



Alcohol and Entertainment Licensing Sub-Committee

Thursday 7 September 2023 at 10.00 am

This will be held as an online virtual Meeting.

* Please note this agenda has been republished on 4 September 2023 to include supplementary representations under item 3.9 – 3.14, and on 6 September to include item 3.15.

Membership:

Members

Councillors:

Ahmed (Chair)
Collymore
Hack

Substitute Members

Councillors:

Bajwa, Chohan, Ethapemi, Long, Lorber, Mahmood,
Rubin

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

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[Council meetings and decision making | Brent Council](#)

The press and public are welcome to attend this meeting as an online virtual meeting by viewing the live webcast. Access to the webcast will available [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 a 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 a New Premises Licence by Diana Hotel Ltd for the premises known as Paradise Café & Restaurant, 250 High Street, NW10 4TD, pursuant to the provisions of the Licensing Act 2003	1 - 49

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LICENSING ACT 2003

Application for New Premises Licence

1. The Application

Name of Applicant:	Diana Hotel Ltd
Name & Address of Premises:	Paradise Café & Restaurant, 250 High Street, NW10 4TD
Applicants Agent:	Manuel Rocha

The application is for a new premises licence:

- 1 For the sale and supply of alcohol From 10am to 10.30pm Monday to Sunday and to remain open from 7am to 11pm Monday to Saturday and from 8am to 11pm Sunday.

2. Background

None.

3. Promotion of the Licensing Objectives

See Separate pages.

4. Relevant Representations

Representations have been received and withdrawn from the licensing Officer. A representation remains outstanding from a local resident.

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. Resident Representation
- C. Licensing Representation & Withdrawal
- D. OS Map

**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 DIANA HOTEL LTD

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/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			
PARADISE CAFE & RESTAURANT 250 HIGH STREET LONDON			
Post town	LONDON	Postcode	NW10 4TD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	37250

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) 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 (by ticking yes to one box below):

- 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 statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality:					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current residential 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 the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	DIANA HOTEL LTD
Address	250 HIGH STREET LONDON NW10 4TD
Registered number (where applicable)	13973469
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED
Telephone number (if any)	██████████
E-mail address	██████████

Part 3 Operating Schedu

When do you want the premises licence to start?

DD		MM		YYYY			
1	0	08		2	0	2	3

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

Please give a general description of the premises (please read guidance notes

PARADISE CAFÉ IS A CAFÉ AND RESTAURANT. WE HAVE TOILET FACILITIES AND TABLES AND CHAIRS FOR OUR COSTUMERS

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- 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 late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

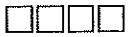
In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	10:00	22:30			
Tue	10:00	22:30			
Wed	10:00	22:30			
Thur	10:00	22:30			
Fri	10:00	22:30			
Sat	10:00	22:30			
Sun	10:00	22:30			
			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 (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name OMIDREZA ZAREMOAYEDI	
Date of birth	██████████
Address	██████████ ██████████
Postcode	██████████
Personal licence number (if known)	██████████
Issuing licensing authority (if known)	██



K

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 9).

NOT APPLICABLE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	07:00	23:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	23:00	
Fri	07:00	23:00	
Sat	07:00	23:00	
Sun	08:00	23:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Please see attachment

b) The prevention of crime and disorder

Please see attachment

c) Public safety

Please see attachment

d) The prevention of public nuisance

Please see attachment

e) The protection of children from harm

Please see attachment

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- 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 designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing
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	work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	MANUEL ROCHA
Date	13/07/2023
Capacity	AGENT

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) MANUEL ROCHA UNIT 35 BATTERSEA BUSINESS CENTER 99-109 LAVENDER HILL LONDON			
Post town	LONDON	Postcode	SW11 5QL
Telephone number (if any)	07868697778		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) MANUELROCHA01@HOTMAIL.COM			

DIANA HOTEL LTD

MEASURES TO PROTECT THE 4X LICENSE OBJECTIVES

General –

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram. A CCTV system will be installed at the premises covering the entrance, the external area and all internal areas.

An incident log shall be kept at the premises and made available on request to the Police or an authorized officer of the Local Authority All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act

Prevention of Crime and Disorder –

A CCTV system will be installed at the premises covering the entrance, the external area and all internal areas. A head and shoulders image to identification standard shall be captured of every person entering the premises. Images shall be kept for 31 days and supplied to the police or local authority on request.

A member of staff trained in the use of the CCTV system must be always available at the premises that the premises is open to the public.

The CCTV system will display, on screen and on any recording, the correct time and date that images were captured.

CCTV signage will be displayed, reminding customers that CCTV is in operation.

An incident log shall be kept at the premises and made available on request to the Police or an authorized officer of the Local Authority.

The premises shall operate a zero-tolerance policy to the supply and use of drugs.

Anyone who appears to be drunk or intoxicated shall not be allowed entry to the premises and those who have gained entry will be escorted from the business immediately
Substantial food and non-intoxicating beverages, including drinking water, shall be available in the premises where alcohol is sold or supplied for consumption on the premises.

All staff members should be checked to ensure they have the right to work in the UK. These checks should be made available upon requests to all responsible authorities. All associated 'entitlement to work' documents:

a) must be logged and kept on the premises for the duration of the employment; and

must be retained for a minimum of 12 months after employment has ceased.

Public Safety –

There shall be no vertical drinking at the premises. Table service only

The premises will have a refusal book or electronic system to record all refusals of sales, this must be made available to the police and local authority officers upon reasonable request.

The Prevention of Noise Nuisance

During the hours of operation, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

Rubbish collection and deliveries will be done within the hours approved by the Local Authority

Clear and legible notices will be prominently displayed at the exit to remind customers to leave quietly and have regard to our neighbours.

Beers, ales, lagers, or ciders of 6% ABV or above will not be sold

The Protection of Children From harm –

A challenge 25 policy will be in operation at the premises with operate signage on display throughout the premises.

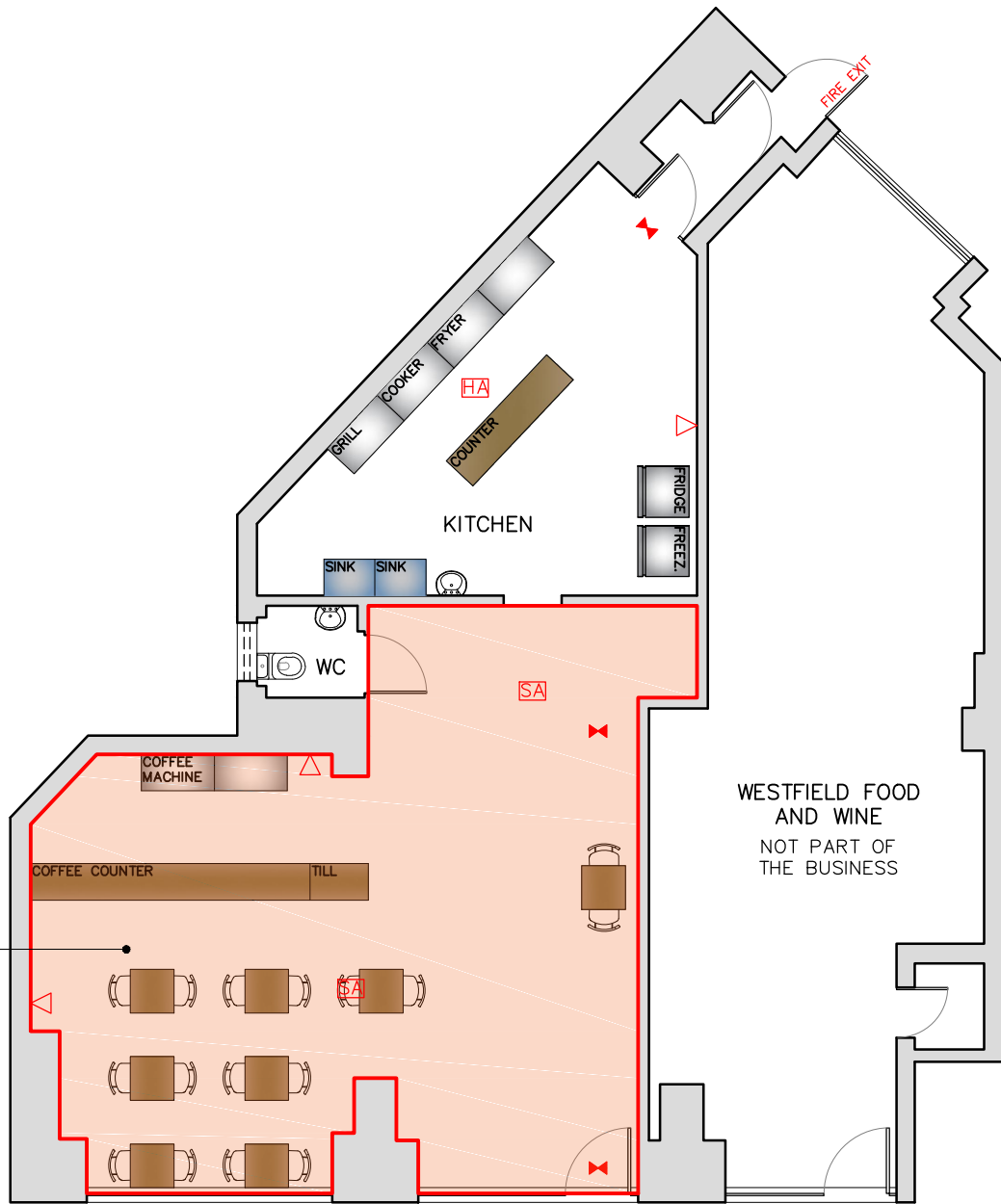
All staff members engaged, or to be engaged, on the premises shall receive full training pertinent to the Licensing Act, specifically regarding age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. This shall take place every 12 months.

Alcohol shall not be located in the immediate vicinity of the entrances and exit to the premises, but shall be in an area in which it shall be monitored by staff on a frequent and daily basis whilst licensable activities are taking place.

For all orders taken over the phone or via the Internet, customers should be informed of

Challenge 25 and the requirement to have ID ready for inspection should the need arise before receipt of alcoholic beverages.

All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorized officer of the Local Authority





LICENSABLE AREA - ON LICENSE



↑
MAIN
ENTRANCE

PAVEMENT

MAIN ROAD

 LICENSABLE AREA

 SMOKE ALARM
 HEAT ALARM

 FIRE EXTINGUISHER
 EMERGENCY LIGHT

CAFE/RESTAURANT

ALCOHOL LICENSE – ON LICENSE

JOSE MANUEL ROCHA
UNIT 35 – BATTERSEA BUSINESS CENTRE 99–109 LAVENDER LANE
LONDON SW11 5QL
TEL: +44 (0) 7868–697778 / E-MAIL: manuelrocha01@hotmail.com

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APPLICANT:

**PARADISE CAFE
RESTAURANT**
248–250 HIGH STREET
HARLESDEN, LONDON
NW10 4TD

SCALE:

A4_1/100

DATE:

12–JULY–2023

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From: [REDACTED]
Sent: 10 August 2023 20:36
To: Business Licence
Subject: Re: Paradise Cafe 248-250 High Street

Hi Business Licensing Team

I wish to make a representation objecting to application 28866 on the grounds of Public Nuisance.

Paradise Cafe, Diana Hotels and West Supermarket are all under the same ownership. West Supermarket has a long history of flytipping plus illegal parking and it's expected that Paradise Cafe will operate in the same manner causing a public nuisance. Although West Supermarket has a waste contract with Veolia, they choose not to use the grey branded bags required (because each branded bag is charged for) and instead use domestic black bags or put loose cardboard directly on the pavement. This is a breach of trade waste presentation rules and is therefore classed as flytipping. I suggest that the Business Licensing Team liaise with Brent's Waste Team including [REDACTED] for further details related to West Supermarket's flytipping history. A licensing officer should also ask to see West Supermarkets own CCTV footage from [REDACTED] [REDACTED] August 2023 where the male staff member can be seen carrying several bags of black bag waste out of the shop to flytip on the pavement. It is unclear if Diana Hotel has a trade waste contract at all, but waste in unbranded bags appears outside the hotel regularly.

At the Licensing committee hearing on 18 May 2021 the West Supermarket owner was questioned about their deliveries because vehicles had been seen parking illegally - there is no parking or loading allowed at any time on this section of High St Harlesden due to the potential danger and obstruction of vehicles stopping on this busy road. The applicant claimed that deliveries: 'were done in the early morning, 7am to 8am, around the corner on Clifton Road using a trolley'. This is clearly and demonstrably untrue and West delivery vehicles park/unload daily on the High Street. In 2022 West Supermarket applied for a licence variation. Evidence was put forward then (which should still be on file) showing a delivery truck parking illegally and dangerously at the junction of High St and Furness Rd [REDACTED] [REDACTED] and goods being dragged across the road at a point not defined for pedestrians to cross.

Kind regards

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Mr Manuel Rocha
Unit 35 Battersea Business Center
99-109 Lavender Hill
London
SW11 5QL

8 August 2023

Reference: 28866

Dear Mr Rocha,

Re: Licensing Representation to the Application for the New Premises Licence at Paradise Café & Restaurant, 250 High Street, NW10 4TD

I certify that I have considered the above new application and I wish to make representations.

Officer: Esther Chan – Licensing Inspector

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.

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

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

2. A CCTV system will be installed at the premises covering the entrance, the external area and all internal areas.
 3. The CCTV system shall display on all recordings with the correct date and time of the recording.
 4. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulder image of every person entering or leaving the premises.
 5. A member of staff trained in the use of the CCTV system shall be available at the premise at all times that the premises are open to the public.
 6. A 'Challenge 25' policy shall be adopted and adhered to at all times.
 7. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
 8. The supply/sale of alcohol for consumption on the premises shall be by waiter or waitress service only.
 9. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.
 10. Notices clearly explaining the licensee's drugs and weapons policy shall be displayed at the entrance and at suitable places throughout the premises.
 11. No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked or sold at the premises.
 12. Customers shall not be permitted to take any open drink containers outside the premises as defined on the plan submitted to and approved by the Licensing Authority.
 13. 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.
 14. Regular 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 shall be available for inspection by Police and local authority enforcement officers.
 15. 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

16. All deliveries shall take place during normal working hours (i.e. 09.00hrs to 18.00hrs daily).

17. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.

18. 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.

19. 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.

20. The designated smoking area (DSA) shall be located at the front of the premises facing High Street. When the premises licence is in operation the DSA shall be limited to no more than 5 (five) people at any one time. This shall be supervised at all times.

Informative

We have been made aware that the planning permission granted only refers to two units being merged into one for use as restaurant (namely 248 left and 250), but the licensing floorplan shows presumably three units merged into one with a kitchen to the rear and new access. The front access and shopfront to the units are different as well, which in may require planning permission.

Although Use Class A3 (restaurants) is now revoked and has been re-grouped into the new Use Class E, which falls in the same category as retail uses (as Westfield Food next door), the physical alterations may still require permission and there is no approved applications on these.

I acknowledge that the planning process operates independently as a separate regime. However, I strongly recommend that the client ensures appropriate planning permission is obtained in order to align with the premises licencee, should it be granted.

In order for the Licensing Authority to withdraw this representation, it will be necessary for you to confirm that your client accept the above conditions in writing.

Yours sincerely,



Esther Chan
Licensing Inspector
Regulatory Services

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From: Esther, Chan
Sent: 09 August 2023 07:24
To: Jose Manuel Rocha
Cc: Business Licence ; Legister, Linda
Subject: RE: CONSULT: New Premises - Paradise Café & Restaurant, 250 High Street, NW10 4TD - 28866

Dear Mr Rocha,

Thank you for your email.

I now wish to withdraw my representation and have no further comments.

Kind Regards

Esther Chan
Licensing Inspector
Regulatory Services

From: Jose Manuel Rocha
Sent: 08 August 2023 19:19
To: Esther, Chan
Subject: Re: CONSULT: New Premises - Paradise Café & Restaurant, 250 High Street, NW10 4TD - 28866

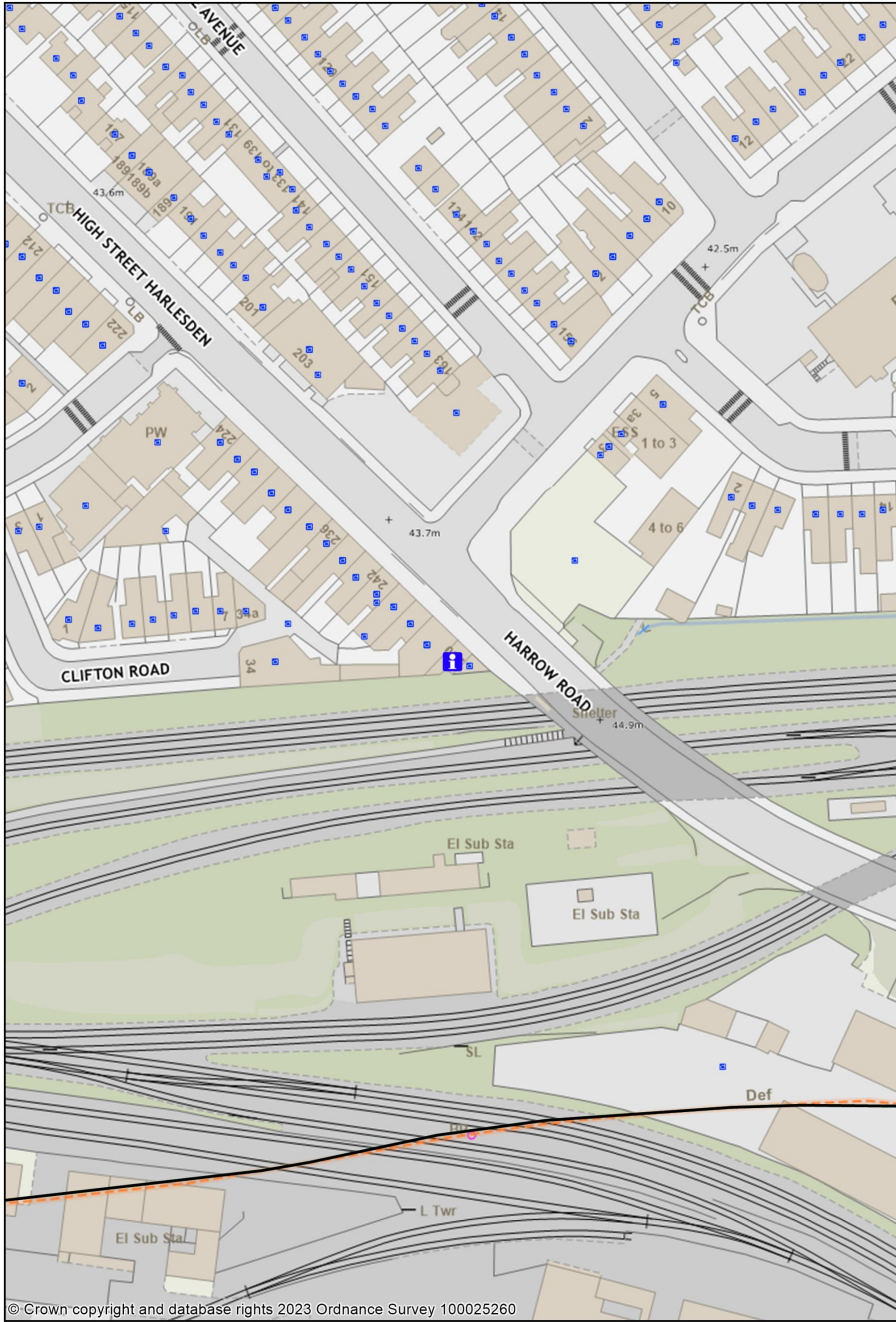
Dear Miss Chan

I can confirm the Applicant Agree with all your proposed conditions

Kind Regards
Manuel Rocha

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Basemap Map



1:1250

0 0.02 0.04 kilometres



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From:

Sent: 31 August 2023 17:39

To: Legister, Linda

Subject: Paradise Cafe & Restaurant, 250 High Street, NW10 4TD - Notification of Hearing

Hi Linda

I'm unable to attend the hearing. Can the following be submitted in representation so the Committee Cllrs have a fuller picture on which to make their decision:

It is noted that the licensing plan submitted does not match anything approved by Brent Planning, this includes the marked fire exit for the proposed premises via the kitchen. This fire exit would be via an external staircase to an alleyway at the rear of the building on Clifton Rd. It is unclear where the final egress from this staircase is and Brent Planning Enforcement currently has an open case E/23/0329 looking at an unapproved structure at the rear of the building which may possibly block escape.

Please see photo immediately below of staff from West Supermarket unloading goods from a car outside the shop on High St Harlesden at 3:05pm 27 Aug 2023, The double yellow lines and kerb pips indicate this is a No Loading zone. Loading here is dangerous and a public nuisance, thus in breach of the licensing objectives. If you visit the premises to review their own CCTV for this period you will note that the owner was present at the time sitting behind the shop counter so was fully aware of how the delivery was taking place. Since the same owner is applying for the licence at Paradise Cafe, this pattern of behaviour should be a material consideration.

Please note, as per the transcript attached, that during the hearing to grant the West premises licence on 18 May 2021, the applicant Omir Raza (aka Mr Zaremoayed) was questioned about their deliveries and trade waste disposal because vehicles had been seen parking illegally and evidence had been provided of trade waste dumping. The applicant said that deliveries: 'were done in the early morning, around 7am to 8am. They often stop in Clifton Road and use a trolley'

The street outside the shop is very busy (a cyclist was killed) and is designated as having no parking, waiting or loading. The applicant acknowledged this at the hearing and promised that loading only occurred on Clifton or Furness Rds. In truth this has never occurred and loading continues via illegally parked vehicles as per more photos below which indicate a reckless and dangerous public nuisance which will only increase if there are new beer/cider deliveries as well.

The transcript also shows Mr Raza say he knew how to present trade waste. However, at 6:03pm 14 June 2021 dumping of unmarked trade waste was caught on Brent's CCTV camera number 10. The shop was further reported for trade waste on several occasions in 2022 and 2023. Brent Enviro Officer Amar Karia should be able to provide more details if Committee Cllr ask..

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Photo taken 3:05pm 27 Aug 2023



Photos taken 9:50am 23 Aug 2022 show large delivery truck parked in the mouth of the junction and pallets being pulled across the carriageway to the shop



Photos 7:42am 26 Aug 2023. Staff member dumping loose cardboard and waste in a black bag. It's a requirement that trade waste should be in a branded bag to identify it as non-domestic waste



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London Borough of Brent

**Decision of the Alcohol and Entertainment Licensing Sub-Committee following a hearing
on the 18th May 2021 at Brent Civic Centre, Engineers Way, Wembley HA9 0FJ**

NOTICE OF DECISION

PREMISES

Westfield Food & Wine
248-250 High Street
NW10 4TD

1. Members of the Sub-Committee

Councillors Long (Chair), Ahmed and Shahzad.

2. The Application

The application was for a new premises licence for the sale and supply of alcohol from 10am to 11pm Monday to Sunday and to remain open from 7am to midnight from Monday to Saturday and from 8am to midnight on Sundays.

Written representations had been made and withdrawn by the licensing authority ('LA') and the police.

Representations remained outstanding from Ward Councillors and a local resident.

As written representations had been received, a hearing was held pursuant to section 18 of the Licensing Act 2003.

3. Representation

Omair Raza (aka Mr Zaremoayedi) attended on behalf of Westfield Food & Wine Ltd and was represented by his agent, Manuel Rocha.

Ward Councillor Jumbo Chan attended.

A Local resident also attended.

4. The Hearing

The hearing was conducted via Zoom due to the Covid-19 pandemic and social distancing guidance. It was also broadcast via a live webcast.

The resident set out his objections. There is a ClZ which was not referenced at all in the application. They had previously made an application last year and during the consultation period were caught selling alcohol which is concerning. In section D, prevention of public nuisance, they refer to deliveries and clearance of waste which he has some questions about. He is also interested in the minimum pricing policy and thinks the council should make use of that. It's been available since 2020 and was mentioned in press releases.

Councillor Chan set out his objections. He was also speaking on behalf of Councillor Kelcher. They both oppose the application. The south of Brent especially Harlesden has a lot of alcohol-related ASB. From their casework, it's clear that issues with ASB lead to the highest number of complaints. Although he welcomes small businesses, especially coming out of lockdown, he is worried about the impact granting the application could have. The shop is on the edge of Harlesden High Street near to residential areas and the park where there has been a lot of ASB and street drinking. A lot of residents have complained. He does think granting the application would have a negative impact. In an ideal world, there wouldn't be such things but the reality is there are a lot of street drinkers and ASB which negatively affect the families that live there. As Ward Councillor, he has to take such things into account.

Mr Rocha had no questions.

Councillor Shahzad: How will this affect numbers of street drinkers? Councillor Chan said he did not think the numbers of people buying alcohol will increase, but this is on the western fringe of the area he had been talking about and so granting the application would extend the area in which street drinkers can buy alcohol. Otherwise, they would have to travel further.

Cllr Long: What do street drinkers normally drink? The resident conceded that the application this time is just for wine and spirits. He said that, in most areas, street drinkers mainly drink beer and cider but in Harlesden there is a difference. Although beer and cider is consumed, there are groups that drink spirits. One of his photos of litter was of bottles of rum. Saying they'll only sell wine and spirits won't cure the problem. There is a place across the street that sells food and people are bringing spirits and drinking outside whilst eating. He said the photo was taken in the other side of Harlesden, in Craven Park Road.

Councillor Long: What about the fact they have reduced their hours? The resident said he was not objecting to the hours. In his view, minimum pricing might solve all of the problems. White rum in has a very high ABV. You would simply apply a 70p minimum price per unit. Councillor Chan added that the street drinkers are very flexible and do drink spirits. If there is a minimum unit price ('MUP') across all alcohol, it would be a step forward. The resident added that if you have a MUP it will make spirits too expensive to buy. Councillor Chan added he didn't want his residents who are street drinkers on his conscience because he they are drinking away their lives because alcohol had been made more available.

Mr Rocha set out the applicant's case. This is a new business. At the moment they sell groceries and would like to add alcohol. They recognised after they exchanged emails with the police and LA that it's in a CIZ and that's why they decided not to sell beers, lagers, ciders and miniatures. 90% of street drinking relates to beer. They just want to sell wine and spirits. It's only going to be a small part of the business. They don't mind if MUP is imposed. There are a lot of people selling alcohol illegally. The applicant buys from reputable suppliers who pay VAT. The staff have been trained since the last application and things have improved. They have agreed a lot of conditions with the police and LA. They will do everything they can to reduce street drinking. Mr Rocha did not think street drinkers would buy from the applicant as they will be too expensive.

Councillor Long: Will you manage the labelling? Mr Raza said they would.

How many people will have personal licences? Mr Rocha said they would have at least four people on the licence. He had trained the DPS and he will train the rest of the staff as well. Before they start selling, they'll all be trained and then given refresher training every 6 months.

Do you have a trade waste licence? Mr Raza confirmed they have one with Veolia.

The resident: How long have you had a trade waste licence? Mr Raza said they had had one since they opened. He confirmed they knew how to present trade waste. They put it outside at 6pm. The resident said it should be between 7pm and 8pm. Mr Raza said his staff deal with that. Mr Raza said they have a sign board outside and put their waste in grey bags which Veolia send. The resident said he has walked past every morning and evening and has never seen that.

The resident: How, when or where are deliveries made? Mr Raza said they were done in the early morning, around 7am to 8am. They often stop in Clifton Road and use a trolley but he cannot tell them all where to stop. They can also stop in Furness Road. The

resident said that he has photos of illegally parked vehicles and warned Mr Raza that he would continue to take photos if they continued to park illegally.

Councillor Ahmed: Do you have any other shops? Mr Raza said he did not.

How long have you been running the business for? Mr Raza said, 8-9 months

Mr Raza confirmed it was his first business and he had no previous retail experience.

Councillor Long: When did you get your personal licence? Mr Raza said he had done the training but was still waiting for the card. He took the exam in December.

How many staff will there be? Mr Raza said there would be three at any time. One person would be on the till and another within the shop. If they need something e.g. Arabic bread the other person can go out and buy it.

Do you need to sell alcohol? Mr Raza said their customers were asking for it, especially wine.

What's the minimum price you would charge for a bottle of wine? Mr Raza said it would be £7 or £8.

If MUP was imposed both the resident and Councillor Chan said they would withdraw their objections.

The objectors summed up their case. The resident said that, if the applicant is going to abide by parking and waste disposal rules and impose MUP, then he is happy.

Mr Rocha summed up the applicant's case. They will make an effort to comply with the parking rules. He is not happy with Veolia at the moment as other clients have had problems with them. They are going to look into that. He thinks the agreed conditions will avoid problems with street drinkers. He asked the application to be imposed.

5. Determination of the Application

Pursuant to section 18(3) of Licensing Act 2003, the sub-committee had regard to the representations and considered which of the steps listed in section 18(4) (if any) it considered appropriate for the promotion of the licencing objectives namely:

- The prevention of crime and disorder
- Public safety

- The prevention of public nuisance
- The protection of children from harm.

In making its decision the sub-committee also had regard to the Home Office Revised Guidance and Brent's revised Statement of Licensing Policy which came into force on the 2nd January 2020 following a consultation. In addition, the sub-committee took account of its obligations under section 17 of the Crime and Disorder Act 1998.

The sub-committee had particular regard to the following paragraph from the Home Office Revised Guidance:

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

The sub-committee had particular regard to the following parts of Brent's Statement of Licensing Policy:

Policy 9: The Council has established ten (10) new Cumulative Impact Zones (CIZs) in Brent. The purpose of these CIZs is to address levels of crime and disorder, and anti-social behaviour, particular that associated with street drinking. Therefore, the CIZs will specifically relate to applications and variations for off-licences.

...

It is... not an absolute policy and where an applicant can satisfactorily evidence that their application or variation will not negatively impact on the licensing objectives the Licensing Authority will determine the application on its own merit.

The CIZs do not address the matter of the need for a premises. The need for premises is a commercial matter and is not a consideration for the Council in the discharge of its functions and this policy. Need is a matter for the planning authority and market forces.

Appendix 6:

What is a CIZ?

Cumulative Impact Zones are a tool outlined in the Licensing Act 2003 to address specific issues where the authorising of further licences in a specific area may be inconsistent as well as undermine the promotion of the licensing objectives.

A CIZ creates circumstances in which any new licence or variation to an existing licence that increases the scope for the sale of alcohol within the specified area will not be

granted unless the applicant can evidence that the operation of the licence or licence variation will not contribute to the issues identified to be addressed by the CIZ.

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....

Why have CIZs in Brent?

The Council’s current Licensing Policy came into effect 10 January 2016 at this time no CIZs were identified. 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 and neighbourhoods.

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.

Policy 12: In areas where street drinking has been identified as a problem by the Council new applicants... are required to demonstrate how their premises will not contribute to street drinking in those areas.

Policy 24: The Licensing Authority would like to encourage all licensed premises to apply a minimum unit price of 70p to all alcoholic products sold at their premises.

...

Where any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it will be appropriate for the Licensing Authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. Each case will be considered on its own merits.

...

We know that low cost alcohol sold in on and off trade premises increases alcohol consumption which can lead to crime and disorder issues. The Licensing Authority through this policy would like to encourage the responsible consumption of alcohol and where there is evidence that the licensing objectives are being compromised or are likely to be compromised, the Licensing Authority will consider imposing controls on drinks promotions to deal with localised problems. These controls could include restricting the

sale of super strength beer, lager and cider, or the requirement to charge a minimum cost per drink as part of a package of measures to deal with problems.

6. Decision

The sub-committee listened carefully to the representations made by the parties at the hearing and took into account the written representations.

The sub-committee found that the applicant had satisfactorily evidenced that his application will not negatively impact on the licensing objectives. The main purpose of the CIZs is to reduce anti-social behaviour, in particular that caused by street drinking. The sub-committee agreed with the police and LA that street drinking and the anti-social behaviour that results from it revolves almost entirely around the drinking of beer, lager and cider in public. In the written application, the applicant made it clear that it would not be selling any of those things, a clear demonstration that the company had given careful thought to the problems affecting the local area and how it could avoid contributing to them.

Although there had been concerns in the past about Mr Raza's understanding of his responsibilities under the Licensing Act and he had previously sold alcohol without a licence, when Esther Chan met him on the 25th March 2021, he was able to explain the licensing objectives clearly and apologised for selling alcohol in October. It was clear that he understood that the premises falls in a CIZ and, as a result, he would not supply beers, ciders and lagers, which are commonly consumed by street drinkers.

The sub-committee was satisfied that Mr Raza had learnt from his past mistakes and was now taking his responsibilities seriously. He took his personal licence exam in December 2020 and the intention is that all staff will be trained every 6 months.

The sub-committee felt that any concerns about crime and disorder and public nuisance had been allayed by the comprehensive list of conditions agreed in advance of the hearing by the applicant with the police and the LA.

The sub-committee considered whether it would be appropriate to impose a minimum price condition but decided it would not be. The sub-committee could not see any causal connection between sales promotions or price discounting and levels of crime and disorder in the local area that related to wine and spirits. Such a condition would therefore be unnecessary and disproportionate.

The application is therefore allowed subject to the following agreed 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) 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.
- 3) A CCTV camera shall be installed to cover the entrance to the premises and further cameras to cover the entire server area and till.
- 4) 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.
- 5) A sign stating “No proof of age – No sale” shall be displayed at the point of sale.
- 6) A “Challenge 25” policy shall be adopted and adhered to. Acceptable forms of identification shall be a passport, a photo driving licence and a PASS accredited identification card.
- 7) No beers, lagers, and ciders shall be stocked or sold.
- 8) No miniature bottles of spirits smaller than 35cl. shall be displayed and/or sold.
- 9) 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.
- 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) 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.
- 12) All alcohol products displayed in store will be marked to identify the product is from the premises.
- 13) In the event that a member of staff suspects that a person attempting to purchase alcohol is a street drinker or a person attempting to purchase alcohol on behalf of a street drinker (proxy purchasing) they will immediately call the senior staff member (if they are not already serving) and appropriate enquiries will be made to determine whether the sale can be made.
- 14) Any staff directly involved in selling alcohol for retail to consumers and managers shall undergo basic training of Licensing Act 2003 legislation. This shall be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.
- 15) A notice asking Customers to leave quietly from the premises shall be displayed by the exit/entrance.
- 16) A clear and unobstructed view in to the premises shall be maintained. Signage and/or visual obstructions on the entrance door and any of the windows may be allowed to a maximum height of 1.2 metres from ground level.
- 17) Invoices are to be produced to Police, a member of an appropriate authority or council officers upon request to evidence payment of duty on goods.
- 18) All deliveries shall take place during the normal working day (i.e. 09:00 to 18:00 daily).
- 19) A lockable safe with deposit slot and anti-fishing mechanisms must be used at the counter till area in order to prevent crime.
- 20) A suitable intruder alarm and panic button shall be fitted and maintained.
- 21) 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.
- 22) An electronic till prompt should be used for all alcohol sales.

7. Right of Appeal

The applicant and any person who made relevant representations has the right to appeal against this decision pursuant to section 181 and schedule 5 of the Licensing Act 2003.

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 19 May 2021

From: Jose Manuel Rocha

Sent: 04 September 2023 11:13

To: Legister, Linda

Subject: Re: Paradise Cafe & Restaurant, 250 High Street, NW10 4TD - Notification of Hearing

Dear Miss Linda

Can you forward this email to the neighbour who submit the representation. Also can you forward this Picture and the Biffa Invoice to the License Sub Commitee

Dear Neighbour

RUBBISH

Mr Omid has an agreement with BIFFA for rubbish collection twice a week. Also, we use Viola Bin bags when there is an excess of rubbish. We can buy these bags online

.

DELIVERIES

Mr Omid use your own can for his own deliveries. The business is not good enough, for the supplier's delivery directly to our business. We have now a small supermarket and small cafe/restaurant.

There is more business next to us. From Night Clubs, Restaurant, cafes. How they get their deliveries? Also, opposite to us, there is a car dealer. Please see picture attached. They have this truck delivery cars often during the month.

Kind Regards

Manuel Rocha

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Service & Invoice Queries
HIGH WYCOMBE DEPOT

Invoice Number

Page 1

Payment Queries
CREDIT CONTROL

Invoice Date
26/05/23

Account Number

WEST SUPERMARKET
248-252 HIGH STREET

LONDON
NW10 4TD

Invoice

Payment of this invoice will be collected by Direct Debit on or just after 25 June 2023

Site Address

WEST SUPERMARKET
248-252 HIGH STREET

LONDON

NW10 4TD

Contract Number

Order Number
false

Quantity	Description	Service	Num. on Site	Docket	Date	Rate	Total
50	PLASTIC BAGS Standard General Waste P/O No: UPS	DELIVERY	50	443145	05/05/23	4.32	216.00 (A)
1	PLASTIC BAGS Standard General Waste	COLLECTION	49	455627	09/05/23	0.00	0.00 (A)
1	PLASTIC BAGS Standard General Waste	COLLECTION	48	466316	16/05/23	0.00	0.00 (A)
1	PLASTIC BAGS Standard General Waste	COLLECTION	47	475966	23/05/23	0.00	0.00 (A)
WASTE TRANSFER NOTE COMPLIANCE CHARGE							6.64 (A)
Sub Total							222.64
VAT @ 20.00% (A)							44.53

Invoice Total

£ 267.17

Payment terms net 30 days

If you have any queries, please contact us within 14 days from the date of this invoice

Payment details for BACS: **Barclays Bank plc. Sort Code: 20-40-89 Account No: 40166375**

Remittances should be emailed to cash.allocations@biffa.co.uk

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Hi Linda

If it is possible to respond to new points 3:12 to 3:14 please add the following as a final submission:

Waste Management

In point 3:12 it's stated that Mr Omid has an agreement with BIFFA for rubbish collection twice a week. The invoice supplied shows a delivery of 50 bags and these are then collected at a rate of one single bag per week on 9th, 16th and 23rd May 2023. It's also stated that they use Veolia though there is no evidence of the second additional contract. There was no attempt to dispute the photos of the staff member dumping black bag waste and loose cardboard.

The licensing committee may want to consider whether they think it's likely that a supermarket would only produce such a small amount of waste or whether it's more likely that the majority of waste is being flytipped on a daily basis and to ask Brent Enviro officers for an historical report of the premises over the last few years. Licensing officers could also detail historical breaches in the sale of alcohol at Westfield

The committee may also be aware that under these types of waste contracts, shops pay per full bag of waste they present. Therefore there is an incentive for businesses to obtain a contract (which they can show to a Brent Enviro officer) but to actually use as few bags as possible. They may even put out one legal bag of trade waste in a branded bag and several other ordinary black bags of waste. Whereas a trade waste contractor may only collect once or twice per week, the black bags of waste will be treated as domestic rubbish from flats above shops and collected by Brent twice daily. This cost then falls on the council and ultimately on residents

Deliveries

There was no attempt to dispute the photo evidence of the deliveries including on 27 Aug 2023, indeed it's stated that "Mr Omid use your own can for his own deliveries". Whatever the vehicle type, whether a truck, van or car it is illegal to load or unload at any time on this section of highway from outside the shop down to the Tubbs Rd corner. Mr Omid acknowledged this at the Westfield licence hearing in 2021 and claimed deliveries were done from Clifton or Furness Rds

In summary, the applicant has demonstrated time and again he does not act in good faith and it is expected this will continue if granted a further premises licence.

Kind regards

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