

**APPLICATION FOR A REVIEW OF A
PREMISES LICENCE OR CLUB PREMISES CERTIFICATE
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.

I Police Constable Nicola McDonald on behalf of the Commissioner of the Metropolitan Police Service

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description – Bacovia Supermarket 296 Neasden Lane Neasden
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Post town London

Post code NW10 0AD

Name of premises licence holder or club holding club premises certificate – Mr Mihai LUPES

Number of premises licence or club premises certificate -
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478253

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail (optional) address

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

PC Nicola McDonald 157QK Brent Police Licensing Wembley Police Station 603 Harrow Road Wembley HA0 2HH
Telephone number (if any) 0208 7333206
E-mail address (optional) Nicola_mcdonald@met.police.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- | | |
|---|----------|
| 1) the prevention of crime and disorder | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | |
| 4) the protection of children from harm | X |

Please state the ground(s) for review (please read guidance note 1)

Bacovia Supermarket currently has a Premise Licence to sell alcohol from 0700 hours to 2300 hours 7 days a week.

The Premises Licence holder (PLH) has been held by Mr Mihail LUPES since the licence was first granted on 8th January 2009.

The Designated Premises supervisor (DPS) since 21st January 2015 is Ms Lavinia Victoria Illeanu

Alcohol is authorised to be supplied for consumption off of the premises and should not be sold in open containers.

The current operation in the shop is failing to promote three of the licensing objectives Protection of Children, Public safety and prevention of Crime and Disorder.

During the initial premises licence application process in 2009 Police requested several conditions be attached to the licence that would promote all the licensing objectives.

In April 2011 Police discovered during a visit to the shop several of the premises licence conditions were being breached.

After hearing an application to review of the premises licence for Bacovia, the Licensing Committee decided to add further conditions to encourage improvements at the shop.

However in July 2017, Mr Lupes applied to remove significant conditions from the premises licence stating his reasoning 'as a small business the cost of putting on training courses is too expensive. I will do regular training with all staff which will be recorded and signed for by DPS and staff'. Mr Lupes is not a personal License holder, his knowledge of licensing legislation is limited and Police question what he can impart to his staff. Police believe this has had an adverse impact on the running of the shop and as a result the recent sale of alcohol to a child has arisen.

Located within an area of alcohol fuelled crime and disorder, Mr Lupes fails to assist Police and partners by selling and stocking illegal age restricted goods.

Police intervention via these means so quickly is to prevent a rapid escalation and risk of putting the public and children at harm.

Removal of conditions from the premises licence has been a catalyst for further offences.

Police request the Licensing Committee add conditions to the premises licence and consider a significant suspension of the premises licence to allow time for more staff to become personal licence holders.

The recommended conditions are:

- (i) That a personal licence holder who speaks fluent English be on the premises at all times that it is open to the public and if such times they are not on the premises, then there shall be no sale or display of alcohol.
- (ii) A clear and unobstructed view into the premises shall be maintained at all times.
- (iii) An incident log shall be kept at the premises and made available for inspection on request of an authorised officer of Brent Council or the Police which will record the following:
 - a. all crimes reported to the venue
 - b. any complaints received
 - c. any faults in the CCTV system or searching equipment or scanning equipment
 - d. any refusal of the sale of alcohol
 - e. any visit by a relevant authority or emergency service
- (iv) No miniature bottles of wine or spirits in units of less than 35cl should be sold at the premises.
- (v) No single cans or bottles of beer lager or cider shall be sold.
- (vi) Any staff directly involved in selling alcohol for retail to consumers, staff who provide training and all managers will undergo regular training 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.
- (vii) Stock shall be purchased only from established traders.
- (viii) Copies of invoices and receipts for stock shall be kept for a minimum of eighteen months and made available to authorised officers.

These recommendations are proportionate and valuable in the upholding of the licensing objectives

Police reserve the right to give evidence on any further incidents which may take place at, or in the vicinity of the premises, between the service of this application and the hearing and/or during the time allowed for any appeal proceedings.

Please provide as much information as possible to support the application (please read guidance note 2)

2009

When the premises licence was initially granted in 2009 Police requested the following conditions to be attached to annex 2 of 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 licensing officers if requested.
- 2 A CCTV camera shall be installed to cover the entrance of the premises.
- 3 A "Challenge 21" policy shall be adopted and adhered to.
- 4 A refusal book shall be kept and maintained.
- 5 Promotions that encourage irresponsible drinking shall not be permitted.
- 6 No high strength beers, lagers, and ciders above 5.5% ABV shall be stocked with the exception of premium beers.
- 7 "Raid Control" crime prevention measures shall be installed and all staff given suitable training.
- 8 A clear and unobstructed view into the premises shall be maintained at all times.
- 9 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.
- 10 A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.
- 11 On major event days at Wembley Stadium the following shall apply:
 - Customers shall not be allowed to congregate outside the premises.
 - No glass bottles shall be handed over the bar but decanted into plastic vessels.
 - The DPS shall work in partnership with the Police and if necessary comply with any direction given by the most senior Police Officer on duty at the event.
 - No alcohol or "alcopop" type drinks shall be displayed or sold in glass containers with the exception of wines and spirits.

October 2012

Brent Trading standards Officers made an application to review the premises licence for Bacovia. Their evidence included the sale of alcohol to a child.

Police supported the review application highlighting during a visit to the premises on 12 April 2011 the following breaches of the premises licence were identified

- 8 A clear and unobstructed view into the premises shall be maintained at all times.
- 9 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.
- 10 A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

The Licensing sub-committee heard the review application and their decision was to add three further conditions to Annexe 3 of the Premises Licence:

- (i) That an application be made to vary the designated premises supervisor within three months of this hearing
- (ii) That a personal licence holder who speaks fluent English be on the premises at all times that it is open to the public and if such times they are not on the premises, then there shall be no sale of alcohol.
- (iii) That signage be displayed at the point of sale stating 'No proof of age, no sale of alcohol'.
- (iv) That alcohol products located behind the counter be covered by a screen at times when they are not for sale.

August 2015

Due to high levels of alcohol fuelled anti-social behaviour and street drinking a multi-agency proactive operation commenced around the Neasden circle area. Police initiated a voluntary agreement not to sell the high strength cheap beers and ciders predominately consumed by habitual street drinkers, for those licensed premises lacking the condition on their licence.

Neasden Circle remains an organic project that is constantly monitored by Police and Partners.

7th February 2017

Police conduct a test purchase operation with a child under the age of 18 years at Bacovia. The child was able to buy alcohol. The member of staff who sold the alcohol was issued with a fixed Penalty Notice for Section 146 Licensing Act 2003.

25th July 2017

The Premise Licence holder Mr LUPES made an application to make minor variations to the premises licence. Significantly Mr LUPES requested the removal of conditions some that are Namely:

- A clear and unobstructed view into the premises shall be maintained at all times.
- A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

Exhibit NM/1 minor variation application.

6th February 2018

Brent Trading Standards conducted a visit to the above premises which resulted in the seizure of over illicit, unlicensed medicine.

The store room also had unlabelled 2 litre plastic bottles of red wine and 10 litre plastic bags in cardboard containers they type used for selling boxed wine.

4th April 2018

At approximately 1615 hours Police conduct a test purchase operation with a child under the age of 18 years at Bacovia.

The child was able to purchase two cans of Stella Artois for £2.40,

The member of staff who sold the alcohol was issued with a fixed Penalty Notice for Section 146 Licensing Act 2003.

2nd May 2018

Meeting at Brent Civic Centre with Mr Lupes PLH and Ms Illeanu.

Police discovered that Ms Illeanu has three members of staff working under her at the shop, however she is the only personal licence holder. Ms Illeanu works in the shop 5 days a week but the shop is open every day.

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

An application was made to review this premise licence in October 2012 by London Borough of Brent Trading Standards Officers. Police supported that application by submitting representations to that application during the consultation period in November 2012.

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature Will PC1570K

Date 14-6-2018

Capacity POLICE CONSTABLE

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Data Protection: The London Borough of Brent will use this information for the purposes of The Licensing Act 2003 and related purposes. Any member of the public may examine the application form on request. In addition, this information may be disclosed to the Police, The London Fire and Emergency Planning Authority, relevant ward Councillors and other Council departments.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with law enforcement agencies and other bodies responsible for auditing or administering public funds for these purposes

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Please return the completed form and any accompanying documents to the following address with a copy to the premises licence holder / Club that the application relates to:-

Safer Streets (Licensing)
Brent Council
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

☎ 020 8937 5359

Email: environmentandprotection@brent.gov.uk

Cheques should be crossed and made payable to London Borough of Brent.

Please follow the instructions in the checklist on page 14 to submit the relevant copies to the responsible authorities. Contact details shown below:

Chief Officer of Police
Brent Licensing Department
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8733 3206

North West Area 1
London Fire Brigade
169 Union Street
London
SE1 0LL

Tel: 020 8555 1200 x38778

Trading Standards
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5555

Environmental Health
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5252

Children's Services
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Licensing Authority
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ
Tel: 020 8937 5359

Area Planning Service
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5210

Public Safety Team
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5359

DAAT
Public Health Directorate
Wembley Centre for Health
and Care
116 Chaplin Road
Wembley
HA0 4UZ