

From: [Bean, John](#)
To: [Jill Holyoake](#)
Cc: [Lee, Nick](#); [Tania Jardim](#)
Subject: RE: MS Teams invite for Licensing Sub Committee, 22 January at 10.00am
Date: 15 January 2024 11:08:38
Attachments: [1535250419 Review application Signed.pdf](#)
[1040250619 BRENT DECISION HAMILTONS.pdf](#)

Hi Jill,

Further to your message below, Tania Jardim has a copy of the e-mail which provides details of the representation made by the Police in December.

As you will see from that e-mail, reference is made to a previous hearing in 2019 held at Brent Civic Centre.

As investigations into this remain unresolved and form one part of the police representation (the other being the fact that no response had been forthcoming from the applicant regarding agreed hours and conditions), I believe that the Committee should be party to the documents as these will be discussed at the hearing.

Below is the link to the press article highlighting the matter following the hearing.

[Queensbury newsagent has licence reduced to combat street drinking | Harrow Times](#)

Regards

John Bean
Licensing Officer
Dorset



Brent

**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 Constable Nicola McDonald 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 –

Hamilton's
45-46 Queensbury Station Parade

Post town
Edgware

Post code
HA8 5NN

Name of premises licence holder or club holding club premises certificate –

Mr Dip Bharktkumar Sukhadiya

Number of premises licence or club premises certificate -

471509

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)

X

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

Please tick ✓ yes

I am 18 years old or over

☐

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

Nicola McDonald PC2157NW NWCU Police Licensing Unit South Harrow Police Station 74 Northolt Road South Harrow HA2 0DN
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

X
x
X
X

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

Hamilton's 45-46 Queensbury Station Parade currently has a Premise Licence to sell alcohol from 0500 hours to 2300 hours daily, the premises are open to the public between the same hours.

Mr Dip Bharkat Kumar Sukhadiya is the premises licence holder. He transferred the premises licence in to his name on 5th April 2019 after months of him misleading responsible authorities, it was discovered the previous premises licence holder had relinquished the business. Mr Dip Bharkat Kumar Sukhadiya applied to become the designated premises supervisor on the same date.

Alcohol is authorised to be supplied for consumption OFF the premises and should not be sold in open containers.

The shop is located in an area troubled with street drinking and anti-social behaviour fuelled by alcohol consumption. The area attracts Eastern European males in vast numbers. They gather daily on the streets looking for labouring work, if they are unsuccessful, they remain in the area socialising and drinking alcohol. The location promotes a park like feel with green space and benches supporting their activities. Since May 2018, there has been two men murdered in public in Queensbury Station Parade.

Mr Dip Bharkat Kumar Sukhadiya is aware of the challenging issues and the reason why there are 13 rigorous conditions attached to Annex 2 of the premises licence. Those conditions are:

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.
2. A CCTV camera shall be installed to cover the entrance of the premises
3. A sign stating "No proof of age - No sale" shall be displayed at the point of sale.
4. A "Challenge 21" policy shall be adopted and adhered to.
5. A refusal book shall be kept and maintained.
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. "Raid Control" crime prevention measures shall be installed and all staff given suitable training.
8. Promotions that encourage irresponsible drinking shall not be permitted.
9. The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority.
10. A clear and unobstructed view into the premises shall be maintained at all times.
11. A suitable intruder alarm complete with panic button shall be fitted and maintained.
12. A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.
13. No high strength beers, lagers, and ciders above 5.5% ABV shall be stocked with the exception of premium beers.

For a matter of months Mr Dip Bharkat Kumar Sukhadiya lied to Police and other responsible Officers passing the responsibilities of the shop on to Mrs Patel the previous owner. Mr Dip Bharkat Kumar Sukhadiya had been conducting the role of the designated premises supervisor in Mr Patel's absence and was negotiating a purchase price for the business. Valuable time was wasted by Officers attempting to contact Mrs Patel and CCTV evidence lost. In a brief

period, it has become apparent that Mr Dip Bharatkumar Sukhadiya does not accept the seriousness of his actions and impact on the community of operating a shop where profit is put before legislation. When Mr Dip Bharatkumar Sukhadiya is not in the shop he fails to employ a suitable personal licence holder as per condition 12 he stocks and sells high strength beers above 5.5% ABV breaching condition 13, he fails to maintain a refusal book and an incident book, conditions 5 and 9. The front windows and door to the shop are completely obscured, this condition is importance for both safety of staff and to proactively monitor street drinkers and therefore identify and refuse sales.

Since January 2019 Mr Dip Bharatkumar Sukhadiya has been instructed on five separate occasions by Police how to operate the shop within the legislation and uphold the licensing objectives, but this advice has been rebuffed. Police therefore had no choice than to bring this premise to the attention of the Licensing committee.

Police request the premises licence be revoked. This may appear severe, however proportionate and valuable weighed against the evidence and licence holders fragrant disregard to licensing legislation. The consequence of his irresponsible supply of alcohol and cigarettes is having a negative impact on the local community, attracting alcohol fuelled crime and disorder, resulting in unsavoury surroundings residents and for small children and parents to come and go from their care facilities. The supply and storage of illicit tobacco products not only is illegal, having a much larger impact on society, but also effects the safety of the public. Illicit toys without the correct safety guidelines is also illegal and dangerous to children. Both these actions demonstrate the owners neglect to uphold the licensing objectives.

Police have been open and transparent in their approach to enforcement action since a meeting with all licence holders in at the beginning of 2019 but this has not produced improvement with Hamilton's, it has highlighted their inability to be responsible and promote the licensing objectives.

I do not see how a reduction in hours would improve the operation unless it was a drastic reduction removing sales of alcohol early morning and when children and workers are the main footfall of the area.

This would have to be accompanied by a robust operational plan from the premises licence holder involving:

A member of staff always in the shop able to operate the CCTV system

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

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 Local Authority on request.

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

No miniature bottles of wine or spirits in units less than 35cl shall be stocked or sold at the premise unless packaged as part of a seasonal gift set.

No single cans or bottles of alcohol shall be sold

All alcohol be price labelled with the name of Hamilton's

All wholesale receipts of age restricted products must be retained and made available to responsible authorities if required.

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.*

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.

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.

In order to implement changes a maximum suspension of the licence would have to be set.

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.

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

June 2016

Local residents made complaints to Police about the amount of street drinkers making Queensbury Station Parade a 'no go' area for families and children. This was referred to the Local Joint Action Group. **See NM1**

This led to partnership action in the following months. This has been a continuous demand to Safer Neighbourhood Officers, with spiked periods in Spring and Summer and a slight dip in Winter.

19th November 2018

Safer neighbourhood team hand delivered a letter to shop keepers with regard to ASB and street drinkers. **See NM2**

21st December 2018

From 1600 – 1700hrs observation patrols conducted by Queensbury Safer Neighbourhood team and I, around Queensbury Station Parade. The weather was cold and it was dark however, there were still two groups of white males standing drinking alcohol from cans, some still in black or blue flimsy plastic bags in order to disguise the fact it was alcohol. One group was next to the underground station, the other was outside the children nursery at number 37, only seven shops away from Hamilton's.

11th January 2019

Licensing inspection conducted at the shop by Police and Licensing authority enforcement officer. The premises was open to the public and alcohol was on display and being sold. Neither the designated premises supervisor, Mr Nainesh Patel, nor the premises licence holder, Mrs Jalpaben Patel were at the shop. There was one member of staff in the shop, he gave his name as Mr Dip Bharatkumar Sukhadiya, he said he was a personal licence holder, however he could not produce it to inspect. He informed me that he was the shop manager; both Mr and Mrs Patel were still the owners. He told me that Mr and Mrs Patel lived near Gatwick and they had another shop near their home. The following offences were being committed:

Section 57(4) and 57(7) Licensing Act 2003 ... there was no certified copy or a summary of the premises licence prominently displayed and the full premises licence (Part A) could not be produced for inspection.

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 Licensing Officers if requested.
CCTV was only recording for one week.

Condition 5: A refusal book shall be kept and maintained.
A refusal book could not be produced for inspection; staff do not complete a refusal book.

Condition 7 'Raid Control' crime prevention measures shall be installed and all staff given suitable training.
Dip Bharat Kumar Sukhadiya, could not answer my question of robbery awareness there was no time delay safe with anti-fishing mechanism beneath

Condition 9: The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority.
An incident book could not be produced for inspection; staff do not update an incident book.

Condition 10: A clear and unobstructed view into the premises shall be maintained at all times.
The majority of both windows and the entrance door were obscured with posters and

advertisements.

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

There were bottles of DESPERADOS (5.9%) on display for sale, this is not a premium beer.

17th January 2019

Meeting at Brent civic centre organised by Police with the premises licence holders of the five off licenses in Queensbury Station Parade to discuss alcohol fuelled ASB in the area and its impact on local community. Mr Dip Bharatkumar Sukhadiya was at the meeting, representing Mr and Mrs Patel. Police were transparent telling the licensee that Police and partners were observing the area and enforcement action planned. License holders to check their authorities and act robustly to uphold the licensing objectives.

25th January 2019

Warning letter to Mr and Mrs Patel (posted to home address and the shops address) regarding the above visit to the shop. **See NM3**

19th February 2019

Brent Trading Standards enforcement officers conducted a test purchase operation around Queensbury Station Parade. Inside Hamilton's, their suspicions were raised because members of the public were asking to buy cigarettes in packs of 10 and other transactions at the cash register involving cigarettes. During the Officers time at the shop there were numerous males on the pavement and on the green outside the shop drinking alcohol and were seen urinating in public. **See statement NM4**

22nd February 2019

Trading Standards Officers returned to Hamilton's and discovered that they were selling illicit tobacco products from 'under the counter' these included Romanian cigarettes and ethnic smokeless tobacco products. Further illicit tobacco products were found in the rear storeroom. Officers also seized a small quantity of unsafe toys that were behind the counter. There was one member of staff in the shop at the time; he gave his name as [REDACTED]. He told enforcement Officers that the owner of the shop was Mr and Mrs Patel.

On 14th March Trading Standards Enforcement Officers formally wrote to Mr and Mrs Patel.

On 20th March 2019 it was established by Trading standards officers, that Mr Dip Bharatkumar Sukhadiya was actually the owner of Hamilton's and there was no current designated premises supervisor in accordance with the Mandatory condition of the premises licence.

This is a live investigation.

26th February 2019

From 1645 -1745hrs I was on duty in plain clothes and carried out observations at Queensbury Station Parade. During that time I witnessed eastern European males (numbers varying from 5 to 10) drinking alcohol from cans concealed in black or blue thin small, plastic carrier bags. There is 2 benches and six males were socialising, consuming alcohol around them. There was also a boy aged about 10yrs wearing a black padded anorak talking to the males and smoking, he was playing chase with a disabled white adult male. I watched a male standing leaning against the bench; he pulled a can from the blue bag and began drinking from it. He wrapped the bag around the can. There was nothing else in the bag. He remained there for some time, then with one of the other white males with short black hair and dark bomber jacket he walked towards the bus stop near Hamilton's and sat on a cycle rack. I approached the males and could clearly see that the male was drinking from a can of Timisoreana. At this time of evening the footpath outside Hamilton's was busy with workers getting off and on buses at the stop directly outside the shop. After a short time the male with the dark bomber jacket went in to Hamilton's, I positioned myself close to the entrance door that was in a permanent open position. I could see the male walk to the left of the shop where there was a refrigerator; he then approached the serving counter (to the right of the entrance). The male then walked out of the shop carrying a black small plastic bag, he immediately pulled a red and white can of Tyskie beer half way out of the bag, he opened the ring pull and began drinking from the can. The male returned to, and perched on the cycle

back drinking the beer. I watched two older males wearing flat caps walk from the bench area on the green, they considerately placed their empty beer cans (partially wrapped in black bags) in the public bin after finishing drinking the contents. The males then entered Labrokes. See NM5 and NM6.

15th March 2019

Complaints received by community safety officers at Brent Council from local resident and parent. See NM7

2nd April 2019

On Tuesday 2nd April 2019 at 1239hrs PS Smith 253NW accompanied by PC Cowley 2568NW visited Hamilton's. Both Officers were in plain clothes and identified themselves with warrant cards. There was two members of staff, one gave his name as Mr Dip SUKHADIYA, he claimed to have a personal licence but was unable to produce it. The other was [REDACTED] he is not the owner of a personal licence. The following offences were being committed:

Section 57(4) and 57(7) Licensing Act 2003 ... there was no certified copy or a summary of the premises licence prominently displayed and the full premises licence (Part A) could not be produced for inspection.

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 5: A refusal book shall be kept and maintained.

A refusal book could not be produced for inspection; despite searching the entire shop. Staff do not complete a refusal book.

Condition 7 'Raid Control' crime prevention measures shall be installed and all staff given suitable training.

Dip Bharat Kumar Sukhadiya, could not answer questions of robbery awareness there was a time delay safe with anti-fishing mechanism beneath the counter but it was not in operation.

Condition 9: The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority.

An incident book could not be produced for inspection; despite searching the entire shop. Staff do not update an incident book.

Condition 10: A clear and unobstructed view into the premises shall be maintained at all times.

The majority of both windows and the entrance door were obscured with posters and advertisements.

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

There were bottles of Dragon Stout (7.5%) and Guinness Foreign Nigerian Export (7.5%) on display for sale at £1.50 these are not premium beers. Dragon Stout was advertised as Red Stripes 'Big brother- bigger and stronger'.

Breaches of the premises license conditions were pointed out.

Officer advised Mr SUKHADIYA that he should stop selling alcohol and remove alcohol from display based on the information that Mr & Mrs Patel were no longer concerned with the premises and that there was no current DPS attached to the premises licence as per the mandatory condition. He was advised the Licensing Authority would be informed and that should the sale of alcohol continue it would be contrary to section 136 Licensing Act that could result with a monetary fine or imprisonment if prosecuted. Mr SUKHADIYA initially claimed he was going to run the premises for Mr & Mrs Patel but then his wife came into the store and he indicated he and his wife would like to purchase the store

from Mr & Mrs Patel and take over the running of the premises for their own venture. He informed Police he would make contact with Mr Patel and seek an application for Vary DPS and Premises licence transfer. **See NM8**

5th April 2019

Licensing authority received an application to transfer the premises licence from Mr Dip Bharatkumar Sukhadiya.

Licensing Authority received an application from Mr Dip Bharatkumar Sukhadiya to vary the premises licence to name himself as the designated premises supervisor.

14th April 2019

On Tuesday 14th April 2019 at 1100 hrs PS Damien Smith 253NW and PC Nic Fanovich 2392NW. They were in the area after posting correspondence to another licensed venue in close proximity. Once inside the store it was apparent there was no personal licence holder present yet alcohol was still on display and readily available to be sold.

One male identified as [REDACTED] recognised PS SMITH and asked 'should I stop selling alcohol now?'

[REDACTED] was present during the previous visit and was fully aware of the premises licence conditions.

The following offences were being committed:

Section 57(4) Licensing Act 2003 ... the full premises licence (Part A) could not be produced for inspection.

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 5: A refusal book shall be kept and maintained.
A refusal book could not be produced for inspection.

Condition 7 'Raid Control' crime prevention measures shall be installed and all staff given suitable training.

Condition 9: The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority.

An incident book could not be produced for inspection; despite searching the entire shop. Staff do not update an incident book.

Condition 10: A clear and unobstructed view into the premises shall be maintained at all times.

The majority of both windows and the entrance door were obscured with posters and advertisements.

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

There were bottles of Dragon Stout (7.5%) and Guinness Foreign Nigerian Export (7.5%) on display for sale at £1.80 these are not premium beers. Dragon Stout was advertised as Red Stripes 'Big brother- bigger and stronger'.

12. A personal licence holder fluent in English 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 present.

The other male working in the shop gave his name as [REDACTED]
he had limit understanding of English.

While police were present [REDACTED] phoned Mr Dip Bharatkumar Sukhadiya and told him of the visit and requirement to stop selling alcohol.

1870-1871
1872-1873

1874-1875

1876-1877
1878-1879

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

☐

If yes please state the date of that application

Day	Month	Year
28	03	2009

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

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



PC 2157 NW

Date

25-4-2019

Capacity

POLICE OFFICER

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

London Borough of Brent

Decision of the Alcohol and Entertainment Licensing Sub-Committee following a hearing on 18 June 2019 at Brent Civic Centre, Engineers Way, Wembley HA9 0FJ

NOTICE OF DECISION

PREMISES

Hamiltons
45-46 Queensbury Station Parade
HA8 5NN

1. Members of the Sub-Committee

Councillors Ahmed (Chair), Long, Maurice

2. The Application

Application for a Review of the premises licence by the Metropolitan Police.

3. Representation

Police: PS Damian Smith
Licensing: Susana Figueiredo
Dip Sukhadiya, Licence Holder
Mr Panchal, Agent for the Licence Holder

4. The Hearing

PS Smith set out the grounds of the review. It was explained that the licence operated from 05:00 to 23:00. The police view was that the current licence holder and DPS had been misleading the police. This was of concern because the area was notorious for street drinking and anti-social behaviour. It was submitted by the police that street drinkers were purchasing alcohol from the premises. Further, it was submitted that the licence holder had been misleading the police by passing off responsibility for the premises onto the previous owner. The following licence conditions, it was submitted, had been breached: 12 (failure to have a personal licence holder on site); 13 (stocking high strength larger/beers); 5 and 9 (failure to maintain a refusal and incident book). The front of the shop was also completely obscured. In addition, over the last year Police and the Licensing Authority had made a number of visits to the premises. On each occasion the Licence Holder could not provide a copy of his personal licence and frequently staff could not

speak sufficient English. On one occasion Police observed a young underage male playing with the street drinkers. On the 2 April 2019 Police became aware that the premises were operating without a DPS in place.

The police requested that the licence be revoked. Whilst it was accepted that this was a serious step, it was submitted that this was a proportionate step. The police did not have confidence that a reduction in hours or suspension would solve the issues. The police set out that they had tried to work with the premises since November 2018 but there had been no improvement. There had been warnings given to the licence holder, to no avail. The premises were adding to the street drinking problem. There were persistent breaches of the licence.

Susana Figueiredo explained that the Licensing Authority supported the police position. On the 24.05.2018 the Authority had received complaints from the ASB team. After the Review had been brought, Licensing Officers visited the premises on the 23 May 2019. The licence holder was present. Conditions 6; 7; 9 and 10 were either not met, or not fully met. Whilst there had been a little improvement (for example there were no high strength beers on sale), this was very limited and the Authority still had major concerns. Ms Figueiredo set out that, in her view, the premises were not properly managed.

It was confirmed, under questioning, that there was no evidence of underage sales. Further, that it confirmed that there were 6 licensing premises in the area. The police emphasised that every time they visited the premises whilst the licence holder was polite, he did not seem to have an understanding of how to run his business.

The Licence Holder, via his agent, explained that the licence holder has held a personal licence since 2014. It was submitted that the Agent had now been engaged to resolve all of the problems at the premises. Conditions were suggested in connection with where alcohol could be purchased from – i.e. authorised retailers. A change in DPS was offered. The concerns of the police and licensing authority were accepted by the licence holder – however it was submitted that with the new conditions and a new DPS the licensing objectives could be upheld. The sub-committee were asked not to revoke the licence.

Under questioning it was confirmed that the agent had been engaged upon the Review being brought. Further, that all Staff at the premises had permission to work in the UK. The Licence Holder explained that most of his alcohol sales took place in the evening, from 7pm onwards. Around 30-40% of all sales was alcohol. The Licence Holder, confirmed that he had not had any training since 2014. He could name the licence objectives. All three members of staff could speak English. There were two shifts of two members of staff each day. Miniatures were sold. The Licence Holder was asked why he was only

taking corrective measures now, as opposed to when he took over the premises. He stated that he had acted quickly when he realised that there was a problem.

Under police questioning, the licence holder accepted that from the 25 January 2019 he owned the premises. Further, from August 2018 he had worked at the store. At present the premises licence holder was the only personal licence holders at the premises.

The Licence Holder explained that, conditions had been breached because he had not been present. The police queried how the licence holder would comply with the new conditions, when the current conditions were not being adhered to. The Licence Holder accepted that conditions had not been met, but that he was making amends. The Licensing Authority submitted that each and every time a Responsible Authority intervened, small changes were made at the premises, but no overall improvement took place.

In summing up, the Police stated that they had no confidence in the management of this premises. It was emphasised that, on each and every visit, there were breaches. Revocation was sought. The Licensing Authority supported the police position. It was submitted that the Licence Holder had not been honest. This had led to a waste of time and resources. The Licence Holder submitted that there was a way forward. It was suggested that the licence holder was not running away from his responsibilities.

5. Determination of the Application

The sub-committee determined the application in accordance the provisions of the Licensing Act 2003. Further the sub-committee considered the matter with a view to promoting the licensing objectives, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

In making its decision the sub-committee also had regard to the Guidance issued under Section 182 of the Licensing Act 2003 and Brent's licensing policy. In addition, the sub-committee took account of its obligations under section 17 of the Crime and Disorder Act 1998.

The sub-committee were mindful of the need to reach a decision that was necessary, proportionate, and justified on the evidence before them.

6. Decision

The sub-committee have listened carefully to the submissions made by all parties.

On the evidence we have heard, we are satisfied that these premises are poorly run. The Licence Holder has a long history with the premises, either as an employee or as the licence holder. It is clear that there has been a number of serious breaches of the licence conditions. The Police were justified in bringing this Review. This is an area that is beset with street drinking and anti-social behaviour. We are further concerned about the Licence Holder's interactions with the Responsible Authorities.

Having considered all of the evidence, of note the steps recently taken by the Applicant, including the engagement of an Agent, we are satisfied that, with conditions and a period of suspension, the licensing objectives will be upheld.

We note that the Applicant intends to apply to change the DPS. We consider that this premises requires new management and we hope that a change in DPS will achieve this.

The following conditions will be imposed:

- 1. All alcohol sold will be clearly labelled with the premises name.*
- 2. No miniatures shall be sold.*
- 3. At times outside those permitted for the sale of alcohol, all alcoholic products must be behind shutters.*

The hours for the sale of alcohol will be reduced to between 09:00 – 21:00. We note that the Applicant stated that the premises closes at 21:00.

Further the premises licence will be suspended for a period of 3 months. This is to enable the new conditions and the application for a change in DPS, as indicated by the Applicant, to take place.

7. Right of Appeal

The parties have a right of appeal to Brent Magistrates' court against this decision

If you wish to appeal you must notify Brent Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

Dated: 21 June 2019

Queensbury newsagent has licence reduced to combat street drinking

24th June 2019



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A newsagent has had its licence hours reduced due to street drinking and anti-social behaviour nearby.

Hamiltons, in Queensbury Station Parade, had its alcohol licence reviewed by Brent Council after concerns it was failing to uphold the licensing objectives.

The licensing committee agreed there needed to be some variation to the shop's licence to help combat alcohol-fuelled anti-social behaviour in the area.

It means it can now only serve alcohol between 9am and 9pm – the hours were previously 6am to 11pm. Bottles must be covered by shutters outside of these hours.

The shop can also no longer sell miniatures, and it must “clearly label” all alcohol sold with the premises name.

Licensing officers from the council and the police expressed concerns about the ability of the licence holder, Dip Sukhadiya, to effectively manage the shop.

Damien Smith, from Metropolitan Police, said he had shown a “flagrant disregard for the licensing objectives” and there were “consistent breaches”.

He added Hamiltons has failed to take on board the police's concerns about facilitating street drinking near Queensbury Station.

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The officers compared themselves to “consultants” and said Mr Sukhadiya was “waiting for someone to tell him what to do and how to do it”.

Mr Sukhadiya explained there have been changes since the licensing visits, including new refusal and incident books, a clearer shop window front and a logbook of staff training.

His legal representative said additional conditions would enable “a way forward”. He said the licence holder is not “running away from his problems” but “listening to what officers are saying”.

The licensing committee agreed there was not enough evidence to completely revoke the licence and decided a reduction in hours and stronger conditions was the best course of action.

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