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

2nd September 2022

Our Ref: 25772

Dear Mr Rocha,

Licensing Representation to the Initial Application for the Premises Licence at Westfield Food and Wine, 248-250 High Street, NW10 4TD

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 34 of the Act.

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

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

Cumulative Impact Zone (CIZ)

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

Data captured from various sources including alcohol related police and ambulance call outs have been mapped and have shown suitable evidence to implement CIZs in the specified areas. In

particular crime data and evidence shows a correlation between concentrations of off-licences and alcohol related anti-social behaviour, particularly that associated with street drinking.

Harlesden 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: -

Harlesden

Harlesden Town Centre is a hotspot for alcohol flagged calls to the Police for crime and anti-social behaviour. It is also a hotspot for ambulance calls where the victim has sustained an injury. The data shows the whole of the town centre suffers from high levels of alcohol related issues, including residential streets off the main town centre such as Rucklidge Avenue, Wendover Road, Buckingham Road and St Albans Road.

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. Therefore, it is proposed that a CIZ be introduced for off-licences for the following streets; Craven Park, Craven Park Road, Park Parade and High Street Harlesden

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.



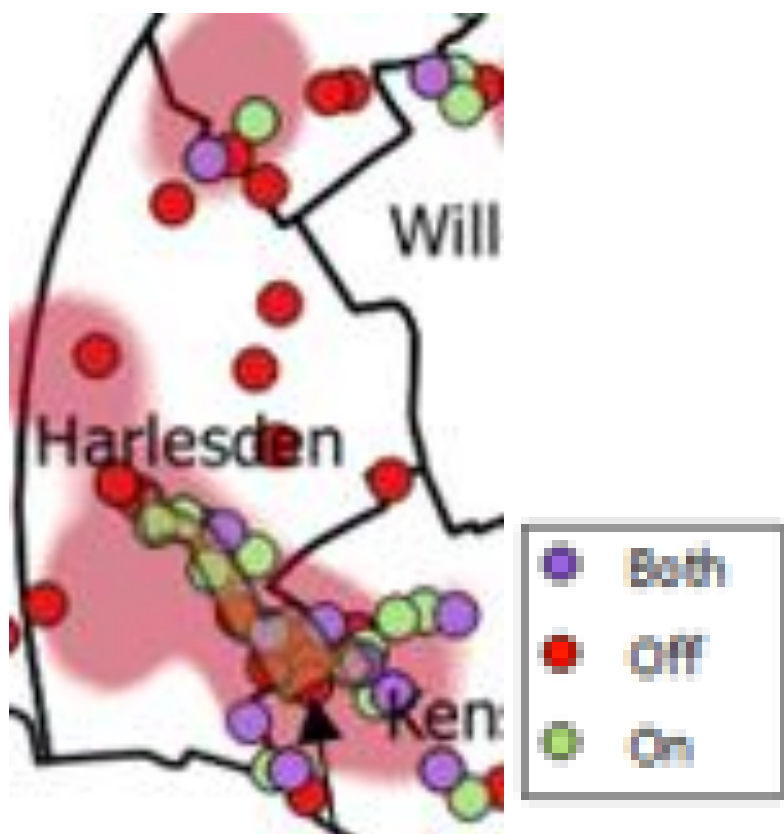
Calls to police specifically related to street drinking between 01/06/2017 and 31/05/2019

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

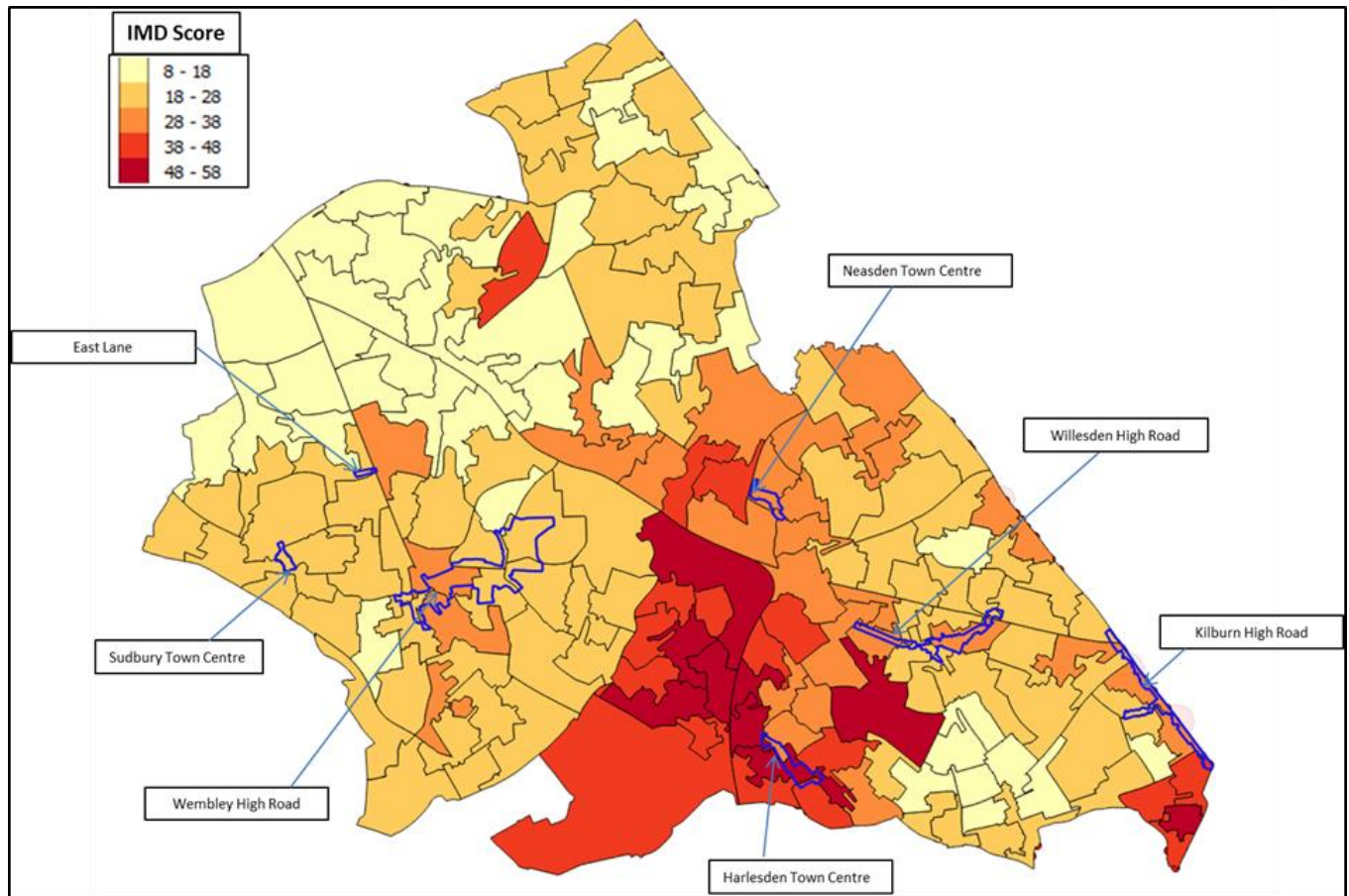
Hotspot of Violence with Injury Crimes



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.

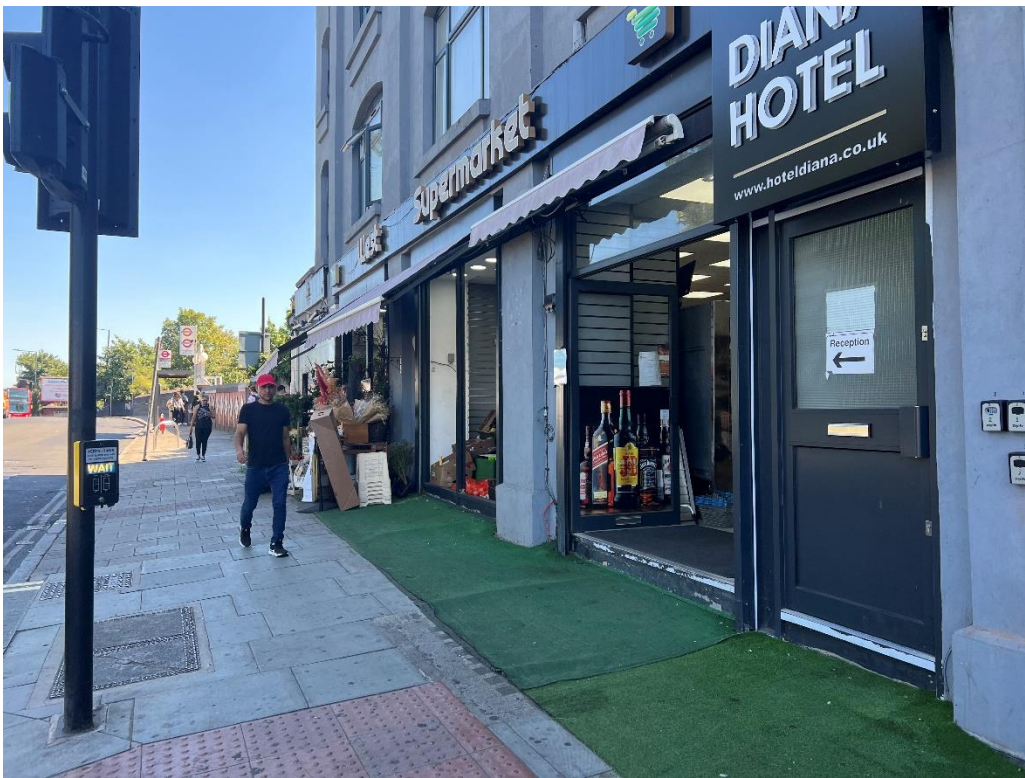


Brent Index of Multiple Deprivation (IMD) score 2015 by Lower Super Output Areas

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

The Premises

The premises, namely Westfield Food and Wine / Westfield Supermarket, 248-250 High Street, NW10 4TD falls within one of Brent's ten CIZs.



Westfield Food and Wine / Westfield Supermarket, 248-250 High Street, NW10 4TD

Harlesden town centre consists of a series of parades of shops that run along Craven Park, Craven Park Road, Park Parade and High Street Harlesden. The town centre falls between, Harlesden and Kensal Green ward and is one of the most deprived areas in the borough.

The map below shows the number of existing licensed premises within close proximity of the Westfield Food and Wine / Westfield Supermarket, 248-250 High Street, NW10 4TD.



| Key | | | |
|---|--|---|--|
|  Premises applying for new OFF Licence |  Premises that already have an ON Licence |  Premises that already have an OFF Licence |  Premises that already have an OFF/NO Licence |
| | 1. Triangle Club, 252 High Street (Less than 1 min Walk) | 2. 222 High Street (1min Walk / 289 Feet) | 5. 202 High Street (2min Walk / 479 Feet) |
| | 3. 214 High Street (1min Walk / 364 feet) | | |
| | 4. 212 High Street (1min Walk / 290 Feet) | | |

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

There is a lack of information provided in section M of the application to describe additional steps that the applicant intends to take to promote the licensing objectives.

The Licensing Authority would expect to see information on how the operational plan would go above and beyond in promoting the licensing objectives in a crime hot spot.

Ownership History

The premise licence was granted in May 2021 by sub-committee for the supply of alcohol. The premise licence holder was Westfield Food and Wine Ltd which was incorporated on 24th July 2020 under one company director called Mr Omidreza Zaremoayedi. The DPS is Dev Raj Raut.

On 24th September 2021, Mr Omidreza Zaremoayedi terminated himself as the director of the company, which was subsequently replaced by Mr Jahangir Ali. The company dissolved on 12th July 2022.

On 14 March 2022, Mr Omidreza Zaremoayedi formed a new company as the director of West Supermarket Ltd.

On 1st June 2022, the premise licence was transferred to West Supermarket Ltd with Dev Raj Raut remaining as the DPS.

Non Compliance Visit

On Saturday 10th July 2021 at 18:15hrs, I conducted an inspection at the premises and discovered a number of conditions on the premises licence were not met. Both the licensee and DPS were not present. The staff member who was lone working did not know who the DPS was and therefore was not able to contact him at the time of my visit.

Subsequently, a warning letter dated 12th July 2021 was issued to the licensee and DPS (**Appendix 1 and Appendix 2**). Mr Zaremoayedi responded to my letter via email on the same day stating that the person who was working in the shop was not very aware of the shop information and have since fulfilled all the points they promised, except for a number of signs that we were not aware of at all (**Appendix 3**).

Consultation Visit

On Wednesday 10th August 2022, I conducted an inspection with my colleague Christine White, Licensing Officer, when the premises was opened to the public and bottles of alcohol were displayed on the shelves behind the counter for sale.

At the time of my visit, Mr Muhammad Shahzib was working behind the counter. He was accompanied by Mr Mehdi Banakr who works in the hotel above the premises but was helping Mr Shahzib at the time. Both Mr Shahzib and Mr Banakr confirmed they did not hold a personal licence.

Whilst Mr Shahzib was cooperative by attempting to answer some of my questions, he was unable to provide me with training documents and clearly did not hold a personal licence in order to supply/sell alcohol. Following my engagement with Mr Shahzib and my observation, it became apparent that the following conditions were not met:

Condition 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.

Officer Comment: Not met. No records provided.

Condition 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.

Officer Comment: Not met.

Condition 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.

Officer Comment: Not Met.



Condition 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.

Officer Comment: Not Met.

Condition 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.

Officer Comment: Not met. On facing the premises, the left side has been converted to an external unit to supply flowers by a different business operator.



Condition 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.

Officer Comment: Not met.

On Thursday 31st August 2022, I contacted the applicant to discuss his proposal to remove Condition 7 in order to supply beers, ciders and lagers and was informed via email that he was abroad.

He also informed me that he had appointed members of his staff to undergo training with his agent and in the meantime, he has covered the alcohol **(Appendix 4)**.

Summary

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

The effect of adopting a CIZ is to “create a rebuttable presumption” that applications for licences which are likely to add to the existing cumulative impact will normally be refused (or subject to

certain limitations) unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives.

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

Furthermore, the applicant has failed to demonstrate they are fully capable of promoting the licensing objectives by failing to comply with their existing conditions.

The Licensing Authority ask that the application to vary the premises licence is **refused** by the Licensing Sub-Committee.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Esther Chan', written in a cursive style.

Esther Chan
Licensing Inspector
Regulatory Services