

Application for a Premises Licence

Alperton Stationary Shop Limited

200 Ealing Road, Wembley, HA0 4QG

Witness statement of Richard William Read Baker, Licensing and Planning consultant – the agent responsible for submitting the new premises licence application.

I, Mr Richard William Read Baker, Licensing & Planning consultant of 23 Magister Drive, Lee on the Solent, PO13 8GE will say as follows:-

1. I have been associated with convenience stores and licensing operations since 1980 and I am the sole director of RB Retail & Licensing Services Limited.
2. My career to-date has been closely aligned to the sale of alcohol and the legislation surrounding same - Following four years working in Lloyds Bank I was offered a position as a trainee store manager in 1980 for what was the largest licensed convenience store company in the UK. Part of my duty was to attend court before the Licensing justices to apply to have my name attached to the existing justices' licence and was therefore responsible for the sale of alcohol to customers in that shop. At the hearing I was asked various questions as to my suitability and fitness. I was granted the licence on this occasion and on every subsequent Licensed business I was asked to run until around 1985 when I was promoted to area manager.
3. After some twenty years in the convenience trade in various senior & independent franchisee roles I was approached by a well-known Licensing & property consultancy of the time to work directly with the independent sector regarding all matters associated with the sale of alcohol including compliance and subsequently in 2005 helped to oversee the transfer of all client businesses from the 1964 Licensing Act to the new Licensing regime. We worked proactively with the industry and developed

various items of literature as well as provided on-site training as required to help guide the sector in its understanding of the new law and its practices to ensure compliance. During my time I was advanced to running the whole Licensing division from 2007 until I left in 2010 due to redundancy.

4. I then set up my current consultancy which has since grown to cover area all of England and Wales. Within the last eleven years I produced and copyrighted an Alcohol sales guidance manual which is about to enter its 6th edition. The manual accompanying this statement is the very same manual regularly updated according to the various amendments to the Licensing Act 2003 since its enactment.
5. My company was approached last May 2020 by the applicant Mr Deven Morjaria to assist with an application for a new premises licence for his Convenience shop at 200 Ealing Road. His premises are in the London borough of Brent & I have undertaken several licensing matters for various clients within the Brent Local Authority area since the introduction of the Licensing Act 2003.
6. Mr Morjaria explained that he has run the family business himself for the last twelve years although the family have owned and the run the shop for about thirty years as Post Office/Convenience Store. His father is still the Postmaster and regularly visits the shop to keep an eye on things. There are various family members who work in the premises as well as other long serving non-family staff members employed. There is at least one other staff member who has a personal licence. Mr Morjaria cannot recall a time when the premises needed to call the Police. This is not a problem premises.
7. Mr Morjaria has commented to me that he and his team know many customers by sight and/or name as many local people use these premises on a regular basis. He explained that he and his family are active members of the community mainly because they have been running this business for thirty years and seen people who were children become adults and then parents. Mr Morjaria tells me as a trusted person in the community customers come to the Post Office and ask for advice and guidance regarding various matters which he says he is pleased to say has made a positive difference. Local services use his premises to advertise food banks and the like. He also says that he and his team recognise those individuals who sadly are classified as rough sleepers and those that he understands that are street drinkers by their appearance and by the bags they tend to carry with them. He comments further that they sometimes try to pay penalty notices in the Post Office issued for street

drinking and the like. The team often switch roles and sometimes they work in the shop and other times in the Post Office.

8. After I received my instructions from Mr Morjaria to proceed to a site visit, I then embarked on my normal due diligence procedure for this type of application prior to visiting the premises. The due diligence included checking whether a local authority had introduced a cumulative impact zone (CIZ) policy and if so, was the client premises within the area selected. I identified that Brent council had recently adopted 10 separate CIZ's on the 7th Jan 2020 and that the client premises was indeed located within the zone identified as "Ealing Road". This CIZ effectively runs from the junction of the north end of Ealing Road and Wembley High Road to the junction of Ealing Road and Bridgewater Road. The applicant premises are located approximately midway between the two junctions. I note that the relevant justification for the introduction of the Ealing Road CIZ were included at page 3 of appendix B Brent Cumulative Impact Zone Proposals and I repeat the appropriate paragraph below:

"There are low level anti-social behaviour issues related to street drinking such as urination, defaecation etc. in this area. It is one of the areas where highest number of warning letters and fixed penalty notices have been issued to street drinkers. Further evidence has been provided by residents in the form of petition received during one of the licensing hearings. Therefore, it is proposed that a CIZ be introduced for off-licences on Ealing Road from the Junction of High Road Wembley to the Junction of Orchard Close, Montrose Crescent, Union Road and Coronet Parade."

I also note that at Policy 9: Cumulative Impact Policy, page 26, Statement of Licensing Policy. The following is included:

"The council has adopted a Cumulative Impact Policy to establish Cumulative impact zones.....The Cumulative Impact Policy for these areas 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."

However, on page 27 first paragraph the above policy is amended as follows:

“...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.”

9. I noted the reason for the CIZ implementation on the Ealing Road was limited to Street Drinking issues and supported by a map outlining clusters of serious crimes. I did note the clusters appeared to be more prominent at either end of the Ealing Road CIZ whilst in the middle section of the road they were less prominent. I also noted the distribution of serious crime clusters seem to be evenly distributed across purely residential neighbourhoods and not just commercial areas. Sadly, as we have no evidence regarding a breakdown of the crimes included nor the times of the reported crimes and therefore can offer no further comment other than how do what proportion of the clusters related to street drinking.

10. After reading the Brent Licensing Policy 2020-2015, I noted on page 10 second para up from the bottom the following guidance:

“Applicants may consider canvassing the views of their neighbours and local residents as this can clear up any ambiguities and develop a relationship based on mutual cooperation before an application is made. This will assist the applicant by giving an understanding at the outset of what the community believe is acceptable in their area.”

11. I advised the customer prior to visiting the premises to start preparations to consult his customers, as most would live close by, as to his intention of expanding his convenience store operations and product range which would include an application for a premises licence. This process therefore started around the time of my visit on the 12th June 2020 and continued for some months until the November and December pandemic lockdowns.

12. I believe it is worth noting that no residential objections or petitions were received against this application and would therefore suggest the extended consultation with the community clearly met with general satisfaction.

13. During the client’s own consultation phase Mr Morjaria estimates he asked some fifty customers about their opinion regarding his proposals

14. In the meantime, I had tried to contact Brent Licensing Police regarding whether either a subsequent site visit or maybe attending the local station was possible to outline the application but sadly the telephone numbers were either wrong or messages did not get through to the relevant officer(s). I also tried emailing a request on three occasions commencing the 14th June to 22nd June 2020 using the address on the licensing web site/or via the Police central enquiry desk. I did eventually get an emailed response to the last which merely identified a different email address but sadly no response to the original enquiry included in the email trail was ever received.
15. I concluded that any direct engagement was probably an unrealistic ambition on my part due to the recent nature of the CIZ and the effort Police had invested to have the various CIZ areas agreed which together with the pandemic has clearly put other additional pressures on Police time.
16. I also emailed Brent Council Licensing for their thoughts and an officer kindly responded on the 16th June but commented that it would not be possible to suggest or provide acceptable conditions because the premises were in a CIZ.
17. Whilst considering the appropriate conditions with the applicant that were to be included within the proposed operating schedule, we took note of Policy 12 Street Drinking as per the latest Licensing Policy page 28 and considered the applicants likely trading style and hours to determine the proposed conditions for the application. I had also attempted to look at the licence conditions for the nearest outlets and found most had no conditions when I first reviewed the Brent Licensing web site.
18. The application was lodged with the licensing Authority on the 8th February 2021.
19. During the consultation phase we received just two objections both from the departments we had tried to consult with previously. We are grateful to the representations provided by the Police and Licensing Enforcement team which detail the same premises licenses they believe to be contributing to the current street drinking issues. We have noted the premises' locations on a map as attached and in addition note that the Lidl Licence was granted some 6 months after the instigation of this CIZ and indeed were granted for longer licensing hours than we in fact had requested.

20. I observed from publicly available documentation that the Lidl licensing team also experienced difficulty in any meaningful engagement with responsible authorities. Lidl had eventually provided a revised schedule of conditions in advance of their hearing which apparently satisfied the licensing subcommittee on the day of the hearing. We understand the Police had not responded to the revised list provided.
21. I therefore thought it prudent to again attempt an investigation of these premises' licenses on the council web site – on this occasion I limited my search to those licenses identified by the responsible authorities. However, after liaising with your helpful licensing department they managed to provide confirmation that there is a fault on the web site with some details erroneously omitted on the listed premises licenses and in due course and in response to my request sent copies of conditions for licenses I thought would have had conditions attached.
22. It was from a review of these licenses we identified other appropriate conditions to supplement those initially submitted. These are included as a separate document.
23. Following investigations of both, the licensing web site and an in person visit to the businesses in question we discovered that three of the premises within the Police and Licensing representations do not have premises licenses. These are marked on the attached map in red. One is a betting shop, one an ice cream parlour/Pound shop and the other an unlicensed bazaar type outlet.
24. I would refer to the representation from the licensing enforcement officer Susana Figueiredo. Ms Figueiredo mentions that there are “*relatively few calls to Police specifically about street drinking*” the representation then proceeds to speculate on the reasons for this anomaly. Further figures are produced for twelve months up to May 2018 suggesting an increase in ASB crime but failing to produce further data corroborating ASB issues since – a period of nearly three years. Again, we are unsure where these ASB type offences originate. Ms Figueiredo then admits it is increasingly difficult to link issues with off licenses to help identify culprit premises – this despite the fact the applicant offered to identify the alcohol product sold as a condition of his licence as do many other off licenses locally, sadly this was not acknowledged in the representation.
25. I would also comment on a particular comment under the sub heading *operational plan, local research and conditions*. The Local Authority enforcement officer expresses

surprise that a statement of research has not been included to support our considered licensing conditions. I believe such a statement goes beyond the normal requirements of the Licensing Act 2003 but of more importance perhaps this expectation should have been made clear in the recent updated Brent Licensing Policy so applicants can meet the Authorities expectation at the consultation phase rather than during a hearing – which is of course an additional cost to all the parties involved.

26. We have also undertaken a review of reported crimes from the Police UK website. I note that this type of evidence was used to support the Police case for a CIZ. The generalised Police evidence against the Alperton Store application included crime stats on page 19 of the agenda bundle for the year Jan to Dec 2020. The bar chart suggests ASB crimes at nearly 1000 for the year but we are unsure to which area these apply because on the same page ASB crimes are listed as 72 offences, and again we are unsure at what area is covered.

27. We for our part looked at crimes reported by month from Feb 2020 until Jan 2021 for an area 200m radius from the premises. This radius also included all the residential streets, on either side of Ealing Road and the Common called One Tree Hill which has a direct access to Ealing Road via Braemar Avenue amongst others, this area we understand is a haunt of street drinkers. The actual numbers of ASB's recorded were 38 over a 12 month period. All but a handful were from the One Tree Hill area. There were no crimes reported for the area of Ealing Road from the client trades – this equates to a distance of nearly 400m.

28. Despite the suggestion in the representation from the Police Licensing Officer & the Licensing enforcement officer that we had undertaken little or no research into the area before submitting the application, I confirm that the applicant and his family have been involved with the premises since at least 1991. The applicant undertook significant time to consult his likely customer base and is aware of the locality.

29. We believe that the recent store refurbishment upgrading a store which has been at the hub of the neighbourhood for decades will be of particular benefit to the less mobile members of the community who use the store week in and week out for their post office requirements. The applicant is acutely aware that a certain group of persons, who could be termed undesirables, may be tempted to use the business and have countered this threat by formulating a suite of conditions which amongst others

include specific measures to deter street drinkers from using the premises to acquire alcohol:

- a prevent the stocking and sale of High strength beers, lagers and ciders (the preferred beverage for street drinkers),
- b no single can sales,
- c marked alcohol containers to assist the Police in identifying the source of alcohol products sold,
- d an instore verification system to prevent the sale of alcohol to individuals who raise doubt as to their suitability to be sold alcohol,
- e a training manual as presented to the Brent Licensing committee on several occasions in past hearings and
- f a state of the art CCTV system with cameras sited both internally and externally.

30. A copy of the licensing guidance manual is included with the supporting evidence bundle submitted. Should the committee prefer I would be happy to provide a short overview of the manual due to the weight of material lodged, at an appropriate time during the hearing. The applicant is used to regular training regimes being part of the Post Office and in addition operates the Camelot National Lottery which itself has regular training requirements and is an age restricted product. No issues have ever been reported by Camelot since 1994 when the terminal was first installed.

I believe that the contents of this statement are true to the best of my knowledge, information and belief.

Richard William Read Baker

Dated 24th March 2021