

Mr Chung Lim
Food 4 Less
38 Queensbury Station Parade
Queensbury
HA8 5NN

1st May 2019

Your Ref: 15658

Licensing Representation for the Premises Licence Review for Food 4 Less, 38 Queensbury Station Parade, Queensbury, HA8 5NN

I certify that I have considered the application shown above and wish to make representations, which is detrimental to the Licensing Objectives for the reasons indicated below.

Officer: Susana Figueiredo – Licensing Inspector

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 to review the premises licence under section 51 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.

Premises History

Below is a list of activity in relation to the premises.

Date	History	Actions
24/05/2018	Report from Anti-Social Behaviour team that there are issues of street drinking in Queensbury. This consists of groups of males purchasing alcohol in licensed premises and then either standing outside of the shops or sitting on the large green area <u>COMPLAINT</u>	Letter advising premises of issues in the area. Invitation to attend meeting on 5 th May 2018. See Exhibit SF001

05/06/2018	Meeting with all off licences in Queensbury Station Parade <u>MEETING</u>	Meeting to discuss street drinking issues in the Queensbury Station Parade area
05/06/2018	Email sent to all premises who attended the meeting	See Exhibit SF002
06/06/2018	Street Drinking Notice	Street Drinking Notice produced as per the meeting with all off licences in Queensbury Station Parade. This notice was for off licences to display and is written in Romanian and English. See Exhibit SF003
07/06/2018	Visit to premises by Licensing Inspector	Street Drinking Notices delivered by hand to premises
14/06/2018	Visit to premises by Licensing Inspector	Check to ensure all premises had visibly placed the notices in the premises. This was complied with.
12/09/2018	Complaint received from Anti-Social Behaviour Team <u>COMPLAINT</u>	The door to the premises opens outwards onto the street and this has been reported as hazard See Exhibit SF004
12/09/2018	Visit to premises by Licensing Inspector	High strength alcohol found See Exhibit SF005
21/09/2018	Warning letter to premises following visit <u>WARNING</u>	Warning letter explaining the conditions that weren't met See Exhibit SF006
24/09/2018	Email from Licence Holder	Apologies given that high strength alcohol was bought in error See Exhibit SF007
15/10/2018	Complaint received from Anti-Social Behaviour Team <u>COMPLAINT</u>	Complaint that Food 4 Less are encouraging street drinkers to congregate on the street See Exhibit SF008
17/10/2018	Email response to Anti-Social Behaviour Team	Process described for evidencing street drinking See Exhibit SF009
30/10/2018	Email from Licensing to Licence	Email of complaint received

	Holder regarding complaint received	regarding street drinkers which are loitering around the outside of the premises See Exhibit SF010
14/11/2018	Meeting between Licence Holder and Licensing Inspector <u>MEETING</u>	Meeting to discuss issues in relation to street drinkers congregating outside the premises. The Licence Holder stated that he had removed staff members that may have been encouraging such activities
14/11/2018	Warning email from Licensing Officer to Licence Holder <u>WARNING</u>	Warning given in relation to continuing complaints of street drinkers congregating outside the premises from the Anti-Social Behaviour Team. See Exhibit SF011
16/11/2018	Email from Anti-Social Behaviour Team to Licensing Inspector	Email and photos taken on 8 th November 2018 sent of street drinker who went into the premises and placed a bottle of open alcohol onto the counter See Exhibit SF012 See Exhibit SF013 See Exhibit SF014
15/03/2019	Complaint received from Anti-Social Behaviour Team <u>COMPLAINT</u>	The complaint reports that groups of males are standing both outside the premises and the nursery next door drinking alcohol. The alcohol vessels are then left behind outside the nursery frontage. Those entering and leaving the nursery feel intimidated See Exhibit SF015
26/03/2019	Outside monitoring of premises	No males seen drinking or litter outside premises at 10.10hrs
01/04/2019	Outside monitoring of premises	No males seen drinking or litter outside premises at 11.20hrs

Licensing Visit

As a result of the review application made by the Licensing Police, an inspection was carried out on 29th April 2019. The following was found during my visit:-

I first introduced myself to an employee by the name of [REDACTED] who did not speak English very well. Words like 'owner' had to be replaced with 'boss' and 'alarm' had to be described in a physical way for her to understand what I was asking for in relation to the conditions below. [REDACTED] has worked at the premises for one (1) year.

There was also another employee present, [REDACTED] who had worked at the premises for the last eight (8) months. [REDACTED] did not speak much English.

The owner Mr Lim was not present and neither was his wife.

- 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. This must comply with the Data Protection Act including signage.**

The monitor clearly displayed a number of cameras in the premises. [REDACTED] was unable to verify how many days the CCTV recorded for.

- 2. A CCTV camera shall be installed to cover the entrance of the premises**

There is a CCTV camera outside the premises covering the entrance to the premises.

- 3. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulder image of every person entering or leaving the premises.**

The CCTV cameras inside and outside of the premises seem capable of capturing clear facial recognition images.

- 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.**

This was not checked whilst at the premises.

- 5. No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked or sold.**

There was no high strength displayed at the premises.

- 6. A "Challenge 25" policy shall be adopted and adhered to.**

A Challenge 25 notice was in place behind the till.

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

There was no such sign, the employee was told to ensure one was put up.

- 8. A suitable intruder alarm complete with panic button shall be fitted and maintained.**

The alarm and panic button were pointed out.

- 9. A clear and unobstructed view into the premises shall be maintained at all times.**

There were items obstructing the view into and out of the premises.

- 10. Any staff directly involved in selling alcohol for retail to consumers, staff who provide training including managers shall undergo regular training of the Licensing Act 2003 legislation. The training shall be documented and signed off 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.**

Signed training records were shown during the visit.

11. No single cans of beers, lagers and ciders shall be sold.

There were single cans in the fridge being displayed but I was told that a minimum of two cans had to be purchased. There was no sign to state this in the premises. In light of the fact that single cans have been sold in the past, this was not portrayed in a clear message to customers.

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:

- (a) All crimes reported to the venue
- (b) Any complaints received
- (c) Any faults in the CCTV system
- (d) Any refusal of the sale of alcohol
- (e) Any visit by a relevant authority or emergency service.

The incident log could not be identified during the visit.

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.

The visit took place at approximately 08.25hrs. At this time all of the alcohol was displayed for sale. None of the alcohol was locked away as it should be, it was fully accessible to customers. The blind on the beer fridge was pulled down when I pointed this out, however there was no way of locking away the beers and spirits. Alcohol should only be displayed for sale between 09.00hrs-23.00hrs.

See exhibit SF016 & SF017

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 minimisation training shall be given to all staff.

The time delay safe was not working

15. All spirits shall be kept behind the service counter area.

This condition was met

16. The licensee shall monitor the external premises area in relation any anti-social behaviour or public nuisance.

There were a number of obstructions on the window and door to the premises which would make monitoring the external premises area very difficult.

17. All deliveries shall take place during the normal working day (i.e. 09:00 to 18:00 daily).

Confirmation was given that deliveries take place at approximately 16.00-17.00hrs. This could not be verified

18. The licensee shall ensure all public areas in the immediate vicinity of the premises are cleared of litter arising from the premises daily.

I mentioned a complaint we had received regarding bottles being left outside by customers and asked whether litter was in fact cleared from outside. [REDACTED] confirmed that she had been checking for the last two weeks. This however has been a condition on the licence since April 2017.

Summary

In total, the premises Licence Holder has had two serious warnings from Licensing Inspectors. They have also had two meetings with the Licence Holder to discuss the issues in the area and to ensure

he understands the seriousness of his practices but this appears to have been ignored. This is outside of any warnings, visits and meetings that have been undertaken with the police.

For example, a meeting that took place on 14th November 2019 between the Licensing Inspector and the Licence Holder concluded that the Licence Holder had removed all staff that may be encouraging street drinkers to congregate outside the premises, yet on 21st December 2018, there were a group of males seen outside the nursery (the premises immediately next door to Food 4 Less) who were street drinking and on 11th January 2019 a further visit was carried out which resulted in the Police and Licensing Inspector having to leave because the member of staff's English was so poor, they could not even ascertain her name.

If the premises cannot abide by the conditions that are already set out in the Operating Schedule, further stringent conditions would make no difference as the likelihood is, they would not be applied. Further, the premises Licence Holder has been warned on more than one occasion to change his business practices in order to avoid having the premises licence reviewed. Maintaining staff that do not speak conversational English, is not a practice that is likely to prevent street drinkers from loitering outside of the premises.

Further, the fact that the premises sold alcohol to a 12 and 13 year old, is totally inappropriate.

If the premises have had a number of visits from the police, intervention from Brent Council and Trading Standards when the test purchase was carried out, but have still not made any modifications to their staff, training or practices, the problems are also likely to persist. The premises have had ample time to rectify this, but have chosen not to. The street drinking in the area is extreme and it is the neighbouring residents and businesses that are suffering as a result.

Based on my assessment, there is evidence that the premises is poorly managed. In light of the review submitted by the Licensing Police, information I have received from the Anti Social Behaviour Team, the complaints which Brent Council have received and the number of breaches identified during my visit, it is clear all four of the Licensing objectives are being undermined. As a result, the Licensing Authority fully support the Licensing Police's request to **revoke** the premises licence.

Yours faithfully,



Susana Figueiredo
Licensing Inspector
Planning, Transportation & Licensing