



**APPLICATION FOR A REVIEW OF A
PREMISES LICENCE OR CLUB PREMISES CERTIFICATE
Under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in **block capitals**. In all cases ensure that your answers are inside the boxes and written in **black ink**. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Police Sergeant Damien Smith on behalf of the Commissioner of the Metropolitan Police Service

Apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description –

Poziomka
30-32 High Street
Harlesden

Post town
London

Post code
NW10 4LX

Name of premises licence holder or club holding club premises certificate –
Mr Sebastian Kaminski & Mrs Monika Kaminska

Number of premises licence or club premises certificate -

223555072

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Sergeant Damien Smith 253NW NWCU Police Licensing Unit South Harrow Police Station 74 Northolt Road South Harrow HA2 0DN
Telephone number (if any) 0208 733 5008
E-mail address (optional) Damien.smith@met.police.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- | | |
|---|----------|
| 1) the prevention of crime and disorder | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | X |

Please state the ground(s) for review (please read guidance note 1)

Poziomka, 30-32 High Street, Harlesden, NW10 4LX currently has a premises licence to sell alcohol between 0800 hours until 2300 hours, 7 days a week. The premises are open to the public between the same hours.

The premise licence holders are Mr Sebastian KAAMINSKI and Mrs Monika KAMINSKA. Mrs Monika KAMINSKA is the Designated Premises Supervisor (DPS).

The venue is situated on a busy high street with residential premises above the commercial units. There are other licensed premises in close proximity. The high street is within Harlesden Ward and part of the North West Command Unit. Harlesden has been identified as a crime hotspot area.

Currently the premises licence has 15 conditions attached to annexe 2 of the licence and consistent with the operating schedule.

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.

2 A CCTV camera shall be installed to cover the entrance of the premises and further cameras installed to cover the alcohol shelves.

3 The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.

4 A sign stating "No proof of age – No sale" shall be displayed at the point of sale.

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

6 A refusal book detailing date and time of the refused sale and the name of the person refusing the sale shall be kept and maintained and made available for inspection at the premises.

7 A suitable intruder alarm complete with panic button shall be fitted and maintained.

8 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.**

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

10 No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked.

11 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 incidents of disorder

(d) any faults in the CCTV system

(e) any refusal of the sale of alcohol

(f) any visit by a relevant authority or emergency service.

12 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.

13 A personal licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

14 All alcoholic drinks shall be clearly labelled or marked with the name of the premise.

15 All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

The Police do not see these 15 conditions as onerous and they are relevant to the premises operating aligned to the licensing objectives.

In February 2016, an application for a new premises licence was received in relation to this venue. The applicants being Mr Sebastian KAMINSKI and Monika KAMINSKA. Monika KAMINSKA was the DPS at this venue prior to the 2016 application. Harlesden ward was experiencing a high level of street drinking and littering at the time of the 2016 application.

In 2018, the premises had the following crimes recorded with the Metropolitan Police; with the premises identified as the victim, including assaults on staff members.

1902***/18 24th January 2018 – Burglary

1902***/18 1st February 2018 – Theft

1912***/18 17th May 2018 – robbery – staff assaulted

1912***/18 18th May same suspect returned and caused criminal damage

1912***/18 18th May late in the evening different suspect stole from store

1915***/18 21st June 2018 theft – issues with securing CCTV – manager away

1918***/18 22nd July 2018 theft

On 29th October 2019, I visited the premises accompanied by Licensing inspector Chan from the council licensing team visited 30-32 High Street NW10, the premises named Poziomka. While at the venue breaches were identified and No Personal Licence holder was present.

On December 3rd 2019, I visited the premises again accompanied by Inspector Chan from Brent Council. This was to conduct a compliance check and to ascertain if any of the breaches identified in October had been rectified and to ensure the licence conditions were being adhered too. There was no personal licence holder present and alcohol was on display and on sale. Numerous breaches were also identified. Inspector Chan spoke to the DPS, Monika on the telephone and pointed out the breaches. Mrs KAMINSKA was invited to a meeting at Brent Civic Centre on 11th December 2019.

On 5th December a burglary occurred at the premises recorded as crime 1931***/19.

On 10th January 2020, I visited the premises accompanied by PS Sullivan and Inspector Chan. DPS was present. 10 of the 15 existing conditions were breached. (See Supporting evidence). During this visit the DPS was informed that the Police would submit an application for a review of the premises licence.

Please provide as much information as possible to support the application (please read guidance note 2)

Copy of Premises Licence application from February 2016 – **DJS/1**

Copy of representations submitted by PC Sullivan Brent Police licensing team from 3rd March 2016 – **DJS/2**

In 2018 the following crimes were recorded. The asterisk characters have been used to redact the actual crime ref number known to the Police and available if so required by the subcommittee.

1902***/18 24th January 2018 – Burglary

1902***/18 1st February 2018 – Theft

1912***/18 17th May 2018 – robbery – staff assaulted

1912***/18 18th May same suspect returned and caused criminal damage

1912***/18 18th May late in the evening different suspect stole from store

1915***/18 21st June 2018 theft – issues with securing CCTV – manager away

1918***/18 22nd July 2018 theft

On 29th October 2019 I visited the premises accompanied by Licensing inspector Chan from the council licensing team visited 30-32 High Street NW10, the premises named Poziomka. While at the venue breaches were identified including No Personal Licence holder being present.

**Section 136 Licensing Act 2003 ... conducting licensable activities without authority:
The following conditions attached to annex 2 of the premises Licence were not being adhered to:**

Condition 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.

No one at the store could provide CCTV

Condition 3: The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.

No record exists or is being updated with faults or examinations

Condition 4: A sign stating “No proof of age – No sale” shall be displayed at the point of sale.

There is no signage displayed by the point of sale

Condition 5: A “Challenge 25” policy shall be adopted and adhered to.

There is no evidence that the Challenge 25 policy is in use. There is no signage and staff did not know what was meant by the policy

Condition 6: A refusal book detailing date and time of the refused sale and the name of the person refusing the sale shall be kept and maintained and made available for inspection at the premises.

No such log / record exists and as such is not being maintained

Condition 8: 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.**
There is no safe at the counter area and there is no evidence of any training provided regarding robbery awareness. This would support the amount of crime reports as recorded in 2018.

Condition 11: 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 incidents of disorder
- (d) any faults in the CCTV system
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service.

No log record exists

Condition 12: 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.

There was part B but no summary visible.

Condition 13: A personal licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

No Personal Licence holder was present and alcohol was on display and being sold.

Condition 14: All alcoholic drinks shall be clearly labelled or marked with the name of the premise

The alcohol in the fridge did not have stickers on all of the containers of alcohol for sale bearing the premises name.

Condition 15: All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

No written log could be produced. Staff were selling alcohol without any training and in the absence of the PLH / DPS

On 29th October Licensing Inspector Chan sent a letter to the DPS and licence holders detailing the requirement to adhere to the licence conditions with all 15 listed as a reminder. – **DJS/3**

On 3rd December 2019 I visited the premises accompanied by Inspector Chan. I expected to see improvements and the licence being adhered to. On this visit I noticed no changes had been made and there was no personal licence holder present. **DJS/4**

Section 136 Licensing Act 2003 ... conducting licensable activities without authority:
The following conditions attached to annex 2 of the premises Licence were not being adhered to:

Condition 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.

No one at the store could provide CCTV

Condition 3: The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.

No records exist to monitor the CCTV is functionality.

Condition 4: A sign stating “No proof of age – No sale” shall be displayed at the point of sale.

There is no signage displayed by the point of sale.

Condition 5: A “Challenge 25” policy shall be adopted and adhered to.

There is no evidence that the Challenge 25 policy is in use. There is no signage and staff did not know what was meant by the policy.

Condition 6: A refusal book detailing date and time of the refused sale and the name of the person refusing the sale shall be kept and maintained and made available for inspection at the premises.

No such log / record exists and as such is not being maintained.

Condition 8: 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.**

There is no safe at the counter area and there is no evidence of any training provided regarding robbery awareness. This would support the amount of crime reports as recorded in 2018.

Condition 11: 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 incidents of disorder**
- (d) any faults in the CCTV system**
- (e) any refusal of the sale of alcohol**
- (f) any visit by a relevant authority or emergency service.**

No log record exists.

Condition 12: 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.

There was part B but no summary visible.

Condition 13: A personal licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

No Personal Licence holder was present and alcohol was on display and being sold.

Condition 14: All alcoholic drinks shall be clearly labelled or marked with the name of the premise

The alcohol in the fridge did not have stickers on all of the containers of alcohol for sale bearing the premises name.

Condition 15: All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

No written log could be produced. Staff were selling alcohol without any training and in the absence of the PLH / DPS.

While in the store Inspector Chan was able to speak to the DPS Mrs Monika KAMINSKA and explain that our findings were not satisfactory and not what was expected from a responsible Licence holder and premise supervisor. A meeting to discuss the matter was arranged for 11th December 2019.

On 5th December 2019, a crime was reported to Police. This crime was recorded as a commercial burglary at the premises. A suspect stole cash from the till in the venue. Thank fully no one was injured. The officer in charge of this case has tried to obtain CCTV for this report but to date has been unsuccessful in doing so.

ON 10TH January 2020 around 1050 hours, I attended the premises in the company of PS Sullivan and Inspector Chan from the council licensing team. I held a belief that the warning letters, phone call and face-to-face meetings would lead to the DPS / licence holders acting swiftly to address the breaches that were pointed out in 2019. However, the following issues were identified.

Section 136 Licensing Act 2003 ... conducting licensable activities without authority: The following conditions attached to annex 2 of the premises Licence were not being adhered to:

Condition 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.

No one at the store could provide CCTV

Condition 3: The Licence Holder/DPS/manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.

Again, no records were being maintained or even existed.

Condition 4: A sign stating "No proof of age – No sale" shall be displayed at the point of sale.

There was no signage displayed by the point of sale

Condition 5: A "Challenge 25" policy shall be adopted and adhered to.

There was no evidence that the Challenge 25 policy is in use. There was no signage displayed and staff did not know what was meant by the policy.

Condition 6: A refusal book detailing date and time of the refused sale and the name of the person refusing the sale shall be kept and maintained and made available for inspection at the premises.

Again, there was no evidence of any records existing or being maintained.

Condition 8: 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.**

There was no safe at the counter area and there is no evidence of any training provided regarding robbery awareness.

Condition 11: 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 incidents of disorder

(d) any faults in the CCTV system

(e) any refusal of the sale of alcohol

(f) any visit by a relevant authority or emergency service.

No log record existed.

Condition 12: 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.

There was part B but no summary visible.

Condition 14: All alcoholic drinks shall be clearly labelled or marked with the name of the premise

The alcohol in the fridge did not have stickers on all of the containers of alcohol for sale bearing the premises name.

Condition 15: All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

No written log could be produced. Staff were selling alcohol without any training and while the inspector and police were at the venue one female staff member was unsure if she should or could continue to sell alcohol and sought permission from officers.

This visit had one improvement from the October and December visits. The DPS was present on this occasion and this afforded the officers to speak to the DPS face to face. The DPS, Mrs Monika KAMINSKA eventually managed to print off a summary copy of the premises licence. It was apparent that once officers went through the conditions as they appear on the licence, the DPS seemed tearful and upset at the amount of breaches identified. I informed the DPS that I was going to apply for a review of the premises licence. I informed the DPS that I could see no reason as to why the chances afforded by the Council and Police teams were not acted upon. The DPS did not respond with any reasons as to why no action or improvements had been made.

In all honesty, I expected better from the DPS. The council and Police used a stepped approach to try and encourage/work with the DPS yet no actions were taken. It is through this disregard that I have decided to apply for this review. I am entirely unsatisfied that the

premises is being run the way it currently is. Not one of the licensing objectives appear to be covered by the operational practices of the current DPS and in turn I have no confidence in them.

That said I do not see the conditions being too onerous and would expect the DPS to be able to rectify the current setup in order to be able to continue trading with this licence. I do not have any concerns with the operational hours of this business and based on information provided by the DPS, the venue does require alcohol sales to continue trading. I am of the opinion a suspension of the licence would afford the DPS every opportunity to demonstrate they are capable of putting things right and adhere to the conditions by implementing the changes required.

Of course the decision rests with the Sub Committee Panel. The Police are a responsible authority and feel they have been left with no choice but to bring their concerns to the attention of the Licensing Committee.

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

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

N/A

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Please return the completed form and any accompanying documents to the following address with a copy to the premises licence holder / Club that the application relates to:-

Safer Streets (Licensing)
Brent Council
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

☎ 020 8937 5359

Email: environmentandprotection@brent.gov.uk

Cheques should be crossed and made payable to London Borough of Brent.

Please follow the instructions in the checklist on page 14 to submit the relevant copies to the responsible authorities. Contact details shown below:

Chief Officer of Police
Brent Licensing Department
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8733 3206

North West Area 1
London Fire Brigade
169 Union Street
London
SE1 0LL

Tel: 020 8555 1200 x38778

Trading Standards
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5555

Environmental Health
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5252

Children's Services
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Licensing Authority
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ
Tel: 020 8937 5359

Area Planning Service
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5210

Public Safety Team
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5359

DAAT
Public Health Directorate
Wembley Centre for Health
and Care
116 Chaplin Road
Wembley
HA0 4UZ

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature PS Damien Smith 253NW

Date 16th January 2020

Capacity on behalf of the Chief Officer of the Metropolitan Police.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Data Protection: The London Borough of Brent will use this information for the purposes of The Licensing Act 2003 and related purposes. Any member of the public may examine the application form on request. In addition, this information may be disclosed to the Police, The London Fire and Emergency Planning Authority, relevant ward Councillors and other Council departments.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with law enforcement agencies and other bodies responsible for auditing or administering public funds for these purposes