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Brent Police Licensing Unit

Brent Civic Centre
Engineers Way
Wembley
Middlesex
HA9 0FJ

Brent Borough Licensing Department

Harrow Police Station
74 Northolt Road
Harrow
HA2 0DN

Tel: 020 8733 4530

Email:

NWMailbox.LicensingBrent@met.police.uk

Web: www.met.police.uk

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Your ref: 16803

Our ref: QK/381/253NW/19

Police representation to the Premises Licence Review Application for Food & Wine,
246-248 Neasden Lane NW10 0AA

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 the prevention of crime & disorder, the prevention of public nuisance and public safety.

As far back as March 2016, the Police licensing officers have had reason and cause to issue repeated warnings to staff at this venue about bad practice and failure to comply with the licensing objectives. On 16th March the current DPS Mr Shahistanoor DOWLATZAY was given a written warning by PC Sullivan. PC Sullivan had found no PL Holder present when he visited and sales of alcohol had taken place. It was pointed out that the breach amounted to an offence under section 136 Licensing Act 2003, namely conducting licensable activities without authority, which carries an unlimited fine, and/or up to 6 months imprisonment. On that occasion the store closed and sales stopped. PC Sullivan met with Mr DOWLATZAY and an Action Plan was drawn up and signed by the DPS. (Not legally enforceable)

On the 13th JULY 2016, PC Whitcomb served another warning letter to Mr DOWLATZAY. This was a final written warning (Applying a stepped approach). This related to designated ward team officers from safer neighbourhoods observing a group of males drinking outside the store. PC Bailey and a colleague seized the alcohol and poured it away. One of the group stumbled his way into the store and took some cans to the till area. PC Bailey stood by the doorway and observed as one

male was about to freely serve the drunk male. On seeing the uniformed officer, Mr DOWLATZAY instructed the staff member to stop serving. PC Whitcomb met with Mr DOWLATZAY and he admitted it was him that stopped the sale taking place. This visit resulted in PC Whitcomb explaining any sale of alcohol to a person who is drunk is a criminal offence contrary to s. 141 Licensing Act 2003. Police have the power to issue an immediate fixed penalty notice of £90 to seller and it could jeopardise the premises licence.

PC Whitcomb carried out a full licensing compliance visit. He was informed that no training had been provided to staff and Mr DOWLATZAY was unable to produce any training records. This was a breach of the premises licence. In annexe 3, condition one (1) reads, *'All staff employed by the applicant who are responsible for selling alcohol must be trained in their responsibilities and a training register maintained to a standard approved by the local authority.'*

Again it was pointed out to Mr DOWLATZAY that this was a breach of the premises licence and a criminal offence contrary to s.136 Licensing Act 2003 of carrying out unauthorised licensable activity. Upon conviction the penalty is up to six months imprisonment and/or an unlimited fine.

He was referred to the licensing action plan that he had agreed with PC Sullivan. Although the action plan is not legally enforceable, the aim of the plan was to assist Mr DOWLATZAY and Food & Wine in promoting the licensing objectives and preventing a review of the premises licence in the future.

PC Whitcomb discovered the following actions had not been implemented:

1. Refusal book (Action 1 of 8) - Although there was a refusal book, the last date entered was the 11th February 2016. There were no other refusals logged including the refusal made when PC Bailey intervened in the sale of alcohol to the drunk male in July 2016.
2. No training arranged for staff and no training records kept (Action 7 of 8) – Mr DOWLATZAY was unable to explain why staff training had not been implemented.

Having considered all of the above PC Whitcomb decided to deal with the matter proportionately and requested the following actions be implemented by Mr DOWLATZAY immediately, to which he agreed:

1. Training arranged for ALL staff as per condition one (1) in annexe three (3) of your premises licence. Training records are to be maintained and recorded.
2. Once training has been arranged, I would like you to contact me and provide details of the training provider and the date the training is to be delivered to you and your staff.

PC Whitcomb reminded Mr DOWLATZAY that from now on ALL conditions attached to the premises licence are to be observed at all times whilst carrying out licensable activity. If there are any further breaches, the police will have little option left but to consider applying to the local authority requesting a review of the premises licence.

On the 4th August 2016, Mr DOWLATZAY emailed the Police licensing team and provided confirmation of the training and provided the details of who delivered it. This prevented the application for a review at that time.

Neasden Lane, NW10 has been an area subjected to High volumes of Anti-Social Behaviour and reported crime types. The area is responsible for a total of 675 reported incidents that were recorded as CAD incidents between 0000 Hours of the 1st of October 2018 until 2359 Hours on the 31st July 2019. Some of these calls were made by the staff of the premises Food & Wine. The premises is situated in a busy street with a densely packed residential population, as well as a major thorough fare for traffic and transport. Local residents have become very sensitive to the levels of ASB and crime in the area and often complain to both the Local authority and Police. Both authorities have been working in partnership to try and address the concerns of the community. At present Neasden Parade is saturated with licensed premises selling alcohol, food as well as providing Gambling establishments. This has also resulted in large volumes of litter strewn around the streets and back alleys causing not only an eye sore, but a very unhygienic environment. Due to these existing problems, the area is being considered for a Cumulative Impact Zone (CIZ). In addition to the CIZ, both the Council team and Police Licensing team have been visiting licensed premises in the area to try and work with the Licence holders and staff in the stores. Brent favours a stepped approach to try and overcome issues, but that is not always successful and a more robust enforcement approach has to take place. To expand on Neasden's issues in October 2017, a young male was stabbed to death and the local community have campaigned for a safer ward via their MP's and local Councillors. Neasden Lane incorporating Neasden Parade has been a trigger at Brent Joint Action Group Meetings and in the last 12 months the Police have implemented four Sec 35 Dispersal Zones (Section 35 Anti-social behaviour, Crime & Policing Act 2014) empowering officers to disperse anyone from the area with immediate effect. The most recent dispersal as authorised by Inspector Colman commenced at 1400 hours on 8th August through until 1359 hours on the 10th August 2019.

Brent are fortunate to have a designated Tasking Team known as the PTT. The PTT have been tasked to patrol the Parade, Neasden Lane, Birse Crescent and the surrounding roads such as Tanfield Road. During their last 12 months, that team have been responsible for issuing fixed penalty notices to those intent on causing ASB, or being excessively drunk in public place. In some cases such individuals have been subject to other forms of enforcement, such as criminal behaviour orders. Police are mindful that the premises known as Food & Wine is situated within this footprint at 246 – 248 Neasden Lane. Within the 675 reported Incidents to police, the staff at this venue have required police assistance to incidents at their store. It is important that when addressing this review, everyone concerned understands the geographical setup as it currently stands.

The PTT have also issued penalty notices to drunk individuals infringing the Public Space Protection order (PSPO) designed to prevent street drinking and Neasden Lane has clear signage regarding this matter. In the last 12 months the Council have removed street furniture (such as walls) in an effort to stop drinkers from sitting around and consume cans and bottles of alcohol all hours. Other premises in the area are and will be subject to enforcement following visits by the Police and Council teams.

In May 2019, the Council were aware of an increase in complaints regarding street drinking. The Police were made aware and the Police Community Support Officer for Dudden Hill Ward increased his patrols in full uniform. Police accompanied a council inspector to Neasden to observe the area first hand. This took place on June 25th 2019 and there were a number of drunken males discovered consuming alcohol drinking around 0900 hours. Police accompanied the council inspector into several licensed venues to assist with compliance checks. One such venue was Food &

Wine at 246-248 Neasden Lane. Mr KHORAM was in the store and he stated he was a Personal Licence holder. The DPS Mr DOWLATZAY was not present. Requests were made to view the premises CCTV as well as employee training records. However, due to having no access to the staff office, Mr KHORAM was unable to comply with assisting police. There was a copy of the Premises licence found in the store, but it was not displayed as required by the agreed licensing conditions; not clearly visible from outside the premises.

On 4th July 2019, PC McDonald 2157NW, of the Brent Police Licensing team, accompanied a Council inspector on another visit to the Food & Wine premises. They requested to view CCTV from the 30th June 2019, between 20.15 hours and 21.30 hours was requested. This footage was to be made readily available for collection by Sergeant VOLLRATH of the PTT. This footage was requested for evidential purposes. On the 5th July 2019, the Council again requested the footage from the CCTV as per the condition on the licence. This footage was never produced. An employee, Mr MAIWAND, later claimed that the police had tampered with the CCTV searching for the record and accidentally deleted it. This is disputed by PS VOLRATH, as any CCTV system menu would give a clear indication, and request affirmation, to confirm deletion of recorded video.

For the rest of that week the PTT patrolled the area and several incidents were shared with the council team based on their observations. On the 7th July 2019, PS Vollrath was passing Food & Wine and happened to recognise two males he had dealt with earlier for being drunk in a public place. He was somewhat surprised to see the males were now in a store purchasing more alcohol. PS Vollrath went into the store and spoke to the staff member who had sold the males 4 cans of alcohol. The staff member was Mr DOWLATZY, the DPS for the shop. He disputed the males were drunk. This again surprised Sergeant Vollrath as he pointed out the males eyes were glazed, they were unsteady on their feet and they smelt strongly of alcohol. Putting it simply the males were 'drunk'. Police are able to state if an individual is drunk and this is one of the first things a police officer is taught at training school. One of the males couldn't walk straight and he stopped to eat a kebab in the street. PS Vollrath seized the alcohol and booked it into the property store at Harlesden Police Station. PS Vollrath pointed out to the DPS that the matter would be disclosed to the Licensing teams of the Council and Police. These visits were captured on officers Body Worn Video.

During the visit to the store, items were available to purchase such as Cannabis grinders, small plastic self-seal (Snap Bags) and Nitro's canisters that are often used as a legal high and, once used, are often disposed of in the street; adding to the litter issues. On closer inspection behind the counter, an open packet of cigarettes was found as well as plastic cups. It has been the experience of Police Licensing that finding such things suggests street drinkers are being enticed to use what little income they have to purchase single cigarettes and to facilitate their public intoxication. This increases the chances of repeated business throughout the day and night. Single cigarettes are also used by cannabis users to make a joint with. This practice occurs in some of the worst offending licensed premises, where they not only ignore the fundamental core licensing responsibilities, but exacerbates existing criminal and anti-social issues with blatant disregard.

In summary of this Licence Review application, the crime, ASB and continued distress to local community is partly down to the premises of Food & Wines complete disregard for their responsibilities, paying lip service to the licensing objectives, putting profits before all else. A premise's that sells alcohol to drunk street drinkers;

cannabis grinders & Nitro's gas canisters to assist the public getting high, clearly has no regard for reducing crime, ASB, street drinking or drug taking in the area.

Police have no confidence in the operational procedures in place with this venue. There appears to be a blatant disregard for the licensing objectives, as evidenced by their lack of commitment to adhering to their existing premises conditions. Added to this, they have shown no signs of improvement, despite Brent Council and Police Licensing team efforts to assist them by early intervention, education, evidence gathering, enforcement & evaluation.

Police believe there is no option but to revoke the premises licence.

If the committee do not revoke the licence Police would recommend the maximum suspension in order to provide the management an opportunity to address the concerns raised. Police do not foresee that reduction in hours would assist given the issues discovered.

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 representation and the hearing and/or during the time allowed for any appeal proceedings

Yours Sincerely,

PS Damien Smith 253NW

Licensing Sergeant Brent, Harrow & Barnet