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Hilda Cameron  
Licensing & Qualifications Ltd  
Westminster Business Centre  
Printing House Lane  
Hayes  
UB3 1AP

4<sup>th</sup> December 2020

Ref: 20142

Dear Hilda Cameron,

**Licensing Representation to the Initial Application for the Premises Licence at Kanaga Mart Ltd, 755 Harrow Road, Wembley, HA0 2LW**

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.

Sudbury Town 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: -

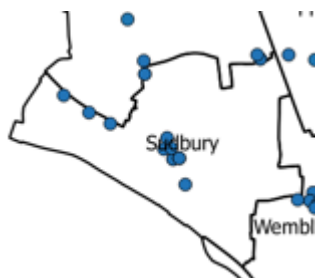
*'Sudbury Town – Harrow Road and Watford Road*

*This relatively small town centre has a relatively high number of alcohol related ambulance call outs and anti-social behaviour. The Licensing service also receives high volumes of calls regarding street drinking. It is proposed that a CIZ be introduced for off-licences on Harrow Road from the junction of Sudbury Roundabout (adjacent to District Road) up to the junction of Chestnut Avenue, along Watford Road up to the junction of Homefield Avenue.'*

Data captured from various sources including alcohol related police and ambulance call outs has been mapped and shown sufficient evidence to implement CIZs in the specified area. 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.

*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.



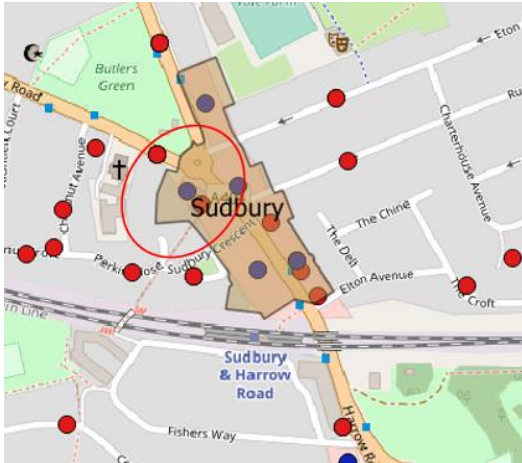
*Calls to police specifically related to street drinking between 01/06/2017 and 31/05/2019*

*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*

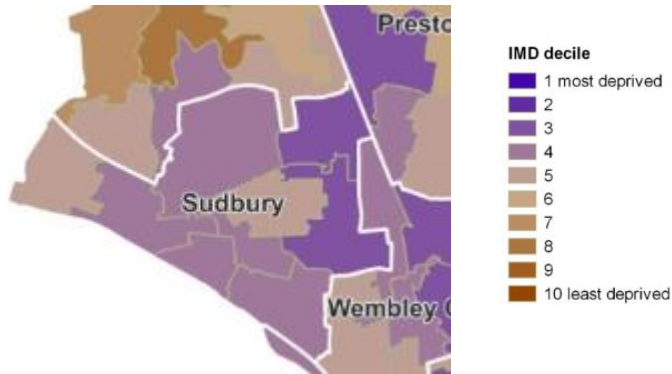
*Hotspot of Violence with Injury Crimes*



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 Sudbury, is to address the issues mentioned above.

The Premises

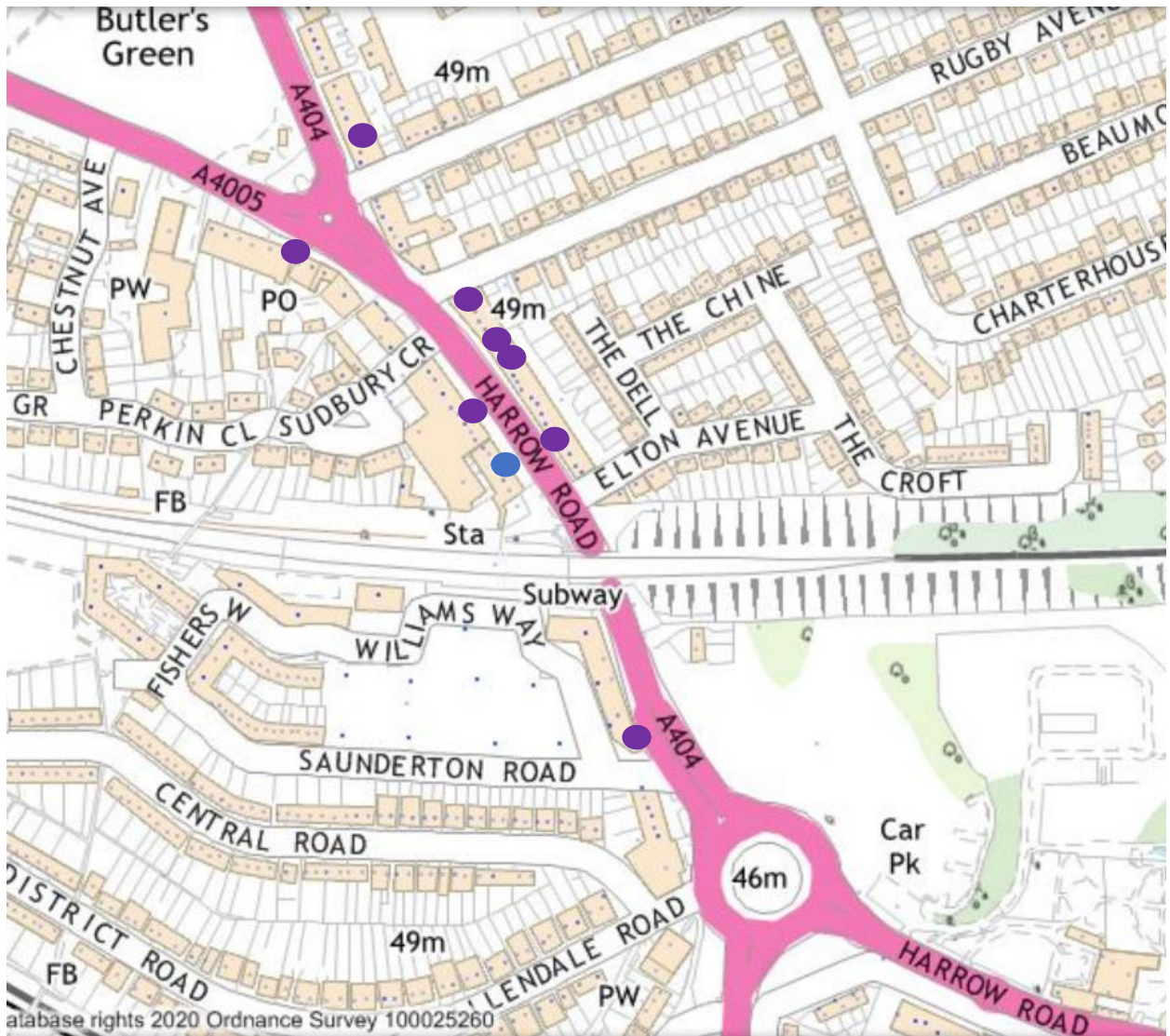
The premises, namely Kanaga Mart Ltd, 755 Harrow Road, Wembley, HA0 2LW falls within one of Brent's ten CIZs.



**Kanaga Mart Ltd, 755 Harrow Road, Wembley, HA0 2LW**

The premises itself is located along the main High Street in the heart of the town centre, where there are a number of businesses. In relation to the supply of alcohol for off sales, there are eight existing off licences that have premises licences, all within a few minutes walk of each other.





Key:  
 Existing off licence ●  
 Proposed off 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.

### **Premises Licence Application**

#### Operational Plan, Training Manual & Conditions

Although the application proposes a number of conditions, it does not appear any different to a standard 'off licence' in terms of its unique selling point.

Simply listing a number of conditions from Brent's pool of model conditions without any type of substantive operational plan for example, appears inadequate. 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. This could also include the 'training manual' mentioned in the application form which should give detailed information on the training that is covered. This would go some way in reassuring the Licensing Authority that the business has taken the impact on the local area of adding another off licences to the eight that already exist.

#### Safeguarding the Local Area

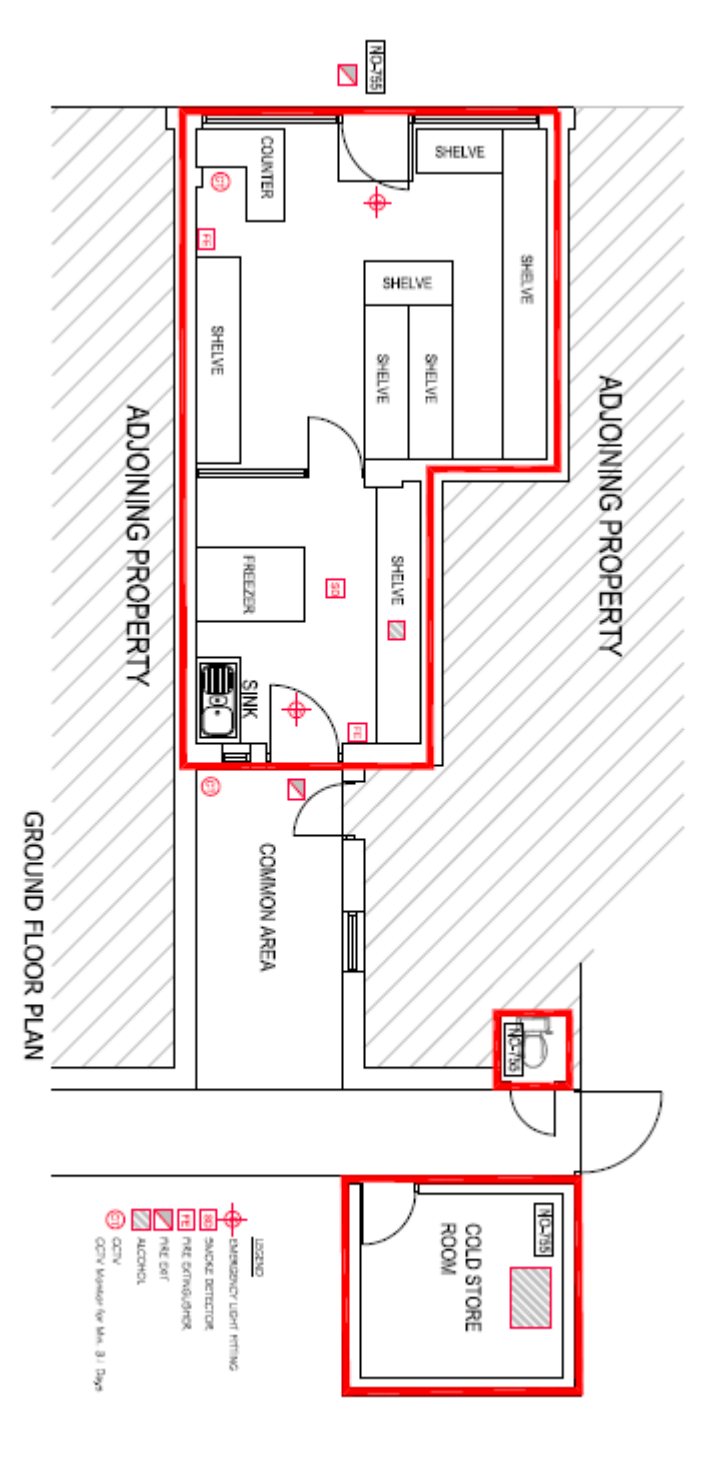
The Statement of Licensing Policy lists considerations to be made when applying for a new premises licence, particularly those considerations relating to street drinking.

However, the conditions that are mentioned in the application fail to address the likes of such things outside of the premises that could be directly linked back to the premises. This includes items such as the clearing up of litter which may be left outside the premises by customers, the labelling of alcohol with the premises name in order to link street drinkers back to the premises or measures to discourage street drinkers from loitering outside the premises.

As per Brent Council's Statement of Licensing Policy, a voluntary offering of a ban on high strength alcohol sales does not necessarily address the requirements under a Cumulative Impact Zone.

#### The Plan

Other considerations mentioned are the appropriate location of alcohol in relation to the sales counter so as to be directly supervised by staff. In the case of this application, the plan supplied shows that the beer fridge cannot be properly supervised by staff at the counter. Relying on CCTV camera screens to watch customers would be difficult when there are other customers being served simultaneously.



### Supply of Alcohol and Opening Hours

The application does not address how alcohol will be displayed during the hours when licensable activities are not permitted but the premises are still open to members of the public. In this case it includes when the premises are not permitted to supply alcohol from Monday to Sunday daily from 7am until 11am.

### History & Previous Knowledge

The application does not mention the licence holders history of any previously run premises or background knowledge of how a premises supplying alcohol would be run. The assumption then, is that the licence holder does not have any previous experience which may in turn undermine the licensing objectives.

### **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.

Other than the list of proposed conditions, the application and 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.

The application also fails to describe any previous experience the licence holder has in operating a premises that supplies alcohol.

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 eight that already exist in the immediate area, will no doubt be detrimental to the local area.

If the committee however decide that there is sufficient evidence to the contrary, the Licensing Authority would ask that the following conditions be added to the operating schedule:-

*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.
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 servery 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. Promotions that encourage irresponsible drinking shall not be permitted.
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. A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises.
9. Any staff directly involved in selling alcohol for retail to consumers, staff who provide training and all managers will undergo regular training (every 12 months) of Licensing Act 2003 legislation. This will be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.
10. 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.
11. All alcoholic drinks shall be clearly labelled or marked with the name of the premises.
12. A notice asking Customers to leave quietly from the premises shall be displayed by the exit/entrance.
13. 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 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
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
14. No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked or sold at the premises.
15. A clear and unobstructed view into the premises shall be maintained at all times.
16. 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.
17. All deliveries shall take place during the normal working day (i.e. 09:00 to 18:00 daily).
18. A lockable safe with deposit slot and anti-fishing mechanisms must be used at the counter till area in order to prevent crime.
19. A suitable intruder alarm and panic button shall be fitted and maintained.
20. 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.
21. All alcoholic drinks shall be clearly labelled or marked with the name of the premises.
22. All alcoholic drinks must be bagged into a different coloured or labelled bag to that of other items. Where alcohol is to be mixed with other groceries, the bag should be the same coloured one that is used for sales of alcohol.

23. An electronic till prompt should be used for all alcohol sales.

24. No single cans of beer, lager or cider.

25. No sale of miniature spirits (5cl).

Yours faithfully

A small, square box containing a handwritten signature in black ink. The signature appears to be 'S. Figueiredo'.

Susana Figueiredo  
Licensing Inspector  
Regulatory Services