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Date: 19/03/2020

Your ref: 18676

Our ref: 01QK/122/2158NW/20

Police representation to the application for a new Premises Licence for D&M Food and Wine, 3-4 Kilburn Bridge, Kilburn High Road, NW6 6HT

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 can't be mitigated by simply requesting stringent conditions on the proposed licence. I request the application for a new premises licence be refused, for the reasons stated below.

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 premises licence under section 17 of the act.

The Police representations are primarily concerned with crime & disorder and public nuisance.

Officer: Ally Darwood
Licensing Officer 2158NW

Dear Sir/Madam,

On 3rd March 2020, an application was received from Mr Riteshkumar Patel for a Premises Licence under Section 17 of the Licensing Act 2003.

The application can be summarised as follows:-

D&M Food and Wine has applied to be a shop selling food and alcohol. Mr Patel has applied for a licence to sell alcohol (Off Premises) from 0000 hours until 0000 hours daily (24 hours a day) for all 7 days with the store to be open to the public during the same hours: 0000 hours – 0000 hours (24 hours a day) for all 7 days.

The application states that there will be a challenge “21/25” Policy. The application states that there will be CCTV and all staff will be trained in alcohol retail sales and an incident log kept.

Street Drinking is a serious and well documented problem in many areas of the borough of Brent. So much so that there have been a number of official measures put in place to restrict the supply and consumption of alcohol:

A Public Space Protection Order (PSPO) is in place for the Borough of Brent, which provides limited powers to the Police and Local authority to tackle a particular problem or nuisance that is detrimental to the local communities’ quality of life.

- Brent have implemented a PSPO to address anti-social behaviour in all their parks.
- Brent have introduced a borough wide PSPO to assist in dealing with street drinkers.
- Kilburn Bridge & Kilburn High Road is currently subject to a Cumulative Impact Zone (CIZ) relating to ‘Off Licences’.

The premises that this application refers to is situated on Kilburn High Road in the Kilburn ward. It is a terraced property with a number of other licensed venues in close proximity that can already sell alcohol and / or late night refreshments. It is directly opposite to Kilburn High Road Station, which has been subject to ASB and people caught drinking in and around.

It is known that Street drinkers adversely affect residents and businesses in this area. Local residents have complained about litter, drunk people urinating in the surrounding streets and behind the shops. Litter has been found in numerous places, gardens, parks and street corners, including broken glass beer/cider bottles.

The local Safer neighbourhood team (SNT) have been patrolling the ward and exploring legislation under the ASB act to issue Community protection warnings to people intent on causing ASB. If these warnings are ignored it will progress to a notice that if breached could result in arrest or fine. There are limitations to this legislations use and currently the SNT are exploring issuing warnings to the individuals on the street. With regards to addressing issues with licensed premises, the MPS have worked with the Local authority to provide regular updates of what happens in the area.

This has contributed to the implementation of a Cumulative Impact Zone (CIZ) in troubled areas, such as Kilburn ward. The use of anti-social legislation, such as CPW’s and CPN’s is time consuming for officers and cannot be solely relied upon to stop ASB, crime and disorder. It also impacts upon officer’s time, leaving them dealing with paperwork when they could be out in the area proactively patrolling their ward as a visible deterrent.

From a Police perspective, it is believed that any additional alcohol retailer within Kilburn Ward CIZ will add to the supply of alcohol to street drinkers and directly contribute towards the existing problem. The police see a reduction in the supply of

alcohol should be explored at every opportunity especially where it is thought the addition of a new premises would clearly exacerbate the problem(s) being experienced already.

The incidents listed below are taken from Police.uk. Using the crime map tool, I have highlighted an approximate 100m radius around the Premises (Less than one minute walk). The data below shows an overview of the crime in this area between February 2019 and January 2020.

Anti-Social Behaviour – 51 – 13.32%
Bicycle Theft – 5 – 1.31%
Burglary – 26 – 6.79%
Criminal damage and arson – 14 – 3.66%
Drugs – 9 – 2.35%
Other crime – 4 – 1.04%
Other theft – 57 – 14.88%
Possession of Weapons – 1 – 0.26%
Public Order – 31 – 8.09%
Robbery – 20 – 5.22%
Shoplifting – 36 – 9.40%
Theft from Person – 38 – 9.92%
Vehicle crime – 20 – 5.22%
Violence and Sexual Offences – 71 – 18.54%

As a snapshot I can confirm that each of the incidents listed below have been recorded as use of the 999 network and I have redacted characters from crime numbers that are available if so required by the committee. This is not an exhaustive list, but relevant to demonstrate that licensed premises are linked / associated with calls based on alcohol and the attraction to those intent on gambling or eating late night refreshments in the area;

19/01/2020 – 0218 – Criminal Damage / Bookmakers – 23018**/20
09/01/2020 – 0039 – Assault Crime – 19006**/20
08/09/2019 – 0211 – Alcohol / ASB
07/09/2019 – 0804 - Alcohol / ASB
03/09/2019 – 2120 - Alcohol / ASB
12/08/2019 – 2126 – ASB Nuisance
06/07/2019 – 0958 – Alcohol / Nuisance
11/06/2019 – 1150 - Alcohol / ASB
22/05/2019 – 1830 – Alcohol / Assault
22/03/2019 – 0656 - ASB Nuisance
06/06/2019 – 1656 – Alcohol / Suspicious Circumstances
13/01/2019 – 1125 - ASB Nuisance

***Each of the above entries is within 3-5 minutes' walk from 3-4 Kilburn Bridge, Kilburn High Road, NW6 6HT**

On Thursday the 19th March 2020 at 1100hrs, I contacted the applicant by telephone and asked if he was happy to answer a few questions about the application, to which he replied yes. I asked the following, and recorded his replies;

PC DARWOOD: Do you know what a CIZ is?
Mr PATEL: No I don't know.

PC DARWOOD: It's a Cumulative impact zone, do you know what that is?

Mr PATEL: No, but my solicitor should know

PC DARWOOD: Are you in regular contact with your solicitor?

Mr PATEL: Yes

PC DARWOOD: Who will work at the store?

Mr PATEL: Me and my wife.

PC DARWOOD: Are you a PLH?

Mr PATEL: Yes, we both are.

PC DARWOOD: How long have you been a PLH?

Mr PATEL: 5 Months

PC DARWOOD: Can you tell me the 4 licensing objectives?

Mr PATEL: Challenge 25?

PC DARWOOD: That relates to one of them but which one, what is the actual licencing objective that Challenge 25 applies to?

Mr PATEL: I can't remember.

PC DARWOOD: There are four of them, this knowledge is important for any PLH to know. Can you tell me any of them?

Mr PATEL: I don't know

PC DARWOOD: What opening hours are on your application?

Mr PATEL: 24 hours

PC DARWOOD: If these weren't granted what would you do?

Mr PATEL: I would ask for the previous licence hours. 0600-0200.

PC DARWOOD: What would you be selling?

Mr PATEL: Alcohol

PC DARWOOD: If you were unable to sell alcohol what would you sell, groceries, etc?

Mr PATEL: Sell the shop. I cannot afford the rent without alcohol sale.

PC DARWOOD: Your application says you live in Wembley, is this still the case?

Mr PATEL: Yes

PC DARWOOD: What do you know of Kilburn?

Mr PATEL: I know Kilburn very well

PC DARWOOD: Are you aware of the other stores that sell alcohol?

Mr PATEL: Yes

PC DARWOOD: What else can you tell me about Kilburn? Do you know the crime rates in the area?

Mr PATEL: Yes. Kilburn crime rate is high because of alcohol.

PC DARWOOD: Do you know of any schools in the area?

Mr PATEL: None of my shops are open near schools.

PC DARWOOD: Do you have any questions for me?

Mr PATEL: No, none.

I have strong concerns with the applicant's business plan for this premises. His sole purpose is to sell alcohol and by his own admission if this application were not granted he would sell the shop. He has stated that he is aware of the crime in the Kilburn area and knows that it is driven by alcohol. He has stated he is aware of the amount of licensed premises in existence already. He has also stated that there are no schools near any of his shops. A search on the internet shows several near the premises. Despite these admissions, Mr Patel did not have any knowledge of the four licencing objectives and has not given any indication as to how he will protect the public in any capacity other than the challenge 25 policy. It's inadvisable to open another store that's main purpose is to sell alcohol for 24 hours a day 7 days a week when the applicant appears to have little idea as to his responsibilities in relation to the licensing objectives. This, in an area subject to a CIZ, which is saturated with a number of similar competitors, and a community which is already suffering from an abundance of alcohol related ASB and crime.

This application, if granted, will directly contribute to the ongoing problems that the CIZ is in place to prevent.

Aside from my concerns, Kilburn Bridge and Kilburn High Road cannot cope with another off-licence. The area is already saturated with similar venues. There are 8 similar premises within a 300m radius. The temptation to provide lower cost alcohol in an attempt to undercut competition will be high. Police have seen an increase in similar types of premises obtaining alcohol from illicit sources (alcohol sourced from overseas but having not paid the duty, or handling stolen goods). This also damages the economy via criminal enterprise.

Even with the strictest of conditions attached ANY additional supplier of alcohol with the Cumulative impact zone will be a contributor to crime and disorder and anti-social behaviour.

I request that this application for a Premises licence at 3-4 Kilburn Bridge, Kilburn High Road, NW6 6HT – D&M Food and Wine be refused.

I do not believe there are any conditions that could be attached to the licence to negate the risk of the objectives being undermined. I accept the decision does not rest with me but with the committee. With that in mind, if the licence was granted I would ask for Licensable Activities and Opening Hours to be restricted from 24hrs and I would ask for the following conditions:

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 immediately upon request. A member of staff fully conversant with the use and operation of the CCTV system and how to provide footage to police or local authority requests shall be present throughout the permitted hours for sale of alcohol.

2. A CCTV camera shall be installed to cover the entrance of the premises and capture clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises. Suitable signage re the use of CCTV must be displayed.

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

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

5. An incident/refusal book 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 details (including day, date, time, summary of incident)

of any of the following:

all crimes reported to the venue

all ejections of patrons

any complaints received

any faults in the CCTV system

any refusal of the sale of alcohol including 'Off Deliveries/sales of alcohol'

any visit by a relevant authority or emergency service.

6. 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.

7. Any staff directly involved in selling alcohol for retail to consumers, staff who provide training and all managers will undergo regular training of Licensing Act 2003 legislation. This will 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.

8. "Robbery awareness" crime prevention measures shall be installed and all staff given suitable training.

9. A safe shall be installed by the till area with a deposit slot and delay mechanism and anti-fishing mechanism to assist staff.

10. Promotions that encourage irresponsible drinking shall not be permitted.

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

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

13. No high strength beers, lagers, and ciders above 5.5% ABV shall be stocked with the exception of premium beers.

14. 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

15. A minimum of two members of staff shall be present throughout the permitted hours for the sale of alcohol.

16. No single cans of beer, lager or cider shall be sold

17. No miniatures to be sold – (5cl or 50ml)

18. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by customers or staff.

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

20. A notice asking Customers to leave quietly from the premises shall be displayed by the exit/entrance.

21. Invoices are to be produced to Police, or a member of an appropriate authority, upon request to evidence payment of duty on goods.

Yours sincerely

Ally Darwood 2158NW

Brent Licensing Police Team