



[REDACTED]
Recanto K Limited
Unit 25 Sapcote Trading Centre
374 High Road
London
NW10 2DH

Also sent via email - [REDACTED]

23 July 2024

Ref: 16662

Dear [REDACTED]

**Licensing Act 2003:
Section 136 - Unauthorised licensable activities (Non-compliance of conditions)**

**Recanto Kings, Unit 25 Sapcote Trading Centre, 374 High Road, NW10 2DH
(Premises licence number: 31677)**

Following on from an inspection carried out at the above premises on Wednesday 17 May 2024, Brent London Borough Council's Licensing Department do not have any major concerns regarding your management of the premises.

The reason for my visit was that I had recently received a complaint alleging that the premises had issues with overcrowding, staff selling alcohol to intoxicated patrons, disorderly conduct taking place without any mitigation by staff, patrons taking glass drinking vessels outside to the front area and patrons using their vehicles antisocially upon ingress/egress to the premises.

Although I am mindful that some complaints made to the Council might be malicious, it should be worthwhile noting that the Licensing Authority has a duty to investigate any complaint made. As this premises licence has only been recently granted, I am happy to treat the above complaint in isolation. With that said, should further complaints be made, there will be further levels of scrutiny applied (I.e., checking CCTV of random dates etc..).

Nonetheless, as a consequence of my visit to the premises, it is the view of the Licensing Authority that whilst there is not any evidence to suggest that you are undermining any of licensing four objectives (The prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm) – there does seem that there are a few issues regarding the compliance of certain conditions set out within annex two of your premises licence.

I do appreciate that your employee [REDACTED] was fully co-operative and helpful during my visit. It was however fairly apparent that some annex two conditions were clearly not being compiled with, although I did note there was an element of willingness to become fully compliant.

I think you should be mindful of the fact that failure to adhere to any of the conditions stipulated within your premises licence could result in you committing a criminal offence each you undertake licensable activities (i.e., the sale of alcohol). This is pursuant to Section 136(1)(a) of the Licensing Act 2003 (Unauthorised licensable activities) as any sale of alcohol made would not be in accordance with the lawful authorisation of your premises licence.

Offences committed under the Licensing Act 2003 and/or further non-compliance of conditions in addition to further complaints being made could result in the premises licence being called into review where it could ultimately be revoked.

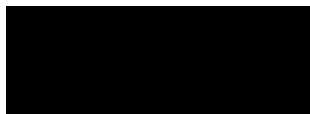
Furthermore, as you are personally liable for any offences committed under the Licensing Act 2003 in relation to the premises licence, you could also face an unlimited fine and/or be imprisoned for up to 6 months if prosecuted.

As such, I believe it's only fair that we give you one calendar month to try and rectify the matters relating to the non-compliance of your conditions. I don't foresee any of them being particularly difficult to resolve.

I therefore request that you contact me by **Friday 23 August 2024** via email to confirm that you have carried out the necessary provisions to be compliant with the conditions of your premises licence. I have included guidance that can be found enclosed at the rear of this letter.

Of course, if you do have any questions regarding this letter, please feel free to email me using the above details at any time and I will be willing to assist you as much as possible.

Yours sincerely



Edwin Maldoom
Licensing Enforcement Officer

CC: Brent Police Licensing, Metropolitan Police Service.

List of conditions and recommended actions.

Recommend actions for Mr [REDACTED] to take to rectify breaches of premises licence annex two conditions in respect to Recanto Kings, following an inspection on Wednesday 17 May 2024:

Annex Two, Condition 4

4. 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.

Inspection – Whilst your CCTV operation adheres to the conditions 1, 2, 3 & 5. I am of the viewpoint that this condition is not being fully complied with. Whilst your staff do have access to the CCTV monitor, I believe the intention of this condition is to be able to provide CCTV to any authorised Officer or Police Officer upon request. I understand that most modern CCTV footage are stored/retained on mobile devices these days, however this is usually only accessible for one person. As such, unless you are always at the premises whilst it is open to the public and undertaking licensable activities, then perhaps it could be possible that premises are breaching this condition each time that you leave physically the premises.

Recommendation – I would advise you to add an additional condition by submitting a minor variation to the Licensing Authority. A condition such as “*CCTV footage shall be made available to the Police and any authorised Officers from Brent Council upon request. CCTV footage shall be provided by email, drop box link or any kind of removable media (i.e., USB, hard drive, CD etc..) within 24 hours of request.*” would suffice. Equally, you can ensure that all staff can provide CCTV if requested.

Annex Two, Condition 7 & 8.

7. A "Challenge 25" policy shall be adopted and adhered to at all times

8. A sign stating "No proof of age -- No sale" shall be displayed at the point of sale.

Inspection – A challenge 25 policy has been undertaken by the premises; however, the respective poster was not displayed. Further to this, there was not a notice stating “No proof of age – no sale” either.

Recommendation – Whilst Valdcy confirmed that he would put up the challenge 25 poster behind the service area, an additional poster will need to be displayed that states “No proof of age – no sale”.

Offence – Failure to adhere to this condition breaches Section 136(1)(a) of the Licensing Act 2003 (Unauthorised licensable activities).

Annex Two, Condition 6 & 10.

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

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

Inspection – No such signage was displayed at the premises.

Recommendation – To put up signage stating that CCTV is in operation and a notice by the exit requesting that patrons leave the premises quietly. I have included examples of these below:

<https://www.amazon.co.uk/Operation-Premises-Silver-Restaurant-Notice/dp/B0871JM6LK>

https://www.amazon.co.uk/s?k=please+leave+quietly+pub+sign&ref=nb_sb_noss

Offence – Failure to adhere to this condition breaches Section 136(1)(a) of the Licensing Act 2003 (Unauthorised licensable activities).

Annex Two, Condition 15.

15. 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.

Inspection – Valdcy confirmed that patrons take open alcoholic drinks outside to the front area of the premises. As such this would usually be in breach of this condition, given the external area used by the premises is not on the premises plan.

It should be noted however that this condition is suspended pursuant to 172F(5) of the Licensing Act 2003 in which the Business and Planning Act 2020 temporarily amended the legislation. This effectively means that any conditions that pertain to off sales being sold in any open container are suspended for all intents and purposes.

This legislative provision that suspends the conditions pertaining “open alcoholic drink containers” is due to expire on 31 March 2025.

Recommendation – Once this legislative provision expires, should any patron take their drink outside the plan (which only covers the internal area of the premises), then an offence under the Licensing Act 2003 would take place. To rectify this, you can submit a minor variation application to update the premises plan and have the front area included for “consumption purposes only”.

Offence – Failure to adhere to this condition breaches Section 136(1)(a) of the Licensing Act 2003 (Unauthorised licensable activities).

Annex Two, Condition 17.

17. A suitable intruder alarm complete with panic button shall be fitted and maintained.

Inspection – Unless there was a misunderstanding, there was no such alarm installed at the premises.

Recommendation – If you feel it’s unnecessary to install an intruder alarm with a panic button, you can request to remove this condition by way of a minor variation.

Offence – Failure to adhere to this condition breaches Section 136(1)(a) of the Licensing Act 2003 (Unauthorised licensable activities).

Annex Two, Condition 21

21. Staff training must be documented and based on legislation and operating procedures. All training shall be signed and dated and a copy of such records will be available for inspection by Police and local authority enforcement officers.

Inspection – Valdcy confirmed that no training takes place at the premises.

Recommendation - Whilst I appreciate that this condition leans heavily upon one's interpretation of what "Legislation and operating procedures" exactly entails as a topic of training - I believe that there are reasonable steps that you can take as a licence holder to comply with this condition and to show responsible management of a licenced premises.

As mentioned previously, there is a duty placed upon you as the licence holder to promote the four licensing objectives. Ensuring all staff who are engaged in selling alcohol are adequately trained in doing so would consequently be seen as a pro-active measure undertaken by you to promote all four licensing objectives. Furthermore, evidencing that this training/refresher training has taken place would go even further in satisfying this condition.

Therefore, I have attached a document at the rear of this letter named "*Authorisation list for the sale of alcohol*". Completing this document with each member of your staff who sells alcohol at the premises works two-fold for you. It ensures compliancy with the above condition and evidences a written record that you have provided "Legislation and operating procedures" training to staff members. Additionally, it also shows that the DPS has given authorisation for that member of staff to sell alcohol. Upon completion of the training, the staff member can include their name, signature, and date to the list.

I would also advise that all staff members are trained on a yearly basis, with new staff members trained upon employment.

Offence – Failure to adhere to this condition breaches Section 136(1)(a) of the Licensing Act 2003 (Unauthorised licensable activities).

Annex Two, Condition 24

24. 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*
- (g) any refusal of the sale of alcohol*
- (h) any visit by a relevant authority or emergency service.*

Inspection – There was no incident log kept on the premises.

Recommendation – As this condition is self-explanatory, you should keep a log with the above information. All that is required is for you put the time/date and reason according to the above (a-h).

Example of an incident logs can be found by following the below link:

Upon purchasing one of these logs, you can put the first entry as “Brent Council Licensing Inspection 17.07.2024, 15:00” and then it can be signed off by Valdcy. Thereafter, you can complete it as and when any incidents take place that would fall into the description of (a) – (h) from the above list. It is probably also worthwhile to include the incident in which the singer was injured, despite that not happening on your premises.

Offence – Failure to adhere to this condition would be considered a criminal offence pursuant to section 136(1)(a) of the Licensing Act 2003 (Unauthorised licensable activities).

Conclusion

I fully appreciate that this is a lot of information for you to take in all at once. I would advise you to carefully read the above and carry out the recommendations. I have nonetheless condensed the below so that it is more palatable:

- 1) Put up the signage/notices that pertain to CCTV, requesting patrons leave the premises quietly, challenge 25 poster and “No ID, no sale” notice.
- 2) Purchase an incident log and include my visit on 17.07.2024 and the incident in which a singer was run over.
- 3) Conduct training for all members of staff who are engaged with selling alcohol at the premises. Ensure that the training is signed off by the DPS and the respective staff member.
- 4) Submit a minor variation application to include the astroturf frontage of the premises. You can also request to add the condition relating to CCTV being provided, and request to remove the condition relating to the intruder alarm. If you need any assistance with submitting the minor variation application, please feel free to email me using the details provided above.