5. Associated Papers

- A. Copy of Review Application
- B. Police Representation
- C. Current Licence
- D. OS Map

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APPLICATION FOR A 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 Sergeant Damien Smith on behalf of the Commissioner of the Metropolitan Police Service

Apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description –

Poziomka
30-32 High Street
Harlesden

Post town
London

Post code
NW10 4LX

Name of premises licence holder or club holding club premises certificate –

Mr Sebastian Kaminski & Mrs Monika Kaminska

Number of premises licence or club premises certificate -

223555072

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and 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 ✓ yes

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

Post Code

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

Sergeant Damien Smith 253NW NWCU Police Licensing Unit South Harrow Police Station 74 Northolt Road South Harrow HA2 0DN
Telephone number (if any) 0208 733 5008
E-mail address (optional) Damien.smith@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)

Poziomka, 30-32 High Street, Harlesden, NW10 4LX currently has a premises licence to sell alcohol between 0800 hours until 2300 hours, 7 days a week. The premises are open to the public between the same hours.

The premise licence holders are Mr Sebastian KAAMINSKI and Mrs Monika KAMINSKA. Mrs Monika KAMINSKA is the Designated Premises Supervisor (DPS).

The venue is situated on a busy high street with residential premises above the commercial units. There are other licensed premises in close proximity. The high street is within Harlesden Ward and part of the North West Command Unit. Harlesden has been identified as a crime hotspot area.

Currently the premises licence has 15 conditions attached to annexe 2 of the licence and consistent with the operating schedule.

1 CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.

2 A CCTV camera shall be installed to cover the entrance of the premises and further cameras installed to cover the alcohol shelves.

3 The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.

4 A sign stating "No proof of age – No sale" shall be displayed at the point of sale.

5 A "Challenge 25" policy shall be adopted and adhered to.

6 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 at the premises.

7 A suitable intruder alarm complete with panic button shall be fitted and maintained.

8 The following crime prevention measures shall be implemented:

*** A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area**

***Regular robbery awareness and cash minimisation training shall be given to all staff.**

9 A clear and unobstructed view into the premises shall be maintained at all times.

10 No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked.

11 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) any complaints received**
- (c) any incidents of disorder**
- (d) any faults in the CCTV system**
- (e) any refusal of the sale of alcohol**
- (f) any visit by a relevant authority or emergency service.**

12 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.

13 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.

14 All alcoholic drinks shall be clearly labelled or marked with the name of the premise.

15 All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

The Police do not see these 15 conditions as onerous and they are relevant to the premises operating aligned to the licensing objectives.

In February 2016, an application for a new premises licence was received in relation to this venue. The applicants being Mr Sebastian KAMINSKI and Monika KAMINSKA. Monika KAMINSKA was the DPS at this venue prior to the 2016 application. Harlesden ward was experiencing a high level of street drinking and littering at the time of the 2016 application.

In 2018, the premises had the following crimes recorded with the Metropolitan Police; with the premises identified as the victim, including assaults on staff members.

1902***/18 24th January 2018 – Burglary

1902***/18 1st February 2018 – Theft

1912***/18 17th May 2018 – robbery – staff assaulted

1912***/18 18th May same suspect returned and caused criminal damage

1912***/18 18th May late in the evening different suspect stole from store

1915***/18 21st June 2018 theft – issues with securing CCTV – manager away

1918***/18 22nd July 2018 theft

On 29th October 2019, I visited the premises accompanied by Licensing inspector Chan from the council licensing team visited 30-32 High Street NW10, the premises named Poziomka. While at the venue breaches were identified and No Personal Licence holder was present.

On December 3rd 2019, I visited the premises again accompanied by Inspector Chan from Brent Council. This was to conduct a compliance check and to ascertain if any of the breaches identified in October had been rectified and to ensure the licence conditions were being adhered too. There was no personal licence holder present and alcohol was on display and on sale. Numerous breaches were also identified. Inspector Chan spoke to the DPS, Monika on the telephone and pointed out the breaches. Mrs KAMINSKA was invited to a meeting at Brent Civic Centre on 11th December 2019.

On 5th December a burglary occurred at the premises recorded as crime 1931***/19.

On 10th January 2020, I visited the premises accompanied by PS Sullivan and Inspector Chan. DPS was present. 10 of the 15 existing conditions were breached. (See Supporting evidence). During this visit the DPS was informed that the Police would submit an application for a review of the premises licence.

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

Copy of Premises Licence application from February 2016 – **DJS/1**

Copy of representations submitted by PC Sullivan Brent Police licensing team from 3rd March 2016 – **DJS/2**

In 2018 the following crimes were recorded. The asterisk characters have been used to redact the actual crime ref number known to the Police and available if so required by the subcommittee.

1902***/18 24th January 2018 – Burglary

1902***/18 1st February 2018 – Theft

1912***/18 17th May 2018 – robbery – staff assaulted

1912***/18 18th May same suspect returned and caused criminal damage

1912***/18 18th May late in the evening different suspect stole from store

1915***/18 21st June 2018 theft – issues with securing CCTV – manager away

1918***/18 22nd July 2018 theft

On 29th October 2019 I visited the premises accompanied by Licensing inspector Chan from the council licensing team visited 30-32 High Street NW10, the premises named Poziomka. While at the venue breaches were identified including No Personal Licence holder being present.

**Section 136 Licensing Act 2003 ... conducting licensable activities without authority:
The following conditions attached to annex 2 of the premises Licence were not being adhered to:**

Condition 1: CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.

No one at the store could provide CCTV

Condition 3: The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.

No record exists or is being updated with faults or examinations

Condition 4: A sign stating “No proof of age – No sale” shall be displayed at the point of sale.

There is no signage displayed by the point of sale

Condition 5: A “Challenge 25” policy shall be adopted and adhered to.

There is no evidence that the Challenge 25 policy is in use. There is no signage and staff did not know what was meant by the policy

Condition 6: 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 at the premises.

No such log / record exists and as such is not being maintained

Condition 8: The following crime prevention measures shall be implemented:

*** A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area**

***Regular robbery awareness and cash minimisation training shall be given to all staff.**

There is no safe at the counter area and there is no evidence of any training provided regarding robbery awareness. This would support the amount of crime reports as recorded in 2018.

Condition 11: 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) any complaints received
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

No log record exists

Condition 12: 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.

There was part B but no summary visible.

Condition 13: 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.

No Personal Licence holder was present and alcohol was on display and being sold.

Condition 14: All alcoholic drinks shall be clearly labelled or marked with the name of the premise

The alcohol in the fridge did not have stickers on all of the containers of alcohol for sale bearing the premises name.

Condition 15: All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

No written log could be produced. Staff were selling alcohol without any training and in the absence of the PLH / DPS

On 29th October Licensing Inspector Chan sent a letter to the DPS and licence holders detailing the requirement to adhere to the licence conditions with all 15 listed as a reminder. – **DJS/3**

On 3rd December 2019 I visited the premises accompanied by Inspector Chan. I expected to see improvements and the licence being adhered to. On this visit I noticed no changes had been made and there was no personal licence holder present. **DJS/4**

Section 136 Licensing Act 2003 ... conducting licensable activities without authority:
The following conditions attached to annex 2 of the premises Licence were not being adhered to:

Condition 1: CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.

No one at the store could provide CCTV

Condition 3: The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.

No records exist to monitor the CCTV is functionality.

Condition 4: A sign stating "No proof of age – No sale" shall be displayed at the point of sale.

There is no signage displayed by the point of sale.

Condition 5: A "Challenge 25" policy shall be adopted and adhered to.

There is no evidence that the Challenge 25 policy is in use. There is no signage and staff did not know what was meant by the policy.

Condition 6: 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 at the premises.

No such log / record exists and as such is not being maintained.

Condition 8: The following crime prevention measures shall be implemented:

*** A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area**

***Regular robbery awareness and cash minimisation training shall be given to all staff.**

There is no safe at the counter area and there is no evidence of any training provided regarding robbery awareness. This would support the amount of crime reports as recorded in 2018.

Condition 11: 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:

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- (b) any complaints received**
- (c) any incidents of disorder**
- (d) any faults in the CCTV system**
- (e) any refusal of the sale of alcohol**
- (f) any visit by a relevant authority or emergency service.**

No log record exists.

Condition 12: 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.

There was part B but no summary visible.

Condition 13: 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.

No Personal Licence holder was present and alcohol was on display and being sold.

Condition 14: All alcoholic drinks shall be clearly labelled or marked with the name of the premise

The alcohol in the fridge did not have stickers on all of the containers of alcohol for sale bearing the premises name.

Condition 15: All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

No written log could be produced. Staff were selling alcohol without any training and in the absence of the PLH / DPS.

While in the store Inspector Chan was able to speak to the DPS Mrs Monika KAMINSKA and explain that our findings were not satisfactory and not what was expected from a responsible Licence holder and premise supervisor. A meeting to discuss the matter was arranged for 11th December 2019.

On 5th December 2019, a crime was reported to Police. This crime was recorded as a commercial burglary at the premises. A suspect stole cash from the till in the venue. Thankfully no one was injured. The officer in charge of this case has tried to obtain CCTV for this report but to date has been unsuccessful in doing so.

ON 10TH January 2020 around 1050 hours, I attended the premises in the company of PS Sullivan and Inspector Chan from the council licensing team. I held a belief that the warning letters, phone call and face-to-face meetings would lead to the DPS / licence holders acting swiftly to address the breaches that were pointed out in 2019. However, the following issues were identified.

Section 136 Licensing Act 2003 ... conducting licensable activities without authority: The following conditions attached to annex 2 of the premises Licence were not being adhered to:

Condition 1: CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.

No one at the store could provide CCTV

Condition 3: The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.

Again, no records were being maintained or even existed.

Condition 4: A sign stating "No proof of age – No sale" shall be displayed at the point of sale.

There was no signage displayed by the point of sale

Condition 5: A "Challenge 25" policy shall be adopted and adhered to.

There was no evidence that the Challenge 25 policy is in use. There was no signage displayed and staff did not know what was meant by the policy.

Condition 6: 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 at the premises.

Again, there was no evidence of any records existing or being maintained.

Condition 8: The following crime prevention measures shall be implemented:

*** A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area**

***Regular robbery awareness and cash minimisation training shall be given to all staff.**

There was no safe at the counter area and there is no evidence of any training provided regarding robbery awareness.

Condition 11: 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) any complaints received

(c) any incidents of disorder

(d) any faults in the CCTV system

(e) any refusal of the sale of alcohol

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

No log record existed.

Condition 12: 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.

There was part B but no summary visible.

Condition 14: All alcoholic drinks shall be clearly labelled or marked with the name of the premise

The alcohol in the fridge did not have stickers on all of the containers of alcohol for sale bearing the premises name.

Condition 15: All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

No written log could be produced. Staff were selling alcohol without any training and while the inspector and police were at the venue one female staff member was unsure if she should or could continue to sell alcohol and sought permission from officers.

This visit had one improvement from the October and December visits. The DPS was present on this occasion and this afforded the officers to speak to the DPS face to face. The DPS, Mrs Monika KAMINSKA eventually managed to print off a summary copy of the premises licence. It was apparent that once officers went through the conditions as they appear on the licence, the DPS seemed tearful and upset at the amount of breaches identified. I informed the DPS that I was going to apply for a review of the premises licence. I informed the DPS that I could see no reason as to why the chances afforded by the Council and Police teams were not acted upon. The DPS did not respond with any reasons as to why no action or improvements had been made.

In all honesty, I expected better from the DPS. The council and Police used a stepped approach to try and encourage/work with the DPS yet no actions were taken. It is through this disregard that I have decided to apply for this review. I am entirely unsatisfied that the

premises is being run the way it currently is. Not one of the licensing objectives appear to be covered by the operational practices of the current DPS and in turn I have no confidence in them.

That said I do not see the conditions being too onerous and would expect the DPS to be able to rectify the current setup in order to be able to continue trading with this licence. I do not have any concerns with the operational hours of this business and based on information provided by the DPS, the venue does require alcohol sales to continue trading. I am of the opinion a suspension of the licence would afford the DPS every opportunity to demonstrate they are capable of putting things right and adhere to the conditions by implementing the changes required.

Of course the decision rests with the Sub Committee Panel. The Police are a responsible authority and feel they have been left with no choice but to bring their concerns to the attention of the Licensing Committee.

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.

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day Month Year

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

N/A

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 (Licensing)
Brent Council
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

☎ 020 8937 5359

Email: environmentandprotection@brent.gov.uk

Cheques should be crossed and made payable to London Borough of Brent.

Please follow the instructions in the checklist on page 14 to submit the relevant copies to the responsible authorities. Contact details shown below:

Chief Officer of Police
Brent Licensing Department
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8733 3206

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

Tel: 020 8555 1200 x38778

Trading Standards
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5555

Environmental Health
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5252

Children's Services
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Licensing Authority
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ
Tel: 020 8937 5359

Area Planning Service
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5210

Public Safety Team
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5359

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

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 (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature PS Damien Smith 253NW

Date 16th January 2020

Capacity on behalf of the Chief Officer of the Metropolitan Police.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address 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

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Sergeant Damien Smith 253NW

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 7 page(s) 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 in it anything which I know to be false, or do not believe to be true.

Witness Signature:

P.S. Damien Smith 253NW

Date: 19/1/2020

This statement refers to Poziomka at 30-32 High Street Harlesden NW10 4LX. Poziomka, 30-32 High Street, Harlesden, NW10 4LX currently has a premises licence to sell alcohol between 0800 hours until 2300 hours, 7 days a week. The premises are open to the public between the same hours. The premise licence holders are Mr Sebastian KAAMINSKI and Mrs Monika KAMINSKA. Mrs Monika KAMINSKA is the Designated Premises Supervisor (DPS).

The venue is situated on a busy high street with residential premises above the commercial units. There are other licensed premises in close proximity. The high street is within Harlesden Ward and part of the North West Command Unit. Harlesden has been identified as a crime hotspot area.

Currently the premises licence has 15 conditions attached to annexe 2 of the licence and consistent with the operating schedule.

1 CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.

2 A CCTV camera shall be installed to cover the entrance of the premises and further cameras installed to cover the alcohol shelves.

3 The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.

4 A sign stating "No proof of age – No sale" shall be displayed at the point of sale.

5 A "Challenge 25" policy shall be adopted and adhered to.

6 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 at the premises.

7 A suitable intruder alarm complete with panic button shall be fitted and maintained.

8 The following crime prevention measures shall be implemented:

- * A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area
- * Regular robbery awareness and cash minimisation training shall be given to all staff.

9 A clear and unobstructed view into the premises shall be maintained at all times.

10 No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked.

Witness Signature: P.S. Damien Smith 253NW

Signature Witnessed by Signature:

Continuation of Statement of: *PS Damien Smith 253NW*

11 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) any complaints received
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

12 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.

13 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.

14 All alcoholic drinks shall be clearly labelled or marked with the name of the premise.

15 All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

Representing one of the responsible authorities I do not see these 15 conditions as onerous and they are relevant to the premises operating aligned to the 4 licensing objectives.

In February 2016, an application for a new premises licence was received in relation to this venue. The applicants being Mr Sebastian KAMINSKI and Monika KAMINSKA. Monika KAMINSKA was the DPS at this venue prior to the 2016 application. Harlesden ward was experiencing a high level of street drinking and littering at the time of the 2016 application. Based on the street drinking in the area some of the conditions imposed on the premises were to assist in tackling the issue, namely marking each alcohol product with a price sticker with the stores name displayed.

In 2018, the premises had the following crimes recorded with the Metropolitan Police; with the premises identified as the victim, including assaults on staff members.

1902***/18 24th January 2018 – Burglary
 1902***/18 1st February 2018 – Theft
 1912***/18 17th May 2018 – robbery – staff assaulted
 1912***/18 18th May same suspect returned and caused criminal damage
 1912***/18 18th May late in the evening different suspect stole from store
 1915***/18 21st June 2018 theft – issues with securing CCTV – manager away
 1918***/18 22nd July 2018 theft

*Full crime report numbers known to Police.

On 29th October 2019 I visited the premises accompanied by Licensing inspector Chan from the council licensing team visited 30-32 High Street NW10, the premises named Poziomka. While at the venue breaches were identified including No Personal Licence holder being present.

Section 136 Licensing Act 2003 ... conducting licensable activities without authority:
The following conditions attached to annex 2 of the premises Licence were not being adhered to:

Witness Signature: *PS Damien Smith 253NW*

Signature Witnessed by Signature:

Continuation of Statement of:

PS Damien Smith 253NW

Condition 1: CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.

No one at the store could provide CCTV

Condition 3: The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request

No record exists or has been updated with the faults

Condition 4: A sign stating "No proof of age – No sale" shall be displayed at the point of sale.

There is no signage displayed by the point of sale

Condition 5: A "Challenge 25" policy shall be adopted and adhered to.

There is no evidence that the Challenge 25 policy is in use. There is no signage and staff did not know what was meant by the policy

Condition 6: 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 at the premises.

No such log / record exists and as such is not being maintained

Condition 8: The following crime prevention measures shall be implemented:

* A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area

*Regular robbery awareness and cash minimisation training shall be given to all staff.

There is no safe at the counter area and there is no evidence of any training provided regarding robbery awareness. This would support the amount of crime reports as recorded in 2018.

Condition 11: 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) any complaints received

(c) any incidents of disorder

(d) any faults in the CCTV system

(e) any refusal of the sale of alcohol

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

No log record exists

Condition 12: 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.

There was part B but no summary visible.

Condition 13: 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.

No Personal Licence holder was present and alcohol was on display and being sold.

Condition 14: All alcoholic drinks shall be clearly labelled or marked with the name of the premise

The alcohol in the fridge did not have stickers on all of the containers of alcohol for sale bearing the premises name.

Condition 15: All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

No written log could be produced. Staff were selling alcohol without training and in the absence of the PLH/DPS

Witness Signature:

PS Damien Smith 253NW

Signature Witnessed by Signature:

Continuation of Statement of: *PS Damien Smith 253NW*

On 29th October Licensing Inspector Chan sent a letter to the DPS and licence holders detailing the requirement to adhere to the licence conditions with all 15 listed as a reminder.

On 3rd December 2019 I visited the premises accompanied by Inspector Chan. I expected to see improvements and the licence being adhered to. On this visit I noticed no changes had been made and there was no personal licence holder present. The following breaches were discovered;

Section 136 Licensing Act 2003 ... conducting licensable activities without authority:

The following conditions attached to annex 2 of the premises Licence were not being adhered to:

Condition 1: CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.

No one at the store could provide CCTV

Condition 3: The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request. No records exist to monitor the CCTV is functionality.

Condition 4: A sign stating "No proof of age – No sale" shall be displayed at the point of sale.

There is no signage displayed by the point of sale.

Condition 5: A "Challenge 25" policy shall be adopted and adhered to.

There is no evidence that the Challenge 25 policy is in use. There is no signage and staff did not know what was meant by the policy.

Condition 6: 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 at the premises.

No such log / record exists and as such is not being maintained.

Condition 8: The following crime prevention measures shall be implemented:

*** A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area**

***Regular robbery awareness and cash minimisation training shall be given to all staff.**

There is no safe at the counter area and there is no evidence of any training provided regarding robbery awareness. This would support the amount of crime reports as recorded in 2018.

Condition 11: 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) any complaints received
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

No log record exists.

Condition 12: 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.

There was part B but no summary visible.

Witness Signature: *PS Damien Smith 253NW*

Signature Witnessed by Signature:

Continuation of Statement of: *PS Damien Smith 253NW*

Condition 13: 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.

No Personal Licence holder was present and alcohol was on display and being sold.

Condition 14: All alcoholic drinks shall be clearly labelled or marked with the name of the premise The alcohol in the fridge did not have stickers on all of the containers of alcohol for sale bearing the premises name.

Condition 15: All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

No written log could be produced. Staff were selling alcohol without any training and in the absence of a PLH / DPS.

While in the store Inspector Chan was able to speak to the DPS Mrs Monika KAMINSKA and explain that our findings were not satisfactory and not what was expected from a responsible Licence holder and premise supervisor. A meeting to discuss the matter was arranged for 11th December 2019.

On 5th December 2019, a crime was reported to Police. This crime was recorded as a commercial burglary at the premises. A suspect stole cash from the till in the venue. Thank fully no one was injured. The officer in charge of this case has tried to obtain CCTV for this report but to date has been unsuccessful in doing so.

On 10th January 2020 around 1050 hours, I attended the premises in the company of PS Sullivan and Inspector Chan from the council licensing team. I held a belief that the warning letters, phone call and face-to-face meetings would lead to the DPS / licence holders acting swiftly to address the breaches that were pointed out in 2019. However, the following issues were identified.

Section 136 Licensing Act 2003 ... conducting licensable activities without authority:

The following conditions attached to annex 2 of the premises Licence were not being adhered to:

Condition 1: CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.

No one at the store could provide CCTV

Condition 3: The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request. Again, no records were being maintained or even existed.

Condition 4: A sign stating "No proof of age – No sale" shall be displayed at the point of sale.

There was no signage displayed by the point of sale

Condition 5: A "Challenge 25" policy shall be adopted and adhered to.

There was no evidence that the Challenge 25 policy is in use. There was no signage displayed and staff did not know what was meant by the policy.

Condition 6: 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 at the premises.

Again, there was no evidence of any records existing or being maintained.

Condition 8: The following crime prevention measures shall be implemented:

* A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area

*Regular robbery awareness and cash minimisation training shall be given to all staff.

Witness Signature: *PS Damien Smith 253NW*

Signature Witnessed by Signature:

Continuation of Statement of:

PS Damien Smith 253NW

There was no safe at the counter area and there is no evidence of any training provided regarding robbery awareness.

Condition 11: 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) any complaints received
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

No log record existed.

Condition 12: 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.

There was part B but no summary visible.

Condition 14: All alcoholic drinks shall be clearly labelled or marked with the name of the premise

The alcohol in the fridge did not have stickers on all of the containers of alcohol for sale bearing the premises name.

Condition 15: All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

No written log could be produced. Staff were selling alcohol without any training and in the absence of a PLH / DPS. While the council and police teams were at the venue a female staff member sought permission from Police to sell alcohol at the counter.

This visit had one improvement from the October and December visits. That difference was the DPS was present on this occasion and this afforded the officers to speak to the DPS face to face. The DPS, Mrs Monika KAMINSKA eventually managed to print off a summary copy of the premises licence. It was apparent that once officers went through the conditions as they appear on the licence, the DPS seemed tearful and upset at the amount of breaches identified. I informed the DPS that I was going to apply for a review of the premises licence. I informed the DPS that I could see no reason as to why the chances afforded by the Council and Police teams were not acted upon. The DPS did not respond with any reasons as to why no action or improvements had been made.

On the 16th January I sent a review application through to the Council licensing team, detailing my findings. I am fully aware that as police officer I am working on behalf of a responsible authority. All I can do as a responsible authority is provide evidence to enable the Licensing committee or Sub Committee to make informed decisions. The review application has been accepted with the consultation date set at 13th February 2020. *PS Damien Smith 253NW*

Witness Signature: *PS Damien Smith 253NW*

Signature Witnessed by Signature:

Witness contact details

URN

Name of witness: PS Damien Smith 253NW
 Home Address: C/O Harrow Police Station
 E-mail address: damien.smith@met.police.uk
 Home Telephone Number:

Postcode:
 Mobile:
 Work Telephone Number: 02087335008

Preferred means of contact (specify details for vulnerable/intimidated victims and witnesses only):

Gender:

Date and place of birth:

Former name:

Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:**Witness care**

- a) Is the witness willing to attend court? YES If 'No', include reason(s) on form **MG6**.
 b) What can be done to ensure attendance? Advanced notice
 c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case) If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
 d) Does the witness have any particular needs? If 'Yes' what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?).

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes ☐ No ☐
 b) I have been given the Victim Personal Statement leaflet Yes ☐ No ☐
 c) I have been given the leaflet "Giving a witness statement to the police..." Yes ☐ No ☐
 d) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes ☐ No ☐ N/A ☐
 e) I consent to my medical record in relation to this matter being disclosed to the defence Yes ☐ No ☐ N/A ☐
 f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes ☐ No ☐ N/A ☐

'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'.

Signature of witness: *PS Damien Smith 253NW* PRINT NAME:

Signature of parent/guardian/appropriate adult: PRINT NAME:

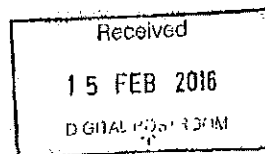
Address and telephone number (of parent etc.), if different from above:

Statement compiled by: *PS Damien Smith 253NW* Station: Harrow -P&P

Time and place statement taken: Harrow Police
 Station 19/1/2020

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DJS/1



SCHEDULE 2

regulation 10

NEW PREMISES LICENCE APPLICATION FORM

Application for a premises licence to be granted
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.

We SEBASTIAN KAMINSKI, MONIKA KAMINSKA

.....apply for a premises licence under
section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the
premises) and we are making this application to you as the relevant licensing authority in
accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
30-32 HIGH STREET	
Post town	LONDON
Post code	NW10 4LX

Telephone number of premises (if any)

Non-domestic rateable value of premises

No 30	E	12250.00
No 32	F	15500.00
Total		£27750.00

1.

Premises New Application.docx

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick ✓ Yes

- a) An individual or individuals* ☐ please complete section (A)
- b) a person other than an individual*
i. as a limited company ☐ please complete section (B)
ii. as a partnership ☒ please complete section (B)
iii. as an unincorporated association or ☐ please complete section (B)
iv. other (for example a statutory corporation) ☐ please complete section (B)
- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick ✓ Yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☐
- I am making the application pursuant to a
o Statutory function or ☐
o A function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

First names

KAMINSKA

MONIKA

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)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☒

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev) ☐

Surname

KAMINSKI

First names

SEBASTIAN

I am 18 years old or over

Please tick ☒ Yes

Current postal
address
If different from
premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address
(optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	POZIOMKA
Address	30-32 HIGH STREET LONDON NW10 4LX
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc.)	PARTNERSHIP OF MONIKA KAMINSKA AND SEBASTIAN KAMINSKI TA POZIOMKA
Telephone number (if any)	
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
0	8	0	3	2	0	1	6

If you wish the licence to be valid only for a limited period, when do you want it to end?

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

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

Please give a general description of the premises (please read guidance note 1)

PREMISES WILL BE USE AS GENERAL GROCERY SHOP.
ALCOHOL WILL BE ONLY SMALL PART OF OUR PRODUCTS.

Please tick ☒ Yes

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I) ☐
- j) dancing (if ticking yes, fill in box J) ☐
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) ☐

Provision of late night refreshment (if ticking yes, fill in box L) ☐

Sale of alcohol (if ticking yes, fill in box M) ☒

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick <input checked="" type="checkbox"/> (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed					
Thur			State any seasonal variations for performing plays (please read guidance note 4)		
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		

B

Films Standard days and timings (please read guidance note 6)			Will the performance of films take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

E

Live Music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [✓] (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place Indoors or outdoors or both – please tick [✓] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed			<u>State any seasonal variations for playing recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place Indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the activities you will be providing										
			<table border="1"> <tr> <td>Will this entertainment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).</td> <td>Indoors</td> <td></td> </tr> <tr> <td></td> <td>Outdoors</td> <td></td> </tr> <tr> <td></td> <td>Both</td> <td></td> </tr> </table>		Will this entertainment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors			Outdoors			Both	
Will this entertainment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors												
	Outdoors												
	Both												
Day	Start	Finish											
Mon			Please give further details here (please read guidance note 3)										
Tue													
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)										
Thur													
Fri			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)										
Sat													
Sun													

I

Provision of facilities for making music Standard days and timings (please read guidance note 8)			Please give a description of the facilities for making music you will be providing										
			<table border="1"> <tr> <td>Will this entertainment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).</td> <td>Indoors</td> <td></td> </tr> <tr> <td></td> <td>Outdoors</td> <td></td> </tr> <tr> <td></td> <td>Both</td> <td></td> </tr> </table>		Will this entertainment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors			Outdoors			Both	
Will this entertainment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors												
	Outdoors												
	Both												
Day	Start	Finish											
Mon			Please give further details here (please read guidance note 3)										
Tue													
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)										
Thur													
Fri			Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)										
Sat													
Sun													

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (see guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give a description of the facilities for dancing you will be providing	Both	
Tue					
Wed			Please give further details here (please read guidance note 3)		
Thur					
Fri			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Sat					
Sun			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

Provision of facilities for entertainment of a similar description to that falling within (i) or (j) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing	Will the entertainment facility be indoors or outdoors or both – please tick (✓) (please read guidance note 2).	Indoors	
Day	Start	Finish			Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within (i) or (j) (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within (i) or (j) at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

L

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [✓] (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box ✓) (please read guidance note 7)	On the premises	
				Off the premises	✓
				Both	
Day	Start	Finish	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Mon	7:00	23:00			
Tue	7:00	23:00			
Wed	7:00	23:00	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur	7:00	23:00			
Fri	7:00	23:00			
Sat	7:00	23:00			
Sun	7:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name MONIKA KAMINSKA

Address [REDACTED]

Postcode [REDACTED]

Personal Licence number (if known) [REDACTED]

Issuing licensing authority (if known) [REDACTED]

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	7:00	23:00	
Tue	7:00	23:00	
Wed	7:00	23:00	Non-standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 6)
Thur	7:00	23:00	
Fri	7:00	23:00	
Sat	7:00	23:00	
Sun	7:00	23:00	

P Describe the steps you intend to take to promote the four licensing objectives:

a) **General – all four licensing objectives (b, c, d, e) (please read guidance note 9)**

CCTV SYSTEM IN OPERATION AT ALL TIME,
GOOD CONDITION OF EMERGENCY EXITS, SIGNS, EQUIPMENT,
DON'T SELL ALCOHOL TO CONSUMERS YOUNGER THAN
18 YEARS OLD.

b) **The prevention of crime and disorder**

CHECKING PROOF OF AGE IF PERSON LOOK YOUNGER THAN
21 YEARS OLD.
CCTV SYSTEM WILL RECORD VIEW OF PUBLIC AREAS AND OUTSIDE
THE MAIN ENTRANCE DOOR.
ALL DRINKS WILL BE SELL IN A SEALED CONTAINERS.

c) **Public safety**

ALL EXIT DOORS COULD BE OPEN BY ANY PERSON WITHOUT ANY KEY
DURING OPENING HOURS. ALL ESCAPE ROUTES AND EXITS
WILL BE IN GOOD CONDITION AND FREE FROM OBSTRUCTIONS,
SIGNS AND ESCAPE ROUTES WILL BE CLEARLY DISPLAYED.

d) **The prevention of public nuisance**

SHOP WILL BE OPEN ONLY ON DAY TIME.
DON'T SELL ALCOHOL TO DRUNK PERSON.

e) **The protection of children from harm**

USING CHALLENGE 21 POLICY.
NOTICE OF AGE RESTRICTION WILL BE PLACE IN STRATEGICALLY
POINT.

Checklist

Please tick ✓ Yes

- I have made or enclosed payment of the fee I will make payment by card
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application – see enclosed information leaflet ☒
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature Kaminski

Date 08/02/2016

Capacity OWNER

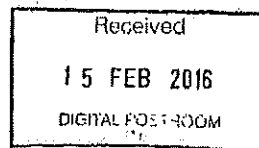
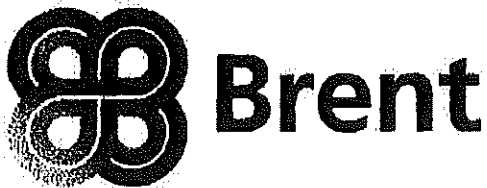
For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (Please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature Kaminski

Date 08/02/2016

Capacity OWNER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
SEBASTIAN KAMINSKI	
<div style="background-color: black; height: 15px; width: 100%;"></div>	
Post town <div style="background-color: black; width: 100%;"></div>	Post code <div style="background-color: black; width: 100%;"></div>
Telephone number <div style="background-color: black; width: 100%;"></div>	
E-mail address (optional)	



DESIGNATED PREMISES SUPERVISOR CONSENT FORM

Consent of individual to being specified as premises supervisor

If you are completing this form by hand please use black ink and write legibly in block capitals.

I, MONIKA KAMINSKA
[full name of prospective premises supervisor] of [REDACTED]
[REDACTED]
[REDACTED]
[home address of prospective premises supervisor] hereby confirm that I give my
consent to be specified as the designated premises supervisor in relation to the application for
VARY OF DPS [type of application eg, grant of new licence /
vary of DPS] by MONIKA KAMINSKA
[name of applicant]
relating to premises licence [number of existing licence, if any]
for POZIONKA
30-32 HIGH STREET
LONDON
NW10 4LX [name and address of premises to which the application relates]
and any premises licence to be granted or varied in respect of this application made by
MONIKA KAMINSKA [name of applicant]
concerning the supply of alcohol at POZIONKA
30-32 HIGH STREET
LONDON, NW10 4LX
[name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number - [REDACTED] [insert, if any]

Personal licence issuing authority B11AB
AWARDING QUALIFICATIONS FOR LICENSED RETAIL

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Name
(please print)

Date

Kaminska

KAMINSKA

12/02/2016

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.

Please return the completed form to:-

Regulatory Services (Licensing)
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

☎ 020 8937 5359

Email: environmentandprotection@brent.gov.uk

DJS/2



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

Brent Police Licensing Unit

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

Your ref:

Our ref: 01QK/72/16/368

Brent Borough Licensing Department

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

Tel: 020 8733 3206

Fax: 020 8733 3101

Email: michael.sullivan3@met.police.uk

Web: www.met.police.uk

Date: 3rd March 2016

Police Representation to the application for a new Premises Licence for

Poziomka 30-32 High Street, Harlesden, London, NW10 4LX

I certify that I have considered the application shown above and I wish to make representations that the likely effect of the grant of the application is detrimental to the Licensing Act 2003 Objectives for the reasons indicated below.

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

Officer: Licensing Constable PC368QK Michael Sullivan

An officer of the Metropolitan Police, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made for a new premises licence under section 17 of the act.

The Police representations are primarily concerned with crime and disorder, and the Prevention of Public Nuisance.

Police require the following points added as conditions on the premises licence.

CCTV

1. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.
2. A CCTV camera shall be installed to cover the entrance of the premises and further cameras installed to cover the Alcohol shelves.
3. The Licence Holder / DPS / Manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.

Proof Of Age

4. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
5. A "Challenge 25" policy shall be adopted and adhered to.
6. 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.

Crime Prevention

7. A suitable intruder alarm complete with panic button shall be fitted and maintained.
8. The following crime prevention measures shall be implemented:
 - A time delay safe with deposit slot and anti fishing mechanisms must be used at the counter till area
 - Regular robbery awareness and cash minimization training shall be given to all staff.
9. A clear and unobstructed view into the premises shall be maintained at all times.

General

10. No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked.
11. 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) any complaints received
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
12. 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..
13. 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.
14. All alcoholic drinks shall be clearly labeled or marked with the name of the premise.
15. All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

I have discussed the application with the applicant and he has informed me that the shops opening times will be from, 08:00 to 23:00, he states he was advised to ask for the extra hours just in case, however he has no intention of ever opening before 08:00 Hours.

With this in mind -

The Hours Premises are open to the public will be -

Mon 08:00 - 23:00
Tues 08:00 - 23:00
Wed 08:00 - 23:00
Thurs 08:00 - 23:00
Fri 08:00 - 23:00
Sat 08:00 - 23:00
Sun 08:00 - 23:00

Supply of alcohol

Mon 08:00 - 23:00
Tues 08:00 - 23:00
Wed 08:00 - 23:00
Thurs 08:00 - 23:00
Fri 08:00 - 23:00
Sat 08:00 - 23:00
Sun 08:00 - 23:00

The applicant has asked if he can sell certain brands of High strength beers, and has listed them, he has asked for Perla czarna 7.6% Karpackie 9% Debowe 7% and Warka strong 6.5%. After considerable consideration I will be asking for condition number 11 of my Proposals to stand and not have a list of named high strength beers attached, Harlesden has a serious problem with street Drinking and Anti- Social Behaviour and allowing another premise to sell high strength beers will only fuel the problem.

Yours Sincerely

Michael Sullivan
Licensing Constable
Brent Police

DJS | 3



Brent Civic Centre
Engineers Way
Wembley
Middlesex HA9 0FJ

TEL 020 8937 5303

EMAIL esther.chan@brent.gov.uk

WEB www.brent.gov.uk

Mr Sebastian Kaminski & Mrs Monika Kaminski
[REDACTED]
[REDACTED]
[REDACTED]

29th October 2019

Our Ref: 0716

Dear Mr Sebastian Kaminski & Mrs Monika Kaminski,

Licensing Act 2003 – Breach of Premise Licence
Re: Poziomka, 30-32 High Street, London, NW10 4LX

I am writing to confirm my inspection with Sergeant Damien Smith & PC Darren Cowley on Thursday 10th October 2019 at 10:30hrs.

During my visit, Ms Malgorzata Truskolaska who spoke limited English was unable to demonstrate that the conditions embedded on the premise licence were satisfied.

It was apparent that none of your staff members held a personal licence at the time of my visit. As per my telephone conversation with Mr Sebastian Kaminski on day of my visit, a personal licence holder must be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

May I remind you that the following conditions are embedded on the premise licence and must be complied with at all times:

Embedded 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 authorised Officers from Brent Council.*
- 2 *A CCTV camera shall be installed to cover the entrance of the premises and further cameras installed to cover the alcohol shelves.*
- 3 *The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.*
- 4 *A sign stating "No proof of age – No sale" shall be displayed at the point of sale.*



- 5 A "Challenge 25" policy shall be adopted and adhered to.
- 6 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 at the premises
- 7 A suitable intruder alarm complete with panic button shall be fitted and maintained.
- 8 The following crime prevention measures shall be implemented:
- A time delay safe with deposit slot and anti fishing mechanisms must be used at the counter till area
 - Regular robbery awareness and cash minimisation training shall be given to all staff.
- 9 A clear and unobstructed view into the premises shall be maintained at all times.
- 10 No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked.
- 11 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) any complaints received
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
- 10 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.
- 11 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.
- 14 All alcoholic drinks shall be clearly labelled or marked with the name of the premise.
- 15 All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

If you are unable to comply with all the conditions stipulated on your premise licence during your trading hours, you must not expose or supply any alcohol.

Failure to comply with the above conditions may result in the review of your premise licence and/or prosecution.

Please do not hesitate to contact me quoting the above reference should you require any further advice or information.

Yours faithfully,

Ehen



Esther Chan
Licensing Inspector
Regulatory Services



DJS/4



Brent Civic Centre
Engineers Way
Wembley
Middlesex HA9 0FJ

TEL 020 8937 5303

EMAIL esther.chan@brent.gov.uk

WEB www.brent.gov.uk

Mr Sebastian Kaminski & Mrs Monika Kaminski
[REDACTED]
[REDACTED]
[REDACTED]

5th December 2019

Our Ref: 0716

Dear Mr Sebastian Kaminski & Mrs Monika Kaminski,

**Licensing Act 2003 – Breach of Premise Licence
Re: Poziomka, 30-32 High Street, London, NW10 4LX**

On Tuesday 3rd December 2019 at 11:37hrs, Sergeant Damien Smith and I carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your premise licence.

At the time of our visit, it was noted that two female members of staff, known to be Martyna Kavcyak and Jostyna Jankos were on duty. The premises was open to the public and alcohol was displayed on the shop floor. Ms Kavcyak and Ms Jankos spoke limited English and confirmed they did not hold a personal licence.

It was apparent that they did not have licensing knowledge to demonstrate that conditions embedded on the premise licence were met.

At 11:46hrs, I spoke to the DPS, Monika Kaminski to remind her that on 29th October 2019, you were sent a warning letter for contravening the conditions embedded on the premise licence. You were reminded that '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', which is a condition stipulated on your premise licence.

Under Section 136 of the above Act Unauthorised licensable activities, a person commits an offence if—

(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or

(b) he knowingly allows a licensable activity to be so carried on.

Under Section 137 of the above Act, it is an offence to expose alcohol for unauthorised sale.



(a) A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.

(b) For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation.

For each offence, a person guilty is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine or to both.

To confirm again, if you are unable to comply with all the conditions stipulated on your premise licence during your trading hours, then you must cover all the alcohol on display.

Taking into account the warning letter which has already been issued to you, please take this final letter as notice that the Council is now considering formal legal action against you for continued contraventions of the Licensing Act 2003.

You are invited to attend a meeting on Wednesday 11th December 2019 at 10.00am at Brent Civic Centre, Engineers Way, Wembley, Middlesex, HA9 0FJ. Please report to the front 'welcome' reception desk on the ground floor and call me 0208 937 5303. I would appreciate if you could confirm your attendance by Tuesday 10th December 2019.

Please do not hesitate to contact me should you require clarification.

Yours faithfully,



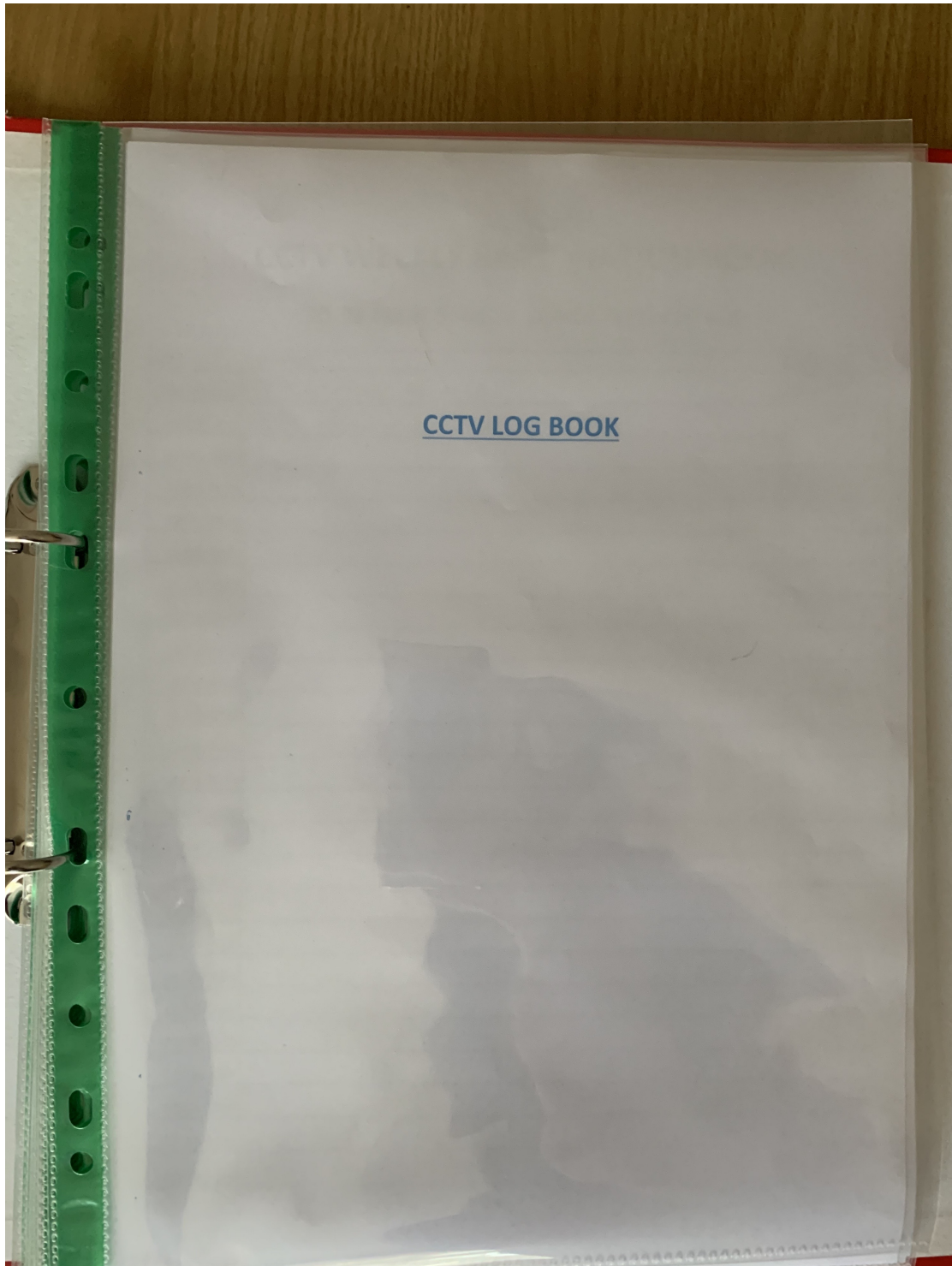
Esther Chan
Licensing Inspector
Regulatory Services

cc: Brent Licensing Police



INVESTORS IN PEOPLE





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CCTV WEEKLY EXAMINATION BOOK

30-32 HIGH STREET, LONDON NW10 4LX

DATE	COMMENT	SIGNATURE
06/01/2020	<i>CCTV working correctly.</i>	<i>[Signature]</i>
13/01/2020	<i>CCTV working correctly</i>	<i>[Signature]</i>
20/01/2020		
27/01/2020		
03/02/2020		
10/02/2020		
17/02/2020		
24/02/2020		
02/03/2020		
09/03/2020		
16/03/2020		
23/03/2020		
30/03/2020		
06/04/2020		
13/04/2020		
20/04/2020		
27/04/2020		
04/05/2020		
11/05/2020		
18/05/2020		
25/05/2020		
01/06/2020		
08/06/2020		
15/06/2020		
22/06/2020		

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STAFF TRAINING LOG BOOK

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Staff

Training

ALCOHOL SALES

It is important all staff know the four
licensing objectives

PUBLIC SAFETY

PROTECTION OF CHILDREN FROM
HARM

PREVENTION OF PUBLIC
NUISANCE

PREVENTION OF CRIME AND
DISORDER

This booklet and training will help all
staff meet these four licensing
objectives

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Staff training checklist for -- alcohol

Staff member full name: [REDACTED]

A new checklist should be used to record when;

- a new staff member is appointed
- changes to the shops alcohol licence or policies have occurred
- when carrying out refresher training for existing staff.

It is an important way to demonstrate how you are trying to comply with the specific requirements of your alcohol licence and the objectives of 2003 Licensing Act, so should be kept in a safe place. We would recommend best practice is to keep completed checklists on the shop premises in a clearly labelled and accessible 'alcohol licence' file.

1. What the law says about selling alcohol & the penalty staff and the business can face if an underage sale occurs?	✓
2. That the shop has to have a licence to sell alcohol. That they understand what the licence requires and the consequences for them and the business should any person sell alcohol in breach of any aspect of the alcohol licence.	✓
3. What the alcohol licence and annexed conditions requires. For example this includes basic requirements, such as; ensuring alcohol is only sold during licensing hours, mandatory conditions as well as any conditions that are set out in the Annexes to the alcohol licence that are specific to your individual premises, e.g. where in the shop alcohol can be displayed for sale.	✓
4. Why selling alcohol underage and underage drinking is a problem for local communities, as well as the harm caused to underage drinkers themselves?	✓
5. What your shop policy is for challenging customers for proof of age?	✓
6. What your shop policy is, for the types of proof of age (ID) staff should accept?	✓
7. What to look out for in relation to fake ID and how to check ID to ensure the person is who they claim to be?	✓
8. What to do if they challenge someone using fake or someone else's ID?	✓
9. How to operate any 'till prompt' system installed?	✓
10. The signs to look out for that the customer may be buying alcohol for others who are underage ('Proxy purchasing')?	✓
11. What staff should do if they suspect the person they are serving is a 'proxy purchaser'?	✓

Page 1 of 2

Staff Training checklist for alcohol version 1 dated 28th June 2010.

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Staff training checklist for -- alcohol

Staff member full name [REDACTED]

A new checklist should be used to record when;

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9. How to operate any 'till prompt' system installed?	✓
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Staff Training checklist for alcohol version 1 dated 28th June 2010.

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Staff Training checklist for alcohol version 1 dated 28th June 2010.

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Staff training checklist for -- alcohol

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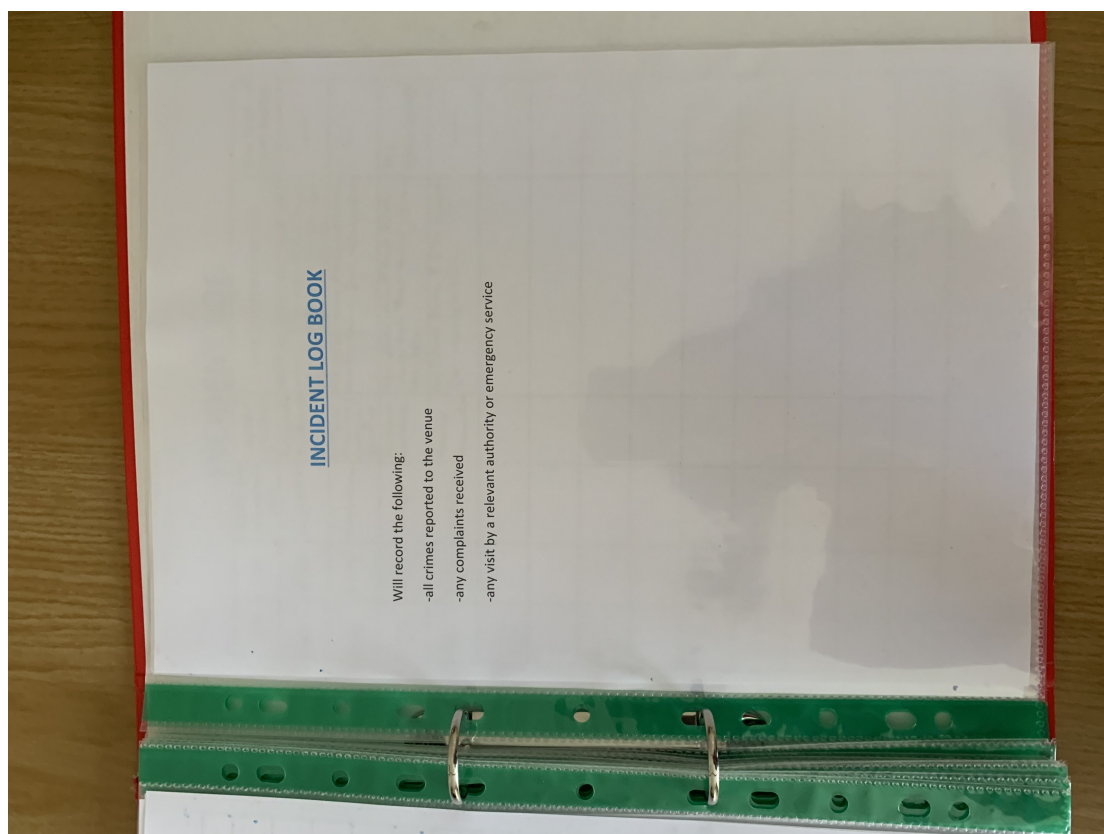
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Page 1 of 2

Staff Training checklist for alcohol version 1 dated 28th June 2010.

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REGENERATION AND GROWTH
REGULATORY SERVICES
LONDON BOROUGH OF BRENT
ENGINEERS WAY
WALTON
HA9 9PJ

TEL: 020 8897 5359
EMAIL: premises@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: *Alexander Doudney*
Operational Director, Planning and Regeneration

Date: 23 March 2016

Licence number 223555072

Licence start date: 08/03/2016

Part 1 - Premises Details

POZIOUKA, 30-32 High Street, London, NW10 4LX

Licensable activities and the times authorised for this licence

Supplier 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	08:00	23:00

LBB - Premises Licence 223555072

Page | 1

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12. What your shop policy is if a customer becomes aggressive because of a refusal to sell alcohol and steps staff should take to protect themselves?	✓		
13. What to do if person they are serving is 'drunk' and what your store policy is as to what 'drunk' means?	✓		
14. Where and how to record any refusals to sell, challenges for proof of age, use of fake ID or any other incidents such as aggressive or abusive customers etc?	✓		
15. Why it is important to record incidents/refusals to sell?	✓		
16. The law that staff under the age of 18 are not allowed to sell alcohol to anyone and the consequences for breaking this law?	✓		
17. What the shop policy is for an under 18 year old to get authorisation for sales involving alcohol?	✓		
<p>The above areas are a best practice minimum only. Use the section below to write down other areas of shop practice that you train staff on, that will help you avoid selling alcohol to under 18's or help your shop comply with the objectives of the licensing Act 2003. For example, if you operate a banning system for problem customers, what do staff need to know for it to operate successfully? (If you need more space, note this is the case below and securely attach an additional sheet).</p>			
Full name of person trained	Signature	Position in shop	Date dd/mm/yyyy
[Redacted]	[Redacted]	manager	14/01/20
Full name(s) of trainer(s)			
Ronika Kamukhe	Kamukhe	owner	14/01/20
Full name of Designated Premises Supervisor or personal licence holder, authorising person trained to sell alcohol. (NB Under 18's cannot be authorised to sell alcohol).			

Page 2 of 2

Staff Training checklist for alcohol version 1 dated 28th June 2010.

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12. What your shop policy is if a customer becomes aggressive because of a refusal to sell alcohol and steps staff should take to protect themselves?	✓
13. What to do if person they are serving is 'drunk' and what your store policy is as to what 'drunk' means?	✓
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Full name of person trained	Signature
[Redacted]	[Redacted]
Full name(s) of trainer(s)	Position in shop
[Redacted]	Shop assistant
Full name of Designated Premises Supervisor or personal licence holder, authorising person trained to sell alcohol. (NB Under 18's cannot be authorised to sell alcohol).	Date dd/mm/yyyy
Ravi Kumar	13/01/20
Kumile	owner
15/01/20	

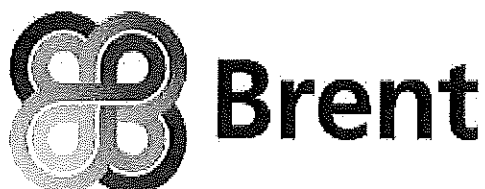
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12. What your shop policy is if a customer becomes aggressive because of a refusal to sell alcohol and steps staff should take to protect themselves?	✓		
13. What to do if person they are serving is 'drunk' and what your store policy is as to what 'drunk' means?	✓		
14. Where and how to record any refusals to sell, challenges for proof of age, use of fake ID or any other incidents such as aggressive or abusive customers etc?	✓		
15. Why it is important to record incidents/refusals to sell?	✓		
16. The law that staff under the age of 18 are not allowed to sell alcohol to anyone and the consequences for breaking this law?	✓		
17. What the shop policy is for an under 18 year old to get authorisation for sales involving alcohol?	✓		
<p>The above areas are a best practice minimum only. Use the section below to write down other areas of shop practice that you train staff on, that will help you avoid selling alcohol to under 18's or help your shop comply with the objectives of the licensing Act 2003. For example, if you operate a banning system for problem customers, what do staff need to know for it to operate successfully? (If you need more space, note this in the case below and securely attach an additional sheet).</p>			
Full name of person trained	Signature	Position in shop	Date dd/mm/yyyy
[Redacted]	[Redacted]	shop assistant	13/01/20
Full name(s) of trainer(s)			
Markus Karmilaka	Markus	owner	13/01/20
Full name of Designated Premises Supervisor or personal licence holder, authorising person trained to sell alcohol. (NB Under 18's cannot be authorised to sell alcohol).			

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12. What your shop policy is if a customer becomes aggressive because of a refusal to sell alcohol and steps staff should take to protect themselves?	✓
13. What to do if person they are serving is 'drunk' and what your store policy is as to what 'drunk' means?	✓
14. Where and how to record any refusals to sell, challenges for proof of age, use of fake ID or any other incidents such as aggressive or abusive customers etc?	✓
15. Why it is important to record incidents/refusals to sell?	✓
16. The law that staff under the age of 18 are not allowed to sell alcohol to anyone and the consequences for breaking this law?	✓
17. What the shop policy is for an under 18 year old to get authorisation for sales involving alcohol?	✓
<p>The above areas are a best practice minimum only. Use the section below to write down other areas of shop practice that you train staff on, that will help you avoid selling alcohol to under 18's or help your shop comply with the objectives of the licensing Act 2003. For example, if you operate a banning system for problem customers, what do staff need to know for it to operate successfully? (If you need more space, note this in the case below and securely attach an additional sheet).</p>	
Full name of person trained	Signature
[Redacted]	[Redacted]
Full name(s) of trainer(s)	Position in shop
[Redacted]	Shop Assistant
[Redacted]	owner
Full name of Designated Premises Supervisor or personal licence holder authorising person trained to sell alcohol. (NB Under 18's cannot be authorised to sell alcohol).	Date dd/mm/yyyy
[Redacted]	13/01/20
[Redacted]	13/01/20

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REGENERATION AND GROWTH
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.....
Operational Director, Planning and Regeneration

Date: 23 March 2016

Licence number 223555072

Licence start date: 08/03/2016

Part 1 - Premises Details

POZIOMKA, 30-32 High Street, London, NW10 4LX

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	08:00	23:00

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

The Opening Hours of the Premises:

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	08:00	23:00

Part 2

Details of Holder of Premises Licence:

Name: Kaminska, Mrs Monika

Name: Kaminski, Mr Sebastian

Address: [REDACTED]

Address: [REDACTED]

Email: [REDACTED]

Details of Designated Premises Supervisor:

Name: Monika Kaminska

Address: [REDACTED]

Personal Licence Number: [REDACTED]

Issuing authority: [REDACTED]

Annexe 1 - Mandatory Conditions

Age Verification Policy

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

Minimum Price of Alcohol

1. 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.

2. For the purposes of the condition set out in paragraph 1—

(a) —duty¹ is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) —permitted price¹ is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) —relevant person¹ means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) —relevant person¹¹ means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) —valued added tax¹² means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub- paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (—the first day¹³) would be different from the permitted price on the next day (—the second day¹⁴) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Requirement for a DPS

- (1) No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door Supervisors and Security Staff to be Licensed by the SIA (Only if required)

Where the licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority, with the following exceptions:

- a) premises where the premises licence authorises plays or films
- b) any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 to the Private Security Industry Act 2001 (premises being used exclusively by a club with a club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
- c) any occasion within paragraph 8(3)(d) of Schedule 2 to the Private Security Industry Act 2001

Embedded Conditions

Not applicable

Annexe 2 - Conditions Consistent With the Operating Schedule

- 1 CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.
- 2 A CCTV camera shall be installed to cover the entrance of the premises and further cameras installed to cover the alcohol shelves.

- 3 The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.
- 4 A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
- 5 A "Challenge 25" policy shall be adopted and adhered to.
- 6 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 at the premises
- 7 A suitable intruder alarm complete with panic button shall be fitted and maintained.
- 8 The following crime prevention measures shall be implemented:
 - A time delay safe with deposit slot and anti fishing mechanisms must be used at the counter till area
 - Regular robbery awareness and cash minimisation training shall be given to all staff.
- 9 A clear and unobstructed view into the premises shall be maintained at all times.
- 10 No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked.
- 11 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) any complaints received
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
- 10 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.
- 11 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.
- 14 All alcoholic drinks shall be clearly labelled or marked with the name of the premise.
- 15 All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

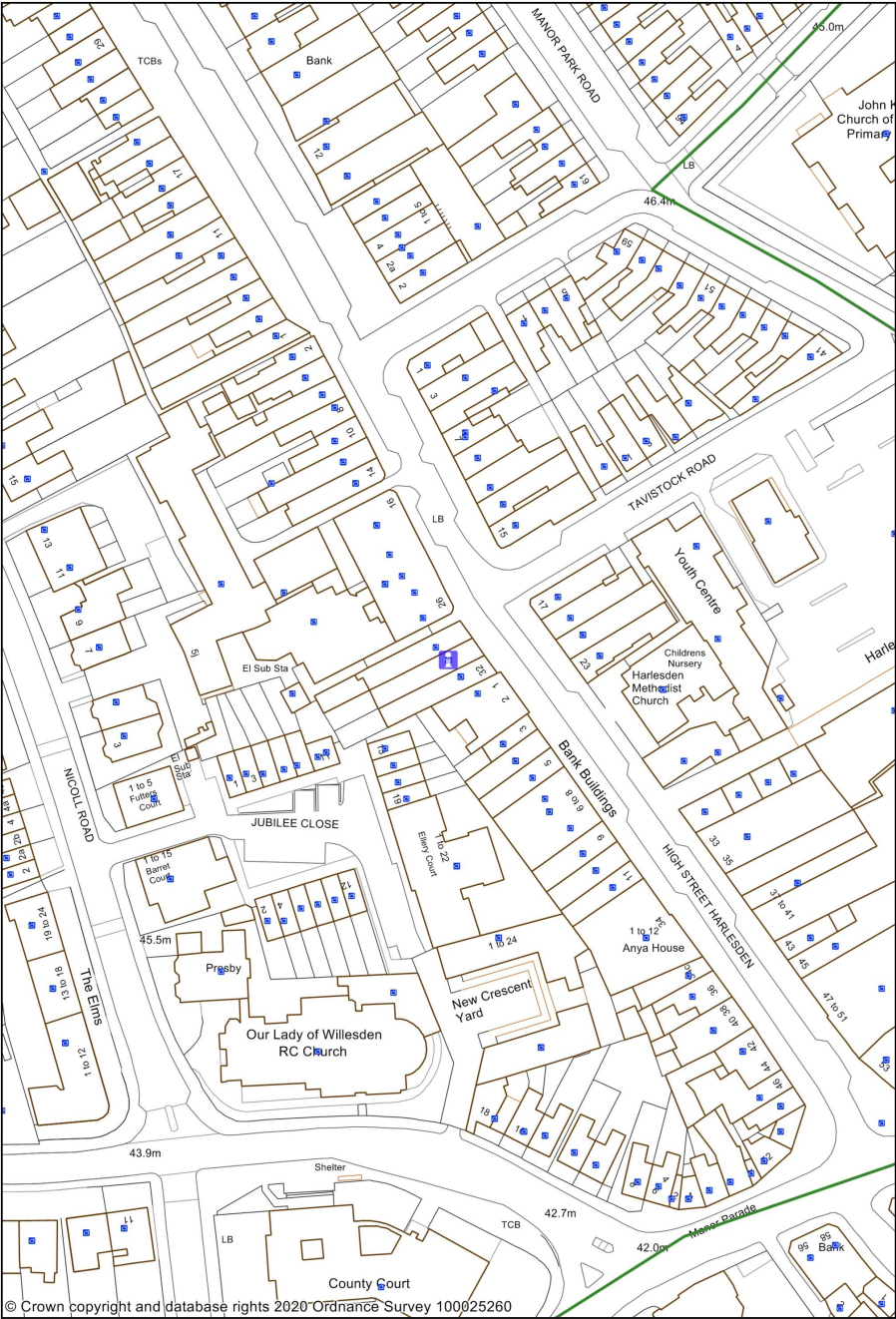
Annexe 3 - Conditions Attached After a Hearing by the Licensing Authority

Not applicable

Annexe 4 - Plans

See attached sheet.

Poziomka 30-32 High Street, NW10 4LX



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From:

Sent: 13 February 2020 15:30

To: Legister, Linda <Linda.Legister@brent.gov.uk>; R&G Licensing <Licensing@brent.gov.uk>

Subject: Application #18328

Dear Linda and Licensing Team,

Harlesden Area Action, Residents' Association, is very concerned with the level of ASB in the area and welcome Brent's initiative to improve the area through the adoption of the new Brent Statement of Licensing Policy and the Brent Cumulative Impact Zone proposals ([Item 18, Council, 25 November 2019](#)).

In that vein, we wish to see Brent apply the same measures iterated not only on new licences, but also for any applications related to sale of alcohol. Harlesden has a very high level of street drinking, antisocial behaviour and crime ([Appendix B, Brent CIZ](#), section 1, page 3). We wish to see a condition of Minimum Unit Pricing of 70p in place to help mitigate these issues ([Policy 24](#)) applied to the application put forward by Poziomka (#18328). In addition, we would like: a ban on high strength alcohol sales (Policy 11); no sale of miniatures (Policy 12); and if possible, a ban on single can sales. Further, this application should be considered as a new application.

Lastly, we oppose such long hours to sell alcohol in Harlesden's Cumulative Impact Zone as it will only heighten the problems we currently experience on a daily basis. Brent should be seeking to reduce the availability of alcohol and not facilitate alcohol's accessibility.

Thank you for taking the above into consideration.

Best,

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