



Alcohol and Entertainment Licensing Sub-Committee

Tuesday 23 November 2021 at 2.00 pm

This will be held as an online virtual Meeting

Details on how to access the link in order to view the meeting will be made available online via the following link: [HERE](#)

Membership:

Members

Councillors:

Ahmed (Chair)
Hector
Maurice

Substitute Members

Councillors:

Denselow, Chohan, Hylton, Grahl, Long, McLeish,
Shahzad

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

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

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting as an online virtual meeting. The link to view the meeting will be made available via the following link: [HERE](#)

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
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1	Apologies for absence and clarification of alternate members
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2	Declarations of Interests
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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 a New Premises Licence by Nishanthan Jebaranjan for the premises known as Nishco Food & Wine, 319 Harrow Road, Wembley, HA9 6BA, pursuant to the provisions of the Licensing Act 2003	1 - 22
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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 New Premises Licence

1. The Application

Name of Applicant:	Nishanthan Jebaranjan
Name & Address of Premises:	Nishco Food & Wine, 319 Harrow Road, Wembley, HA9 6BA
Applicants Agent:	

The application is for a new premises licence:

- 1 For the sale and supply of alcohol from 08:00hrs to 23:00hrs Monday to Saturday and until 22:00hrs Sunday, and to remain open from 07:00hrs to 23:00hrs Monday to Saturday and until 22:00hrs Sunday

2. Background

The review of the Statement of Licensing Policy has introduced Cumulative Impact Zones for all new or variation applications for 'Off' licences in the borough.

Cumulative Impact Zones are a tool outlined in the Licensing Act 2003 to address alcohol related anti-social behaviour where authorising of further licences in a specific area may undermine the promotion of the licensing objectives.

This application falls within a Cumulative Impact Zone.

Mr Jebaranjan submitted a previous application for these premises in June 2020, which was refused by the licensing sub committee on 13 August 2020.

3. Promotion of the Licensing Objectives

See page 2 of the application.

4. Relevant Representations

Representations have been received from the Police, Licensing Officers and Ward Councillors.

5. Interested Parties

None

6. Policy Considerations

Policy 1 – Process for Applications

Conditions on the licence, additional to those voluntarily sought/agreed by the applicant, may be considered. Conditions will focus on matters which are within the control of individual licensee and which relate to the premises or areas being used for licensable activities, the potential impact of the resulting activities in the vicinity. If situations arise where the licensing objectives may be undermined but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be granted or continue to operate.

7. Determination of the Application

Members can take the following steps when determining a new premises licence application:

- grant the licence;
- exclude from the scope of the licence any of the licensable activities to which the application relates;
- refuse to specify a person in the licence as the premises supervisor;
- reject the application

8. Associated Papers

- A. Application Form & Plan
- B. Police Representation
- C. Licensing Representation
- D. Cllr Shah Rep
- E. Cllr Sheth Rep
- F. OS Map

Part 1 – Premises Details

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

Nishco Food & Wine

319 Harrow Road, Wembley, Brent, HA9 6BA

Telephone Number at premises (if any):

Non domestic rateable value: 14000

Part 2 – Applicant Details

Proposed Licence Holder:

Mr Nishanthan Jebarajan

Part 3 – Operating Schedule

When do you want the premises licence to start? 04-11-2021

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:

Convenience stores selling food and drink to the public

CIZ Application

What licensable activities do you intend to carry on from the premises?

Section J: Sale of alcohol: Off the premises

The times the licence authorises the carrying out of licensable activities

Section J: Sale or Supply of Alcohol: Off 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	22:00

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor: Nishanthan Jebarajan

Concerns in respect of Children: Not applicable

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	22:00

Not applicable

Not applicable

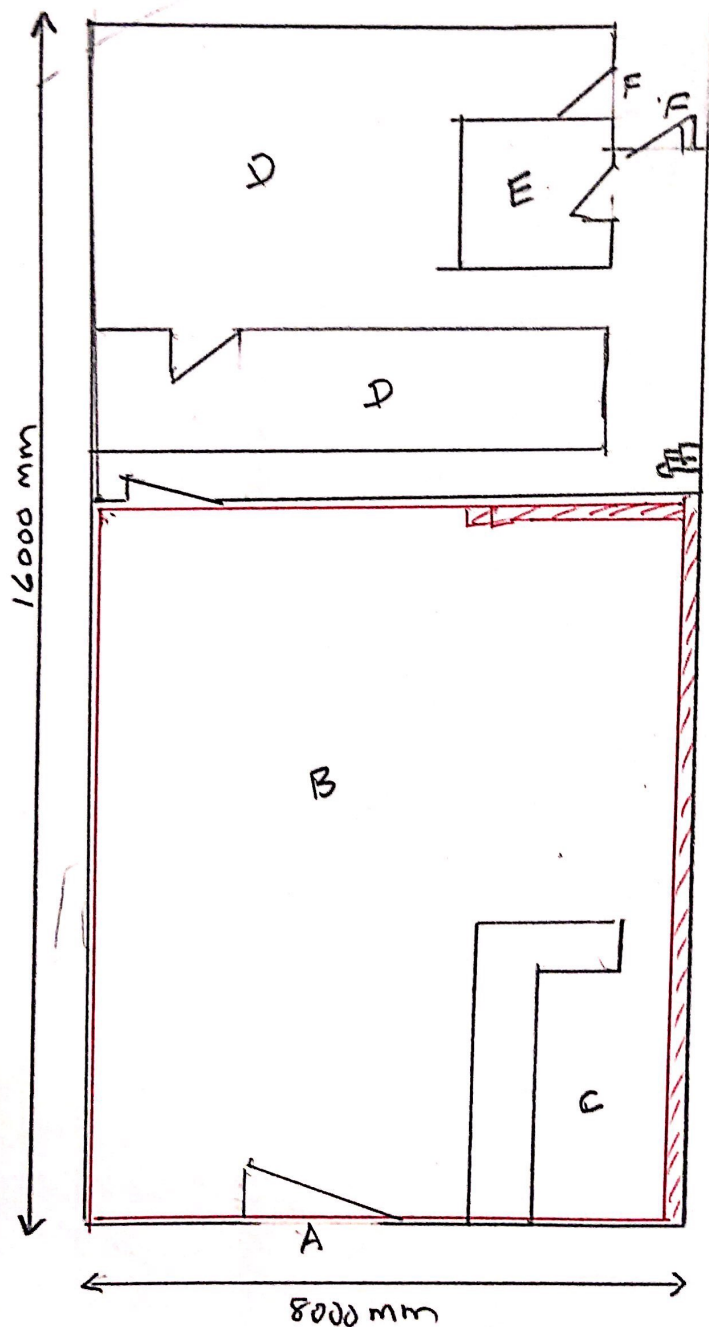
a) General – all four licensing objectives (b, c, d, e):We do not intend to promote the sale of high strength alcohol particularly in larger bottles, which creates anti social behavior. We participate in challenge 25 program & NO ID NO SALE policy. Relevant signage will be display clearly visible to every customer. The retail premises is not located in a residential area and do not attract children to visit the shop. All staff whose responsibilities include the retail sale of alcohol will receive the necessary training on induction and every 6 months. The training will include the understanding of the terms, conditions and restrictions of the Premises licence & the operation of the CCTV equipment & also the prevention of unlawful sales of alcohol, and the likely consequences & the understanding of the types of acceptable ID, "Challenge 25" scheme, the method of recording challenges, preventing proxy sales and refusing sale to person who appear to be drunk.

b) The prevention of crime and disorder:Premise will be installed with 24 hour CCTV recording focusing on licensed products and customer service area. This is kept for a minimum of 31 days and the images are available to relevant authorities & can be viewed readily at any time if needed. Refusal register will be kept in store to note all the underage attempts to buy any age restricted goods. Staffs have been training accordingly. We will make sure the CCTV system serving the premises will be maintained fully operational and in good working order at all times & the system will be able make and retain clear images that include the point of sale of alcohol and facial images of the purchasers of the alcohol & we will make sure the system show an accurate date and time That the images were made. No alcohol sale will take place when the CCTV equipment is inoperative for any reason. Viewing of recordings shall be made available immediately upon the request of the police or an authorised officer throughout the preceding 31 day period

c) Public safety: All necessary steps will be taken to ensure all the fire & safety regulations are active and adhered to all times. The store has been refurbished in order to provide safe access in and out. Fire fighting equipments are installed and easily accessible. We will keep records written in English with the date, time and circumstances of any challenges made in accordance with the "Challenge 25" scheme & disorder, ejection or other relevant incident that occurs on the premises. This book of records will be kept on the premises at all times they are open and will be made available for inspection immediately upon demand by any police or community support officer or authorised person. No super strength beer, lagers or ciders of 6.5% ABV or above shall be sold at the premises. No single cans of beer, lagers, cider or siumilar will be sold. There shall be no self service of spirits on the premises. No more than 25% of available shelving shall be allocated to alcohol.

d) The prevention of public nuisance:Prominent signage will be in display advising customers not to gather in large numbers in or outside the premises. CCTV will be in operation 24 hours and any customers causing nuisance will be advised to respect neighbours. Front and rear of the premises are kept litter free at all times.

e) The protection of children from harm:All staff employed has years of experience in dealing with age restricted products like alcohol, tobacco and lottery. We participate in challenge 25 and NO ID NO sale policy so that children have no access to any age restricted products. We will operate "Challenge 25" age verification policy at the premises. Any person who appears under 25 years of age will be requested to provide acceptable form of ID such as passport, UK photo driving licence, Military ID card or proof of age card bearing PASS hologram Logo. Notices advertising that the premises operate a "Challenge 25" scheme will be displayed in clear prominent position at the premises entrance and inside the premises and checkout area.



NISHCO FOOD & WINE
319 HARROW ROAD
WEMBLEY
HA9 6BA

SCALE 1:100

A: MAIN DOOR, ENTRANCE

B: RETAIL FLOOR / FLOATING SHELVES

C: SALES COUNTER

D: STORE ROOMS

E: TOILETS

F: FIRE EXITS

FF: FIRE EXTINGUISHERS

/// ALCOHOL DISPLAY

□ LICENSABLE AREA.

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**The Licensing Authority**

Brent Civic Centre
Engineers Way
Wembley
Middlesex
HA9 0FJ

Brent Borough Licensing Department

Harrow Police Station
74, Northolt Road
Harrow
Middlesex
HA2 0DN

Your ref: 22718

Our ref: 21/2965NW

E-mail: Gary.L.R.Norton@met.police.uk

Web: www.met.police.uk

Mobile: 07500 993 899

Date: 21/10/2021

Police Objection to a New Premises Licence application –**Nishco Food & Wine, 319 Harrow Road, Wembley, Brent, HA9 6BA**

I acknowledge receipt of an application for a new Premises Licence under section 17 of the Licensing Act 2003, for - Nishco Food & Wine, 319 Harrow Road, Wembley, Brent, HA9 6BA.

On behalf of the Commissioner of Police of the Metropolis, I wish to make a representation, as police believe the following objectives will be undermined, namely the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance.

The premises is situated on the Harrow Road (A404) at the triangulated junction with Wembley Hill Road and High Road Wembley. The area has a heavy vehicular and pedestrian footfall throughout the day and evenings. There are parades of shops running around this triangulated area with densely populated residential properties. The area is also within the Wembley Stadium Events footprint, which has specialist requirements on Match days to help counter the negative effects associated with sports related fan revelry and public order issues. Many of these issues are fed by alcohol. There is also a public safety concern over the timely movement of fans in an orderly fashion into the stadium for security checks and getting to their seats in good time.

Due to the ongoing issues in the area with regards to high volumes of crime and anti-social behaviour, this area was deemed a Cumulative Impact Zone by Brent Council. A Cumulative Impact Area is a designated zone where evidence has indicated that the number, type or density of licensed premises is impacting adversely on the licensing objectives, namely, crime and disorder, public safety, public nuisance and

the protection of children from harm. They are also known as stress or special policy areas.

The Cumulative Impact Policy applies only to Off-Licences. Where an application for a new off-licence, or for variations to off-licences, is received (which would increase the sale of alcohol, including through longer hours), the presumption is that the application will be refused, unless the applicant can satisfactorily evidence that their application or variation will not negatively impact on the licensing objectives.

The application does not mitigate the concerns of the police licensing team as it does not satisfactorily evidence that it would not negatively impact the area further.

www.police.uk figures show that over the course of 1 year (Sept 2020 to Sept 2021), the area averages out 209 reported incidents per month, nearly half of which relate to ASB, crimes against the person (including public order and violence). These are just the reported incidents, there would clearly be more that went unreported.

Taking into account of the CIZ concerns, as well as the venue being situated in the Wembley Stadium footprint, Police licensing oppose the application. There is already a high saturation of premises offering off-licence services, in an area that could do with fewer such venues, rather than more. Whilst it is clear what the economic benefits are to the applicant, the impact on an already troubled area of yet another alcohol provider is a far more negative one.

Yours Sincerely,

Gary Norton 2965NW
Licensing Constable – Brent Police

Mr Nishanthan Jebarajan
Nishco Food & Wine
319 Harrow Road
Wembley
HA9 6BA

1 November 2021

Our Ref: 22718

Dear Sir/Madam,

Licensing Representation to the Initial Application for the Premises Licence at Nishco Food & Wine, 319 Harrow Road, HA9 6BA

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

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 new premises licence under section 17 of the Act.

The Licensing Authority representations are primarily concerned with the four licensing objectives;

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Cumulative Impact Zone (CIZ)

The Council's current Licensing Policy came into effect 7th January 2020. Crime and complaints assessments in 2015, did not identify any requirement for a CIZs. However, since 2016 there has been a significant and notable increase in alcohol related crime and anti-social behaviour which is having an adverse impact in some areas and neighbourhoods generating complaints from residents, councillors and the Police. This is undermining the licensing objectives and also has potential to undermine the vitality of Brent's town centres.

Data captured from various sources including alcohol related police and ambulance call outs have been mapped and have shown suitable evidence to implement CIZs in the specified areas. In particular crime data and evidence shows a correlation between concentrations of off-licences and alcohol related anti-social behaviour, particularly that associated with street drinking.

Wembley Central has been identified as one of ten Cumulative Impact Zones (CIZs) in Brent, where the authorising of further licences may undermine the promotion of the licensing objectives.

The Statement of Licensing Policy states: -

Wembley Central (Wembley High Road/North End of Ealing Road)

Wembley Central is a ward which includes two busy shopping parades on Wembley High Road and the north end of Ealing Road. Wembley central has areas of low to medium levels of deprivation.

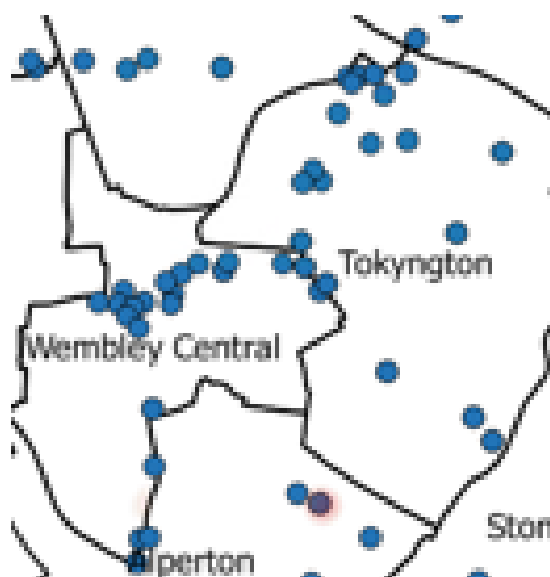
Wembley Central is a hotspot for alcohol flagged calls to the Police for crime and anti-social behaviour, and to the ambulance service for call outs. The data shows the whole of the High Road from Ealing Road to Wembley Triangle experiencing high levels of alcohol related issues.

In the last 2 years there have been 267 violent crimes in Wembley Central at an average of 11 crimes per month.

The below map shows violence with injury crimes, and off licences in Wembley (01/06/2017 to 31/05/2019)

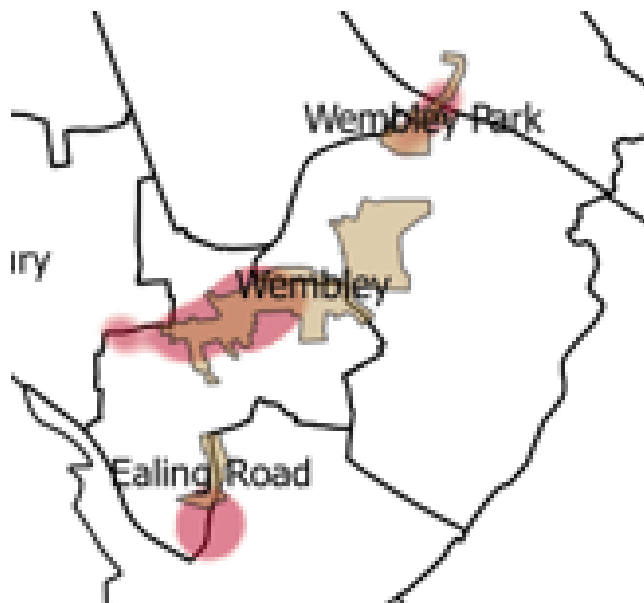
Street Drinking Hotspots

There are relatively few calls to police specifically about street drinking. This may be because they are recorded as other ASB types such as littering or noise. Between 01/06/2017 and 31/05/2018, there were only 53 calls to police. The following year, there were 142. This represents an increase of 168%. Part of this increase may be attributed to callers being aware of the borough wide PSPO on drinking in public which came into effect in October 2017.



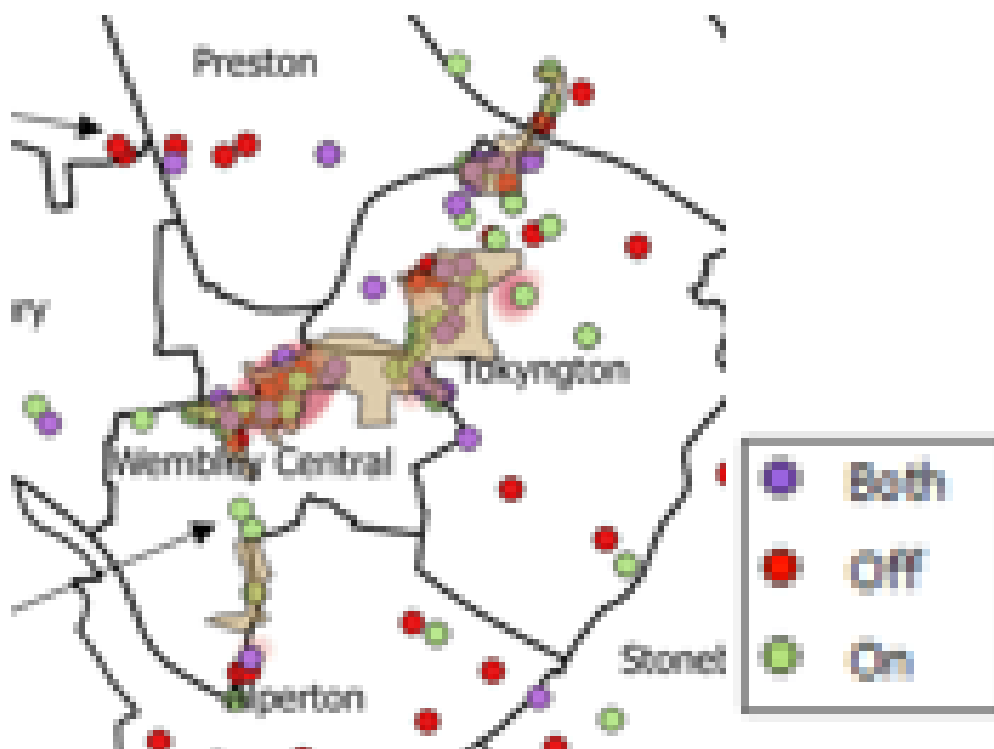
Calls to police specifically related to street drinking between 01/06/2017 and 31/05/2019

Hotspots in Brent in Ambulance and Police alcohol flagged call out data



Alcohol-related ambulance and Police calls between 01/06/2017 to 31/05/2019

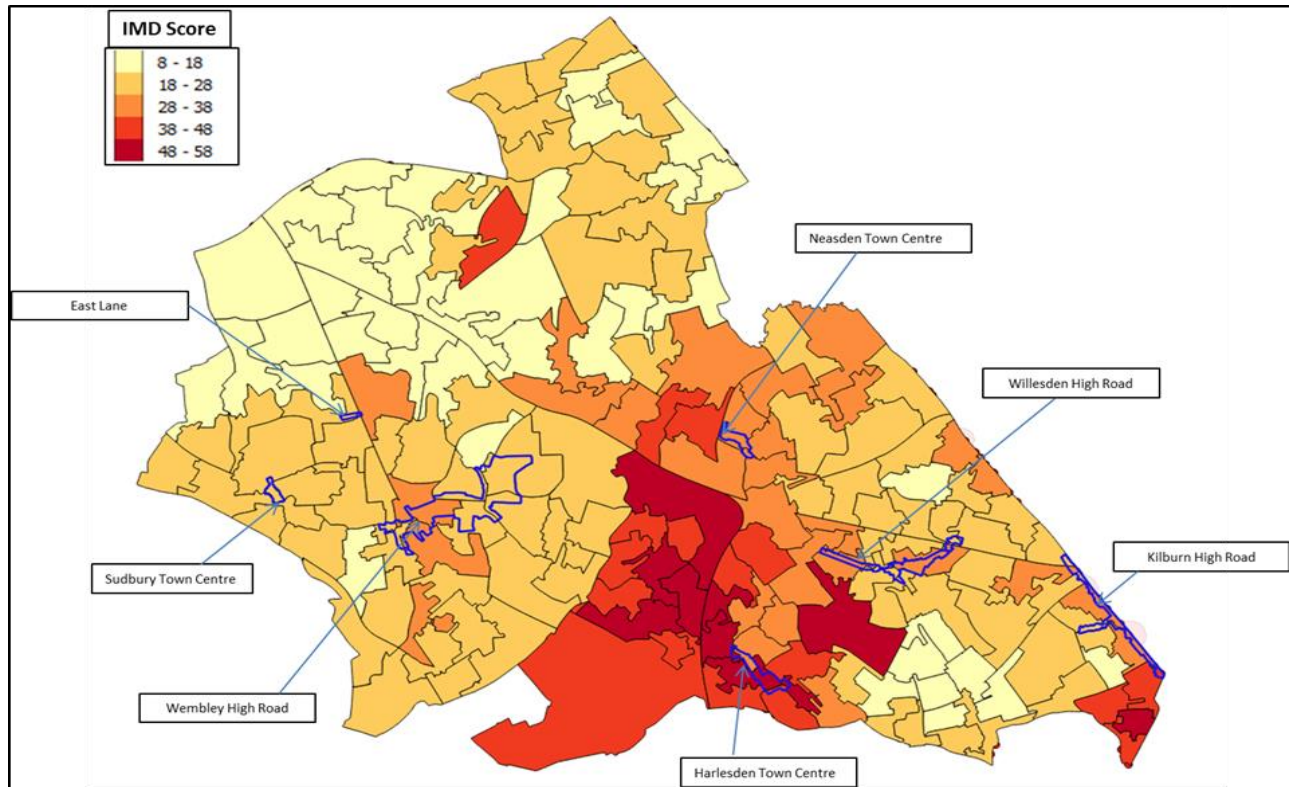
Hotspot of Violence with Injury Crimes



All violence with injury crimes between 01/06/2017 and 31/05/2019

Brent Index of Multiple Deprivation (IMD) score 2015 by Lower Super Output Areas

The Index of Multiple is made up of income deprivation, employment deprivation, education, skills and training deprivation, health deprivation and disability, crime, barriers to housing services and living environment.



Brent Index of Multiple Deprivation (IMD) score 2015 by Lower Super Output Areas

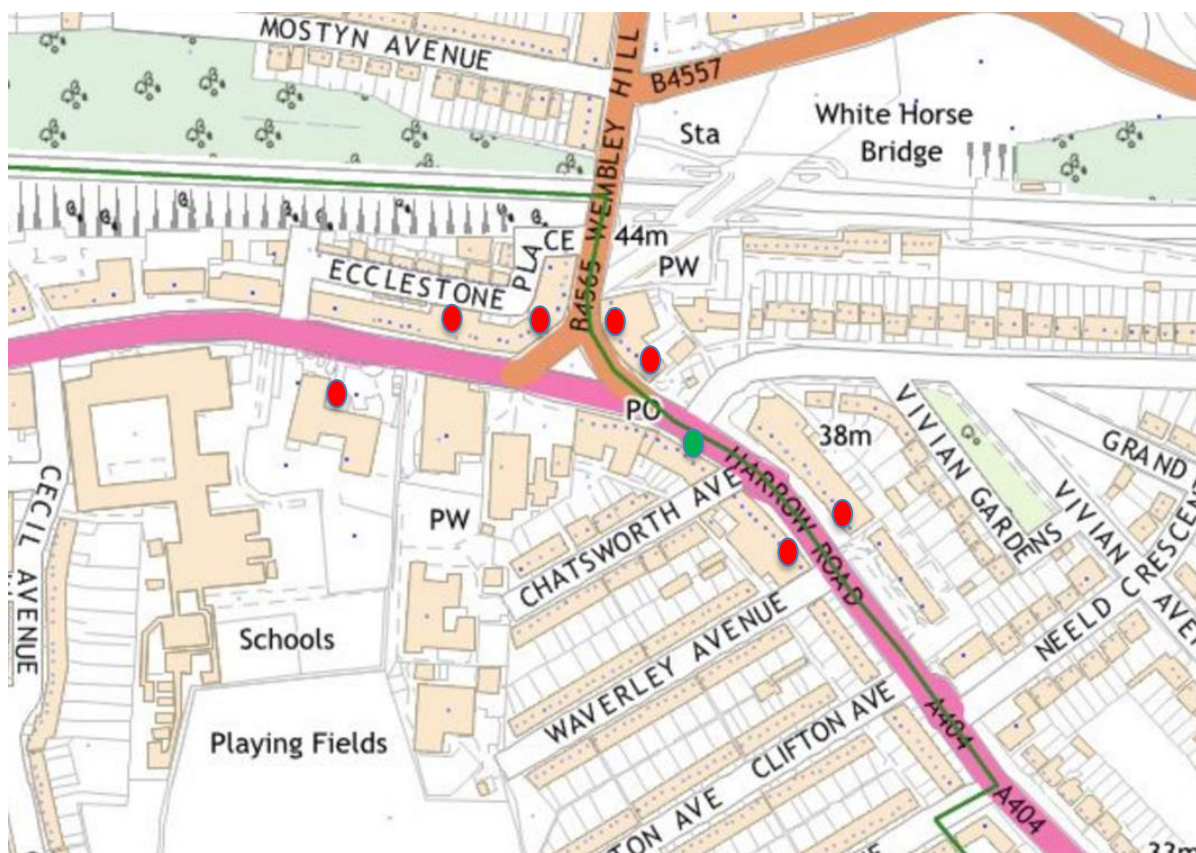
The purpose of the CIZ in Wembley Central is to address the issues mentioned above.









The Premises

The premises, namely Nishco Food & Wine, 319 Harrow Road, HA9 6BA falls within one of Brent's ten CIZs.



Wembley Stadium is within ½ mile walking distance and attracts a high footfall of visitors on event days. There are already a number of off licences within the vicinity (see map and table below).



Name	Address	Supply of Alcohol	Grant Date	
Eastern European	297 Harrow Road	24 hours	2007	
Jeen Cash & Carry	306 Harrow Road	24 hours	2006	
Triangle Food & Wine	1 Neeld Parade	08.00-00.00 hours	2006	
Brother Superstore	4 Neeld Parade	08.00-23.00 hours	2005	
Sunny Superstore	11 Wembley Hill Road	09.00-00.00 hours	2007	
Winstaar	354 High Road	08.00-23.00 hours	2005	
Sainsbury's	349-357 High Road	09.00-00.00 hours	2020	
Nishco food & Wine	319 Harrow Road	08.00-23.00 hours 08.00-22.30 hours	N/a	

You will note from the table above, all of the off licences that currently sell alcohol in the local vicinity. With the exception of one, these were all granted a number of years ago. These premises are all subject to the CIZ, should any variations be made to their Premises Licence.

Public Space Protection Order (PSPO)

The entire Borough of Brent is subject to a Public Space Protection Order for street drinking and therefore it is an offence to drink alcohol in any public place.

If a police officer reasonably believes that a person is, or has been, consuming intoxicating liquor within these areas, the officer may require the person concerned:

- a) not to consume in that place anything which is, or which the officer reasonably believes to be, intoxicating liquor
- b) to surrender anything in his/her possession which is, or which the officer reasonably believes to be, intoxicating liquor or a container for such liquor (other than a sealed container)
- c) An officer may dispose of anything surrendered to him/her as above.
- d) Issue fixed penalty notices on offenders
- e) Prosecute persistent offenders

However, in reality there are limited police officer resources, which in practice would prevent the above from being enforced. This therefore places a greater emphasis on the responsibility of those premises that are selling alcohol for consumption off the premises. It is clear that if off licences did not exist, the number of street drinkers would decline.

Therefore simply selling alcohol to customers who once off the premises, are no longer the responsibility of the licence holder, the Designated Premises Supervisor (DPS) and/or members of staff is no longer a viable option.

Previous Premises Licence Application

An application by the same applicant was made in July 2020 and was subsequently refused by the Licensing sub-committee. I cannot see anything in this application that differentiates itself from the last application or indeed strives to address the Cumulative Impact Zone (CIZ) in which it is positioned.

The Licensing Authority would expect to see information on how the business plans to ensure that their particular premises will go above and beyond in promoting the licensing objectives in an already saturated area.

Supply of Alcohol and Opening Hours

The previous application proposed that the supply of alcohol commence at 06.00hrs. This application still proposes that alcohol be supplied from 08.00hrs despite the Licensing officer stipulating that there are issues of street drinking in the local area.

Further, there is nothing to suggest that this business is any different to the many existing off licences that already exist. The number of premises in the area is already excessive and adding another off licence is extremely likely to contribute to existing problems in the area.

Summary

The Statement of Licensing Policy states that any licence application in a CIZ area will need to demonstrate with evidence that its operation will not add to any cumulative impacts that the CIZ is seeking to address. Further, new applicants and those applying for variations would be required to demonstrate how their premises will not contribute to street drinking in those areas.

The effect of adopting a CIZ is to “create a rebuttable presumption” that applications for licences which are likely to add to the existing cumulative impact will normally be refused (or subject to certain limitations) unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives.

The operating schedule fails to demonstrate that a grant will not lead to a negative cumulative impact on one or more of the licensing objectives and to the contrary add to the issues of an existing saturated area.

It is on this basis, that the Licensing Authority ask that the application for a new premises licence is **refused** by the Licensing Sub-Committee. Adding conditions to a premises licence, in the Licensing Authority’s opinion is not adequate when the application does not demonstrate what is being put in place in order to avoid further cumulative impact. Adding an additional off licence to the **seven** that already exist in the immediate area, will no doubt be detrimental to the local area.

Yours faithfully



Licensing Inspector
Regulatory Services

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Application number – 22718

From: Shah, Councillor Sonia <Cllr.Sonia.Shah@brent.gov.uk>
Sent: 10 October 2021 11:21
To: Business Licence <business.licence@brent.gov.uk>
Subject: RE: New premises licence application 22718 - Wembley Central

I oppose the premises licence being granted to the applicant as another off licence in the area would have a negative impact on the existing street drinking problem.

This will likely be my default response until we've got a handle on the issue.

Best wishes,
Sonia

Cllr Sonia Shah

Labour Councillor for Wembley Central

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Application number – 22718

From: Sheth, Councillor Krupa <Cllr.Krupa.Sheth@brent.gov.uk>
Sent: 10 October 2021 11:40
To: Shah, Councillor Sonia <Cllr.Sonia.Shah@brent.gov.uk>
Subject: Re: New premises licence application 22718 - Wembley Central

I agree with Cllr Shah, I do not feel we should be granting these licenses when we have a huge ASB drinking problem in the area.

Kind regards,

Krupa

Cllr Krupa Sheth

Councillor for Wembley Central, Brent

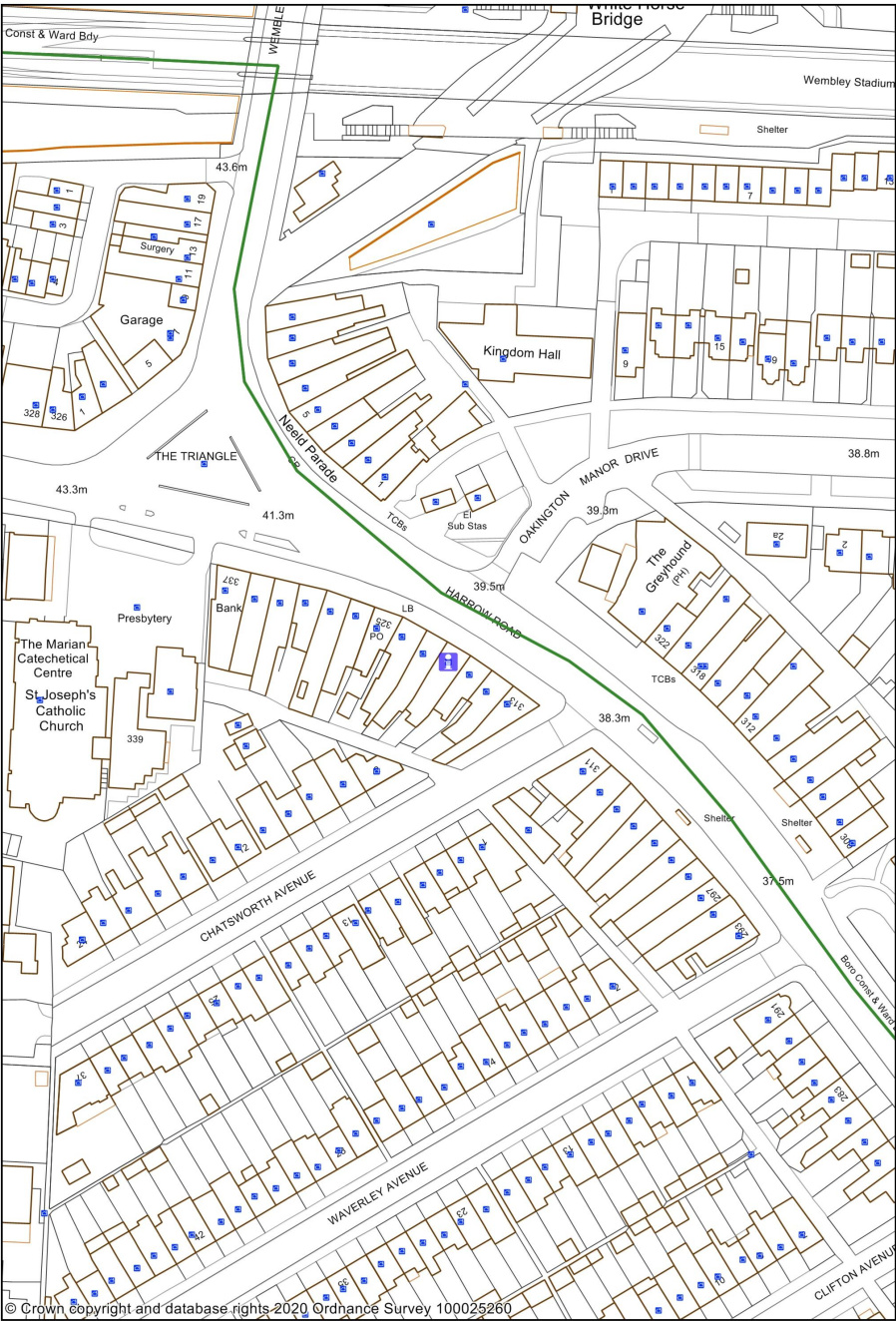
Cabinet Member for Environment

| T: [+442089372438](tel:+442089372438) | E: cllr.krupa.sheth@brent.gov.uk |

| Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ |

Labour Councillor for Wembley Central

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