

**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 – FOOD 4 LESS 38 Queensbury Station Parade Edgware	
Post town London	Post code HA8 5NN
Name of premises licence holder or club holding club premises certificate – Mr Chung LIN	
Number of premises licence or club premises certificate - 223718243	

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 address (optional)

(B) DETAILS OF OTHER APPLICANT

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Nicola McDonald PC2157NW NWCU Police Licensing Unit South Harrow Police Station 74 Northolt Road South Harrow HA2 0DN
Telephone number (if any) 0208 7334530
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 | X |
| 4) the protection of children from harm | X |

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

Food 4 Less 38 Queensbury Station Parade currently has a Premise Licence to sell alcohol from 0600 hours to 2300 hours daily, the premises are open to the public between the same hours.

Mr Chung LIN is the premises licence holder. He applied for the premises licence in March 2017, the licence was granted in April 2017.

The Designated Premises supervisor (DPS) is also Mr Chung LIN.

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

The shop is located in an area troubled with street drinking and anti-social behaviour fuelled by alcohol consumption. The area attracts Eastern European males in vast numbers. They gather daily on the streets looking for labouring work, if they are unsuccessful, they remain in the area socialising and drinking alcohol. The location promotes a park like feel with green space and benches supporting their activities. Since May 2018, there has been two men murdered in public in Queensbury Station Parade.

Mr LIN was made aware of the challenging issues upon applying for the premises licence in March 2017, hence why so many conditions were attached to Annex 2 of the premises licence.

In the very short space of time Mr LIN has held the premises licence, the operation has failed to promote all four of the licensing objectives. In a brief period, it has become apparent that Mr LIN does not accept the seriousness of his responsibilities. Mr Lin does not work in the shop often, he spends time out of the country and leaves his wife to manage the business. The staff he employs are from the Romanian community and appear to have a tolerance to the activities of ASB in the area. Responsible authorities have attempted to engage, however due to the rapid escalation of failures to support the licensing objectives, Police consider their intervention via these means will minimise the risk to children, crime, disorder and public nuisance. It would be completely inappropriate for this venue to continue to hold the authority to supply alcohol and would undermine the licensing authority's expectations and policy.

Police request the premises licence to be revoked. This may appear severe, however proportionate and valuable weighed against the evidence and licence holders' flagrant disregard to licensing legislation. The consequence of his irresponsible supply of alcohol is having a negative impact on the local community, attracting alcohol fuelled crime and disorder, resulting in unsavoury surroundings for small children and parents to come and go from their care facilities. Selling alcohol to a child aged 12 is completely unacceptable. Police have been open and transparent in their approach to enforcement action since a meeting with all licence holders in at the beginning of 2019 but this has not produced improvement with Food 4 less, it has highlighted their inability to be responsible. I do not see how a reduction in hours would improve the operation unless a robust operational plan was produced involving:

A personal licence holder converse in the English language present at all times

A member of staff always in the shop able to operate the CCTV system

In order to implement changes a maximum suspension of the licence would have to be set.

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)

June 2016

Local residents made complaints to Police about the amount of street drinkers making Queensbury Station Parade a 'no go' area for families and children. This was referred to the Local Joint Action Group. **See NM1**

This led to joint partnership action in the following months.

March 2017

Mr LIN submitted an application for a premises licence at 38 Queensbury Station Parade. Police and the licensing authority made representations and the following conditions were attached to Annex 2 of the granted 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 upon request.*
- 2. CCTV cameras shall be installed to cover the entrance of the premises.*
- 3. 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.*
- 4. 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.*
- 5. No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked or sold.*
- 6. A "Challenge 25" policy shall be adopted and adhered to.*
- 7. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.*
- 8. A suitable intruder alarm complete with panic button shall be fitted and maintained.*
- 9. A clear and unobstructed view into the premises shall be maintained at all times.*
- 10. 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.*
- 11. No single cans or bottles of beer, larger or cider shall be sold.*
- 12. 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:
All crimes reported to the venue
Any complaints received
Any faults in the CCTV system
Any refusal of the sale of alcohol
Any visit by a relevant authority or emergency service.*
- 13. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind either locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by customers or staff.*
- 14. The following crime prevention measures shall be implemented:
A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area
Regular robbery awareness and cash minimization training shall be given to all staff.*

12 September 2018

Local authority licensing officer and public safety officers visited the shop due to allegations the front entrance door was opening outwards on to the pavement, causing a danger to the public. This was found to be the case, the door was hazardous to members of the public. Whilst at the premises it was discovered the premises was displaying Union Black Beer 8.4% ABV and single cans of beer breaching two conditions of the premises licence, an offence under section 136 Licensing Act 2003.

21st September 2018

Mr Lin issued with a written warning from Licensing Enforcement officer Esther Chan. **See NM2**

19th November 2018

Safer neighbourhood team hand delivered a letter to shop keepers with regard to ASB and street drinkers. **See NM3**

21st December 2018

From 1600 – 1700hrs observation patrols conducted by Queensbury Safer Neighbourhood team I, around Queensbury Station Parade. The weather was cold and it was dark however, there were still two groups of white males standing drinking alcohol from cans, some still in black or blue flimsy plastic bags in order to disguise the fact it was alcohol. One group was next to the underground station, the other was outside the children nursery immediately next door to Food 4 Less.

11th January 2019

Licensing inspection conducted at the shop by Police and Licensing authority enforcement officer. The premises was open to the public and alcohol was being sold, the designated premises licence holder was not present. The level of spoken English displayed by the female member of staff was so poor officers could not scrutinize that the premises licence conditions. Officers could not even establish the female's name. Visibly officers could see that condition 'A clear and unobstructed view into the premises shall be maintained at all times' was being breached. There was vast amounts of posters and signage attached to the window and door.

17th January 2019

Meeting at Brent civic centre organised by Police with the premises licence holders of the five off licenses in Queensbury Station Parade to discuss alcohol fuelled ASB in the area and its impact on local community. Mr Lin was at the meeting. Police were transparent telling the licensee that Police and partners were observing the area and enforcement action planned. License holders to check their authorities and act robustly to uphold the licensing objectives.

25th January 2019

Warning letter to Mr Lin about the above visit to the shop. **See NM4**

31st January 2019

Email received from Mr Lin explaining his staff situation and that he does not have staff that can speak English. **See NM5**

19th February 2019

Brent Trading Standards enforcement officers conducted a test purchase operation at Food 4 Less. Two children aged 13 and 12 years old were supervised as they attempted to purchase age-restricted products. The pair were able to buy 2 cans of Budweiser. There were two female members of staff in the shop, neither female asked the children's age.

Trading standards officers spoke to the staff afterwards, both staff members were Romanian and discovered the female who supplied the children with the alcohol did not understand any English and was clearly un-trained and lacked experience.

During the Officers time at the shop there were numerous males on the pavement and on the green outside the shop drinking alcohol and were seen urinating in public.

26th February 2019

From 1645 -1740hrs I was on duty in plain clothes and carried out observations at Queensbury Station Parade. During that time I witnessed eastern European males (numbers varying from 5 to 10) drinking alcohol from cans concealed in black or blue thin small, plastic carrier bags. I witnessed one white male wearing a black short leather jacket navy blue chinos short dark hair enter Food 4 Less, he came out carrying a small blue bag. He walked to the centre of the green where there is 2 benches and six males were socialising, consuming alcohol. There was also a boy aged about 10yrs wearing a black padded anorak talking to the males and smoking, he was playing chase with a disabled white adult male. I watched the male standing leaning against the bench; he pulled a can from the blue bag and began drinking from it. He wrapped the bag around the can. There was nothing else in the bag. He remained there for some time, then with one of the other males he walked towards the bus stop near Hamilton Food and sat on a cycle rack. I approached the males and could clearly see that the male was drinking from a can of Timisoreana. I watched two older males wearing flat caps walk from the bench area, they considerately placed their empty beer cans (partially wrapped in black bags) in the public bin after finishing drinking the contents. The males then entered Ladbrokes. **See NM6 and NM7.**

5th March 2019

Police sent a formal CCTV request to Mr Lin with regard to the supply of alcohol to children on 19th February 2019.

See NM8

5th March 2019

On Tuesday 5th March 2019 around 1331 Hours PS Smith 253NW and PC Cowley 2548NW visited the shop in plain clothes. The shop was open to the public, alcohol was on display and being sold to customers. Officers identified themselves with Warrant cards. There were three female members of staff, two stacking shelves and one serving behind the counter. In order to communicate with the staff there was a four-way conversation between PS Smith and the three females. Their English was very limited; the women were from Romanian origin. Miss ***** was able to produce a training log as auth by the DPS, a refusals/sale of alcohol register, and a full part A copy of licence upon request. Part B, the premises licence summary, was displayed.

There was a time delayed safe that was empty and not working resulting in all the days takings remaining in the cash register.

The windows to the premises were cluttered with promotional adverts and posters blocking the view into the store.

The staff present were not trained in the use of the store's CCTV. Officers were informed only the manager Mrs Lin and her husband could use the CCTV.

During the visit, officers took photos of the interior and exterior of the premises to demonstrate breaches of licence conditions.

This visit resulted in two breaches of the current premises license conditions, contrary to section 136 Licensing Act 2003. **See NM10**

7th March 2019

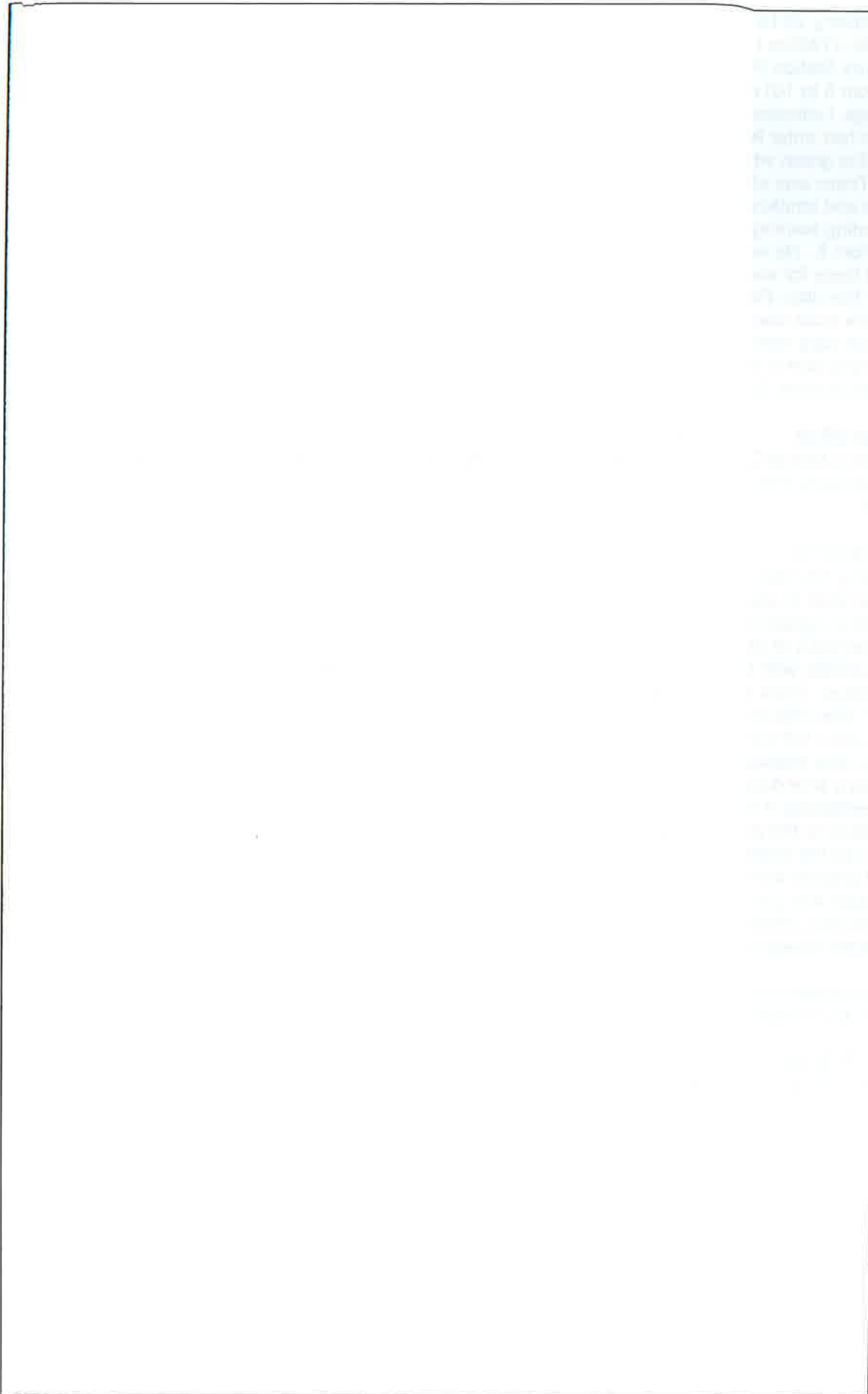
Mr Lin sent me an email explaining that there was no CCTV footage from the shop on 19th February 2019. The CCTV system was not working in accordance with the premises licence conditions contrary to section 136 Licensing act 2003.

12 March 2019

I opened the above electronic message and replied explaining he must not sell or display alcohol until complying with the conditions of the premises licence. **See NM11.**

15th March 2019

Complaints received by community safety officers at Brent Council from local resident and parent. Direct reference to Food 4 Less. **See NM12**



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

If yes please state the date of that application

Day	Month	Year
28	03	2009

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

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 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 PC 2157 NW

Date

12-4-2019

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

