

Appendix 1

PROTECTIVE MARKING



**METROPOLITAN
POLICE**

TOTAL POLICING

Form 691

Application for the 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 **PC BERESFORD 1330NW**

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 club premises, or if none, ordnance survey map reference or description:

A DAY FRESH, 50 SOUTH PARADE, MOLLSON WAY

Post town:

EDGWARE

Post code:
(if known)

HA8 5QL

Name of premises licence holder or club holding club premises certificate (if known):

MRS MATHIVATHANI KENKARAJAH

Number of premises licence or club premises certificate (if known):

0810-XR4Y-DKGW-NR8G

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) | <input type="checkbox"/> |
| 2 | a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 | a member of the club to which this application relates (please complete section (A) below) | <input type="checkbox"/> |

PROTECTIVE MARKING

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

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>
Surname:						First Names:			
I am 18 years old or over				<input type="checkbox"/>					
Current postal address if different from premises address:									
Post town:					Post code:				
Daytime Tel. No.:					Email: (optional)				

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)

Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)

Name and Address:	
PC BERESFORD - Harrow Police station – Licensing Team	
Telephone Number (if any):	
Email address: (optional)	

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

		Please tick one or more boxes
1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input checked="" type="checkbox"/>
3	The prevention of public nuisance	<input checked="" type="checkbox"/>
4	The protection of children from harm	<input checked="" type="checkbox"/>

Please state the ground(s) for review: (please read guidance note 2)

During several visits to the premises, it has been found that the premises licence holder has not been promoting the licensing objectives to the required standard.

During visits by police and other responsible authorities, the following issues have been found: continuously failing to uphold there conditions of there licence.

PROTECTIVE MARKING

Please provide as much information as possible to support the application: (please read guidance note 3)

The premises licence holder for A DAY FRESH, 50 MOLLISON PARADE is failing to promote the licensing objectives, specifically:

- Prevention of crime and disorder.
- Prevention of public nuisance.
- Public safety
- Protection of children from harm

Over a period of approximately 6 years, The management of A DAY FRESH have shown themselves to be one of the main contributors of Anti-Social Behaviour at the south parade area every evening this shop has a group of males drinking directly outside in the doorway and this is the reason that the licensing team was asked by the local policing team to look into this venue.

The poor practices and running of the store are having a significant negative impact on the local community. This area has a long history of Anti-Social Behaviour and crime. Police have a dedicated problem solving plan, with partners aiming to improve the area, using Public Spaces Protection Orders

Chronology – A Day Fresh, 50 South Parade Mollison Way, Edgware, Middlesex, HA8 5QL

14/11/2008

New application

11/2/2013

Meeting:

People present:

P Sivashankar

Sgt Claire Ginger

Sgt Lindsey Hartley

Ash Waghela

Mr Nadarajah Kekarajah.

Mr Kenkarajah explained that although his wife is DPs and Licensee, he is the shop owner.

He explained that a lot of burglaries are happening in the area. Som black boys are making trouble. He lives down the road on Constable Gardens and his house has been burgled 2/3 times.

Youths that live in the council flats are coming into his shop and making trouble for him.

He has called the police 2/3 times before.

Once there was a fight in front of the shop and another time, there was some beer that was stolen from the shop.

On previous occasions, he has refused the sale of alcohol.

The CCTV is ok.

Shankar has advised Mr Kenkarajah that it would be better to use branded pricing tickets and Mr Kenkarajah has advised that he does have a pricing ticket machine that will accommodate this.

council are to send him information re till guards.

council will inform trading standards regarding arranging a visit to get him enlisted on to the responsible retailers scheme.

council are to send a letter to confirm the meeting and state the breaches of licence conditions.

Posters re alcohol exclusion zone required.

12/02/2013

Mr Nadarajah & Mrs Mathivathani Kenkarajah

Our ref:

12 February 2013

Dear Mr & Mrs Kenkarajah

Licensing Act 2003 – A Day Fresh, 50 South Parade, Mollison Way, Edgware, Middlesex, HA8 5QH

Following the licensing visit to your premises on the 4 February 2013 the following breaches of the licence conditions were found:

Annex 2 condition 3 – A Till guard will be installed to secure the till.

No till guard has been installed.

PROTECTIVE MARKING

Annex 2 Condition 6 – Two (2) members of staff will be employed at the premises.

During the visit, only one member of staff was present.

Annex 2 Condition 9 – The premises will operate a challenge 21 policy, whereby any person attempting to purchase alcohol (or other age restricted product) and who appears to be under the age of 21 years, shall be asked to provide proof (i.e. passport, driver's licence or other such accredited form of photo identification) that they are over the age of 18 years.

There were no posters displayed advising customers that a challenge 21 policy is in operation or any proof provided to the licensing officers at the time of the visit that this policy is being adhered to.

Annex 2 – Condition 10 – Records on refused sales will be maintained in a refusals register and made available to the police or other responsible authorities on request.

No record of a refusals register was provided to the licensing officers during the visit.

The authority and the police had a meeting with you (Mr Kenkarajah) on the 11 February 2013 and the breaches of the licence conditions were explained to you. Subsequent to the meeting, you are required to resolve the above breaches of licence conditions with immediate effect.

As agreed, please see attached information regarding the till guards. It was recommended by Mr Sivashankar that you contact the manufacturer of your till as they may be able to provide a till guard that is specific to your model.

The authority has informed Trading Standards for Brent and Harrow about enrolling you on to the responsible retailer's scheme and they will contact you shortly regarding this.

If you have any questions or queries regarding this, please do not hesitate to contact this authority.

Yours sincerely

Ash Waghela

Licensing Support Officer

Community Safety Services

Harrow Council

24/6/2013

Visited on 24.06.13 by Amit and Ash from the council licensing team

Condition 3 not met - No till guard

Condition 6 not met - Only 1 member of staff

Condition 9 not met - No challenge 21 policy poster

Condition 10 not met - No refusal register

Challenge 21 poster given to a member of staff.

30/09/2013

Visited by Amit and Jaz from the council licensing team

Condition 3 not met - No till guard

Condition 6 not met - Only 1 member of staff

Condition 10 not met - No refusal register

09/12/2013

Visited by Amit and Jas on 09/12/13 - from the council licensing team

Condition 3 not met - No till guard

Condition 6 not met - Only 1 member of staff

Condition 10 not met - No refusal register

Staff behind the counter has not received any training.

12/05/2014

Visit on 12/5/2014. Visit by Amit and Ash - from the council licensing team

Breaches of conditions:

Condition 3: No till guard

Condition 10: No refusal register

16/05/2014:

Letter re breaches of conditions

Mathivathani Kenkarajah

16 May 2014

PROTECTIVE MARKING

Dear Mrs Kenkarajah

Licensing Act 2003 - A Day Fresh, 50 South Parade, Mollison Way, Edgware, Middlesex, HA8 5QH

Following a routine licensing visit on the 12 May 2014 to the above premises, the following breaches of conditions were found:

Condition3: No till guard has been installed for the cash till

Condition 10 - No refusal register could be produced at the time of the visit.

It is disappointing to note that following the meeting that took place at our offices on the 11 February 2013, that these conditions are still being breached.

The above breaches have been noted on 24 June 2013 and 30 September 2013 and advice has been given on both occasions to rectify this matter.

I must advise you that these breaches must be rectified with immediate effect as failure to do so may lead to a review of the premises licence where the licence authority may request the panel to revoke the premises licence. If there are special reasons as to why these conditions are not being met, it is recommended that you contact this authority to arrange a meeting to discuss this matter. Another visit will be carried out shortly to ensure that the breaches of conditions have been dealt with.

Yours sincerely

Ash Waghela

Licensing Officer

Environment and Enterprise

Harrow Council

23/10/14

Voluntary closure of premises by food team.

Reason:

Mouse and rodent activity and standard of cleanliness.

17/11/2014

Visit with Peter Coates and Amit Kandeli from council licensing team:

Breaches found:

No Till Guard

No refusal Register

Only one member of staff on the premises at time of visit

Exhibition of films - not licensed.

27/01/2015:

Visit with Amit Kandelia from council licensing team.

Breaches of conditions:

No till guard

No refusal register

03/06/2015:

Pace invite sent for 15 June 2015 at 2.00pm

15/06/2015:

Received a call from licensee's husband which went to voicemail. Licensee is not well today - has fever. Have re-arranged a pace interview for Monday 22/6/2015 @ 11:00 AM

01/07/2015

Pace interview completed with Natasha O donohue. (council)

07/07/2015

Caution issued.

07/07/2015

Visited premises. Hand delivered caution. Mrs Kenkarajah signed the caution.

PROTECTIVE MARKING

20/09/2017 – S47 notice served for trade waste:
Date: 4/20th September 2017 Environment and Enterprise
Simon Baxter
Divisional Director

Mr N Kenkarajah
(A) Day Fresh 50 South Parade
Mollison Way HA8 5QL

Our ref WK/000633687

Environmental Protection Act 1990 – s.47(2), 47ZA, 47ZB
(Receptacles for Controlled waste)

I am writing to advise that by virtue of the above Act that;

“If it appears to a Waste Collection Authority that there is likely to be situated, on any premises in its area, commercial waste or industrial waste of a kind which, if the waste is not stored in receptacles of a particular kind, is likely to cause a nuisance or to be detrimental to the amenities of the locality, the authority may, by notice served on him, require the occupier of the premises to provide at the premises receptacles for the storage of such waste of a kind and number specified”.

Therefore, the London Borough of Harrow, by way of this notice requires that;

1. All your waste is placed in a correct commercial waste refuse container(s) and have enough containers to hold all your waste.
2. Your waste container(s) must be secure at all times the lid must close shut.
3. You must not overfill your container(s), if required increase the number of collections.
4. No waste, even in sacks, should be stacked on top of or around your containers.
5. You must take suitable steps to prevent interference with your waste.
6. You must take suitable steps to ensure your waste does not escape the container
7. You must take suitable steps to ensure that all your employees handle your waste in accordance with the terms of this notice; it is your responsibility to instruct them.
8. Your waste bins must be kept off the Public Highway, and only placed out on collection days, once the waste bin or bins have been emptied they must be taken off the Public Highway as soon as possible.

Continued.

IF YOU FAIL, without reasonable excuse to comply with any of the requirements of this notice then;

a) you will be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000)

or

b) you may be issued with a £100 fixed penalty notice in lieu of prosecution.

I trust that we can rely upon your co-operation in this matter. If you have any queries please do not hesitate to contact me on the telephone number provided, I will be happy to clarify anything you do not understand.

Yours faithfully,

Mr C Dalby
Environmental Compliance Officer
The Environmental Protection Act 1990 provides as follows:

s. 47 Where an occupier is required to provide any receptacles he may, within 21 days of the notice being served or 21 days of any requirement to provide receptacles coming into force, appeal to a Magistrates' Court against the notice, on the following grounds:

- (a) The requirement is unreasonable; or
- (b) The waste is not likely to cause a nuisance or be detrimental to the amenity of the locality.

Where an appeal against a requirement is brought, the requirement shall be of no effect pending the determination of the appeal. A court can either quash or modify the requirement or dismiss the appeal.

Appeals can only be brought where an occupier is required to provide their own receptacles. Appeals cannot be brought in relation to other requirements about the placing of receptacles for collection or the types of waste that may be placed in the receptacle.

13-14/11/2017

Please see attached a caution issued following a pace interview for breach of conditions.

I don't think that speaking with them would do any good as history shows visits, warning letters, meetings, pace and caution.


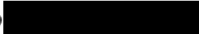
PROTECTIVE MARKING

As this was less than 3 years ago, maybe a review of the premises licence with a view to suspension or revocation as they have a clear disregard for upholding the licensing objectives ?

Regards

Ash Waghela | Licensing Officer
Public Protection | Community Directorate


www.harrow.gov.uk

From: Patrick.A.Moran  POLICE
Sent: 13 November 2017 16:20
To: Jeffrey.Leib  Ash Waghela
Subject: Day Fresh 50 South Parade Mollison Way Licence number 0810-XR4Y DKGW NR8G

Jeffrey

I have visited the above premise today regarding a report of CCTV system being reported as being faulty. The hard drive on the CCTV system was replaced on Sunday 12/11/2017. The system appeared to be functioning now. The following breaches were found on my visit.
Condition 6 Statutory firefighting equipment was found in the rear locked room There were two(2) water and Two (2) CO2 which have not seen the light of day for a considerable amount of time. There were no service stickers on them. I explained to MR Mathivathani KENKARAJAH the equipment should be serviced regularly, be on the shop floor in case of emergency. Condition 8 he was the only staff member in the premises on visit. He informed me the other person had gone out? There wasn't a full copy of premises licence on site or training record for staff.
No incident log or refusal register on site (he mentioned his wife may have put it somewhere) Don't believe there is one in existence.

Patrick Moran
Harrow Police Licensing Officer


16/11/2017
Mathivathani Kenkarajah
(A) Day Fresh
50 South Parade Mollison Way
Edgware
Middlesex
HA8 5QL 16th November 2017
Our ref: CE/CSS/LIC/WK/000637021

Dear Sir

(A) Day Fresh, 50 South Parade Mollison Way, Edgware, Middlesex, HA8 5QL
Licensing Act 2003 – Breach of conditions
Following the recent visit by the police to your premises on the 13 November 2017, it was found that condition 1, 6, 9 and 10 of annex 2 of your premises licence were not complied with.
The authority would like to invite you to a meeting to be held at our offices on Thursday 23 November 2017 at 11:00am to discuss the matter.
Our address is: Licensing Department, 1st Floor, Unit 1, Central Depot, Forward Drive, Harrow, HA3 8NT.
On arrival, please use the courtesy phone located outside of the main doors of Unit 1 to contact the Licensing Team.
If you have any enquiries or if this date and time is not convenient for you and you would like to arrange an alternative date and time, please contact us on the details below.

Yours sincerely

Ash Waghela | Licensing Officer
Public Protection | Community Directorate


23/11/2017 - Letter sent from council
(A) Day Fresh
50 South Parade Mollison Way
Edgware
Middlesex

PROTECTIVE MARKING

HA8 5QL 23rd November 2017
Our ref: CE/CSS/LIC/WK/000637021

Dear Mrs Mathivathani Kenkarajah,
Licensing Act 2003

(A) Day Fresh, 50 South Parade Mollison Way, Edgware, Middlesex, HA8 5QL

This letter is to outline what was agreed at the meeting you attended this morning. Attending with me, were PC Moran and Derek Fergus, (Licensing Officer).

We explained that previously you had breached conditions 6 of your Premises licence which states, "two (2) members of staff will be employed at the premises," and condition 10 which states, "Records on refused sales will be maintained in a refusals register and made available to the police or other responsible authorities on request."

I note that you have found the refusals register so you have complied with that condition. However, I recommend that you consider having condition 6, removed from your licence because every time there are not 2 people present in the shop, you will be in breach of your licence and thereby commit an offence.

It is very important that you understand, if you breach this condition, your licence can be reviewed by the Licensing sub-committee and conditions can be applied, which could mean restrictions are imposed to limit your alcohol sales, or your licence could be revoked which would stop you selling alcohol altogether. Another consequence could mean that the council will start prosecution proceedings against you.

We also spoke about setting up an Off Watch scheme in your area and you seemed keen to participate, therefore I hope to contact you in due course to discuss this further.

If you do not fully understand this letter, may I suggest that you take it to someone who can explain it to you in your own language as it is very important.

If I can be of further assistance please do not hesitate to contact me. Yours faithfully

Jeffrey Leib
Licensing Team (CSS),
Community Safety

Email: licensing@harrow.gov.uk

23/11/2017

Duplicate documentation issued by the council

11/06/2018 - Email chain from a resident that was sent to the licensing team at the council

Dear Licensing Team

Please find attached licensed premise form, we need your help to stop A day Fresh shop causing antisocial behaviour, trading illegally and non payment of vat and tax. My elderly parent feel unsafe and unheard they gave lived for the past 40 years and things are getting worse.

broken alcohol bottles, people urinating in the side of the shop and the alleyway to the back of the shop which visible from our house. if nothing gets done i am going to report this issue to the press. In all honesty my parents house gets all this litter including bottles, food consumed boxes, wrappers from food, raw meat in drive way which i have to pick up, my parents cry and tell me do something, they don't need this in their life this issue.

I would appreciate your reply

thank you

(Name has been removed for data protection)

On Mon, Jun 11, 2018 at 10:35 PM,

>

> Thank you so much for coming back to me. My parents are upset, nothing gets done.

> 1) the alcohol is offloaded from the van with eastern european number

> plates, i have picture of the incident and taken to A day Fresh and

> other vans delivery.

> 2) this morning i went to see my parents to see everything was fine

> the drinking went on to 11pm at night and noise level as well, i

> noticed bottle, cans and rubbish. i have taken pictures of this as

> proof i shall send you.

> Your cleaning team are great and i have discussed this issue with them

> and they also agree with me, you need to address the source of the

> problem, i drive past Burnt Oak, Kingsbury, Queensbury with similar

> shops but not seen this issue. we need cctv to catch the rubbish dump

> near the green bin and signs saying no dumping with a fine. we would

> like the bin to be removed there is a bin 30 yards. and also the bird

PROTECTIVE MARKING

> feeding environmental issue also needs to be addressed.
> thank you for the link i shall complete this today. I don't want my
> parents name mentioned.

> Dear council

>
> This shop license must revoke i urge you the revoke their license.
> this is an ongoing issue enough of excuses. I would appreciate if you
> could acknowledge the issue. I am happy to meet you in person. I
> shall be completing the website as mentioned above.
> thank you
> Name removed for Data protection

> On Mon, Jun 11, 2018 at 10:12 AM, <kate.Curley [REDACTED]> wrote:

>> Dear name removed for data protection,

>>

>> Thank you for your email.

>>

> I am sorry to hear these issues are continuing to have a detrimental effect on your family.

With regards to the issues you have highlighted below, I would like to provide you with the following updates:

>>

>> Firstly, there is a Public Spaces Protection Order in place on Mollison Way which prohibits individuals from street drinking in the area. I have requested that the Local Safer Neighbourhood Team and Kingdom Security Enforcement officers patrol the area as much as possible and those identified to be in breach of the PSPO will be issued with fixed penalty notices.

>>

>> This case has also been referred through to the Licensing Department. I am aware that the Licensing Department visited all off-licences on Mollison Way in January to set up an Off-Watch scheme and remind them about responsible alcohol sales. However following your complaint, the Licensing Department along with Police will be carrying out a visit to A Day Fresh before the end of the month, to take either enforcement action or to see whether additional licence conditions are required. An update will be provided once this inspection is conducted.

>>

>> I also wish to inform you that you have the power to apply for All Day Fresh's licence to be reviewed by your three Edgware councillors, please find further information at http://www.harrow.gov.uk/info/200063/licences_and_street_trading/1802/complaints_about_licensed_premises/3. You will also find the details of your three Edgware Councillors at <https://www.gov.uk/find-your-local-councillors>. I have copied Cllr Nitin Parekh in above.

>>

>> With regards to the comments you made regarding "alcohol been offloaded from a van of Eastern Europeans", please can you clarify if this alcohol if being offloaded for A Day Fresh or is this alcohol being sold directly from the van to those street drinking?

>>

>> With regards to the over flowing bins, I have notified the Street Cleaning department of this issue and I am currently awaiting their feedback.

>>

>> I will continue to keep you updated.

>>

>> Kind regards

>> Kate

>>

>> Kate Curley

>> Community Safety Officer (East)

>> Community Safety Unit

>> Harrow Council

>> London Borough of Harrow

>> Forward Drive

>> Harrow

>> HA3 8NT

>>

>>

>>

>>

>>

>>

>> -----Original Message-----

PROTECTIVE MARKING

>> From: removed for data protection
>> Sent: 11 June 2018 00:10
>> To: ASB
>> Subject: Antisocial behaviour issues ongoing on Mollison Way &
>> Lawrence crescent HA8
>>
>> Dear ASB team
>>
>> We have reported numerous times ongoing issues which nothing gets
>> done, it is of concern now and I would like to escalate to the head
>> of the department and the councilor responsible for Harrow Queensbury:
>>
>> 1) Alcohol Drinking and antisocial behavior - just today Sunday 10
>> June at 9:30am i visited my elderly parents in the drive way (1
>> Lawrence Crescent) two pint size glasses broken and empty alcohol
>> bottles, which stopped my getting in the drive way of 1 Lawrence
>> crescent. I had to pick the glass myself. I got badly looked at by
>> people drinking sitting on the floor near the green litter on the
>> corner. I picked up my old mother and on my return at midday more and
>> more people outside on the corner and outside the shop drinking
>> alcohol. having lived for 36 years this is unacceptable, how many
>> times do we have to complain. this drinking will stop at midnight and
>> the noise factor as well and people ringing your door bell.
>>
>> I can not understand one shop can cause this and on the corner
>> Mollison Way of Lawrence crescent 'A day Fresh', I know for a fact
>> and taken picture of alcohol been offloaded from a van of eastern
>> european and i have picture in fact i was threatened but i did not
>> want to complain my parents are ill and old they pay they rates and
>> service is absolutely a shamble. Its time your team did something
>> with this issues as follows:
>>
>> 1) 'A Day Fresh' shop Alcohol license should be removed. we have
>> tolerated with this for the last five years, now its beyond tolerance.
>> My parents do not leave the house and also people drink and seat on
>> their wall leaving their empty cans, bottle, takeaway food which my
>> parents are unable to pick due to their disability. I should sent my
>> hourly bill to Harrow council or harrow council clear this up on a
>> daily basis.
>>
>> Also out sign of fines '£500 fine' which you have done in Queensbury
>> station and cameras and fine for selling alcohol and not paying vat
>> and taxes to A fresh.
>>
>> 2) Litter Green bin please remove this having asked every month for
>> the last four years. This is encouraging household and fly tipping of
>> house hold rubbish been dumped (we have rat infestation and fox
>> issues). your cleaning team clears this but within four hours its the
>> same.
>>
>> 3) Remove the Grey bin which is on the pavement and open. Also the
>> Red bin spillover and on the pavement. Why should we see dirty
>> rubbish left on the road.
>>
>>
>> 4) Feeding left over bread and other food to birds and Pigeons on
>> Mollison Heritage place plank, this started from A fresh and other
>> have been doing this. this is causing birds shitting on roof, garden
>> and soiling peoples washing. Again put a sign of penalty.
>>
>>
>> It is disappointing and frustrating we are paying our taxes and been
>> let down, antisocial behaviour is unacceptable i have tried several
>> times with the shopkeeper of A day Fresh but he just laughs at me and

PROTECTIVE MARKING

>> made treats at me. what do i have to do for your team to listen to
>> our voice, i am seriously considering contacting the press if the
>> above does not stop, my parents have to live with this every day and
>> been old it is stressful. I have picture which i can send if you
>> have an iphone (i am having problems with my email). what is Harrow becoming?
>> i would appreciate your reply in fact I would like a meeting with
>> Councillor, PLEASE DONT FOB ME OFF AND EMAIL ME TELLING ME WE ARE
>> LOOKING INTO TO THIS.
>> My name is (removed for data protection)
>> thank you

12/06/2018

Email response to complainant:

From: license

Sent: 12 June 2018 11:40

Subject: RE: Antisocial behaviour issues ongoing on Mollison Way & Lawrence crescent HA8

Dear

Thank you for the emails below.

As previously mentioned, we will arrange to visit A Day Fresh with the police by the end of the month to check that the licensing objectives are not being undermined and that the conditions on the premises licence are adhered to. Depending on the outcome of the visit, enforcement action may be taken as necessary. We will update you and the ASB team on any outcomes.

On the forms that you attached to the email, only the name field was populated. We do not currently require these forms as we have the information on the emails. If you have any further information to add, please do let us know.

You also have the power to initiate a review of the of the premises licence. Further information on the review process can be found here (Guidance issued April 2018):

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Please see section 11 from page 89 of the guidance.

The application for a review of the premises licence can be found here:

<https://www.gov.uk/government/publications/premises-licence-application-forms>

In the meantime, please do not hesitate to get in touch with us if you require any further information.

Regards

Ash Waghela | Licensing Officer

Public Protection | Community Directorate

Harrow Council collects and uses personal information about you when you contact us. For more information about how we use this information please see our privacy notice at

http://www.harrow.gov.uk/info/200116/media_publicity_and_web/819/privacy_and_cookies

04/07/2018:

(A) Day Fresh

50 South Parade Mollison Way

Edgware

Middlesex

HA8 5QL

Dear Mathivathani Kenkarajah,

Licensing Act 2003

A Day Fresh, 50 South Parade Mollison Way, Edgware, Middlesex, HA8 5QL

I am writing about a visit to the above premises on 29/06/18 at 16.40 hours.

During the visit, I brought to your attention the steel door at the back of the premises, which is currently barricaded.

When you submitted the application for your Premises licence, you submitted plans which showed that the back door is a fire escape. This would have been taken into account when your licence application was granted.

PROTECTIVE MARKING

If you no longer want to use the door as a fire escape, you will need to submit a minor variation application to the licensing authority. You can find the form here:

<https://www.gov.uk/government/publications/minor-variations-to-premises-licence-application-form>

It is very important that you submit the form to ensure that you do not breach any conditions on your licence or commit any offences.

If you require any further details, please contact me.

Yours sincerely

Derek Fergus | Licensing Officer

Public Protection | Community Directorate

Civic Centre, PO Box 18, Harrow HA1 2TU


www.harrow.gov.uk

15/06/2018

Our ref: UL/CSS/LIC/WK/000651519

Community Directorate

Corporate Director

Paul Walker

A Day Fresh
50 South Parade,
Mollison Way
Edgware
Middlesex
HA8 5QL

Dear Mathivathani Kenkarajah,


Licensing Act 2003 – Licensing Inspection

A Day Fresh, 50 South Parade, Mollison Way, Edgware, Middlesex, HA8 5QL

I am writing about the licensing visit I carried out at your premises on 14/06/18 at 15.30 hours.

During the visit, I informed you that complaints have been received about people congregating at the side of your premises drinking alcohol.

In an attempt to try to identify where the alcohol is coming from, you have agreed to put a Black circle mark on the bottom of all your beer cans and bottles for a period of 2 weeks. When the bottles/cans that have been thrown away are collected, we will be able to see whether they have the mark underneath and therefore be able to tell if they were purchased from your shop.

Please contact me on  or email licensing@harrow.gov.uk to let me know when you have marked the cans/bottles, as I will need to revisit the shop to take a photograph and also check the CCTV.

Thank you for your cooperation.

Yours sincerely

Derek Fergus | Licensing Officer

Public Protection | Community Directorate

Civic Centre, PO Box 18, Harrow HA1 2TU

4/07/2018

(A) Day Fresh
50 South Parade Mollison Way
Edgware
Middlesex
HA8 5QL

Dear Mathivathani Kenkarajah,

Licensing Act 2003

(A) Day Fresh (A) Day Fresh, 50 South Parade Mollison Way, Edgware, Middlesex, HA8 5QL

I am writing about a visit to the above premises on 29/06/18 at 16.40 hours.

During the visit, I brought to your attention the steel door at the back of the premises, which is currently barricaded.

When you submitted the application for your Premises licence, you submitted plans which showed that the back door is a fire escape. This would have been taken into account when your licence application was granted.

PROTECTIVE MARKING

If you no longer want to use the door as a fire escape, you will need to submit a minor variation application to the licensing authority. You can find the form here:

<https://www.gov.uk/government/publications/minor-variations-to-premises-licence-application-form>

It is very important that you submit the form to ensure that you do not breach any conditions on your licence or commit any offences.

If you require any further details, please contact me.

Yours sincerely

Derek Fergus | Licensing Officer

Public Protection | Community Directorate

Civic Centre, PO Box 18, Harrow HA1 2TU

03/09/2018

From: Peter Wetteland

Sent: 03 September 2018 13:00

To: Aneta Sarafnejad

Subject: Advice : Complaint regarding (A)DAY FRESH – 50 South Parade, Mollison Way, Edgware, HA8

Hi Aneta

I will have a look when next in the area.

As far as I can recall, these retail premises only have 1 (one) fire exit viz. the front/entrance door, the rear stock room door has been 'sealed' for years !

Fire safety matters are generally a matter for the LFA to deal with and as far as I can recall – only a retail shop with a 'travel distance' of more than 18m would require a second (rear) fire exit.(but don't quote me) it should be per current fire risk assessment.

Do you have any suggestions regarding the 'temporary' cardboard box waste management – where is it left for collection – the side of shop on pavement or at the back of the shop (on private property) ?

It may not be reasonably practicable to expect the retailer to obtain/use a compactor for the boxes – perhaps here the 'depositors' need to be traced and advised to place their waste in the correct receptacle ?

I will let you know my findings.

Regards

Mr Peter M Wetteland MCIEH EHRB

Environmental Health Officer

Commercial safety

Harrow Council

From: David Gilmour

Sent: 03 September 2018 10:13

To: Natasha Cockar

Cc: Aneta Sarafnejad

Subject: RE: Issues - (A)DAY FRESH – 50 South Parade, Mollison Way, Edgware, HA8

Hi Natasha can you add this as a Health and safety complaint allocated for Peter to look at, thanks.

David Gilmour

Environmental Health Team Leader

"Harrow Council collects and uses personal information about you when you contact us. For more information about how we use this information please see our privacy notice at

http://www.harrow.gov.uk/info/200116/media_publicity_and_web/819/privacy_and_cookies"

From: Aneta Sarafnejad

Sent: 03 September 2018 08:38

To: David Gilmour

Subject: Issues - (A)DAY FRESH – 50 South Parade, Mollison Way, Edgware, HA8

PROTECTIVE MARKING

Dear David,

I was approached by the resident in Mollison Way, Edgware who wanted to bring to my attention the following:

It's related to: (A)DAY FRESH – 50 South Parade, Mollison Way, Edgware, HA8

The owner blocked the fire exit with boxes and all sorts of things and in the event of fire, nobody will be able to escape.

- The owner has Biffa bin collection every Thursday; however, prior to the collection he accumulates a lot of boxes which places on the ground and all over the place which attracts people to place other waste and drink bottles there as well and this attracts rats which he has seen.

Is there any chance that he can be visited to ensure he's compliant?

Thank you

Kind Regards

Aneta

06/09/2018

Revisit to the premises with PC Pat Moran to Check CCTV. It showed :

17/08/18 closed at 22.49 hrs

18/08/18 closed at 22.54

24/08/18 closed at 22.43

25/08/18 closed at 23.04

CCTV timings were 15 minutes slow, however times above have taken this into account. (15mins added to notebook times). We also advised that 3 weeks too long to wait for CCTV. Licence holder says she has now ben trained to use CCTV. We also advised CCTV to be upgraded so that we can take a USB stck away away rather than having to go to thenpremises to look at it. In addition, i reiterated that licence holder needs to submit a minor variation to remove condition regarding back door fire escape .

The son of licence holder has given his email address for correspondence as paretns dont have one. It is

14/09/2018

Peter Wetland:

visited Mollison PO spoke at length to the owner explained min travel distance for rear fire exit and that the matter was really a matter for the LFB.

The exterior rear area was clear with 2 x 1100l red biffa bins only.

advised complainant that I would monitor when in the area but at present no PH risk prevailed.

8/03/2019 - POLICE ATTENDED WITH TRADING STANDARDS

PC DOWNES & PC BERESFORD

TS - SAMUEL

BREACHES FOUND:

COULDN'T OPERATE CCTV

NO PERSONAL LICENSE

NO RECORD OF REFUSALS

TRADING STANDARDS TOOK LOTS OF TOYS OFF THE SHELF AND EXPLAINED THAT THEY NEEDED TO GET RID OF THEM AS THEY DIDN'T HAVE THE SAFE TOY STAMP ON THEM. THE STAFF TOOK THESE TOYS STRAIGHT OUT THE BACK.

POLICE ISSUED A NOTFICATION OF ALLEGED OFFENCES SLIP WHICH THE DPS SIGNED.

8/04/2019 - POLICE ATTENDED WITH TRADING STANDARDS AND THE COUNCIL LICENSING TEAM

PC BERESFORD & PC WILCOCK

TS - SAMUEL

WHEN POLICE ARRIVED THERE WAS ONLY ONE STAFF MEMEBER IN THE SHOP

DPS THEN WAS CALLED ON HER MOBILE AND ARRIVED WITHIN 5MINS

BREACHES FOUND:

CCTV - NOT WORKING ATALL (NOT EVEN ABLE TO SWITCH IT ON)

NO RECORDS OF REFUSALS LOG

POLICE ISSUED A NOTFIICATION OF ALLEGED OFFENSES SLIP WHICH WAS SIGNED BY THE DPS

PROTECTIVE MARKING

SAMUEL FROM TRADING STANDARDS CONFISCATED THE TOYS THAT HAD BEEN PUT BACK ON THE SHELF FROM HIS PREVIOUS VISIT.

A Day Fresh has had ample opportunity to show that they can work in a safe and legal way but have consistently failed to promote the licensing objectives. We have engaged with the licence holder to bring operations up to standard but have continued to find breaches of the licensing act.

It is worrying that after police intervention, this premises continues to fail at promoting the licensing objectives. This leaves the police with no choice but to apply for a review of this premises licence. This is not the behaviour we expect from premises licence holders on the Borough of Harrow and therefore respectfully request that the licence be revoked.

Have you made an application for review relating to this premises before?

(Please tick yes)

PROTECTIVE MARKING

Day

Month

Year

0

If yes, please state the date of that application:

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

PROTECTIVE MARKING

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.	<input checked="" type="checkbox"/>
I understand that if I do not comply with the above requirements my application will be rejected.	<input checked="" type="checkbox"/>

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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature:	[Redacted]	Date:	05/08/2019
Capacity:	Licensing Officer - 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):			
[Redacted]			
If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):			

Notes for Guidance

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



METROPOLITAN POLICE

MATHIVATHANI KENKARAJAH
[REDACTED]

Date: 09/04/2019

North West Command Unit
Barnet/Brent/Harrow Licensing Dept

South Harrow Police Station
74 Northolt Road
South Harrow
London
HA2 0DN

Telephone: [REDACTED]

Email: [REDACTED]

www.met.police.uk

Dear MATHIVATHANI KENKARAJAH

I am writing to you to inform you that we carried out a licensing inspections at A Day Fresh, 50 South Parade, Mollison Way, HA8 5QL on 08/04/2019 at 1115HRS police entered the premises Under section 179 of the licensing act 2003 a constable or authorised person has the power to enter a premises to investigate if licensable activity is being, or is about to be carried out in accordance with an authorisation.

The following conditions of the premises licence were breached;

- CCTV – NOT WORKING NOT ABLE TO SWITCH ON
- NO RECORD OF REFUSALS LOG AT PREMISES

Due to the conditions that were in breach, a notification of alleged offences form was issued for the following offences: (A copy was provided when police attended)

- **Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise in accordance with an authorisation or knowingly allowing licensable activity to be carried on.**

London Borough of Harrow, Licensing Department will be informed of this inspection and be provided with copies of all notices. If you need to speak to us our contact details are at the top of this letter. I am not satisfied that up to now the licensing objectives have been promoted to a satisfactory standard and am concerned that without further action, the premises will continue to be poorly run

Yours sincerely,
PC Beresford 1330NW
Licensing Officer
South Harrow Police Station
74 Northolt Road
HA2 0DN



Notification of alleged offences under the Licensing Act 2003

Venue Name: A DAY FRESH REF: (CAD/CRIS etc.)

Address: 50 SOUTH PARADE, MOLLISON WAY, COSSWART

VAR SQL Date: 8/2/19 Time: 1755

Details of person in charge at the relevant time: MATHIVATHANI K. KARATHAN

DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

- NO PERSONAL LICENCE
 - COND 1 (REVOKED) - could not operate CCTV so unable to see if it is in good working order
 - COND 12 (REVOKED) - NO RECORD OF REFUSALS

Issuing officer: [Signature] Pri [Signature]

I acknowledge receipt of this form: (venue) M. Karathani

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001



Notification of alleged offences under the Licensing Act 2003

Venue Name: A DAY FRESH REF: (CAD/CRIS etc.)

Address: 50 SOUTH PARADE, MOLLISON WAY, HAS 5QL

Date: 8/4/19 Time: 1115HRS

Details of person in charge at the relevant time: MATHIVATHANI KENKARAJAH

06MK-00AQ-GY73-YLWH DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

AME x 2. (CCTV - NOT ABLE TO SHOW AS CCTV ISN'T WORKING. (condition ONE))

NO RECORD OF REFUSALS LOG AT PREM (condition 2)

Issuing officer: PC Beresford 1330NW Print  330NW

I acknowledge receipt of this form: (venue) M. Kenkarajah

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001