



**METROPOLITAN
POLICE**

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TERRITORIAL POLICING

The Licensing Authority
*Brent Civic Centre
Engineers Way
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Your ref: 18007

Our ref: QK/702/253NW/19

Brent Borough Licensing Department
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Date: 26/11/19

Police Representation to the Temporary Event Notice to be held at 212 High Street Harlesden NW10 4SY.

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. Police formally object to this application.

Officer: Sergeant Damien Smith 253NW
Licensing Unit.

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.

A Temporary Event Notice has been given under section 100 Licensing Act 2003 by **Mr Agnaldo Dal Forno** for the use of **212 High Street NW10. On the 7th December 2019 between 1100 – 0100 Hours. On the 8th December 2019 form 1100 – 0100 Hours. On the 9th December 2019 from 1100 – 0100 (10th December) Hours.**

Police are formally making representations to the notice under section 104 Licensing Act 2003. The Police representation is primarily concerned with the Crime and Disorder, Prevention of Public Nuisance and Public Safety objectives.

At the time of this application I am aware the applicant owns and runs another business that is subject to a review hearing on the 4th December 2019 at Brent Civic Centre. The other business is located at 159 High Street Harlesden within walking distance of this venue. This business holds a premises licence as a Pizzeria restaurant.

Police have submitted written representations in relation to the review and will be in attendance at that hearing. This TEN has provided the Police a further opportunity to look at the current business practice of the applicant in order to assess if he is suitable to manage or host an event aligned to the four licensing objectives.

Police have no confidence in the applicant and his apparent disregard for Public Safety and noise nuisance. Police have visited the applicant at 159 High Street on several occasions. Following on from noise complaints in August and September 2018. In January 2019 further complaints were received regarding the premises and in particular in relation to the use of the venue on the 6th January 2019. The Complainant described that the nuisance was both in and outside the venue. On the 6th January Police were called to an assault outside the venue recorded as Crime (190***7/19). There was a mention of an assault outside the premises in the complainant's email thus supporting the complainant's claims.

With the venue coming to the attention of the relevant authorities, on the 17th January 2019 PC Keen from the Brent Police ASB team contacted the Partnership tasking team (PTT). The PTT are a team that specifically are tasked to areas of concern deemed problematic. On 17th January the PTT visited the venue at 2250 Hours and found it was packed, with live music being played and although some patrons were sat at tables there were groups standing in a confined space with little food on show. At one point the head count was a 100 persons at the premises. There was one obvious member of staff who provided his name as Mr Agnaldo Dal Forno. Mr Dal Forno was unable to provide officers **a copy of the premises licence, any incident or refusals log and unable to tell officers how many persons were in his venue.** It was pointed out to him that the **capacity for the premises was 36 which includes any staff or performers.** Mr Dal Forno seemed surprised that no more than 36 should be in the venue. He was advised to reduce the numbers to the safe capacity as set and agreed upon on the premises licence. Mr Dal Forno informed officers that the owner was Mr Roshan Wial and he had all the paperwork. As officers left the venue it seemed that more had turned up and sought entry to the venue.

On Sunday 27th January Police attended the venue earlier in the evening at around 20.19 hours. When they arrived there was live music being played and 37 customers in the premises. Given the previous visit the officers in attendance had no confidence that the manager was or would adhere to the premises licence conditions. A **(CPNW) Community Protection Warning Notice was issued there and then.** This was to stop any Anti social behaviour immediately under the Anti-Social Act. In addition breaches of the premises licence were apparent and Police issued a **form 694 to Mr Dal Forno listing the breaches; Condition 5 – exceeded 36 – safe capacity, Condition 7 (Annexe 2) People being served alcohol without food, Condition 8 (Annexe 2) No incident log on premises and Condition 9 (Annexe 2) No copy of the premises licence on display or in the premises.** With the information and evidence of repeat behaviour PC McDonald wrote a formal warning letter addressed to Mr Dal Forno. Within

this letter Police expressed their concerns at the current operation of the business and at how many times the venue had come to the relevant authorities notice.

On Saturday 2nd March 2019 the venue was visited by Council officers and breaches of the licence conditions were identified including the **capacity being exceeded**. It was clear that the current management had a blatant disregard for Public Safety and were ignoring any advice or warning issued by the relevant authorities.

On 17th March Police received an application and consent form regarding transferring the premises licence from Mr Wial to Mr Dal Forno. It was on each visit that the person working at the venue was Mr Dal Forno.

Despite the changes the premises has continued to be subjected to complaints and on Monday 21st October Police were made aware that the Noise Complaint Team at Brent Council had applied for a review of the premises licence for Barril restaurant & Pizzeria.

On Saturday 16th November Police visited the venue. Upon arrival at around 8.20 PM Police parked across the road from the premises. I was one of the officers present accompanied by two colleagues. I could instantly see that there were more than 36 persons inside, this being one of the conditions on Annex 2 of the premises licence. Condition number 5 – **5. The total number of people permitted on the premises including staff and performers shall not exceed 36.**

Officers crossed over the road and tried conducting a head count of just how many persons were in the venue. This proved difficult as it was so busy and patrons were standing up in the aisle and at the bar drinking alcohol. This was another breach, Condition number 7 - **7 Alcohol shall only be provided as an accompaniment to a meal.**



As a colleague of mine reached 50 as a count Police entered the premises behind a customer. The noise coming from the venue was extremely loud and when the door opened the hall way area in effect became a speaker and increased the levels of noise out onto the High Street. This noise was excessive and would not have been so loud if there were only 36 people in the venue. Police could not see any summary copy of the Premises licence detailing the opening hours as per condition number 9 - 9. **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.**



Once inside I noticed every seat was in use and people were crammed around the tables. People were standing up drinking and there was music playing. I made my way to the bar area and noticed the tables nearest the bar had young children sat with their families. A male exited the toilets shouting out and although in good spirits I noticed one of the young children jump and hold onto their older relative. The applicant came to meet me and recognised me from the previous visits. I introduced him to my colleagues and explained they are also Police officers and that we were conducting licensing visits in the area. I expressed my immediate concern of the amount of people in the venue as it presented all manner of risk. I asked the applicant to address this matter given that risk. I asked the applicant how many people were in his venue and he answered '35' I was somewhat shocked by his answer and questioned his mathematics. The applicant informed the patrons in the restaurant that some had to leave. I and my colleagues counted at least 25 persons leaving, as they were leaving more were arriving and tried to get into the premises. Once the room resumed to some degree of normality there were still 40 people including staff in the venue.

I asked the applicant to show me the CCTV was working and asked him to show me and my colleagues entering the venue. The applicant was unable to show me the CCTV as he had issues with remembering the access code or password to operate the system. I was deliberate in asking for the footage of Police entering as per condition number 2 - **2 A CCTV camera shall be installed to cover the entrance of the premises** and Condition number 1 - **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 licensing officers if requested.** The applicant could not show me any footage upon request.

While at the bar area I asked the applicant to produce his incident log as per condition number 8 on his premises licence - **8 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 of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

The applicant searched through paper work by the till and handed me a book for something else but could not produce any incident log with the above recorded, despite earlier visits in the year where this was pointed out to him.

While by the bar area I noticed a large gap in the floor area and step up into the bar area that wasn't clearly marked, a trip hazard. I could clearly see extension leads from sockets to other leads and on closer inspection noticed there were leads into leads everywhere. Above two of the extension leads the applicant was pouring drinks and this had the potential to spill or pour onto the live leads. My colleague PC Cambeiro has captured this on Body Worn Camera as evidence. I believe this coupled with the excessive amount of people in the building demonstrated a blatant disregard for **PUBLIC SAFETY.**





At this point I introduced the applicant to PC Cambeiro and he spoke to the applicant in Portuguese. He clearly explained that the group he had dispersed from the venue were not to return unless there were empty tables or seats and reminded the applicant that he must not exceed 36 persons including the staff.

The current premises licence that the applicant runs as a PLH has 12 conditions listed under Annexe 2 – conditions consistent with the operating schedule. 2 of these conditions are for Notting Hill Carnival only and conditions 4 & 9 have been duplicated. This means out of the 9 relevant conditions, applicable, my visit revealed the applicant breached 6 of the conditions.

I informed Mr Dal Forno I would update the other responsible authorities of my visit and findings. This was acknowledged and he told me he was moving premises soon. I volunteered to meet with him ahead of any new premises but pointed out he must get this premises in order as the owner and license holder. I explained I had other visits to carry out and left the building. As I left I noticed two large groups to the left and right of his premises. It was clear to me they were waiting for the Police to leave then go back into the venue.

After waiting around outside for around 5 minutes some left the area and the applicant came out and dropped the shutter to the front of the store. I was sat in my car observing the groups and was hoping they would all disperse or go to other venues in the vicinity. I did see the shutter fully down and the main door access open. I left to conduct other visits in the borough of Brent.

At around 10.28 PM the Police returned to the applicants' venue and noticed the shutter was still down but again there were more than 36 persons in the venue. The applicants partner came outside to speak to Police and again it was pointed out that the numbers were excessive and in breach of the premises license. The applicant's partner explained the applicant had become ill and unable to come and speak to Police. The applicant's partner explained there was a private function inside and did not know that the conditions applied. PC Cambeiro spoke with her in Portuguese to insure she understood the issues at hand.



It was pointed out to her that any breaches of the premises Licence amount to an offence under section 136 Licensing Act 2003, namely conducting licensable activity without authority, which carries an unlimited fine and/or up to 6 months imprisonment. The Metropolitan Police share information with the issuing authority regarding visits to licensed premises.

This week the Police and Council have received a new premises Licence application for 212 High Street by the same applicant for this TEN. Given there is a review hearing on the 4th December 2019 Police will be better placed to submit accurate representations post the decision made by the subcommittee. The Police have already submitted their representations for that review. The visit on the 16th November has highlighted even more concerns and a warning letter was sent to the applicant. The visit on the 16th November has been shared with the responsible authorities and is relevant to this application.

I on behalf of the Metropolitan police fear that if this event is allowed to go ahead that there will be an increased risk of Public nuisance, crime and disorder and risk to public Safety at the location, I therefore ask this TEN to be REFUSED.

PS
Yours sincerely 

Damien Smith 253NW

Licensing Sergeant

