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TERRITORIAL POLICING

Brent Police Licensing Unit

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Your ref: 17360

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Date: 10/10/2019

Police representation to the premises licence variation application for 'Taste of Ceylon', 32, Ealing Road, Wembley, HA0 4TL.

I certify that I have considered the application shown above and I **wish to make representations** that the likely effect of the grant of the application is detrimental to the Council's Licensing Objectives for the reasons indicated below.

I am of the opinion that the risk to the Council's licensing objectives are too high to accept the premises licence variations.

Officer: Gary Norton 2965NW Licensing Constable

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 to vary the premises licence under section 34 of the act.

The Police representations are concerned with all four licensing objectives: preventing crime and disorder, public safety, prevent public disorder and protecting children from harm.

This application asks to remove condition 9 of the licence. This is currently worded as such:

The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.

The proposed variation is for the following:

To allow the rear of the premises to be used for the consumption of alcohol without the purchase of food if customers require (no vertical drinking).

A Brent Council Licensing officer informed me of their concerns over the applicant's business practices and non-compliance with existing premises licence. The Council themselves had made two separate visits in the past few weeks regarding the issues they had raised.

Firstly, it would appear that there are two businesses attempting to operate under one premises licence. The newly formed partnership/agreement appears to be between the previous owner of the premises when it was called "Zanzi Bar Corner", a Mr Rajasingam Marshall and his new associate, Mr Keseven Prathipkumar. Zanzi Bar Corner Ltd. company was dissolved some time ago. Prior to this occurring, an application was accepted to transfer the premises licence to Mr Keseven Prathipkumar.

Aside from the lack of clarity of how the business is structured, there are many issues revolving around the licensable activities and non-compliance with existing conditions. These concerns suggest a complete lack of appreciation and understanding by the applicant and impacts on the Police original opinion over the premises licence variation application. My colleague, PC Paul Scott, had attended the venue when assessing the application and had concerns over staff training and also found similar issues and breaches of their existing licence conditions to the Council. No effort appears to have been made to resolve these existing issues despite 3 previous visits by various Licensing officials.

PC Scott had generously offered to accept condition "9" being taken off the licence but requested another unrelated condition regarding training be added. The applicant agreed.

However, following my unannounced licensing visit to the premises in the early evening of Wednesday 9th October 2019, **I have no choice but to oppose the application and revoke the previous representations agreement.** This is based upon the shortfall in understanding and operation of the premises in relation to its licensing conditions, as set out in detail below. There is no awareness shown by the applicant or staff that they follow their licensing conditions. The visit was made in the company of PC Fanovich and recorded on Body Worn Video.

The restaurant was open to serve to the public when we entered. The seating area in the front of the shop, separated by new wall partition divider to a different area, had prepared Asian food behind a serving counter. It was rather like a school canteen food display. There was also a till machine behind the counter, but access to it was blocked by a worker's tools. A Strong smell of burning and fumes were in the air, believed caused by the drilling and cutting work being conducted behind the counter by the worker. Fumes and particles were free to dispel into the air and into the food and surrounding area.

The middle area or "room" behind the partition had around 10 males, sat casually around a number of separate tables, but all talking amongst themselves in Sri Lankan. Mr Marshal stated they were builders, not working at his venue, but had come in for something to eat. Most of those present had several empty tins of beer in front of them, as well as the fresh ones they were drinking. Most drank directly from beer cans and there was no cutlery set on any table in the restaurant. There was no presence of any food, cooked or otherwise and no one cooking food for them. The males sat drinking like in a bar, did not even have nibbles, let alone meals as per license requirements.

Mr Marshal quickly went into the kitchen at the rear and said he was making them something to eat. None of the cooking appliances were switched on cooking food. He pointed to a medium sized frying pan with a few ladles worth of a rich red thin curry type sauce. I touched the side of the pan as it didn't look like it had been cooking recently. It was luke warm. He was asked how he was going to feed all the males with such a small portion

of the sauce, which didn't seem to have more than two or three pieces of food (meat or vegetable). He pointed to another large container of what looked predominantly like rice in a large metal container. The top of the rice appeared to be dark and dried, akin to being left for some time. I touched the container and found it was also a tepid temperature. Mr Marshal nervously stated that it was Biryani and just might need topping up with the sauce if wanted, but the cooking saucepans and containers temperature suggested otherwise. I suspected he knew he did not have a licence to serve alcohol without a meal and was trying to make excuses. Given most of the males sat outside had already drunk a number of tins of beers; he was asked how none of the males had yet received any food to eat. Again, he nervously reiterated he was about to serve the food before we arrived.

The latest licence states the DPS is Keseven Prathupkumar and he was the applicant for the variation in premises licence. However, when I asked him, Mr Marshal stated he was the DPS, as he had previously to PC Scott.

I referred to the premises licence conditions during the licensing visit, checking to see if there had been any improvements in their practices since the last three visits. These were my findings.

List of Premises Licence Conditions Breached

1. CCTV installed according to Home Office standards and maintained in good working condition. And recordings shall be kept for 31 days and made available to police and authorised officers of Brent Council. This must comply with the Data Protection Act including signage.

Despite previous advice received in recent weeks, from three separate visits, the CCTV is still not working, a connecting cable was missing and there is no recording of any footage at present. Brent Council stated during their visit that the CCTV viewing screen did not work, but the hard drive was recording for 30 days. This is not the case; it is not working at all.

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

As the hard drive isn't connected to the cameras, nothing is being recorded.

3. A Challenge "25" policy shall be adopted and adhered to.

Mr Marshal stated that he wouldn't serve to those below the age of 25, or have allow anyone under the age of 16 yrs old in the restaurant without an adult. The age limit for drinking alcohol is not 25, the Challenge 25 requires you ask for ID if someone looks under 25 and signage should be displayed to support this too. However, there was no sign displayed. Mr Marshal stated he had taken it down due to work being carried out, but could not provide me with the sign existed.

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.

Mr Marshal said he had given the original copy back to the council when they applied to vary the premises licence. He had not bothered to retain or make a copy, nor did he seem familiar with any of the conditions. This compounds the breaches of key conditions.

5. 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) All ejections of patrons.

(c) Any complaints received.

(d) Any incidents or disorder.

(e) Any faults in the CCTV system.

(f) Any refusal of the sale of alcohol.

(g) Any visit by a relevant authority or emergency service.

A female member of staff who stated she was Mrs Prathupkumar (the wife of the actual DPS) looked through a pile of folders but had no idea where the incident book was. Nor did Mr Marshal. It was not found during the visit.

6. All alcohol must be kept behind the counter/bar area at times with the exception of alcohol, which has already been purchased/sold/supplied to the public, or alcohol which is in storage rooms on the premises.

There was a large, tall double-doored, glass-fronted fridge positioned out in the seating area of the drinkers. It had lots of beer stored in it, no locks and left unsupervised at times. It was not behind the bar.

9. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.

Despite nervous reassurances to the contrary, no meals were being served with the alcohol and a very large 3ft tall black bin was filled to the brim behind the small bar area with empty beer tins. When Mr Marshall was asked where the customer orders were for the drinks and food, he could not provide them. He said he hadn't recorded them but remembered all the orders. He was asked how could he know if someone had not helped themselves to beer and he said they were all okay and could be trusted. (This leads to the next breach condition 10.) Towards the end of the visit, one of these males finished his drink and left the premises having not eaten any food. No food was served to anyone during the visit, even when Mr Marshal told Mrs Prathupkumar to serve food to some of the drinkers.

10. The supply/sale of alcohol for consumption on the premises shall be by waiter/waitress service only.

One of the drinking customers had gotten up from his table and came back from the fridge with a fresh beer and sat at a different table. With no records of table orders and in this case, no one serving the alcohol, this was clearly a problem of some magnitude in direct conflict with licensing responsibilities. It could lead to customers stealing unattended alcohol, drunkenness and public nuisance.

22. A sign stating "no Proof of age- No Sale" shall be displayed at the point of sale.

There were no such signs displayed at either point of sale.

23. Any staff directly involved in selling alcohol for retail to consumers and managers shall undergo basic training of licencing Act 2003 Legislation. This shall 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.

There is a folder for training with one blank sheet in it. Therefore, no one appears to have had any training, which is backed up by how the premises business is conducted with regards to licensable activities.

Neither point of sale till machine was in what could be considered working order or accessible. Mr Marshal suggested the two tills ring up the food and alcohol separately, which leads credence to Council concerns that there are two businesses using the one premises. The till nearest the front entrance was blocked off by the male working on the electrics. Mr Marshal said this was a "manual" paper style till machine. He stated the other in the bar area was electric, but not working due to some fault. It was completely shutdown with no working display. The Council were informed that alcohol bills would go through one till and food in the other. This is a very strange arrangement, particularly if you sat down for food and drink, as you would get two bills. The only practical reason to separate the food and drink bills is due to the likelihood of two business running under one licence and rent. Mr Marshal stated the newly built partition across the premises was built to split different types of Sri Lankan customer. He said some want to come and eat in the front and not drink alcohol and don't want to sit next to people who do. However, the reason he gave a few

days before was so that the men could drink inside without their wives seeing them inside the premises. Either way, it does not seem viable that the applicant could maintain a distinction between the two areas given what police witnessed during their visit.

Mr Marshal also stated he is never that busy in the evening and by 2100hrs, the place is empty. I asked why he had requested to serve alcohol in the middle area of the premises until 0200hrs if he was empty and often closed by midnight. He said just in case of a party, or something. How would the applicant govern a late night party with the existing (or proposed) licence conditions?

Towards the end of the visit, Mr Marshal was informed that Council records showed Mr Prathupkumar was the DPS. He then contradicted his own comments made on our arrival and agreed the DPS was Mr Prathupkumar.

Mr Marshal and Mr Prathupkumar will need to demonstrate they can run the premises under existing conditions without further issue before Police licensing could consider it supporting changes to their licence. Further clarity over the businesses set-up, as requested by Brent Council, is also a priority.

Yours Sincerely,

PC Gary Norton 2965NW

Barnet/Brent/Harrow Licensing
NorthWest Partnership & Prevention
Tel:07500993899

The boroughs of Brent, Barnet and Harrow merged into the North West Basic Command Unit in November 2018 due to corporate restructuring. The geographical area is known as NW BCU. The service you receive from us will not change, however some recognised details such as email addresses and shoulder numbers will. For more information, visit www.met.police.uk/news/met-announces-changes-to-local-policing-294044.

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