



**METROPOLITAN  
POLICE**

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## TERRITORIAL POLICING

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**Date:** 24<sup>th</sup> July 2019

**Your ref: 16800**

**Our ref: QK/382/253NW/19**

Police representation to the Premises Licence Review Application for Jackman's, 279 Neasden Lane, NW10 1QJ

Officer: Damien Smith 253NW  
Licensing Sergeant

An officer of the Metropolitan Police, 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 review of the premises licence under section 51 of the act.

**I certify that I have considered the application shown above and I wish to make representations.**

The Police representations are concerned with all four licensing objectives. This premises is located in the heart of a transport hub used by school children and commuters and a heavily populated residential area.

In 2015 the premises was visited several times by PC Whitcomb from Brent Police accompanied by PC McDonald. These visits occurred on 10<sup>th</sup>, 18<sup>th</sup> and 24<sup>th</sup> September 2015. As a consequence there were breaches identified by officers,

A male (Name known to Police) was working in the shop alone. He was asked to produce his personal licence to the officers, which he was unable to do, as he does not possess one. This breached condition number eleven (11) of the premises licence, which reads, '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 except that the personal licence holder may have to do banking or attend cash & carry etc.'

On Thursday 24<sup>th</sup> September 2015 Police attended the venue and no personal licence holder was present. PC Whitcomb went through the licence and its conditions with the licensee and another breach was identified. No sign reading 'No Proof of age - No sale was' displayed at the point of sale. This breached condition number three (3) of the premises licence.

The Licensee was informed the above breaches amount to an offence under **s.136 Licensing Act 2003**, namely carrying out unauthorised licensable activity. PC Whitcomb pointed out that

upon conviction, this offence is punishable by up to six (6) months imprisonment and/or a fine of up to £20,000 may be imposed by the convicting court.

PC Whitcomb served a final written warning to the licensee and explained unless the management of the venue improved Police would apply for a review of the premises licence. Thanks to several more visits the Licensee worked with Police and showed improvement. Brent Police are firm advocates for a stepped approach regarding working with the licensee and developing a professional relationship rather than straight to enforcement.

In 2016 and 2017 Neasden Lane was identified as a Borough hotspot for Anti-Social Behaviour. Residents complained to the Council, Police and Members of Parliament. Alcohol was a contributing factor to the impact on the community by way of street drinkers urinating in alleyways, dropping litter and some residents experienced a great deal of intimidation. Brent Council host BJAG meetings, Brent Joint Action Group, where Partner Agencies are gathered to explore problematic issues and Neasden Circle was confirmed an area associated for ASB. In 2017 Acting Police Sergeant Steve Mather implemented a patrol strategy requiring additional resourcing from neighbouring ward teams to provide reassurance to the community, councillors and employees working in the various shops on Neasden Lane. Sec 35 Dispersals were implemented and on one particular weekend of action over 25 individuals were instructed to leave the area.

In 2018 PC Mike Sullivan was contacted by the sergeant responsible for Dudden Hill Ward. Following a ward panel meeting the sergeant requested assistance with licensed venues in Neasden as the community members in attendance expressed their despair at how many people were loitering in the area or sitting on street furniture drinking alcohol from bottles and cans. The members were all collectively up in arms about a perceived lack of action by the Police and Council.

On 6<sup>th</sup> July 2018 I accompanied PC Sullivan in plain clothes to Neasden Circle NW10. Our aim was to patrol and observe if we could identify any premises linked to the provision of alcohol. I recall seeing a group sat on a brick wall opposite Costa Coffee. The group were mainly of Eastern European appearance and clearly drinking alcohol from cans. Behind the group in the flower bed were approximately 20 -25 empty cans of the same brand of alcohol they were consuming. It was difficult not to tackle this group but important to see where they were purchasing their alcohol based on just how many premises are licenced in the immediate vicinity. On at least 3 occasions, individuals from the group crossed the road and went into a shop named Jackman's.

On 13<sup>th</sup> July 2018 PC Sullivan attended Jackman's to conduct a licensing visit. Prior to entering the shop there was a group sat on the wall across the road drinking alcohol. During his visit PC Sullivan identified a lone male serving behind the counter. The male (Name known to Police) was observed to sell alcohol. This male appeared very nervous and refused to talk to police, immigration checks were conducted on the male and it was discovered he was in the UK waiting for an appeal on his status to be heard. Although in the UK for 19 years it was confirmed the male should not be working. The male repeatedly stated that he was not working even though he had been witnessed serving customers for over an hour with no other person in the shop working. He stated he was waiting for a friend. After remaining in the shop other people eventually arrived. One male by the name of Mr Jeyakanthan Maheswaran said he was not the owner but worked at the shop, it was explained that the male found serving in the shop was not allowed to work due to his immigration status and with immediate effect must leave the shop. PC Sullivan requested to speak to the DPS and was informed that the DPS Mr Rajddvathanan LAKSHANAN was abroad and would make contact with police on his return to the UK.

On the 16/07/18 the DPS Mr Rajddvathanan LAKSHANAN contacted PC Sullivan and stated that he had been out of the country for the last two weeks and had just returned. PC Sullivan arranged to meet him at the shop on the 17/07/2018, he stated that he last worked in the shop on the 01/07/2018 between 2pm and 5pm, he was asked to provide CCTV from that time and date to prove that he does work at the shop. Mr LAKSHANAN informed PC Sullivan that he also works at another shop called NISA in Ealing. This caused some concern regarding his capacity as the DPS.

On the 17<sup>th</sup> July 2018 PC Sullivan and I attended the venue to see the DPS Mr LAKSHANAN. Once inside the shop a male identified himself as the DPS which seemed very odd as in fact he was present during a previous police visit, when the male working there illegally was discovered. This was put to the DPS and he became somewhat obstructive in his responses and seemed to tie himself in knots with varying answers with every question put to him. After a good few opportunities the male confessed he had been in the store and it was a mistake by police as they misunderstood him on the phone, it was the Licence holder away on holiday not him as the DPS. PC Sullivan requested the CCTV footage be shown from 1<sup>st</sup> July 2018. The DPS replied that the CCTV only records for 14 days, so the footage from the 1<sup>st</sup> was now deleted or recorded over a breach of the license conditions which lists CCTV must be kept for 31 days. While looking at the large screen opposite the till area displaying all the camera views of the store a male entered the store. He was one of the group sat across the road on the wall. The male went to the fridge grabbed 4 beers and walked to the counter and threw cash onto the counter and walked back. I observed him rejoin his group and share out the cans he purchased and each one was opened and consumed. I pointed out my observation and directly pointed to the male concerned sat in full view drinking while I held the door open. I was surprised to be told that no one in the store served this group as they are not welcome into the store. It made sense to get the CCTV to be rewound and watched. The footage clearly showed the male purchasing the 4 cans. The DPS, Mr. LAKSHANAN could not provide any of the licensing objectives. Police spoke to the group of drinkers and confirmed they had purchased their alcohol from Jackman's, one of the group indicated they bought it from there because it was the cheapest, one pound a can. The groups personal details were obtained and the group was dispersed.

As a consequence of the visit the DPS and licence holder were informed the Local issuing authority would be made aware of the findings and breaches. The issues from 2015 were referred to and the impact of the poor day to day running of the business was all too apparent. The DPS and manager were not very forth coming and did not seem to be apologetic and displayed a poor attitude to Police. Mr Uthayashnkar Makeswaran indicated to PC Sullivan that he was close to selling the premises and contracts were ready to be signed. No documentation was produced to support this.

PC SULLIVAN like his colleague in 2015 issued a written warning and informed the licence holder and DPS that Police were considering applying for a review of the licence. Like 2015 it took an enormous amount of time and resourcing to force the licence holder and DPS into running the business as it should be and to adhere to the licensing objectives.

In September 2018 Jackman's was visited and no breaches recorded. It appeared the warning had been heeded and the premises was being run to a higher standard.

For a little under two years Brent Council have funded a Police team known as the PTT, Partnership tasking team. The team is supervised and managed by PS Vollrath. The PTT have policed the area around Jackman's and often record intelligence reports that are of immense value. The intelligence varies and provides an accurate update to what is occurring in any given area. The PTT are reactive to complaints and concerns sent into the Local authority. In 2019 the area of Neasden Lane NW10 remains a hot spot, despite efforts the area still requires Police and Council interaction. This is costly and simply cannot continue. It is clear and evident that licensed venues have their responsibilities to uphold. Brent council removed the walls around the trees and this has not prevented the groups loitering and drinking in the area. They are more than happy to stand in the street chatting loudly, littering and drinking alcohol.

Jackman's is open 7 days a week and can sell alcohol from 0700 hours in the morning up until 2300 hours. In May 2019 the sergeant for Dudden Hill Ward was made aware of further complaints from residence about the street drinkers and all round ASB in the area. The ward sergeant requested assistance from the Licensing team. The police were also contacted by the Local authority regarding residents' concerns. On 25<sup>th</sup> June I attended Neasden Lane and Neasden Circle with PC Darren Cowley in partnership with Inspector Figueiredo from the Council Licensing team. We attended in plain clothes in an unmarked car. This afforded us an opportunity to observe if there were any street drinkers and equally to confirm where they were purchasing their alcohol from. I drove and as we entered the Neasden Parade end it struck me that there weren't many people around. As I drove past Sally's Bar there was a small group of males standing by Jackman's. They were blatantly consuming alcohol. Inspector Figueiredo went into the store and purchased a soft drink. We had other venues to visit and drove off, I recall no other licensed venue had groups standing around near or outside their premises as I deliberately drove around Birse Crescent and back up past Jackman's. Approximately an hour later we returned and the same group were present. While sat observing a male was heard shouting and it appeared he had been in a gambling venue and upset. I believe he may have lost money but cannot be certain. This male firstly walked off but then went to stand with the street drinkers. All 3 Licensing officers observed some of the group enter Jackman's and come back out with alcohol. In particular the male who had been heard shouting earlier was quite distinctive and wearing a cap. He went into Jackman's on two different occasions.

I am under no illusion that had we sat there for any longer the group would have remained there and continued to buy alcohol from the premises. We went into the store and Inspector Figueiredo informed me the male serving was the same male who had served her the soft drink. This provided us all with a timeframe in which we could address while conducting a full compliance visit. The male recognised me and despite this we all produced our photo ID to confirm who we each were. The male provided his details as Jayakanthan Mageswaran. Inspector Figueiredo explained why we were there and what we had each observed. Even while discussing the issues Mr Mageswaran was in complete denial to serving street drinkers yet they were less than 4 feet away from him. This raised concerns regarding the amount of visibility from the till area out onto the footpath. One external CCTV camera was recording but faced away from where the group were drinking. Mr Mageswaran came out from behind the till area and looked with the door open. He denied any of them had been into the store and strongly denied selling alcohol to street drinkers. I pointed out I had been there in 2018 and experienced similar issues. To settle any dispute he was asked to work the CCTV and play it back. This revealed the timings were out on the recording and when asked to first play back the footage showed school children in the store. Eventually the correct forage was found and this confirmed the males outside had indeed purchased their alcohol from Jackman's. Mr Mageswaran was once again obstructive when showing the footage, he was asked on more than 5 occasions to allow the footage to run without pushing rewind. He was reminded that everything had been witnessed by all 3 officers present anyhow. Other breaches were identified as detailed within the review application.

On 6<sup>th</sup> July PS Vollrath from the PTT witnessed a drunk male consuming alcohol, the male informed Sergeant Vollrath that he had purchased the alcohol from Jackman's. The shop was visited CCTV viewed and was still out of synchronisation with the real time. The footage confirmed the male found drinking had in fact been into Jackman's and purchased alcohol from the store. Neither Mr Mageswaran nor the other male serving Mr Kanapathipillai could provide any explanation as to why a drunk person was served alcohol.

On 11<sup>th</sup> July Police and Council officers attended regarding CCTV a USB stick was provided with assurances the required footage would be saved to the device.

On 13<sup>th</sup> July PS Vollrath attended and explained the USB had not worked and the recordings were still required as per conditions on the licence.

On 15<sup>th</sup> July Officers from the Police and Council attended again and were informed all the respective footage from each date requested was no longer available due to a hard drive

being replaced, this seemed a little too convenient and there are the similarities as experienced back in July 2018 by PC Sullivan and PC Whitcomb in 2015.

Police are of the opinion the running of this premises has been poor. There has been no attempt at upholding the four licensing objectives and even with Police and local authority intervention there is an apparent blatant disregard for authority. It appears that the seriousness of the issues to hand are ignored and at times the Police and Local authority have been given the run around. Police have no confidence in the operational procedures in place with Jackman's. For far too long the premises has fed the vulnerable addicts of alcohol and those intent on causing ASB in the community. Despite Police and Council officers witnessing first-hand the sale of alcohol to street drinkers the staff at the venue remain defiant in their belief that they do not sell to street drinkers. I am surprised at just how much valuable time of the Council inspectors and Police officers has been absorbed by one individual premises. Police believe the licence should be revoked. Should the committee not revoke this premises licence Police would like to see the maximum suspension available . This would afford the licence holder and DPS an opportunity to take stock of their business and get their business in order. It would send out a positive message to the community and other licenced premises in the area.

The Police Licensing team reserve the right to submit additional evidence in relation to the premises up until the Licensing Committee Hearing.

Yours Sincerely,

PS Damien Smith 253NW

**Licensing Sergeant Brent, Harrow & Barnet**