

Harrow Council, Licensing Section, P O Box 18, Station Road, Harrow.

Making a Representation against an Application (New or variation) for a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I, Police Sergeant Carl Davis, make this representation under

the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
"Everbubbles" T/A "Day One" , 197 Streatfield Road, Kenton	
Post town Harrow	Post code HA3 9DA

Name of premises licence holder or club holding club premises certificate (if known) Prakash Patel & Nita Patel
Number of premises licence or club premises certificate (if known) 0505-8YW4-BY8X-GQ7L

Part 2 - Applicant details

I am

Please tick ✓ yes

- | | |
|---|--------------------------|
| 1) an interested party (please complete (A) or (B) below) | <input type="checkbox"/> |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

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

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

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

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

Surname

First names

I am 18 years old or over

Please tick yes

Current address

Post Town

Post Code

Daytime contact telephone number

Email address

(optional)

(B) DETAILS OF OTHER APPLICANT

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Metropolitan Police South Harrow Police Station 74 Northolt Road South Harrow HA2 ODN
Telephone number (if any) 0208 733 3415
E-mail (optional)

This representation 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 note1)

The Police position is to strongly **oppose** the grant of this application to vary the licence.

The current licence holders - Prakash Patel & Nita Patel - converted their Justices Licence in 2005 and sought no variation to their hours which were the old 'standard' hours and remain so to this day - i.e. :

Monday to Saturday 0800hrs to 2300hrs
Sunday 1000hrs to 2230hrs

Because it was a simple conversion there was no representations and consequently there are no conditions - save for the mandatory ones - placed on the licence.

On 15th March 2006 there were three crimes linked to one incident at the premises. A suspect attended the store and committed an attempted theft. Staff witnessed the theft and confronted the suspect who not only damaged a fridge but also assaulted (Actual Bodily Harm - ABH) one of the shop assistants. The suspect was detained at the scene by police and consequently charged.

On 19th March 2006 a group of youths who entered the store got into a fight with a group leaving the store resulting in an allegation of ABH from one of the youths. CCTV was requested from the premises by police but it was not forthcoming as staff present were unable to check it.

On 15th May 2006 a stolen bank card was allegedly used in the store. The investigating officer recorded that there was no CCTV for the venue affording any leads.

On 17th September 2008 a youth attended the store and attempted to buy a lighter from staff who refused the sale. The youth, who in the opinion of police was clearly drunk, became abusive and police attended and arrested the youth for a public order offence. The shopkeeper did not wish to make any allegations of crime but just asked police to remove the youth from the store.

In 28th October 2009 the licence holder made a further crime allegation to police - theft of lead from the roof of the store.

At 2315hrs on Friday 23rd July 2010 , licensing officers from Harrow Council Licensing Authority went to this premises and found the Licence Holder and Designated Premises Supervisor (DPS) - Mr Prakash Patel - present at the store. In his presence a member of his staff sold alcohol outside of permitted hours.

On 17th August 2010 Mr Patel admitted the above offence of carrying on a licensable activity otherwise and in accordance with an authorisation which is contrary to S.136(1) of the Licensing Act 2003 and he accepted a caution and was therefore not prosecuted. I have requested the Licensing Authority produce this Caution form to the Committee as an exhibit.

The licence holders have now applied for their licence to be varied to 24hr opening and sale of alcohol.

They have offered one(1) additional steps to promote the licensing objectives.

Those phrases listed on page 13 of the application are simply a listing of the licensing objectives and a couple of legal requirements (not selling alcohol to drunks and not selling alcohol to persons purchasing for children). The only condition that the Licensing Authority were able to extract as being 'offered' by the applicant is :

"1. The premises shall operate a "challenge 21" policy for sale of alcohol."

I strongly object to this application.

The premises has not been crime free and any licensed premises must promote the licensing objectives with real measures rather than lipservice.

Real measures include :

Closed Circuit Television (CCTV) - because it improves the perception of safety and allows monitoring of the whole of the licensed and public areas within the building and it's curtilage (to include the car park, courtyard and/or garden areas of the premises, where present). It must achieve the following:

- Provide a linked record of the date, time and place of any image.
- Provide an internal overt CCTV system, capable of providing recorded colour format images of all public areas, during times when the staff/public occupies these areas.
- Provide recorded, full frame, head and shoulder colour images of all persons internally approaching the main entrance doors or any external doors.
- Provide an external overt CCTV system, capable of providing recorded colour images of the external approach to the main entrance doors or any external doors (subject to any planning and/or building constraints).
- Provide an external overt CCTV system, capable of providing recorded colour images of the car park, courtyard and/or garden areas (where applicable and subject to any planning and/or building constraints).
- Each internal colour format camera shall be contained in a vandal resistant housing with the facility for ceiling or wall mounting and will provide high resolution images with a minimum operational specification of: 1/3" CCD, Auto Iris 4 –9 mm varifocal lens, 540 TVL, 1.0 lux.
Note: A specific lens, other than varifocal, may be required to achieve the system objective.
- Any external cameras fitted shall be Day/Night format.

- External and internal lighting shall be adequate to enable each camera to operate at optimum performance at all times of the day and night, whether the premises is open or closed, to provide clear un-obscured images.
- The DVR shall simultaneously and continuously record and store high resolution images from each camera, at a minimum of four (4) frames per second, for a period of not less than fourteen (14) days and at all times whilst staff/public are on premises.
- Each camera shall be connected to the DVR by a separate video transmission cable.
- A DVR with integral CD-RW and USB port shall be contained in a lockable steel cabinet, located in a secure area within the premises.
- A minimum of a 15" CRT Monitor with 800 TVL or 15" LCD Monitor with 1280/1024 pixels shall be provided. This monitor will be located adjacent to the DVR in a secure area.
- Access to the monitor and displayed images shall be restricted to the system controller(s).
- Access to the DVR and displayed images shall be restricted to the system controller(s) by use of an access code.
- The system controller(s) must be trained to use the system, have the knowledge to download the images and be available to download the images at all times upon reasonable police request.
- Retrieval of recorded images from the hard disc drive shall be archived by CD media format. Archiving shall be on a clean CD, which does not contain any other pre-recorded images.
- A minimum of 10 CD discs will be stored on site in a secure area and will be available for use at all times.
- The power supply serving the cameras and or camera transformers and DVR shall be a maintained non-switched 240v A/C supply. A competent person shall install the supply and the contractor shall issue a Part P Certificate.
- The CCTV contractor shall issue a certificate of conformity on completion of the installation.
- An as installed system specification, schematic drawing and site logbook shall be provided to the system controller(s) and shall be available to be viewed at all times.
- An approved CCTV contractor shall maintain the system at bi-annual intervals. Each camera shall be cleaned and a test recording completed and compared with the previous recording, to ascertain any deterioration in quality and performance.
- The CCTV contractor shall provide system-operating manuals to the system controller(s), which shall include the method of reviewing and archiving recorded images and will be available for use at all times.
- A Data Protection and evidence kit shall be provided.
- Recorded or archived images shall not be removed or electronically transmitted from the premises unless authorised or requested by the Police Authorities.
- The nominated system controller(s) will manage the system.
- The CCTV system must be in full operational order and must be recording at all times whilst the premises are open. If the CCTV is not recording when the premises is closed, it must be linked to the intruder alarm system, so that it starts recording when the alarm is activated.
- If the system is analogue, a library of 31 VCR tapes will be required for storage and rotation.

A monitored central station alarm, installed by an alarm company affiliated to an independent alarms inspectorate body such as the National Security Inspectorate (NSI) or the Security Systems and Alarms Inspection Board (SSAIB) and must achieve the following:

- The monitored security system must be equipped with a signal terminating at a recognised Alarm Receiving Centre (ARC), compliant with British Standard 4737 and its replacement standards EN50131 (PD6662:2004) and be eligible for a police response as defined by the ACPO Policy on Police Response to Security Systems, Level 1 status.

- This must incorporate fixed personal panic attack buttons for the use of staff behind the counter and remote panic buttons for staff when they are away from the counter area.
- A shunt lock (linked to the alarm system) shall be fitted to the door of the secure DVR storage area, to ensure that the DVR is protected at all times when staff are not present in this area.

A safe controlled by a time delay method and must achieve the following:

- Restrict access for at least three minutes, to deter criminals from accessing the surplus or reserve value during any robbery.
- Have a drop facility with anti-fish mechanism.
- Ensure that the safe is either bolted to a solid wall and/or solid floor or buried in a solid wall and/or solid floor.
- Tills must be regularly skimmed off, to reduce the impact should a robbery occur.
- **Signage** must be displayed in the customer area, highlighting that access to cash and valuable items is controlled by time delay. Alternatively, where staff do not have access to the safe, a sign must state this fact. It is recommended that a time delay, visual countdown display is used, so that a robber/burglar can see that a time delay is in operation.

Indelible note staining and smoke system and must achieve the following:

- Comply with specification PAS 40 2002 Class II, issued by the British Standards Institute.
- Stolen notes will be dyed, rendering them worthless to the extent that there is no gain to the criminal.
- A covert note-spoiling device must be placed in each counter till.
- The device must look as authentic as possible to ensure that it is taken by or handed to the criminal instinctively.
- The system must be automatically activated to ensure the safety of staff.
- The dye pack must be programmed to activate once the criminal has left the premises. A time delay of at least 6 seconds is recommended.
- It is recommended that the dye used is traceable to either a specific incident, the retailer or a manufacturer.
- All notes that are used in construction of a dye pack must be recorded separately and the details kept, in order to assist with any subsequent investigation.
- The system used must produce sufficient smoke to attract attention to the criminal.

Front, side and rear doors should have two British Standard 5-lever mortice **locks** fitted, one towards the top and one towards the bottom of the doors.

Rear Delivery Doors

Rear delivery doors should be manufactured from steel, without visible external ironmongery, supported by two British Standard 5-lever mortice locks to be used outside opening hours, three large steel hinges and hinge bolts. A 180-degree door viewer fitted to rear doors enables you to see callers without having to open the door first.

Designated fire escape doors should be manufactured from steel and designed without visible external ironmongery. The push bar must operate shoot bolts to the top and bottom of the frame and be supported by two British Standard 5-lever mortice locks to be used outside opening hours, three large steel hinges and hinge bolts. This must be done in consultation with the Fire Officer.

External Storage Areas

Where external storage areas are required for outside furniture, beer kegs, waste storage, wheelie bins, etc. they should be detached from the main building, so that they cannot be used as climbing aids.

Roller Shutter Grilles

Roller shutter grilles at the front of the premises should have a minimum of three locking points at floor level and be secured with high security fixings and closed shackle padlocks to prevent them being easily forced. Ideally, roller shutter grilles should comply with LPS 1175 SR 1/2 – the standard for enhanced roller shutter grille security.

Till Guards

A till guard prevents easy access to cash in the till (over the counter 'snatch' thefts/robberies)

Minimum staff numbers

Alcohol related violence peaks at night and violent attacks at licensed premises are most prevalent. Minimum numbers of staff set as condition help to deter attacks at premises.

I object to any increase to the current hours.

The Licensee and DPS has - as recently as July this year - NOT demonstrated that he can control and manage the premises without breaking the law.

Any granting of additional hours and therefore moving licensable activities to times when the public and staff are more at risk would be at odds with the current track record of the applicant who should, rather than be rewarded for breaking the law, now demonstrate over a reasonable period of time that he can actually adhere to licensing laws.

In this regard, premises who demonstrate a good track record in Harrow have, by

- 1) gradually increasing their hours in stages and
 - 2) installing proper crime prevention measures and accepting conditions of such,
- by dint of their greater experience moved to later hours with the confidence of the committee and statutory authorities.

I have no confidence in this applicant and request that the application is rejected in entirety.

Should the Committee choose to reject this position and grant any additional hours then I request that only minimal hours changes are made and that consequently conditions are placed on the licence.

i.e.

1. CCTV will be installed, maintained and operated to the reasonable specification of the Metropolitan Police Crime Prevention Officer. Images will be securely stored, kept for a minimum of 31 days and be made available to officers of the police or local authority upon request.

2. A monitored central station alarm (including panic alarms) will be installed, operated and maintained in accordance with the reasonable specification of the Metropolitan Police Crime Prevention Officer.

3. Roller shutter grilles will be fitted to the front of the premises, to be secured with high security fixings and closed shackle padlocks.

4. Till guards will be fitted to prevent easy access to cash in the till.

5. A 'Challenge 21' policy will be operated at the premises, whereby any person attempting to purchase alcohol (or other age restricted products) and who appears to be under the age of 21 years, will be asked to provide proof (i.e. passport, driver's licence or some other such accredited form of photo identification) that they are over the age of 18 years. Notices will be displayed advising customers that the scheme is in operation. A record of age related refusals of sale will be kept and will be made available to officers of the police or local authority upon request.

6. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

7. A RAID control Time Delay Safe is installed.

8. A minimum of three staff to be on the premises from 2300 until closing.

9. During licensable timings should the DPS not be present at the premises then a personal licence holder will be present.

10. Deliveries will be made during reasonable hours.

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

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

Part 5 – 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 Carl Davis

.....
 Date 19/10/2010

.....
 Capacity Police Licensing Officer

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an email address your e mail address (optional)	

Notes for Guidance

1. The ground(s) for representation 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 representation 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 representation.

Relevant Representations means;

- a) are about the likely effect of the grant of the premises licence or club premises certificate on the promotion of the licensing objectives,
- b) that the representation were made by an interested party or responsible authority within the period prescribed, 28 days from the application was advertised.
- c) in the case of representations made by an interested party (who is not also a responsible authority) that they are not, in the opinion of the relevant Licensing Authority, frivolous or vexatious.

Further restrictions apply relating to Police Representations on DPS’s and representations on provisional statements. Please check with the Licensing Section.