



City of Westminster

# Committee Agenda

Title: **Temporary Licensing Sub-Committee**

Meeting Date: **Thursday 12 May 2022**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**  
Tim Mitchell  
Heather Acton  
Aicha Less

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.30am.

If you have a disability and require any special assistance, please contact the Committee Officer (details listed below) in advance of the meeting. An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

If you require further information, please contact the Committee Officer, Sarah Craddock, Committee and Councillor Co-ordinator.  
Email: [scraddock@westminster.gov.uk](mailto:scraddock@westminster.gov.uk) Tel: 0779098018  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)

**Note for Members:** Members are reminded that officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before the meeting please.

## AGENDA

### PART 1 (IN PUBLIC)

**1. TO ELECT A CHAIRMAN**

**2. MEMBERSHIP**

To report any changes to the membership.

**3. DECLARATIONS OF INTEREST**

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

#### Licensing Applications for Determination

**1. JAKS, 43 SOUTH MOLTON STREET, W1R 5RS**

(Pages 1 - 86)

Ward CIA* SCZ* *	Site Name & Address	Application Type	Licensing Reference No.
West End * None ** None	JAKS 43 South Molton Street W1K 5RD	Premises Licence Variation	21/14515/LIPV
*Cumulative Impact Area ** Special Consideration Zone			



**2. AMK FOOD AND WINE, 35B QUEENSWAY, W2 4QJ**

**(Pages 87 -  
222)**

<b>Ward CIA* SCZ**</b>	<b>Site Name &amp; Address</b>	<b>Application Type</b>	<b>Licensing Reference No.</b>
Lancaster Gate  * None  ** Queensway and Bayswater	AMK Food & Wine 35B Queensway W2 4QJ	Licensing Premises Review	22/02885/LIREVP
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love  
Chief Executive  
4 May 2022**

In considering applications for Premises Licences under the Licensing Act 2003, the Sub Committee is advised of the following:

### **Policy Considerations**

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from January 2021.

### **Guidance Considerations**

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 the Licensing Act 2003. The most recent version was published in April 2018.

### **Core hours When Customers Are Permitted to Be on The Premises**

Core hours, as set out in the Council's Statement of Licensing Policy 2021, are when customers are permitted to be on the Premises. The maximum opening hours permitted will not exceed the start time and terminal hour for each of the days where licensable activity is permitted.

**Note:** The core hours are for all licensable activities but if an application includes Late Night Refreshment, then the starting time for that licensable activity will be 11.00 pm.

#### **1. Casinos**

Up to 24 hours a day whilst Casino Gaming is permitted by a Premises Licence under the Gambling Act 2005.

#### **2. Cinemas, Cultural Venues and Live Sporting Premises**

Monday to Sunday: 09:00 hours to 24:00 hours

#### **3. Hotels**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

Sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours

#### **4. Off licences**

Monday to Saturday: 08:00 hours to 23:00 hours

Sunday: 09:00 hours to 22:30 hours

#### **5. Outdoor Spaces**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

#### **6. Pubs and bars, Fast Food and Music and Dance venues**

Monday to Thursday: 10:00 hours to 23:30 hours

Friday and Saturday: 10:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 12:00 hours to 24:00 hours

## **7. Qualifying Clubs**

Monday to Thursday: 09:00 hours to 24:00 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

## **8. Restaurants**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

## **9. Sexual Entertainment Venues and Sex Cinemas**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

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City of Westminster

## Licensing Sub-Committee Report

Item No:	
Date:	12 May 2022
Licensing Ref No:	21/14515/LIPV - Premises Licence Variation
Title of Report:	Jaks 43 South Molton Street London W1K 5RS
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	17 December 2021		
<b>Applicant:</b>	Valentin Seferi		
<b>Premises:</b>	Jaks		
<b>Premises address:</b>	43 South Molton Street London W1K 5RS	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises trade as a restaurant, bar and café.		
<b>Variation description:</b>	This variation seeks to extend the hours for licensable activities to 3:00a.m. and the opening hours to 3:30 a.m. Monday to Sunday.		
<b>Premises licence history:</b>	<p>The premises were granted a premises licence on conversion in October 2005. The licence was the subject of review in August 2013 where further conditions were added and a further review in May 2014 where the licence was revoked by the Licensing Sub Committee.</p> <p>In May 2016, a new premises licence was granted in respect of the premises and it is this licence (current licence number 18/07071/LIPV) which is the subject of this application. A copy of the current licence is attached at <b>Appendix 1</b> of this report.</p> <p>A full licence history for the premises appears at <b>Appendix 3</b>.</p>		
<b>Applicant submissions:</b>	The applicant has supplied a number of supporting documents which appear at <b>Appendix 2</b>		
<b>Applicant amendments:</b>	Following consultation with Environmental Health, the applicant has restricted the variation for the hours for regulated entertainment to the basement only.		

<b>1-B</b>	<b>Current and proposed licensable activities, areas and hours</b>					
<b>Regulated Entertainment</b>						
<b>Films, live music, recorded music and anything of a similar description (Basement only)</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	01:00	10:00	03:00	Basement to second floor	No change
<b>Tuesday</b>	10:00	01:00	10:00	03:00		
<b>Wednesday</b>	10:00	01:00	10:00	03:00		
<b>Thursday</b>	10:00	01:00	10:00	03:00		
<b>Friday</b>	10:00	01:00	10:00	03:00		
<b>Saturday</b>	10:00	01:00	10:00	03:00		
<b>Sunday</b>	12:00	01:00	12:00	03:00		
<b>Seasonal Variations/non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	To extend to 03:00 on New Year's Day.				No change	

<b>Late night refreshment</b>						
<b>Indoors, outdoors or both</b>			<b>Current :</b>		<b>Proposed:</b>	
			Indoors		No change	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	23:00	01:00	23:00	03:00	Basement to second floor	No change
<b>Tuesday</b>	23:00	01:00	23:00	03:00		
<b>Wednesday</b>	23:00	01:00	23:00	03:00		
<b>Thursday</b>	23:00	01:00	23:00	03:00		
<b>Friday</b>	23:00	01:00	23:00	03:00		
<b>Saturday</b>	23:00	01:00	23:00	03:00		
<b>Sunday</b>	23:00	01:00	23:00	03:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	To extend to 03:00 on New Year's Day.				No change	

<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			On and Off		No change	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	01:00	10:00	03:00	Basement to second floor	No change
<b>Tuesday</b>	10:00	01:00	10:00	03:00		
<b>Wednesday</b>	10:00	01:00	10:00	03:00		
<b>Thursday</b>	10:00	01:00	10:00	03:00		
<b>Friday</b>	10:00	01:00	10:00	03:00		
<b>Saturday</b>	10:00	01:00	10:00	03:00		
<b>Sunday</b>	12:00	01:00	12:00	03:00		

<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>
	To extend to 03:00 on New Year's Eve.	No change

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	07:00	01:30	07:00	03:30	Basement to second floor	No change
<b>Tuesday</b>	07:00	01:30	07:00	03:30		
<b>Wednesday</b>	07:00	01:30	07:00	03:30		
<b>Thursday</b>	07:00	01:30	07:00	03:30		
<b>Friday</b>	07:00	01:30	07:00	03:30		
<b>Saturday</b>	07:00	01:30	07:00	03:30		
<b>Sunday</b>	07:00	01:30	07:00	03:30		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				No change	

<b>1-C</b>	<b>Layout alteration</b>
No change of layout is proposed.	

<b>1-D</b>	<b>Conditions being varied, added or removed</b>	
No change of conditions is proposed.		
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	None	No change



<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Dave Morgan
<b>Received:</b>	13 January 2022 ( <b>withdrawn 25 February 2022</b> )
<p>With reference to the above, I am writing to inform you that the Metropolitan Police Service as a Responsible Authority are <b>objecting</b> to this application on the basis that if granted, it would undermine the Licensing Objectives, namely The Prevention of Crime and Disorder.</p> <p>Although the venue is not situated within the Cumulative Impact Area, the hours sought are beyond those of Westminster Councils Core Hours Policy and we have concerns that this application may cause further Policing problems in the area.</p> <p>I propose one further condition for your consideration:</p> <ul style="list-style-type: none"> <li>• There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 0100.</li> </ul> <p>If you wish to discuss the application further, please feel free to contact me.</p> <p><b>Following an agreement of a further condition with the applicant, the Metropolitan Police Service withdrew their representation on 25 February 2022. Please see the agreed condition at Appendix 4.</b></p>	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Dave Nevitt
<b>Received:</b>	5 January 2022
<p>I wish to make Representations on the following grounds: Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance.</p> <p>The hours sought are in excess of the 'Core Hours' as defined by the City Council's Licensing Policy and I am concerned about the increased likelihood that Public Nuisance may be caused to nearby local residents.</p>	

<b>2-B</b>	<b>Other Persons</b>
<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████ ██████████
<b>Received:</b>	12 January 2022
Dear Sir/Madam	
Re: Premises Licence Reference 21/14515/LIPV Application for Extension of Closing Times for	

Jak's Bar and Restaurant South Molton Street London W1

As you can see from my address I am a resident of Mayfair. I live approximately [REDACTED] from the above premises.

As you are no doubt aware Mayfair and St. James's are residential areas and it is to that end I wish to object to the proposed new late night closing application of the premises above.

I firmly believe that to grant a late night closing licence for the already identified West End Cumulative Impact Area will have a damaging effect on the area. The licence the applicant has applied for will lead to additional anti-social behaviour and noise pollution. It will absolutely have a negative impact on the residents living in this predominately residential neighbourhood.

Any addition of further late night venues will only exacerbate an already intolerable situation. Crime and disorder along with a sever public nuisance will surely ensue.

I therefore wish to register a very strong objection against this application.

Please confirm in your usual manner that you have received my objection in good time and that it will be lodged for the LSC for consideration.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	13 January 2022

I wish to object to Jak's' application (21/14515/LIPV) to extend their licence to 3am. I believe that an extension to hours for this premises which advertises itself as a bar/club will cause problems for the residential community surrounding it.

South Molton Street is a pedestrian precinct which currently has 26 flats. Preparatory work has already started to add 33 more flats along this street including an allocation of affordable flats. Most of the flats are clustered around or opposite Jak's. There are an additional 12 flats in the section of Brook Street at the south end of South Molton Street plus bedrooms overlooking South Molton Lane behind, all within an area that in the past has been affected by people and vehicles coming to and leaving from this address.

This area has many settled residents who have lived here for anything up to 50 years. They have had to live with late-night licences in the past in South Molton Street and the surround which have all caused noise issues and anti-social behaviour, including fights in the middle of the night, that have disturbed their sleep. Eventually every one of these premises either had their licence revoked or were redeveloped out of existence before the process was complete.

With the best will in the world, having vehicles, parked or waiting, and people, walking or congregating, on these streets in the middle of the night causes disturbance. The later the licence, the worse it gets. It is commendable that Jak's tries to send customers out via Oxford Street, but not entirely practical given the difficult logistics of this location.

I am sure that Mr. Safari wishes to run a well-managed establishment, but late-night licences inevitably affect their surround. Late licences attract people moving on from premises with an earlier closing hour, usually by car or taxi/minicab. We have seen this many times before. He can suggest, but cannot control, how people arrive or leave, where they choose to park or where their own taxis/minicabs drop them off/pick them up.

Vehicles are only allowed in South Molton Street between 7am and 11am in the morning, Monday through Saturday, so people wishing to drive home or take a taxi/minicab must pick up their vehicle down in Brook Street, in South Molton Lane or in/via the top of Davies Street. Currently Davies Street northbound is closed for an indeterminate amount of time, so vehicles must turn in and turn around after coming in via Oxford Street. There is even a plan to eventually close Davies Street off from Oxford Street. Moreover, whichever way people exit, they and/or their vehicles will be under bedroom windows in narrow streets where sounds are amplified during the night when ambient noise levels drop.

Furthermore, once a licence is granted, there is no control over how it evolves. It is not the enterprise which is being licensed, but the premises. What is currently proposed is not necessarily what will endure as the history of this site has shown us. 43 South Molton Street was for many years a quiet Japanese restaurant which never caused any problems.

The site then went through at least 3 iterations, each one worse than the last, until someone managed to call the police and to lean out of a window to film the fight which finally led to this licence being revoked.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	13 January 2022

Jaks is situated in a paved street that has both residential and business property either side of the street, surrounding streets have a lot of residential streets, a Cross Rail Station is due to open in an adjoining Street where there is already an Underground Station which will be a 24 hour station when the 24 hour tube returns, for Jaks to stay open till 3.30 in the morning will cause problems for local residents, there will be a very high risk of noise from revellers heading to the stations mentioned and beyond the stations, residents living beside the stations include front line workers as well as other workers they need their rest, there is the very high risk of taxis, pedicabs gathering in the streets by Jaks which will cause disturbance.

Already residential private gardens are being used by people who have been to pubs and clubs for various purposes including anti social behaviour entry to the gardens are gained by climbing fences and locked gates, when the unwanted visitors leave they very often leave behind rubbish, this problem will increase if Jaks stay open till 3.30 in the morning then reopen a few hours later. People who have been to other drinking venues in the area may head to Jaks when the venue they have been at closes, once at Jaks they may be refused entry because they have already been drinking, this could be a flash point for trouble which will be extra disturbance for local residents, there will also be the risk of those refused entry hanging about in South Molton Street where there are benches and causing noise.

I object very strongly to this application being granted.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	13 January 2022

After the retail businesses in South Molton St have closed the street is a fairly quiet enclave. There are a reasonable number of residents in the immediate area of these premises and more are planned. Mayfair Residents Group wishes to support those local residents who are objecting to this

extension in hours which will almost inevitably increase nuisance to those living nearby, especially when the premises shut up shop in the early hours.

**Name:** [REDACTED]

**Address and/or Residents Association:** [REDACTED]  
[REDACTED]  
[REDACTED]

**Received:** 14 January 2022

Dear Sirs,

I am writing in my capacity as West End Ward Councillor.

I support the concerns raised by local residents and others in connection with this proposal, and object to the extension of the Licence to 3am, as this is an inappropriate location for such extended operation, and is likely to contribute to anti-social behaviour and criminality in the area.

It is also likely to increase noise and disturbance to nearby residents, and it is not therefore in accordance with the Licensing Objectives.

**Name:** [REDACTED]

**Address and/or Residents Association:** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Received:** 13 January 2022

Regarding this application we would like to object highly.

Already we have unsocial behaviour due to the establishments around us already, more so when jaks was amika there was so much trouble and anti social issues.

There were many fights and other issues like drugs like previously coupled with more of an influx of dealers and by granting a 3 am licence would simply fuel such anti social behaviour. There is also the added problem with cabs which would create more noise and traffic which in turn would cause noise and regularly.

I have children that live within our property which would be unfair for them to be around and exposed to such behaviour, furthermore as a parent i have to be concerned about the their welfare.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

#### **Policy HRS1 applies**

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
  2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
  3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
  4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
  5. The proposed hours when any music, including incidental music, will be played.
  6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
  7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
  8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
  9. The capacity of the premises.
  10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
  11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
  12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
  13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
  14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days

	are expected to be covered by Temporary Event Notices or variation applications.
<b>Policy RNT(A) applies</b>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>

#### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation

<b>5.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Premises Licence 18/07071/LIPV
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

**Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police representation	13 January 2022 <b>(withdrawn 25 February 2022)</b>
<b>5</b>	Environmental Health representation	05 January 2022
<b>6</b>	Interested party representation (1)	12 January 2022
<b>7</b>	Interested party representation (2)	13 January 2022
<b>8</b>	Interested party representation (3)	13 January 2022
<b>9</b>	Interested party representation (4)	13 January 2022
<b>10</b>	Interested party representation (5)	14 January 2022
<b>11</b>	Interested party representation (6)	13 January 2022



**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

**Schedule 12  
Part A**

**WARD: West End  
UPRN: 100023474573**

**Premises licence**

Regulation 33, 34

**Premises licence number:**

18/07071/LIPV

**Original Reference:**

16/02285/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Jaks  
43 South Molton Street  
London  
W1K 5RW

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music or Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Exhibition of a Film**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 01:00  
Seasonal Details: To extend until 03:00 on New Years Day

**Performance of Live Music**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 01:00  
Seasonal Details: To extend until 03:00 on New Years Day

**Playing of Recorded Music**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 01:00  
Seasonal Details: To extend until 03:00 on New Years Day



**Anything of a similar description to Live Music or Recorded Music**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 01:00  
Seasonal Details: To extend until 03:00 on New Years Day

**Late Night Refreshment**

Monday to Sunday: 23:00 to 01:00  
Seasonal Details: To extend until 03:00 on New Years Day

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 01:00  
Seasonal Details: To extend until 03:00 on New Years Day

**The opening hours of the premises:**

Monday to Sunday: 07:00 to 01:30

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the Premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Seferi Valentin  
Jubilee House  
Townsend Lane  
Kingsbury  
London  
NW9 8TZ  
*Electronic Mail : pk@2-3gis.co.uk*  
*Business Phone Number : 07977 555348*

**Registered number of holder, for example company number, charity number (where applicable)**

06584419

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Name:** Riad Dragusha

***Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.***

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

<b>Licence Number:</b> PERS-LIC/3206 <b>Licensing Authority:</b> London Borough Of Camden
--

**Date:** 4<sup>th</sup> November 2018

**This licence has been authorised by Miss Sam Eaton on behalf of the Director - Public Protection and Licensing.**

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,



- (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

## **Annex 2 – Conditions consistent with the operating Schedule**

11. After 20:00 hours on any days when there is provision of licensable activities there shall be deployment of SIA registered security officers as follows:

- one for the first 75 customers (or part thereof)
- one for each 100 customers (or part thereof) in excess of 75.

The officers shall remain on duty until the last customer has left the immediate area.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

12. The number of persons permitted in each area of the premises at any one time (excluding staff) shall not exceed :-  
  
Basement: 130  
Ground floor: 32  
First floor: 65  
Second floor: 40
13. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. The supply of alcohol on the first and second floors of the premises shall only be by waiter or waitress service to a person seated taking a substantial table meal there, including customers awaiting service, for consumption by such a person as ancillary to their meal.
15. The supply of alcohol on the ground floor shall only be by waiter or waitress service to customers who are seated and after 21:00 hours shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
16. The basement shall be laid out with tables and chairs (providing at least 120 seating places for customer use) at all times when there is supply of alcohol in this area (final numbers to be determined on removal of 'works' conditions 10 and 11).
17. The supply of alcohol for consumption off the premises shall be in sealed containers only save for in an area appropriately authorised for the use of tables and chairs on the highway where such supply of alcohol will be:
  - o by waiter or waitress service only
  - o to customers who are seated
  - o and where there will be no more than 4 tables and 16 chairs.
18. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
19. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them unless seated in the authorised external area. After 21:00 hours such patrons shall be restricted to a maximum of 10 at any one time and shall be supervised by a person licensed by the Security Industry Authority.
20. A member of management or security shall patrol South Molton Street from 23:00 hours until 30 minutes after the premises close.
21. There shall be no regulated entertainments on the ground floor or in the external area used for tables and chairs.
22. After 23:00 hours amplified live music shall be restricted to the basement.
23. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
24. The exhibition of films shall be restricted to the basement and there shall be no cinema style showing of films.



25. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
26. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
27. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
28. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
29. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
30. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
31. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
32. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
33. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
34. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
35. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.



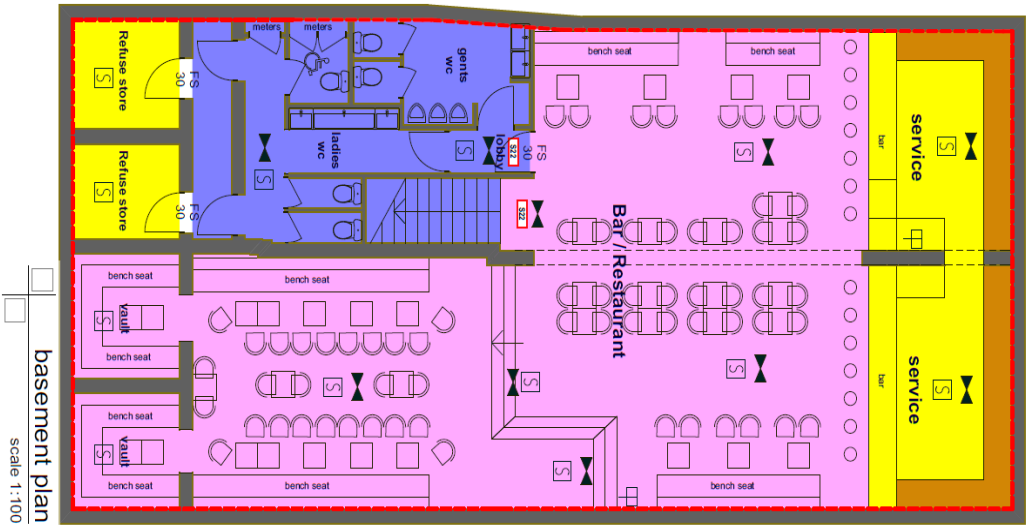
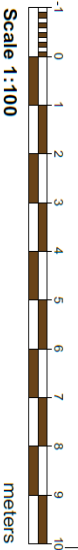
36. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 07:00 hours on the following day.
37. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.
38. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
39. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City 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 concerning crime and disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service.
40. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public..
41. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
42. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
43. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
44. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
45. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
46. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
47. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
48. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
49. The certificates listed below shall be submitted to the licensing authority upon written request:
  - o Any permanent or temporary emergency lighting battery or system

- o Any permanent or temporary electrical installation
  - o Any permanent or temporary emergency warning system
50. The premises shall operate a dispersal policy at least half an hour before the terminal hour for provision of licensable activities and until the last customer has left the immediate area, as follows:
- a. Hot and cold soft drinks must be available.
  - b. Music must be lowered.
  - c. Lights must be turned up.
  - d. Customers must be reminded that there are residents on the street and be asked to leave quietly.
  - e. Customers must be encouraged to walk towards Oxford Street.
  - f. Security staff shall supervise the exit door and the street outside, to disperse customers rapidly and quietly.
51. All staff engaged in supervising of the outside of the premises shall wear high visibility arm bands.
52. There shall be no dance floor at the premises.
53. There shall be no external promoters used at the premises.

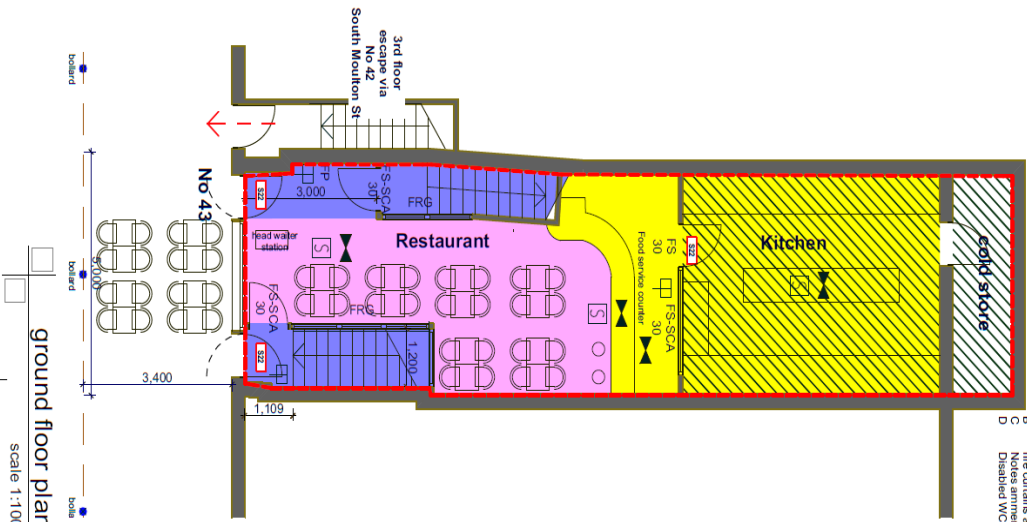
**Annex 4 – Plans**

Attached

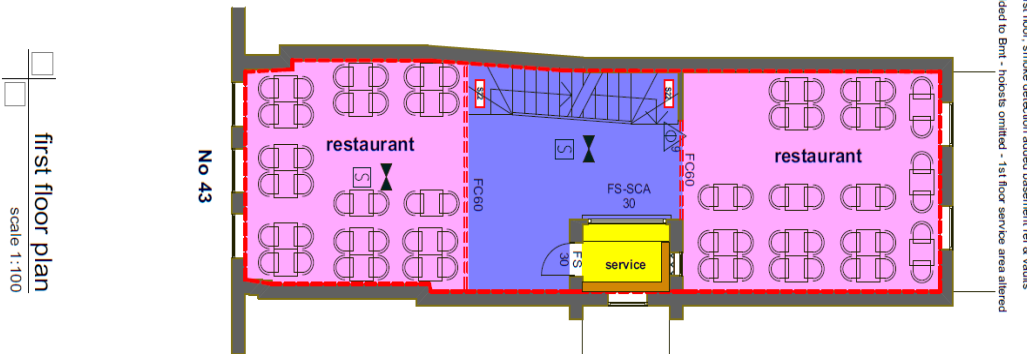
NB  
Tables and chairs shown for  
illustrative purposes only



basement plan  
scale 1:100



ground floor plan  
scale 1:100



first floor plan  
scale 1:100

Job no: drawing no: revision: scale: 1:100 @ A3  
**1513 - LP 1 D**  
 project: 43 South Moulton Street, London W1  
 drawing: basement - 1st floor plans  
 architect: perry and bell ltd

date: 7 Dec 2015  
 drawn by: IDP  
 checked by: MIK  
 issued by: Issue Date  
 A 30-12-2015  
 B 21-01-2016  
 C 24-02-2016  
 D 26-02-2016  
 Licence plans

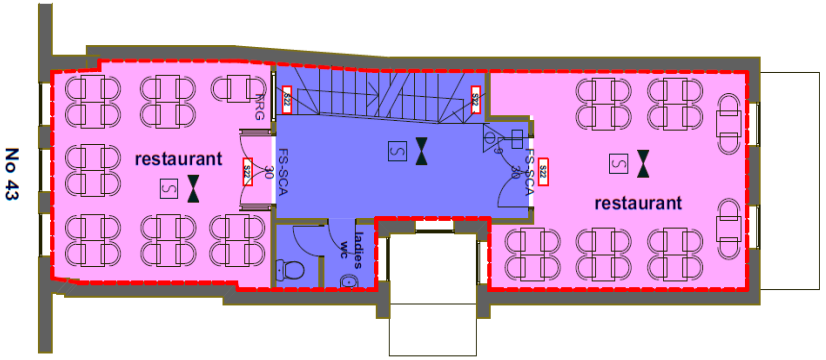
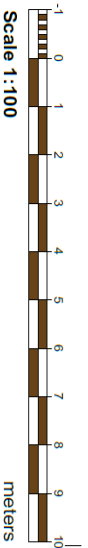
- Revised Comment
- A door & partitions omitted at first floor, travel distances and widths added
  - B Fire curtains added at first floor, smoke detection added basement ref & vaults
  - C Notes amended
  - D Disabled W/C facility added to Brit - hosts omitted - 1st floor service area altered

**DESIGNATION KEY**

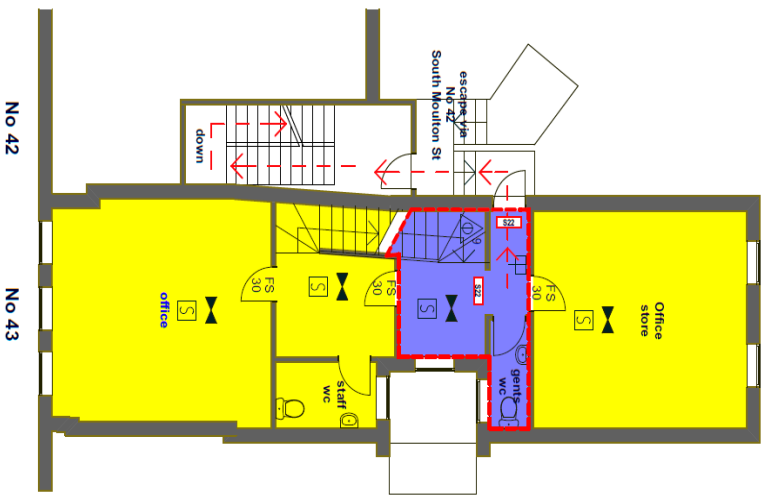
- DESIGNATED DRINKING AREA
- DESIGNATED PUBLIC TOILET AREA, PASSAGES & STAIRS
- DESIGNATED KITCHEN / STAFF AREA
- DESIGNATED LIQUOR STORAGE
- DESIGNATED ENVIRONMENTAL HEALTH AREA
- DESIGNATED LICENCE OUTLINE
- EMERGENCY LIGHT
- SMOKE DETECTOR
- ESCAPE SIGNAGE
- CALL POINT
- FIRE EXTINGUISHER
- FIRE DOOR - SMOKE RESISTANT
- SELF CLOSING - AUTOMATIC RELEASE
- FIRE RESISTANT GLAZING
- FC60 AUTOMATIC FIRE CURTAIN 60 MIN FR



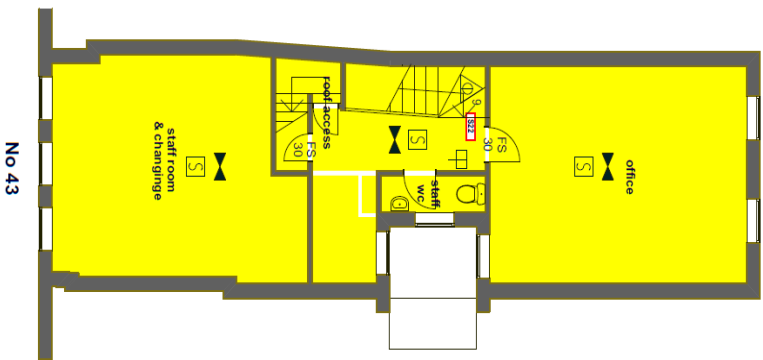
NB  
Tables and chairs shown for  
illustrative purposes only



second floor plan  
scale 1:100



third floor plan  
scale 1:100



fourth floor plan  
scale 1:100

Job no: 1513 - LP 2 C  
drawing no: 1513 - LP 2 C  
revision:  
Project: 43 South Moulton Street, London W1  
drawing: 2nd - 4th floor plans  
scale: 1:100 @ A3

Revised by: Issue Date:  
A 30-12-2015  
B 30-12-2015  
C 26-02-2016

date: 7 Dec 2015  
drawn by: IDP  
checked by: MJK  
Licence plans  
Perry + Bell Ltd  
Architects  
21 Woodstock St  
London W1C 2AP  
T: 020 7486 6036  
F: 020 7499 9898  
architects@perryandbell.com

DESIGNATION KEY	
	DESIGNATED DRINKING AREA
	DESIGNATED PUBLIC TOILET AREA, PASSAGES & STAIRS
	DESIGNATED KITCHEN / STAFF AREA
	STORAGE
	DESIGNATED ENVIRONMENTAL HEALTH AREA
	DESIGNATED LICENCE OUTLINE
	EMERGENCY LIGHT
	SMOKE DETECTOR
	ESCAPE SIGNAGE
	CALL POINT
	FIRE EXTINGUISHER
	FIRE DOOR - SMOKE RESISTANT
	SELF CLOSING - AUTOMATIC RELEASE
	FIRE RESISTANT GLAZING
	AUTOMATIC FIRE CURTAIN 60 MIN FR



Schedule 12  
Part B

WARD: West End  
UPRN: 100023474573

**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Premises licence  
summary

Regulation 33, 34

Premises licence number:

18/07071/LIPV

**Part 1 – Premises details**

**Postal address of premises:**

Jaks  
43 South Molton Street  
London  
W1K 5RW

**Telephone Number:** Not supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music or Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Exhibition of a Film**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 01:00  
Seasonal Details: To extend until 03:00 on New Years Day

**Performance of Live Music**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 01:00  
Seasonal Details: To extend until 03:00 on New Years Day

**Playing of Recorded Music**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 01:00  
Seasonal Details: To extend until 03:00 on New Years Day

**Anything of a similar description to Live Music or Recorded Music**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 01:00  
Seasonal Details: To extend until 03:00 on New Years Day

**Late Night Refreshment**

Monday to Sunday:	23:00 to 01:00
Seasonal Details:	To extend until 03:00 on New Years Day
<b>Sale by Retail of Alcohol</b>	
Monday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 01:00
Seasonal Details:	To extend until 03:00 on New Years Day

<b>The opening hours of the premises:</b>	
Monday to Sunday:	07:00 to 01:30

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the Premises.

**Name and (registered) address of holder of premises licence:**

Seferi Valentin  
 Jubilee House  
 Townsend Lane  
 Kingsbury  
 London  
 NW9 8TZ

**Registered number of holder, for example company number, charity number (where applicable)**

06584419

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Name:** Riad Dragusha

**State whether access to the premises by children is restricted or prohibited:**

Restricted

**Date:** 4<sup>th</sup> November 2018

**This licence has been authorised by Miss Sam Eaton on behalf of the Director - Public Protection and Licensing.**

**WESTMINSTER CITY COUNCIL**

**LICENSING SUB-COMMITTEE**

**APPLICATION FOR VARIATION TO PREMISES LICENCE**

**Jaks, 43 South Molton Street, London W1K 5RW**

**12<sup>TH</sup> May 2022**

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**APPLICANT'S BUNDLE**

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**Index**

- 1. Skeleton argument**
- 2. Photographs**
- 3. Menus**
- 4. Shield Associates report**
- 5. Police correspondence**
- 6. Environmental health correspondence**
- 7. Residents' correspondence**



**Tab 1**

**WESTMINSTER CITY COUNCIL**

**LICENSING SUB-COMMITTEE**

**APPLICATION FOR VARIATION TO PREMISES LICENCE**

**Jaks, 43 South Molton Street, London W1K 5RW**

**12<sup>TH</sup> May 2022**

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**APPLICANT'S SKELETON ARGUMENT**

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**Introduction**

1. Jaks opened its doors in 2017 and has operated without harm to the licensing objectives in the five years since, including while utilising its full complement of temporary events notices for later hours.
2. Jaks now wishes to vary its licensed hours to 3 a.m.
3. The Metropolitan Police were content to withdraw their representation on the basis of additional conditions.
4. Agreement has been reached with the environmental health officer as to conditions, although the representation has been left in.
5. Those further conditions are commended to the Sub-Committee.
6. There are five residents objecting, who are in turn supported by [REDACTED]. It is hoped that their concerns will be allayed by the conditions agreed with the authorities as described below.

**Jaks**

7. 43 South Molton Street was previously a nightclub called Amika, which was poorly managed and lost its licence following a public brawl.

8. The owner of Jaks, Mr Seferi, has nothing to do with the previous owners or operation.
9. In 2016, Mr Seferi applied for and was granted a premises licence to 1 a.m. on seven nights per week. Even though the licence is beyond core hours, the Sub-Committee was content to grant the licence with an extensive set of 53 conditions (mostly proposed by Mr Seferi, the remainder agreed in the Sub-Committee meeting), trusting that these would be sufficient to prevent harm to the licensing objectives, as they have proved to be. The main conditions can be summarised as follows:

Security	After 20:00, 1 x SIA for first 75 customers and one for each 100 thereafter (condition 11)
Capacity	Basement 130 Ground floor 32 First floor 65 Second floor 40 (Condition 12)
First and second floor restaurant	<ul style="list-style-type: none"> <li>• Full restaurant condition (condition 14)</li> <li>• No live music after 23:00 (condition 22)</li> <li>• Noise limiter installed (condition 28)</li> </ul>
Ground floor café	<ul style="list-style-type: none"> <li>• Post 9 pm full restaurant condition (condition 15)</li> <li>• No regulated entertainment on ground floor (condition 21)</li> <li>• No speakers in lobby (condition 23)</li> </ul> <p>I.e. no bar visible from street</p>
Basement bar	<ul style="list-style-type: none"> <li>• To be laid out with at least 120 chairs with tables (condition 16)</li> <li>• Noise limiter installed (condition 28)</li> <li>• No dance floor (condition 52)</li> <li>• No external promoters (condition 53)</li> </ul>
Exterior control	<ul style="list-style-type: none"> <li>• No drinking outside except in authorised external area (governed by pavement licence) (conditions 17 and 18)</li> <li>• No reg entertainment outside, no speakers (conditions 21 and 23)</li> <li>• Max 10 smokers post 21:00 (condition 18)</li> <li>• Management or security to patrol South Molton St from 23:00 to 30 minutes after closing (condition 20)</li> <li>• Litter sweeps (condition 34)</li> <li>• Dispersal policy including: <ul style="list-style-type: none"> <li>○ Customers encouraged to walk towards Oxford St</li> <li>○ Security staff to supervise exit door and street to disperse customers rapidly / quietly (condition 50).</li> </ul> </li> <li>• All staff supervising exterior to wear high vis arm bands (condition 51)</li> </ul>
General nuisance	<ul style="list-style-type: none"> <li>• No nuisance condition (condition 29)</li> <li>• No odour etc condition (condition 30)</li> <li>• Windows / doors closed after 21:00 (condition 31)</li> <li>• Respect neighbours notices (condition 32)</li> </ul>

	<ul style="list-style-type: none"> <li>• Manager’s telephone number publicly available (condition 33)</li> <li>• Waste presented at controlled times (condition 35), and not to be moved etc between 23:00 and 07:00 (condition 36)</li> <li>• No deliveries 23:00 to 08:00 (condition 37)</li> </ul>
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10. Mr Seferi reconceived and refurbished the premises to create a homely, comfortable, lounge-style environment, with a restaurant on the first and second floors, a café on the ground floor and a seated bar/lounge in the basement. It attracts a mature clientele that would prefer to sit and talk than stand or dance.

11. Photographs of the premises are at **Tab 2**.

12. The menus for the premises are at **Tab 3**. The premises now operates both a full restaurant and a separate sushi kitchen for the benefit of its guests, as can be seen from the menus.

13. The above code of control has been highly effective in terms of promoting the licensing objectives. The premises do not suffer from crime or disorder, there are no police call-outs and there are no nuisance complaints.

14. More specifically:

- There is no queuing at the venue. On weekend nights, which are the busiest, nearly all tables are pre-booked in any event.
- There is no noise break-out.
- Exterior use for smoking and drinking is very limited.
- Dispersal is peaceful. There is no mass exodus as there is for nightclubs. Customers come out in couples and small groups and tend to walk the short distance to Oxford Street to pick up cabs, supervised by security staff. There are no cabs on South Molton Street since it is pedestrianised at night, which reduces the potential for disturbance.
- Deliveries and waste present no issues.

### **Temporary event notices**

15. Over the busy winter period in 2021, Jaks utilised its full complement of TENs to permit licensable activities until 3 a.m., i.e. the hours applied for here. The dates involved were: 16, 17, 23, 24, 30, 31 October; 6, 7, 13, 14, 20, 21, 27, 28 November; 4, 5, 11, 12, 17, 18, 19 December.
16. The outcome was that there were no complaints or issues.
17. The experience was that having the longer hours meant that the numbers dwindle so that by closing time there are only about 80 customers left in the venue, making dispersal relaxed and quiet.

### **This application**

18. Based on its experience of running without harm to the licensing objectives, the applicant has now made this application.
19. In support of the application, it has invited the independent licensing consultants Shield Associates to inspect the premises and the locality and to produce a report. Shield have no previous association with Jaks. The report, which is by Ian Smith and David Gair, respectively a former Metropolitan Police Borough Commander and Chief Inspector, is at **Tab 4**.
20. Shield inspected over two weekend nights. They considered this a very well-run venue with a definite team ethos and good management in terms of the licensing objectives. The SIA team was a settled team which provided a pro-active presence. The décor and feel of the venue was high end, with plush furnishing etc. The service is correspondingly attentive and polite. The customer base reflects the offer: it is a mature one (25-40, couples and small mixed groups) which is not prone to creating or causing issues around crime and disorder.
21. They found that the premises exerted no impact on the licensing objectives. Activities are essentially inaudible outside. Customers left the venue in small groups and were encouraged both by staff and the SIA team to head up (north west) the short distance towards Oxford Street. Very few walked down South Molton Street. They saw no evidence of nuisance, anti-social behaviour or intoxication.

22. They concluded that: “the managers and staff all appear to be determined to run a safe, secure and enjoyable venue that provides first class service in a high-end establishment.”
23. They recommended that there be a last entry condition of 01:00, a 30 minute dispersal period and that the internal door into the bar is closed off except for ingress and egress. On that basis, Shield did not consider that the hours applied for would have any impact on the licensing objectives.

### **Police**

24. The Police made a representation stating the hours sought were beyond core hours and they had concerns that the application may cause further policing problems in the area.
25. Jaks representatives accordingly met Police on site so that the Police could see the nature of the operation.
26. They agreed that the premises was discrete and not a landmark, and nor was it a crime generator.
27. As a result, they reached agreement that:
- (1) There shall be no admittance or re-admittance to the premises after 01:00 except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call).
  - (2) At closing time, the premises licence holder shall station one SIA operative outside the premises and one at the north end of South Molton Street to supervise customers walking in that direction.

28. On the basis of that agreement, the Police withdrew their representation.

29. A copy of the relevant Police correspondence is at **Tab 5**.

### **Environmental health**

30. Environmental health made a representation regarding the risk of public nuisance.
31. Jaks’ representatives accordingly met Mr Nevitt on site.

32. Following that, Mr Nevitt wrote a helpful memorandum recording the several conditions already in place to promote the licensing objectives, and noting the structural characteristics of the premises which served to protect against noise escape.
33. As a result of the meeting, Jaks agreed to restrict the variation for the hours of regulated entertainment to the basement only. It was also able to offer Mr. Nevitt reassurance on all the matters he had raised.
34. Mr. Nevitt has left his representation in, so he will hopefully be able to confirm the above with the Sub-Committee.
35. The relevant correspondence is at **Tab 6**.

### **Residents**

36. Jaks asked WCC officers to distribute a meeting invitation to residents, per **Tab 7**.
37. Consequently, Jaks' representative spoke with one resident, which did not result in an agreement.
38. However, there is no evidence that Jaks has caused a nuisance to residents in the five years it has traded here.
39. The Sub-Committee is invited to the view that the agreements with MPS and environmental health are adequate to prevent harm should this variation be granted.

### **Conclusion**

40. Jaks has proved an asset to Westminster, providing a first class, relaxed, high-service, licensed environment which has traded without harm to the licensing objectives, subject to a licence which was from the outset conditioned to avoid harm.
41. The proposals have been:
- a. Tested with a large number of TENs.
  - b. Scrutinised by senior independent licensing consultant.
  - c. Discussed with MPS, with conditions agreed.

d. Discussed with environmental health, with measures agreed.

42. The Sub-Committee is asked to conclude that all the evidence is that Jaks has earned the opportunity to trade to the hours applied for, and that this proposal may safely be granted.

**PHILIP KOLVIN QC**  
**3rd May 2022**

**11 KBW**  
**Temple EC4**



Tab 2















# Jak's Mayfair

## Breakfast Menu

### Breakfast

Florentine .....	11.5
2 poached eggs on a toasted muffin with spinach & hollandaise sauce	
Jak's Benedict .....	12.5
2 poached eggs on a toasted muffin with ham & hollandaise sauce	
Jak's Royal .....	12.5
2 poached eggs on a toasted muffin with smoked salmon & hollandaise sauce	
Highland Scrambled .....	11.5
Scrambled eggs & smoked salmon on a toasted bagel	
Omelette .....	10.5
with peas, mushrooms & spinach	
Omelette .....	13
with bacon & sausage	
Scrambled Eggs .....	12.5
With ham & cheese on toast	
Jak's Full Breakfast .....	14.5
2 fried eggs, bacon *, Cumberland sausage, tomato, mushrooms, baked beans & toast with a hot drink of your choice * options available turkey bacon & chicken sausage *	

### Bakery & Fruit

French Toast .....	8.5
With honey & cinnamon, garnished with fruit	
Croissant .....	4.5
With butter & jam	
Toast .....	4.5
With butter & jam	
Granola .....	8.5
With fruits, yogurt & honey	
Porridge .....	8.5
With walnuts, blackberries & honey	
Fruit Salad .....	8.5

### Desserts

Tiramisu .....	8.5
Cup Cake .....	6.5
Jak's Strawberry Cheesecake .....	8.5
Cake of the Day .....	8.5

### Hot Drinks

Espresso .....	single 3 double 3.5
Macchiato .....	single 3.5 double 4
Americano .....	4
Cappuccino .....	4
Latte .....	4
Selection of Teas .....	5.5
Hot Chocolate .....	4.5
Cafe Mocha .....	5
Bailey's Coffee .....	13.5
Hot coffee with Bailey's, sugar & fresh cream	
Irish coffee .....	14.5
Hot coffee with Irish whisky, sugar & fresh cream	

\* milk options available: semi skimmed, coconut, soya, almond, oat \*

### Fresh Juices

All juices 7.5

\*\*except

<p><b>Morning Magic</b> carrot, apple, ginger</p> <p><b>Jak's Juice</b> Carrot, apple, orange, ginger</p> <p><b>Pick Me Up</b> carrot, apple, cucumber, ginger, lemon</p> <p><b>Happy Chappy</b> carrot, beetroot, orange, pineapple, lemon</p> <p><b>Cool Breeze</b> Pineapple, mint, apple</p> <p><b>Apple Refresh</b> apple, lemon, ginger</p> <p><b>Soul Cleanse</b> spinach, apple, parsley, cucumber, celery, lemon</p> <p><b>Winter Warmer</b> Spinach, apple, pear, (ginger optional)</p> <p><b>Beetlicious</b> beetroot, apple, carrot, ginger</p> <p><b>Green Machine</b> kale, spinach, celery, cucumber, ginger</p> <p><b>Sunshine Glow</b> Spinach, apple, pineapple, cucumber</p> <p>** Pomegranate Juice 10</p>
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Please inform a member of the team of any dietary requirements or allergies. A discretionary 12.5% service charge will be added to your final bill.

# Jak's Mayfair

43 South Molton Street W1K 5RS Tel: 0330 088 2203

## STARTERS

Grilled King Prawns .....	18.5
Chicken Caesar .....	14.5
Burrata Salad .....	11.5
Smoked Salmon .....	13.5
Classic Bruschetta (V) .....	7.5
Greek Salad .....	9.5
Tricolore Salad .....	9.5
Artichoke Salad .....	9.5
Pizza Bread .....	10

## FISH

All served with two sides

Grilled Sea Bass Fillet .....	23.5
Grilled Tuna Steak .....	24.5
Poached Salmon Steak .....	25
Cod Fish .....	24.5

## MEAT

All served with two sides

Chicken Milanese .....	23.5
Grilled Chicken Breast .....	22.5
Chicken Parmigiana .....	23.5
Jak's Beef Burger .....	21
Veal Schnitzel .....	22.5
Veal with mushroom sauce .....	23.5
Ribeye Steak with peppercorn sauce .....	26.5

## VEGETARIAN

All served with two sides

Melanzane Parmigiana (V) .....	18.5
Spinach Ricotta Cannelloni (V) .....	16.5
Stuffed Aubergine (V) .....	22.5

## SIDE VEGETABLES

Grilled Vegetables - Broccoli - Spinach
Roast Potatoes - Roasted Mushrooms
Saffron Rice - Chips
Any 7.5 - Choice of three 14.5

See our large display selection of salads, vegetables  
fish & meats for more specials

## PIZZA

Margarita (V) .....	12
Jak's chicken & peppers .....	14.5
Pepperoni .....	15.5
Vegetariana (V) .....	14.5
Rustica cherry tomatoes, bresaola, rocket .....	16
Zefi ham, artichoke, mushroom, olives .....	15.5
Regina Parma ham, parmesan .....	15
Walton red onions, tuna, olives .....	15
Napoli anchovies, capers (V) .....	14
Calabreze sausage, peppers, jalapeños, pesto .....	16
King's Road spinach, egg, parmesan .....	14.5
Chelsea goat cheese, mushroom, spinach .....	15
Quattro Formaggi (V) .....	14

\* Gluten-free options available \*

## PASTA

Salmon & Spinach Penne .....	18.5
Penne Aubergine & Mozzarella (V) .....	17.5
Mixed Seafood Spaghetti .....	22
Penne Vodka prawns, vodka, cream, tomato sauce .....	22
Penne Arrabbiata .....	14.5
Zefi with pink creamy sauce .....	17
Spaghetti Bolognese minced beef, tomato sauce .....	16
Spaghetti Carbonara bacon, egg, parmesan, cream .....	19
Mushroom Risotto parmesan, cream (V) .....	16
Salmon Risotto asparagus, saffron .....	19.5
Risotto Quattro Formaggi (V) .....	16
Creamy Gnocchi with butternut squash & spinach .....	16.5
Penne with red pesto & burrata .....	17.5
Paccheri Gamberi with zucchini & pomodorini .....	22.5

\* Spelt pasta & gluten-free options available \*

## SHARING PLATTERS

For two

### Cured Meat

Parma ham, mortadella, chorizo, salami

### Cheese Platter

Brie, pecorino, blue cheese, goat cheese

### Vegetarian

Carrots, cucumbers, courgette, olives, peppers, hummus

From 14

Please inform a member of staff for any dietary requirements or allergies. A discretionary 12.5% service charge will be added to your final bill

# Jak's

43 South Molton Street W1 Tel: 033 0088 2203

## STARTERS

Chicken Caesar  
Burrata Salad  
Classic Bruschetta (v)  
Artichoke Salad  
Goat Cheese and Baby Spinach  
Hummus and Pizza Bread

## MAINS

All mains are served with a selection of two sides –  
Mixed Roasted Vegetables, Roasted Potatoes, Broccoli Greens

Ribeye Steak with peppercorn sauce  
Chicken Milanese  
Chicken Parmigiana  
Jak's Beef Burger  
Grilled King Prawns  
Grilled Sea Bass  
Grilled Tuna Steak

Penne with Aubergine & Mozzarella (v)  
Spaghetti Carbonara  
Mushroom Risotto  
Seafood Spaghetti

Melanzane Parmigiana (v)  
Spinach Ricotta Cannelloni (v)  
Stuffed Aubergine (v)

## DESSERTS

Cake of the Day  
Strawberry Cheesecake  
Chocolate Pudding  
Tiramisu  
Chocolate Brownie (v) (gf)

Three Course Set Menu – £50 per person

Please inform a member of the team of any dietary requirements or allergies. A discretionary 12.5% service charge will be added to your bill.

# Jak's

43 South Molton Street, London W1K 5RS

Tel: 033 0088 2203

## Sushi Canapé Menu

Spicy Salmon Tartar on Crispy Rice	£4 each
Jak's Chicken Nachos	£3 each
Vegetable Gyoza	£2 each
Chicken and Vegetable Gyoza	£2 each
Vegetable Spring Roll	£2 each
Tempura Shrimp	£3 each
Jak's Spicy Tuna Roll	£3 each
Chicken Karage	£2 each
Mini Chicken Yakitori	£3 each
Pancake Ball with Octopus	£3 each
Mini Tuna Tataki Salad	£4 each
Mini Crab Stick Salad	£3 each

Please inform a member of staff for any dietary requirements or allergies.  
A discretionary 12.5% service charge will be added to your final bill.

# Jak's Sushi

43 South Molton Street WIK Tel: 0330 088 2203

## Sashimi

three pieces per portion

Salmon .....	9.5
Tuna .....	11
Yellow Tail .....	11
Octopus .....	6
Squid .....	6
Ama-ebi sweet shrimp .....	6
Scallop .....	11

## Uramaki

Eight pieces per portion

Soft Shell Crab .....	20
with tobiko, cucumber, & wasabi mayonnaise	
Tempura Shrimp .....	20
tobiko & spicy mayonnaise	
Salmon Roll .....	15
With cucumber & sesame	
Vegan Roll (v) .....	15
With avocado, cucumber, seaweed salad	
Ama-ebi Maké Roll .....	18
With salmon, avocado, tobiko, wasabi mayonnaise	

## Nigiri

two pieces per portion

Salmon .....	7
Tuna .....	9
Yellow Tail .....	8
Octopus .....	7
Squid .....	7
Crab Stick .....	6
Cooked Shrimp .....	7
Scallop .....	8
Ama-ebi sweet shrimp .....	7
Tamago japanese omelet .....	6
Aburi Seared Salmon .....	7
Aburi Seared Tuna .....	8
Aburi Seared Scallop .....	8

## Sides

Fried Rice with chicken & kimchi .....	19
Fried Rice with salmon & tobiko .....	20
Vegetable Fried Soba Noddles	17

## Gunkan Sushi

two pieces per portion

Spicy Salmon .....	7
Salmon Roe .....	7
Tobiko fish roe .....	7
Edamame (v) .....	6
Seaweed Salad (v) .....	6

## Hosomaki

Eight pieces per portion

Cucumber .....	7
Avocado .....	7
Salmon .....	9
Tuna .....	9
Tamago japanese omelet .....	7

## Tokusen Nigiri

selection of Nigiri sushi

Chef's Selection of six pieces .....	20
Chef's Selection of nine pieces .....	28.5

## Zensai ( Tapas )

Appetizers

Edamame Soybeans (v) .....	6
Mixed Salad (v) .....	8
with Japanese dressing	
Seaweed Salad (v) .....	8.5
with soy & sesame dressing	
Crab Stick .....	9.5
with cucumber, tobiko & japanese mayonnaise	
Japanese Fried Chicken .....	10.5
with mixed salad & japanese sesame dressing	
Yellow Tail Carpaccio .....	16.5
With turnip puree, chilli & lemon ponzu	
Spicy Salmon Tartar .....	18.5
With crispy rice	
Jak's Tuna Tataki .....	18.5
with mixed salad, cucumber, avocado, crispy leek & wasabi citrus dressing	

## Hot Dishes

Hot

Jak's Spicy Tuna Roll .....	18.5
Tempura Prawn .....	18.5
Tempura Seasonal Vegetable (v) .....	14.5
Chicken Karage japanese fried chicken .....	11.5
Teriyaki Chicken .....	13.5
Teriyaki Salmon .....	15.5
Steam Rice .....	5
Miso Soup with salmon & tofu .....	7
Vegetable Spring Roll (v) .....	9
Chicken & Vegetable Gyoza .....	10
Chicken Yakitori chicken skewer (2 pcs) .....	8.5
Tempura Soft Shell Crab with wasabi mayonnaise .....	16.5
Jak's Flat Iron Cube with crispy garlic & chef's secret recipe .....	18
Jak's Nachos .....	10
Crispy dumping pastry, chicken, teriyaki sauce & wasabi mayonnaise	

Please inform a member of staff for any dietary requirements or allergies. A discretionary 12.5% service charge will be added to your final bill



## WHITE WINES

La Maglia Rosa Pinot Grigio Italy 2018 .....	8.5 / 35
Nyala Sauvignon Blanc South Africa 2018 .....	9 / 38
Voltolino Gavi Italy 2018 .....	9.5 / 39
Macon Villages Fichet France 2019 .....	45
Tim Adams Foxlee Reisling Australia 2015 .....	37
Spy Valley Sauvignon Blanc New Zealand 2018 .....	40
Jean Biecher Gewürz Germany 2018 .....	45
Bodegas Castro Martin Albarino Spain 2017 .....	40
Creation Viognier South Africa 2019 .....	38
Domain Thomas Sancerre France 2018 .....	45
Soave Monte Carbonare Italy 2017 .....	55
Jean Defaix Chablis France 2018 .....	55
Charles Maxime Meursault France 2017 .....	95
Puligny Montrachet France 2014 .....	135

175ml Glass / Bottle

## ROSÉ WINES

Petit Papillon Grenache Rosé France 2017 .....	8.5 / 35
Pastour Cotés de Provence France 2018 .....	40
Andre Neveu Sancerre France 2017 .....	48
Whispering Angel Provence France 2019 .....	55

175ml Glass / Bottle

## RED WINES

Jak's La Gasparde France 2016 .....	9 / 35
Le Versant Merlot France 2018 .....	9 / 36
Lorosco Cabernet Sauvignon Chile 2018 .....	10 / 38
Dinastia Vivanco Crianza Rioja Spain 2018 .....	11 / 40
Catena Alta Malbec Argentina 2018 .....	12 / 45
Little Eden Pinot Noir Australia 2018 .....	35
Rufina Chianti Italy 2019 .....	40
Haut De Brun Cotés du Rhone France 2019 .....	42
Château Queyron Saint-Émilion France 2016 .....	55
Angelo Veglio Barolo Italy 2015 .....	50
Journeys End Shiraz South Africa 2017 .....	46
Chevalier Chateauf-neuf-du-Pape France 2017 .....	80
JJ Grand Cru Saint-Émilion France 2014 .....	85
Château La Croix Pomerol France 2007 .....	150
Château Talbot France 2009 .....	150
Tignanello Italy 2010 .....	300

175ml Glass / Bottle

125ml is also available for wines served by the glass. Please note that all wine & champagne vintages are subject of availability

## COCKTAILS

### Jak's Revolution 15.5

White rum, raspberries, raspberry liqueur  
pineapple, pomegranate & lime juice

### Bramble 15

Gin, blackberry liquor, lemon juice & sugar syrup

### Man On Fire 15.5

Plata tequila, single malt whisky, smoked salts  
orange liqueur, agave syrup & lime juice

### New York Sour 15.5

Blended whisky, red wine, egg white  
sugar syrup & lemon juice

### Pornstar Martini 16

Vodka, passion fruit liquor, passion fruit juice & lime juice  
complemented with a shot glass of prosecco

### Espresso Martini 15.5

Vodka, Kahlua, caramel & vanilla liquor, coffee

### Jak's Fresh Apple Martini 16

Vodka or gin, apple liqueur & fresh apple juice

### Jak's Julep 15.5

Cognac, peach purée & liqueur  
lemon juice & mint leaves

### Watermelon Punch 16

Citron vodka, watermelon liqueur & fresh watermelon juice

### English Rose Caipirinha 15

Gin, cachaca, rose syrup, sweet rose-hip & limes

## CHAMPAGNES

Jeio Bisol Prosecco .....	12 / 45 / 95
Perrier-Jouet Grand Brut .....	14 / 70 / 145
Laurent Perrier La Cuvée .....	75 / 180
Moët Imperial Brut .....	75 / 180
Veuve Clicquot Brutt .....	75
Dom Perignon Vintage 2009 .....	300
Krug Grand Cuvée .....	300
Louis Roederer Cristal Vintage 2009 .....	360
Jeio Prosecco Cuvée Rosé .....	45
Perrier-Jouet Blason Rosé .....	95
Veuve Clicquot Rosé .....	110
Laurent Perrier Cuvée Rosé .....	120
Krug Grand Cuvée Rosé .....	400

125ml Glass / Bottle / Magnum



**Shield Associates Licensing Impact Assessment**

**Venue – Jaks Mayfair, 43 South Molton Street, W1K 5RS**

**Date/Time of Visits: 11<sup>th</sup> & 12<sup>th</sup> March 2022, 2230 – 0130hrs**

**1. Introduction**

Shield Associates are a company formed by former senior Metropolitan police officers in 2013. The three Directors all served a minimum of 30 years and were at different times responsible for policing, liaison, partnership working and compliance in relation to licensed premises in the Boroughs of Westminster, Southwark, Sutton, and Kingston-upon-Thames as well as involved in the planning and coordination of licensing initiatives and compliance strategies across the Metropolitan police area.

Shield Associates Directors all served in senior positions within the Metropolitan police, Ian Smith – Detective Superintendent and Borough Commander, Gary Taylor – Superintendent; Pan-London Licensing and TfL policing lead, and David Gair – Chief Inspector; Public Order and Licensing specialist. All three Directors were responsible for crime and disorder reduction, community confidence, public satisfaction and licensing related issues and enforcement with specific dedicated licensing teams under their command.

As part of our licensing response, we undertook problem solving, partnership working and compliance regimes to ensure the safety and security of patrons, staff and the local community in relation to NTE licensed premises, in particular large night-clubs and venues that remained open beyond 0200hrs. This included late-night refreshment houses, liaison with public transport providers and licensed mini-cab activities as part of the larger problem-solving initiatives.

Shield Associates also deliver nationally accredited training for owners, DPS, licensees, security companies, bar staff and workers involved with NTE venues around crime reduction, anti-social behaviour and awareness of their responsibilities under the Licensing Act, forensic awareness, drugs awareness and personal safety and vulnerable persons.

Shield Associates Directors are all members of the Institute of Licensing.

As a company our aim is to provide independent regulatory support to the Licensing trade, offer problem solving and compliance guidance and support the key objectives of the Licensing Act in reviewing working practices, policies, and procedures to ensure:

- The security and safety of those visiting a venue
- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of young and vulnerable people from harm

As such we have undertaken comprehensive reviews and audits of licensed premises to ensure compliance and responsible management in support of the licensing objectives. We have delivered training to staff at licensed venues, local Pub-Watch schemes, personal licence holders and SIA door security companies.

As a company, we undertake independent reviews of premises when instructed to do so. In doing so we recognise that our duty is to provide an independent, objective report to the licensing committee, bearing in mind the potential impact of the premises and its hours on the licensing objectives.

All issues identified in our reports are true to the best of our knowledge and experience. They were either witnessed or experienced by us or told to us in good faith. The opinions expressed in this report are honestly held and correct to the best of our judgement. The fee for this report is not conditional on the outcome of the case in anyway whatsoever.

We have not previously been instructed on behalf of the premises licence holder and have never previously been to any of its premises.

## **2. Instructions to Shield**

Shield Associates have been instructed to undertake two visits to Jaks in South Molton Street to carry out a licensing impact assessment, and to consider any potential impact on the local area in relation to an application to extend its licensing hours. We were specifically asked to look at: The impact of the operation.

- Dispersal management.
- Evidence of residents in occupation at flats in South Molton Street.
- The proposed last entry and its benefits.

On Friday 11<sup>th</sup> and Saturday 12<sup>th</sup> March 2022 David Gair and Ian Smith from Shield Associates carried out the visits to the venue between 2230 – 0130hrs. We met with Mr Tim Halilaj (Duty manager) and spoke to other members of staff during our visits.

## **3. Location and History of Venue**

South Molton Street is a pedestrianised street that runs between Davies Street / Oxford Street and Brook Street a short walking distance from Bond Street underground station. It is a mix of offices, businesses, shopfronts and a few residential properties.

Jak's Mayfair has been operating from 43 South Molton Street for around 4 years. The venue was previously licensed by Westminster Council and was known as 'Amika' that described itself as 'London's most glamorous and infamous nightclub'. When operating as 'Amika;' the venue had a capacity of 300 and operated from 2200-0400hrs. The music scene was described as Electro, Hiphop, Commercial House, R&B and Party Anthems. This venue closed in 2016 following revocation of their licence. The owner of Jaks has nothing to do with the previous operation.

Jak's Mayfair is set over four floors. The ground floor / street level floor is accessed through a double set of doors from South Molton Street and is a café style space with a large glass counter running along the left side wall as you enter, and bistro style tables and chairs along the right-hand wall. There is a cooking

station on display at the far end and fresh produce on display reminiscent of a Mediterranean style tapas bar. It has a capacity for 32 patrons. The first floor is accessed via a staircase to the left of the entrance and is a plush restaurant with small bar and waiter/waitress service with a capacity of 65 guests. The second (top) floor is a lounge bar/restaurant type area with comfortable chairs and sofas with low tables and large flat screen TVs. It has waiter/waitress service and has a capacity of 40 guests.

There is a basement bar that has a separate entrance to the right of the main double street doors and operates an airlock system between the street level and basement bar doors down a flight of stairs to mitigate and reduce any noise nuisance. This is the largest of the four areas of the venue, capacity 130 guests, with a bar set along the far wall and a mix of low-level comfortable seating, low tables as well higher bistro style table and chairs. There is a small DJ booth alongside the right-hand wall, though no dance floor. The walls are mirrored giving the impression of space and the décor is high level, clean and comfortable. Food can be served to all the four floors of the venue throughout the night.

There are both men's and ladies' toilets available in the basement bar and top floor of the venue. These were clean and tidy during our visits. They are monitored regularly by staff.

The venue currently operates from 1000-0100hrs Monday to Saturday and 1200-0100hrs on Sundays. It closes at 0130hrs.

The venue operates a HD CCTV system with 62 cameras covering all floors and entrance to the venue that can be accessed by the duty managers to enable downloads if required. There does not appear to be any discernible crime profile for the venue.

#### **4. Surrounding late-night licensed venues, establishments, and environment**

During our visits we carried out an environmental visual audit of the local area to see what other licensed venues were available to the local community and visitors to the area. There are several venues located within approximately 500m of Jak's Mayfair as follows:

- Claridge's Hotel, Brook Street, Mayfair – 24hour Licence. With Ballroom and 10 entertainment spaces available ranging from a capacity of 20 to 500.

- The Iron Duke, 11 Avery Row, Mayfair – Traditional pub - Licensed until 2300hrs
- Hush, 8 Lancashire Court, Mayfair – Restaurant and Bar - Licensed until 2200hrs
- Duke of York, 8 Dering Street, Mayfair – Traditional pub - Licensed until 2300hrs
- Bonds Mayfair, 11 Dering Street – Gastro-pub – Licensed until 2300hrs
- The Loop Bar, 19 Dering Street, Mayfair – Restaurant, Bar and Nightclub – Licensed until 0300hrs Monday to Saturdays with opening hours to 0330.
- The Running Horse, 50 Davies Street, Mayfair – Traditional pub – Licensed until 0000hrs
- The Spread Eagle, 8 Woodstock Street, Mayfair – Traditional pub – Licensed until 2330hrs
- The Lucky Club, 56 Davies Street, Mayfair – Cocktail bar – Licensed until 0000hrs Fridays and Saturdays.

There are several other late-night establishments, pubs, cafes, bars and nightclubs as well as a casino slightly further afield. The venue is approximately 100m from Oxford Street, probably one of the busiest shopping streets in the UK.

##### **5. Footfall and ambience of vicinity**

Pedestrian throughput along South Molton Street was moderate during our visits. It would appear that the street is used as a cut-through from Oxford Street down towards Brook Street and beyond as well as an access route for those looking to get from south of Oxford Street to Bond Street underground station. It was used mostly by couples and small groups throughout the night. There is also evidence of rough sleepers using a few of the recessed doorways to sleep at night (evidence of bedding placed in the doorways of two premises along South Molton Street).

We also witnessed three Tuk-Tuk / cycle rickshaw peddle-bikes transporting people in the area with excessive loud music being played from music systems attached to the bikes. It would appear that the rickshaws only play the music when they have passengers, and we could hear the cycles occasionally during our visits. They were operating primarily along Oxford Street, though did use Davies Street and Brook Street to travel along with rides on board. **(Image 2) We did not see them frequent Jaks, no doubt because Jaks' customers exhibit no demand for their services.**

During our visits we paid particular attention to the premises above the shopfronts to try and establish whether there was a residential community in South Molton Street. From checking the doorways, it would appear that there are flats above a few premises, specifically at:

- 26 South Molton Street – Access intercom detailing Flats 1, 2 & 3. Lights only seen on first floor of the building on Saturday night.
- 37 South Molton Street – Access intercom detailing Flats 1 & 2. Window open on first floor on Saturday night. No lights seen at the premises during our visits.
- Lancashire Court, Brook Street – Residential flats with basement car parking. This residential block sits in Brook Street and is opposite the southern end of South Molton Street some 250 metres away.

There may well be other flats along South Molton Street without specific named intercom systems as well as those that are accessed from either South Molton Lane, Haunch of Venison Yard or Blenheim Street. There was, however, little evidence of lights in the windows above the business premises during our visits.

#### **6. Transport links and access issues**

As previously mentioned, South Molton Street is a pedestrianised street with vehicular access only between 0700-1100hrs for deliveries. We did notice a council rubbish collection van drive down the street on Saturday night collecting bin bags that had been stacked outside business premises. There are, however, several transport options in the near vicinity starting with Bond Street underground system, all night bus routes along Oxford Street, black taxi cabs and the availability of numerous mini-cab firms. Travel to and from the area seems simple and straightforward.

Those customers leaving the venue are encouraged by staff and the SIA security team to head towards Oxford Street, as we witnessed. Very few people leaving the venue on either night walked south down South Molton Street.

Those leaving the venue between 0050-0120hrs generally walked slowly from Jak's the short distance towards Oxford Street in couples and small groups. The security team were pro-active in encouraging the customers to leave the area quickly and quietly. On Friday there were no issues. On Saturday night one small mixed group of around 6 stopped and chatted for 2-3mins at the junction of Davies Street and South Molton Street, though were then encouraged by the security team to move on. There was no noise nuisance, anti-social behaviour or evidence of intoxication from any of the groups or couples we witnessed. There certainly doesn't appear to be any crime profile for the venue or the vicinity (MPS Crime Heat Map for Oxford Street, Regent Street and Bond Street). There are two distinct crime hotspots on the map in the vicinity of Tottenham Court Road and Oxford Circus. Crime per 1000 people in Westminster is far above the MPS average, however, South Molton Street does not feature as a current area of concern. This would suggest that Jak's doesn't currently cause concerns about crimes linked to the venue.

#### **7. Potential impact of venue on local residents and community (witnessed & experienced)**

In relation to the application to extend the premises licence to 0300hrs. This would clearly result in people leaving the venue at a later hour. In relation to transport links this would not appear to cause any real logistical issues as the venue is well served by nearby transport options. The venue is proposing a last entry condition of 0100hrs. This would be an important condition as from what we have witnessed, there is strict compliance and team-work within the venue by staff, management and the security team to ensure the licensing objectives are supported. By restricting entry to before 0100hrs this would significantly prevent those who are in the West End 'cruising' to find late-night licensed venues to continue drinking from entering the venue.

From our experience of the venue the typical demographic of those attending is between 25-40yrs in mostly small mixed groups or couples. The café bar and restaurant are well served by staff and the basement bar operates an airlock door system to prevent noise emanating from the venue. The top floor restaurant/bar appeared to be a relaxed environment without any perceivable issues of noise, nuisance, disorder, or crime.



Stood at street level just across from the venue we could barely hear any music. Certainly, from around 25-30m away could not hear any sound from the venue. At 2300hrs all outside tables and chairs were removed and only a small smoking area was used by patrons, though very few people actually used this area during our visits. We would suggest that along with the last entry at 0100hrs conditions, the smoking area should also be closed to patrons at 0100hrs.

During our visits the only really noisy group of people we did witness was a group outside the Ballroom at Claridge's Hotel around 0030hrs on Friday night and a balcony party at an address on Brook Street around 0020hrs on Saturday night. The general noise in the area from both pedestrians and vehicular traffic is what we would expect from the busy Mayfair/West End area during our visits.

#### **8. Conclusions and recommendations**

In our experience Jak's Mayfair is a very well-run venue with a definite team ethos and proportionate and considered processes in support of the licensing objectives. The duty manager and Dardan, the security coordinator, have a positive and responsive response to issues as they develop at the venue.

The security is provided by Eagle Protection. They provide 3 x SIA door/security team on Fridays and Saturdays. Two posted at the entrances to the venue and one at the door to the basement bar to manage the 'airlock' noise control process. The SIA team we spoke to were regular members of the team at Jak's and have an awareness of the importance of preventing crime and disorder and controlling any potential noise nuisance from the venue. As mentioned, the venue does not appear to suffer from a crime problem. We think this is partially due to the pro-active presence of the security team in-so-far as they speak to everyone entering the venue to welcome them and provide a reminder that they are present. The other factor, however, is possibly the clientele that appear to be from a more well-off demographic and not prone to creating or causing issues around crime and disorder.

The décor and 'feel' of the venue is high end with plush furnishings, tables and chairs across the four floors. The service is attentive and polite, supporting the high-end aspirations of the venue.

Dispersal is dealt with proactively and was gradual from around 0030hrs through to around 0115hrs. The staff and security team come out of the venue to encourage those leaving to head towards Oxford Street and into the busier part of the West End. Most people left in couples or small groups of between 4-6. They did chat as they left the bar, however, at no stage did we witness any inappropriate behaviour, noise nuisance or anti-social behaviour outside what would be expected in this part of the West End and Mayfair. South Molton Street was used as an apparent cut-through during our observations by groups and couples. There is a light canopy along the length of South Molton Street at the moment (**Image 1**) and quite a few groups did stop to take pictures on their mobile phones.

If the venue continues to attract a similar customer base and has the same dedication and pro-active response to supporting the licensing objectives, we would conclude that there would be minimal if any impact on the local community if the venue was allowed to extend its operating hours until 0300hrs. Extra measures we would recommend to support the venue even further would be:

- Close the smoking area for patrons at the same time as last entry (0100hrs) effectively introducing no entry or re-entry after 0100hrs.
- Lights up and music turned down at 0300 hrs to encourage a gradual dispersal through to 0330hrs.
- Ensure the sliding door at the bottom of the staircase to the basement toilets is closed off at all times when the basement bar is in use as this would compromise the airlock if left open.

Overall, we consider that the venue is very well run and is currently fully supporting the licensing objectives. There do not appear to be any crime or disorder problems concerns at the venue since it opened in 2018. Activities from within the premises are essentially inaudible outside, and sound production is controlled by use of a noise limiter. We were told of one occasion when during the Christmas period the music in the top lounge bar had accidentally been left on high after it had been vacated, although this seems to have been a one-off incident.

The managers and staff all appear to be determined to run a safe, secure and enjoyable venue that provides first class service in a high-end establishment.

David Gair

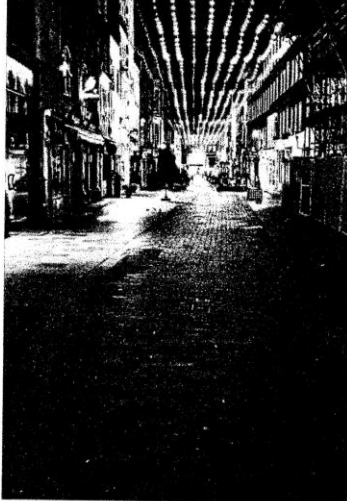

Shield Associates

Member of the Institute of Licensing

 Institute of Licensing

10

Picture Image reference

Number	Description	Image
1.	Venue – Jaks . View of South Molton street towards Brook street	
2.	Rickshaw – Oxford Street	

## Tab 5

### **Philip Kolvin QC**

---

**From:** Morgan, Dave: WCC <dmorgan@westminster.gov.uk>  
**Sent:** 25 February 2022 14:06  
**To:** Philip Kolvin QC  
**Cc:** Pring, Mary: WCC; Licensing: WCC  
**Subject:** Police Withdrawal: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

External Email

Dear Philip,

Thanks very much for confirming.

On the basis that there will be an two SIA at street level and a last entry time of 0100 hours, I can confirm that I am happy to **withdraw** my objection.

Kind regards,

Dave



**PC David Morgan 4242AW**  
**Westminster Police Licensing Unit**  
Metropolitan Police Service, Central Area - West (AW)  
15<sup>th</sup> Floor, City Hall, 64 Victoria Street, London, SW1E 6QP  
: [David.J.Morgan@met.pnn.police.uk](mailto:David.J.Morgan@met.pnn.police.uk) : [dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)  
: 020 76411705

**From:** Philip Kolvin QC <Philip.Kolvin@11kbw.com>  
**Sent:** 25 February 2022 13:49  
**To:** Morgan, Dave: WCC <dmorgan@westminster.gov.uk>  
**Subject:** RE: Police Representation: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

Dear Dave

No worries at all.

I have checked with the client, and the answer to your question is yes. On that basis, are you able to confirm withdrawal of your representation?

Many thanks

Kind regards

Philip

**From:** Morgan, Dave: WCC <dmorgan@westminster.gov.uk>  
**Sent:** 25 February 2022 12:22  
**To:** Philip Kolvin QC <Philip.Kolvin@11kbw.com>  
**Subject:** RE: Police Representation: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

Dear Mr Kolvin,

I'm sorry I have replied before now but I was on annual leave last week and other Police duties for the past few days.

Thank you for accepting the 1am entry.

With regards to the extra staff member that you proposed i.e one outside the premises and the one at the end of the street to supervise the short walk up to Oxford St at closing times, can you please confirm whether these would be SIA?

Kind regards,

Dave



**PC David Morgan 4242AW**

**Westminster Police Licensing Unit**

Metropolitan Police Service, Central Area - West (AW)

15<sup>th</sup> Floor, City Hall, 64 Victoria Street, London, SW1E 6QP

[David.J.Morgan@met.pnn.police.uk](mailto:David.J.Morgan@met.pnn.police.uk) [dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)

**From:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>

**Sent:** 14 February 2022 21:19

**To:** Morgan, Dave: WCC <[dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)>

**Subject:** RE: Police Representation: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

Dear Dave

Just to let you know that my client will accept a 1 a.m. last entry condition.

Might I respectfully enquire whether that would enable you to withdraw your rep. It would be much appreciated if you felt able to do so.

Regards

Philip

**Philip Kolvin QC**

Barrister



11 King's Bench Walk Temple London EC4Y 7EQ

T +44 (0) 207 632 8500



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**From:** Philip Kolvin QC  
**Sent:** 10 February 2022 21:47  
**To:** 'Morgan, Dave: WCC' <[dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)>  
**Cc:** Pring, Mary: WCC <[mpring@westminster.gov.uk](mailto:mpring@westminster.gov.uk)>; Licensing: WCC <[Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk)>  
**Subject:** RE: Police Representation: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

Dear Dave

I am glad you like the suggested condition.

Thanks so much for letting me know re last entry condition.

And thanks for the attachments.

For completeness the WAVE training did not take place because Paul had some extremely sad family circumstances to deal with. It will be rearranged. And we are looking forward to the invitation to the MPS training.

Kind regards

Philip

Philip Kolvin QC

Barrister



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**From:** Morgan, Dave: WCC <[dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)>  
**Sent:** 10 February 2022 12:56  
**To:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>  
**Cc:** Pring, Mary: WCC <[mpring@westminster.gov.uk](mailto:mpring@westminster.gov.uk)>; Licensing: WCC <[Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk)>  
**Subject:** RE: Police Representation: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

External Email

Hi Philip,

Thanks for your emails.

With regards to the suggestion below of a member of staff outside the venue and one near Oxford Street, this would be a useful proposal that I would encourage, as I do have concerns about customers leaving at such a late hour could be targeted by criminals in the area.

With regards to the last entry time, I am still inclined to ask for 1am as I feel this is an acceptable time for this venue. This could always be addressed at a later date following a period of trading with no issues.

It's good to hear that the venue has already booked WAVE training. Just in case they need them, I have attached some info/posters to this email and I will make sure that we contact you nearer the time regarding the MPS training.

Kind regards,

Dave



**PC David Morgan 4242AW**  
**Westminster Police Licensing Unit**  
Metropolitan Police Service, Central Area - West (AW)  
15<sup>th</sup> Floor, City Hall, 64 Victoria Street, London, SW1E 6QP  
✉ [David.J.Morgan@met.pnn.police.uk](mailto:David.J.Morgan@met.pnn.police.uk) 📧 [dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)

**From:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>  
**Sent:** 08 February 2022 08:27  
**To:** Morgan, Dave: WCC <[dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)>  
**Subject:** Re: Police Representation: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

Dear Dave

Sorry, I forgot also to mention that, as we discussed, my client is amenable to station one staff member outside the premises and one at the end of the street to supervise the short walk up to Oxford St at closing times. I hope you consider that to be a practical and useful suggestion.

Best regards  
Philip

Sent from my iPhone

On 7 Feb 2022, at 21:46, Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)> wrote:

Dear Dave

Please may I thank you for the meeting, which was extremely constructive.

As it transpires, the venue had already booked in training with its consultant Paul Douglas (who at one time was used by the Home Office under contract for training) this week, and his training will include WAVE and Ask for Angela. Nevertheless, the client would be delighted to have his management attend MPS training on the topics and would also welcome the information and materials to which you refer.

In the light of the excellent record the venue enjoys re crime and disorder, and the many incident-free TENS, would the Police be amenable, please, to a 1.30 last entry, which represents a compromise between 1 and 2 a.m.? My client considers that a last entry of 2 hours before the terminal hour is too restrictive in this instance. If you are able to agree that, I will be pleased to inform WCC accordingly.

I look forward to hearing from you.

Kind regards

Philip

**From:** Morgan, Dave: WCC <[dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)>  
**Sent:** 02 February 2022 11:12  
**To:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>  
**Cc:** Pring, Mary: WCC <[mpring@westminster.gov.uk](mailto:mpring@westminster.gov.uk)>; Licensing: WCC <[Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk)>  
**Subject:** RE: Police Representation: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

External Email

Dear Mr Kolvin,

Thanks you for meeting with Tom and myself last week and we really appreciated you taking the time to show us around the venue.

As you know, we discussed the possibility of a last entry time and you suggested 2am, but I think this may be a too late and I would prefer to bring that down to 1am.

Would you therefore be agreeable to add the following:

- **There shall be no admittance or re-admittance to the premises after 0100 hours except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call).**

Also, I know we discussed WAVE training and Ask for Angela. This is currently being highly promoted by the Met Police as a whole and we will soon be offering free training sessions to all licensed premises. These are still in the planning stage so I have no dates yet, but we would encourage that all licensed premises participate as it is very useful training.

In the meantime, I do have some WAVE and Ask for Angela information and posters which I could email over if wish me too. Please just let me know.

Kind regards,

Dave



**PC David Morgan 4242AW**

**Westminster Police Licensing Unit**

Metropolitan Police Service, Central Area - West (AW)

15<sup>th</sup> Floor, City Hall, 64 Victoria Street, London, SW1E 6QP

✉: [David.J.Morgan@met.pnn.police.uk](mailto:David.J.Morgan@met.pnn.police.uk) ☎: [dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)

**From:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>

**Sent:** 17 January 2022 09:39

**To:** Morgan, Dave: WCC <[dmorgan@westminster.gov.uk](mailto:dmorgan@westminster.gov.uk)>

**Subject:** RE: Police Representation: Application to Vary a Premises Licence: Jaks, 43 South Moulton Street, W1K 5RW – 21/14515/LIPV

Dear PC Morgan

Thanks very much for this.

I think it may be useful for us to meet on site so that you can see the nature of the operation. Do you agree? Would you like to suggest any dates?

Best regards

Philip

**Philip Kolvin QC**

**Barrister**

## Tab 6

### Philip Kolvin QC

---

**From:** Nevitt, Dave: WCC <dnevitt@westminster.gov.uk>  
**Sent:** 13 January 2022 12:04  
**To:** Philip Kolvin QC  
**Cc:** Pring, Mary: WCC  
**Subject:** RE: APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET

External Email

It's Mary Pring – cc'd above.

**From:** Philip Kolvin QC <Philip.Kolvin@11kbw.com>  
**Sent:** 13 January 2022 12:01  
**To:** Nevitt, Dave: WCC <dnevitt@westminster.gov.uk>  
**Subject:** Re: APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET

Thanks. Who should I email to get hold of it?

Sent from my iPhone

On 13 Jan 2022, at 12:00, Nevitt, Dave: WCC <dnevitt@westminster.gov.uk> wrote:

External Email

Philip

It will be for the Licensing Service to confirm and give details etc but I see that there is a res Rep on the system for Jak's.

**From:** Philip Kolvin QC <Philip.Kolvin@11kbw.com>  
**Sent:** 12 January 2022 12:52  
**To:** Nevitt, Dave: WCC <dnevitt@westminster.gov.uk>  
**Subject:** RE: APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET

Dear Dave

Thank you very much for the meeting last Friday. I agree with you that it was very helpful. I hope that the following is also helpful.

First, yes, my client is content to restrict the application to extend the hours for regulated entertainment to the basement only which, as you say, reduces the risk of noise escape.

Second, tables and chairs are indeed rendered unusable at 11 p.m. At present, they are in fact brought indoors and stored in the lobby.

Third, as we discussed, waste is collected by the Council at 7 p.m. That will not change.

Regarding dispersal, upon leaving customers are directed north west towards Oxford Street – a walk of about 50 metres - rather than south east down South Molton Street, which makes sense both from the point of view of accessing public transport and preservation of amenity. Condition 20 of the licence requires a member of management or security to patrol South Molton Street until 30 minutes after closing. It would be sensible for that person to concentrate their efforts on supervising the relevant stretch of South Molton Street following closure of the premises. It might also be mentioned that my client's experience of operating TENs is that by 3 a.m. there are only about 80 customers left in the premises in any case, so dispersal is conducted efficiently.

My client's experience is that customers would prefer simply to leave to access their private hire vehicle or a black cab on Oxford Street rather than being kept in the lobby. However, staff are there to wait with customers in the lobby and escort them to their cab if required.

Please do let me know whether the above satisfactorily answers your questions and whether there is more we can do.

Many thanks once again.

Kind regards

Philip

**Philip Kolvin QC**  
Barrister

**11KBW**

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**From:** Nevitt, Dave: WCC <[dnevitt@westminster.gov.uk](mailto:dnevitt@westminster.gov.uk)>

**Sent:** 10 January 2022 09:52

**To:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>

**Subject:** RE: APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET

External Email

Philip

Thank you very much for meeting me at Jak's last Friday – it was most helpful.

## Philip Kolvin QC

---

**From:** Nevitt, Dave: WCC <dnevitt@westminster.gov.uk>  
**Sent:** 10 January 2022 09:52  
**To:** Philip Kolvin QC  
**Subject:** RE: APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET  
**Attachments:** EH COMMENTS & PROPOSED CONDITIONS 43 SOUTH MOLTON STREET 10.102022.docx

External Email

Philip

Thank you very much for meeting me at Jak's last Friday – it was most helpful.

I attach some comments – please feel free to get in touch if you have any questions/require clarification/wish to discuss further etc..

Thanks again.

**From:** Philip Kolvin QC <Philip.Kolvin@11kbw.com>  
**Sent:** 06 January 2022 12:29  
**To:** Nevitt, Dave: WCC <dnevitt@westminster.gov.uk>  
**Subject:** RE: APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET

Great, see you then.

Philip Kolvin QC  
Barrister

11KBW

11 King's Bench Walk Temple London EC4Y 7EQ  
T +44 (0) 207 632 8500



Philip Kolvin QC



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**From:** Nevitt, Dave: WCC <[dnevitt@westminster.gov.uk](mailto:dnevitt@westminster.gov.uk)>  
**Sent:** 06 January 2022 08:24  
**To:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>  
**Subject:** RE: APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET

External Email

Hi Philip

Let's do Friday (tomorrow) at 4pm.

thanks

**From:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>  
**Sent:** 05 January 2022 18:31  
**To:** Nevitt, Dave: WCC <[dnevitt@westminster.gov.uk](mailto:dnevitt@westminster.gov.uk)>  
**Subject:** RE: APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET

Hi Dave  
Nice to hear from you -happy new year.  
How are you placed at 4 on Friday? Any luck? Failing that a week on Friday?  
Regards  
Philip

Philip Kolvin QC  
Barrister

11KBW

11 King's Bench Walk Temple London EC4Y 7EQ  
T +44 (0) 207 632 8500



Philip Kolvin QC



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**From:** Nevitt, Dave: WCC <[dnevitt@westminster.gov.uk](mailto:dnevitt@westminster.gov.uk)>  
**Sent:** 05 January 2022 15:38  
**To:** Philip Kolvin QC <[Philip.Kolvin@11kbw.com](mailto:Philip.Kolvin@11kbw.com)>  
**Subject:** APPLICATION TO VARY A PREMISES LICENCE REF: 21/14515/LIPV 43 SOUTH MOLTON STREET

2

Dear Mr Kolvin,

I have been allocated the above application and I have submitted the following Representation to the Licensing Service:

*'I wish to make Representations on the following grounds:*

***Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance.***

***The hours sought are in excess of the 'Core Hours' as defined by the City Council's Licensing Policy and I am concerned about the increased likelihood that Public Nuisance may be caused to nearby local residents.'***

I am happy to meet on site to discuss the details of the application.

I look forward to hearing from you.

Many thanks.

Dave Nevitt  
Environmental Health Officer  
Regulatory Support Team 2 (EH Consultation Team)  
Public Protection and Licensing  
Westminster City Council  
City Hall 15th Floor West  
64 Victoria Street  
London  
SW1E 6QP

**\*\*PLEASE NOTE: MY NEW TELEPHONE NUMBER IS: 07971 616281 \*\***

(THE 0207 641 3188 NUMBER HAS BEEN DISCONTINUED)

[dnevitt@westminster.gov.uk](mailto:dnevitt@westminster.gov.uk)  
[www.westminster.gov.uk](http://www.westminster.gov.uk)

\*\*\*\*\*

**COVID-19 VACCINATIONS AND TESTING**

Testing is the most effective way to control the spread of coronavirus. For information on how to get tested, testing sites, and more visit: [www.westminster.gov.uk/covid-19-testing](http://www.westminster.gov.uk/covid-19-testing)

The COVID-19 vaccine has been proven to be safe and effective at protecting people against serious illness from coronavirus. For information about vaccine centres and how to book your appointment, visit: [www.westminster.gov.uk/vaccinations](http://www.westminster.gov.uk/vaccinations)

In addition to regular testing and getting vaccinated, the most important thing we can all do is remember: Hands, Face, Space, Fresh air.

\*\*\*\*\*

**FREE EARLY EDUCATION AND CHILDCARE**

## **EH COMMENTS & PROPOSED CONDITIONS**

### **43 SOUTH MOLTON STREET**

### **21/14515/LIPV**

**10.1.2022**

Further to the site meeting on Friday 7<sup>th</sup> January 2022 I make the following comments in respect of the above application to vary the Premises Licence ref: 18/07071/LIPV:

**I note that the Issued Licence includes the following Conditions:**

12. *The number of persons permitted in each area of the premises at any one time (excluding staff) shall not exceed :-Basement: 130 Ground floor: 32 First floor: 65 Second floor: 40*

- **In respect of the First and Second Floors:**

14. *The supply of alcohol on the first and second floors of the premises shall only be by waiter or waitress service to a person seated taking a substantial table meal there, including customers awaiting service, for consumption by such a person as ancillary to their meal.*

- **In respect of the Ground Floor:**

15. *The supply of alcohol on the ground floor shall only be by waiter or waitress service to customers who are seated and after 21:00 hours shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.*

21. *There shall be no regulated entertainment on the ground floor or in the external area used for tables and chairs.*

22. *After 23:00 hours amplified live music shall be restricted to the basement.*

24. *The exhibition of films shall be restricted to the basement and there shall be no cinema style showing of films.*

In view of Conditions 14, 15, 21, 22 and 24 above is the applicant willing to consider restricting the application to extend the hours for Regulated Entertainment (or at least Recorded Music?) to the Basement only? Having visited the premises I note that the basement benefits from good structural acoustic containment and a lobby separating it from the entry/exit door at street level. The basement also has it's own customer toilets. These features will reduce the risk of noise escape and limit the numbers to 130 persons rather than 267 (see Condition 12). As discussed at the site meeting, there is a helpful area at the front of the GF that would allow patrons to be accommodated inside the premises until departure transport arrives.

I note that the Issued Licence already includes a number of quite restrictive and helpful conditions which should help to maintain public safety and reduce the risk of public nuisance, including a Noise Limiter and a Dispersal Policy. The matter is likely to be adjudicated at a Hearing – it will be helpful if the applicant is prepared to explain to Members of the Committee the practical arrangements that are or will be in place for departure and dispersal.

**Condition 17** refers to the use of the outside tables and chairs – it would be helpful if we could confirm whether or not the tables and chairs are brought inside (or made un-usable) at 2300hrs.

I note from discussions at the site meeting that the arrangements for waste collection will not change from what is currently done – i.e. a WCC collection that takes place late afternoon/early evening. I would be grateful if this could be confirmed by the applicant. The issued Licence already includes the following Conditions in respect of waste and deliveries:

*36. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 07:00 hours on the following day.*

*37. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.*

The premises is not located in a Cumulative Impact Area and the current owners have operated the premises in a satisfactory manner. The premises has operated a number of TENs and has not been a source of complaint or concern. The noise limiter was set at an approved level in 2018.

The application will be judged on its merits. The applicant will need to show how the Licensing Objectives will be promoted. EH will maintain a Representation because the hours sought are significantly in excess of the 'Core Hours' as defined in the City Council's Licensing Policy.

Dave Nevitt

## Tab 7

### **Philip Kolvin QC**

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**From:** Philip Kolvin QC  
**Sent:** 24 January 2022 13:43  
**To:** 'Pring, Mary: WCC'  
**Cc:** Abbott, Karyn: WCC  
**Subject:** RE: 21/14515/LIPV - Jaks, 43 South Molton Street, W1

Dear Mary

Please will you kindly forward the email below to those member of the public (including [REDACTED]) who have made representations.

Many thanks  
Philip

Dear Madam / Sir

RE: 21/14515/LIPV - Jaks, 43 South Molton Street,

I am representing Jaks, which has applied a variation of the above licence. I have read your representation and thought it would be helpful for me to get in touch.

As I am sure you are aware, Jaks trades on several levels. The first and second floors trade as a restaurant with full restaurant conditions. The ground floor is a small café, with full restaurant conditions after 9 p.m. The basement is a bar with a maximum licensed capacity of 130 persons. There is no dance floor: this is prohibited since the basement is a bar, not a nightclub. There is no noise breakout. Nor are there taxis waiting on South Molton Street since it is pedestrianised at night.

My client has operated the premises since 2018, with a long list of 53 conditions on the licence to promote the licensing objectives. We believe these have been effective in doing so.

He would like to obtain an extension of his trading hours, but having read your representation would very much appreciate a meeting with you to see whether there are any means of reducing your concerns.

If you would find a meeting helpful, please do not hesitate to email me at [philip.kolvin@11kbw.com](mailto:philip.kolvin@11kbw.com).

With many thanks

Philip Kolvin

**Philip Kolvin QC**  
Barrister

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11 King's Bench Walk Temple London EC4Y 7EQ  
T +44 (0) 207 632 8500

## Philip Kolvin QC

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**From:** Philip Kolvin QC  
**Sent:** 10 February 2022 21:43  
**To:** [REDACTED]  
**Subject:** Jaks S Molton St

Dear [REDACTED]

I was given your contact details by Westminster CC. I act for Jaks. I understand that you may find it helpful to have a conversation regarding this application. Of course, that would be fine. Would a phone call be OK? When would be convenient to you.

Best regards

Philip Kolvin

Philip Kolvin QC  
Barrister

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**11KBW**

11 King's Bench Walk Temple London EC4Y 7EQ  
T +44 (0) 207 632 8500



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### Appendix 3

#### Licence & Appeal History

##### Licence Number 05/07206/LIPCV (Licence surrendered)

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/07206/LIPCV	Conversion	03.10.2005	Granted by Licensing Sub Committee

The premises licence was surrendered on 5 July 2007.

##### Licence Number 05/07046/LIPCV (Licence revoked)

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/07046/LIPCV	Conversion	03.10.2005	Granted by Licensing Sub Committee
06/07369/WCCMAP	Master licence	14.02.2007	Granted under delegated authority
06/09212/LIPT	Transfer – NG Bars Limited to 888 Clubs	22.09.2006	Granted under delegated authority
07/01080/LIPT	Transfer – 888 Clubs to Steven Gutteridge and Brian Taylor	22.10.2007	Granted under delegated authority
07/01082/LIPDPS	Variation of DPS	22.10.2007	Granted under delegated authority
08/05213/LIPT	Transfer – Steven Gutteridge and Brian Taylor to 43 Management Limited	23.06.2008	Granted under delegated authority
08/05229/LIPDPS	Variation of DPS	23.06.2008	Granted under delegated authority
08/07478/LIPV	Variation – change of layout	03.10.2008	Granted under delegated authority
09/04846/LIPDPS	Variation of DPS	27.07.2009	Granted under delegated authority



09/07594/LIREVP	Review of the premises licence	07.12.2009	Application withdrawn
09/08717/LIPDPS	Variation of DPS	10.12.2009	Granted under delegated authority
10/01174/LIPVM	Minor variation – change of plan, amendment of conditions	16.03.2010	Granted under delegated authority
10/03106/LIPDPS	Variation of DPS	18.05.2010	Granted under delegated authority
10/09356/LIPT	Transfer – 43 Management Limited to 43 Bars Limited	26.11.2010	Granted under delegated authority
11/01050/LIPN	New premises licence	01.04.2011	Application withdrawn
11/09962/LIPDPS	Variation of DPS	31.10.2011	Granted under delegated authority
12/02465/LIPT	Transfer – 43 Bars Limited to Mayfair Realty Limited	11.04.2012	Granted under delegated authority
12/02469/LIPDPS	Variation of DPS	11.04.2012	Granted under delegated authority
12/02470/LIPVM	Minor variation – change of layout	19.04.2012	Granted under delegated authority
13/01653/LIPDPS	Variation of DPS	21.03.2013	Granted under delegated authority
13/03261/LIPDPS	Variation of DPS	05.06.2013	Granted under delegated authority
13/04006/LIREVP	Review of the premises licence	08.08.2013	A review was brought by the Licensing Authority on the grounds of public safety and the prevention of public nuisance following a number of noise complaints made by residents. Additional conditions were

			added by the Licensing Sub Committee.
13/09153/LIPVM	Minor variation – amendment of capacity condition	22.11.2013	Application withdrawn
13/09260/LIPV	Variation – amendment of capacity condition	22.11.2013	Application withdrawn
13/10235/LIPDPS	Variation of DPS	20.01.2014	Granted under delegated authority
14/02870/LIPVM	Minor variation – add conditions agreed with the Police	24.04.2014	Granted under delegated authority
14/03298/LIREVX	Review of the premises licence	19.05.2014	An expedited review was brought by the Metropolitan Police following an incident of serious disorder at the premises. Interim steps were taken on 29.04.2014 to suspend the premises licence. The full hearing took place on 19.5.2014 where the licence was revoked

The premises licence holder sought to appeal the decisions of the Licensing Sub Committee dated 8<sup>th</sup> August 2013 and 19<sup>th</sup> May 2014 however these were subsequently withdrawn.

**Current Premises Licence which is the subject of the current application**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
16/02285/LIPN	New premises licence	12.05.2016	Granted by Licensing Sub Committee
17/10173/LIPDPS	Variation of DPS	08.12.2017	Granted under delegated authority
18/04593/LIPDPS	Variation of DPS	15.05.2018	Granted under delegated authority

18/07071/LIPV	Variation – amending conditions	16.07.2018	Granted under delegated authority
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### **Temporary Event Notices - 2021**

<b>Temporary Event Notices</b>	<b>Date of Event</b>	<b>Activities/Hours</b>	<b>Decision</b>
21/09811/LITENP	16.10.2021 – 17.10.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted
21/09812/LITENP	24.10.2021 – 25.10.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted
21/09813/LITENP	30.10.2021 – 31.10.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted
21/10289/LITENP	06.11.2021 – 07.11.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted
21/10290/LITENP	13.11.2021 – 14.11.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted
21/10291/LITENP	20.11.2021 – 21.11.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted
21/10292/LITENP	27.11.2021 – 28.11.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted
21/10293/LITENP	04.12.2021 – 05.12.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to	Event permitted

		03:00	
21/10294/LITENP	11.12.2021 – 12.12.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted
21/10296/LITENP	17.12.2021 – 19.12.2021	Regulated Entertainment, Late night refreshment and Supply of Alcohol – 01:00 to 03:00	Event permitted

***CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING***

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

**Conditions: On Current Licence -**

**Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.



10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

## **Annex 2 – Conditions consistent with the operating Schedule**

11. After 20:00 hours on any days when there is provision of licensable activities there shall be deployment of SIA registered security officers as follows:
  - one for the first 75 customers (or part thereof)
  - one for each 100 customers (or part thereof) in excess of 75.

The officers shall remain on duty until the last customer has left the immediate area.

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

12. The number of persons permitted in each area of the premises at any one time (excluding staff) shall not exceed :-

Basement: 130  
Ground floor: 32  
First floor: 65  
Second floor: 40

13. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. The supply of alcohol on the first and second floors of the premises shall only be by waiter or waitress service to a person seated taking a substantial table meal there, including customers awaiting service, for consumption by such a person as ancillary to their meal.
15. The supply of alcohol on the ground floor shall only be by waiter or waitress service to customers who are seated and after 21:00 hours shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
16. The basement shall be laid out with tables and chairs (providing at least 120 seating places for customer use) at all times when there is supply of alcohol in this area (final numbers to be determined on removal of 'works' conditions 10 and 11).
17. The supply of alcohol for consumption off the premises shall be in sealed containers only save for in an area appropriately authorised for the use of tables and chairs on the highway where such supply of alcohol will be:
  - o by waiter or waitress service only
  - o to customers who are seated
  - o and where there will be no more than 4 tables and 16 chairs.
18. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
19. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them unless seated in the authorised external area. After 21:00 hours such patrons shall be restricted to a

maximum of 10 at any one time and shall be supervised by a person licensed by the Security Industry Authority.

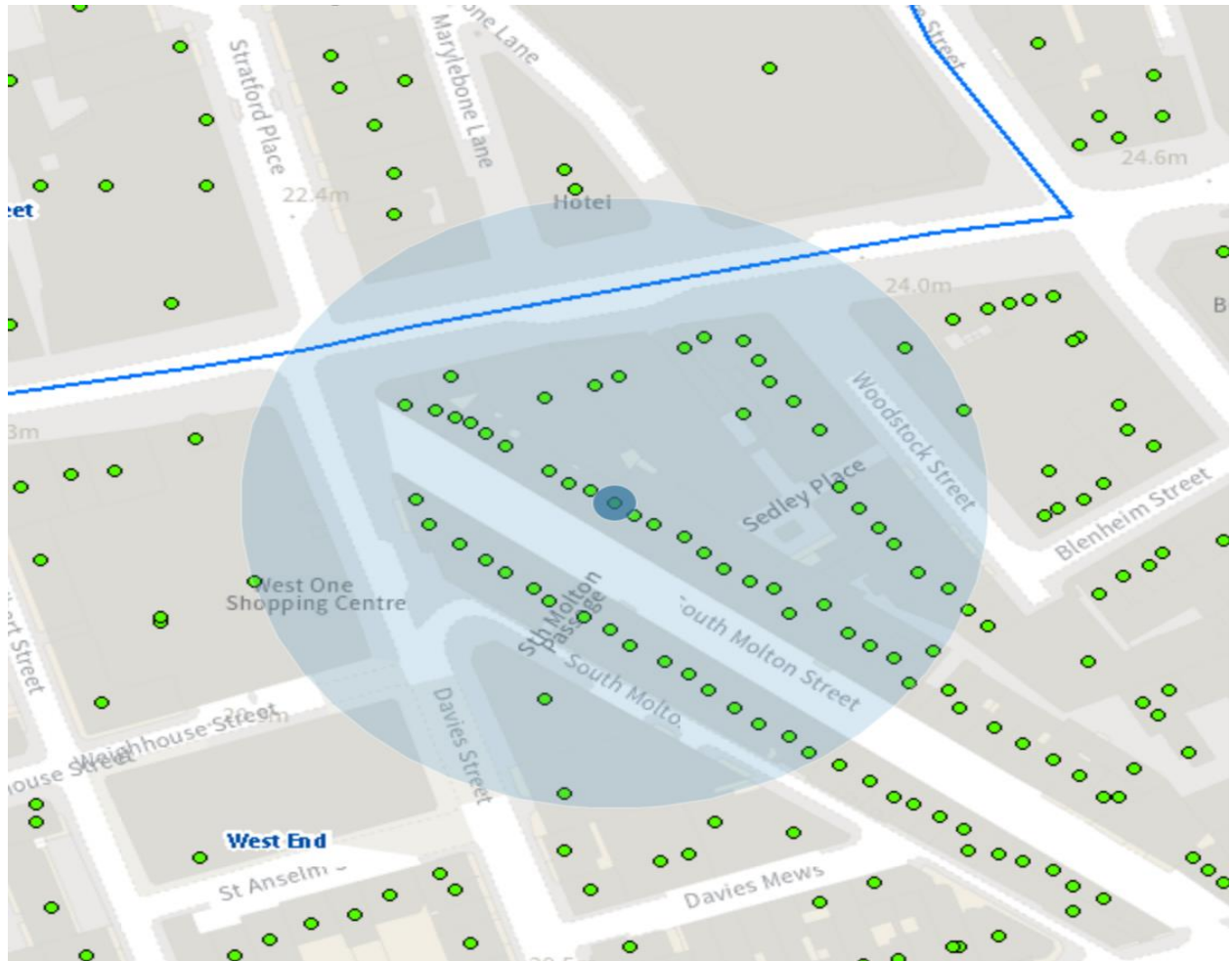
20. A member of management or security shall patrol South Molton Street from 23:00 hours until 30 minutes after the premises close.
21. There shall be no regulated entertainments on the ground floor or in the external area used for tables and chairs.
22. After 23:00 hours amplified live music shall be restricted to the basement.
23. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
24. The exhibition of films shall be restricted to the basement and there shall be no cinema style showing of films.
25. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
26. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
27. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
28. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
29. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
30. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

31. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
32. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
33. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
34. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
35. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
36. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 07:00 hours on the following day.
37. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.
38. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
39. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City 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 concerning crime and disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service.
40. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public..
41. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
42. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

43. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
44. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
45. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
46. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
47. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
48. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
49. The certificates listed below shall be submitted to the licensing authority upon written request:
  - o Any permanent or temporary emergency lighting battery or system
  - o Any permanent or temporary electrical installation
  - o Any permanent or temporary emergency warning system
50. The premises shall operate a dispersal policy at least half an hour before the terminal hour for provision of licensable activities and until the last customer has left the immediate area, as follows:
  - a. Hot and cold soft drinks must be available.
  - b. Music must be lowered.
  - c. Lights must be turned up.
  - d. Customers must be reminded that there are residents on the street and be asked to leave quietly.
  - e. Customers must be encouraged to walk towards Oxford Street.
  - f. Security staff shall supervise the exit door and the street outside, to disperse customers rapidly and quietly.
51. All staff engaged in supervising of the outside of the premises shall wear high visibility arm bands.
52. There shall be no dance floor at the premises.
53. There shall be no external promoters used at the premises.

**Conditions proposed by the Metropolitan Police Service and agreed by the applicant so as to form part of the operating schedule**

54. There shall be no entry or re-entry (excluding persons from the smoking area) to the premises after 01:00.



Resident count: 22

Licensed premises within 75m of 43 South Molton Street London, W1				
Licence Number	Trading Name	Address	Premises Type	Time Period
21/00575/LIPDPS	Sook Space	Basement And Ground Floor 42 South Molton Street London W1K 5RR	Park / Open Space	Saturday to Sunday; 07:00 - 22:00
21/05430/LIPRW	Caffe Concerto	Basement And Ground Floor 38 - 39 South Molton Street London W1K 5RL	Cafe	Sunday; 07:00 - 23:30   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00
21/00436/LIPDPS	The Woodstock	11 Woodstock Street London W1C 2AE	Public house or pub restaurant	Sunday; 12:00 - 00:30   Monday to

				Saturday; 10:00 - 00:30
18/02542/LIPDPS	Spaghetti House	12 Woodstock Street London W1C 2AF	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/11719/LIPN	Not Recorded	14 Woodstock Street London W1C 2AG	Not Recorded	Monday; 11:00 - 23:30   Tuesday; 11:00 - 23:30   Wednesday; 11:00 - 23:30   Thursday; 11:00 - 23:30   Friday; 11:00 - 23:30   Saturday; 11:00 - 23:30   Sunday; 11:00 - 23:30
21/13664/LIPCH	Yo! Sushi @ Riverside	15 Woodstock Street London W1C 2AQ	Restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 12:00 - 23:00
20/07487/LIPCH	Angus Steak House	Woodstock House 10 Woodstock Street London W1C 2AJ	Restaurant	Sunday; 10:00 - 00:00   Monday to Saturday; 10:00 - 01:00   Sundays before Bank Holidays; 10:00 - 01:00
19/04359/LIPVM	Spread Eagle Public House	Spread Eagle 8 Woodstock Street London W1C 2AD	Public house or pub restaurant	Sunday; 11:00 - 23:30   Monday to Thursday; 09:00 - 00:30   Friday to Saturday; 09:00 - 01:30

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City of Westminster

# Licensing Sub-Committee Report

Item No:

Licensing Ref No:

22/02885/LIREVP

Date:

12 May 2022

Classification:

For General Release

Title of Report:

AMK Food & Wine  
35B Queensway  
London  
W2 4QJ

Report of:

Director of Public Protection and Licensing

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Miss Jessica Donovan  
Senior Licensing Officer

Contact Details:

Telephone: 020 7641 6500  
E-mail: [jdonovan@westminster.gov.uk](mailto:jdonovan@westminster.gov.uk)

## 1. APPLICATION DETAILS

<b>Application Type:</b>	A review of premises licence made under section 51 of the Licensing Act 2003.		
<b>Applicant:</b>	Metropolitan Police Service	<b>Date Application Received:</b>	16 March 2022
<b>Premises Name and Address:</b>	AMK Food & Wine 35B Queensway London W2 4QJ		
<b>Ward Name:</b>	Lancaster Gate	<b>Cumulative Impact Area/Special Consideration on Zone:</b>	Queensway and Bayswater Special Consideration Zone
<b>Description of Premises:</b>	The premises currently operate as an off licence and has held a licence since 2005. The licence is held by Amk Innovation Limited.		
<b>Preliminary Notes:</b>	During the consultation period, the applicant submitted a minor variation application to add four model conditions to the premises licence as requested by the Metropolitan Police Service on 15 April 2021. An updated licence can be found at <b>Appendix 4</b> (Conditions 8-12).		

## 2. SUMMARY OF APPLICATION

- 2.1 An application was submitted by the Metropolitan Police Service for a review of the premises licence for the premises known as AMK Food & Wine, 35B Queensway, London, W2 4QJ. The application was received on 16<sup>th</sup> March 2022 on the grounds of the Prevention of Crime and Disorder and the Protection of children from harm. **Please see Appendix 1.**
- 2.2 Revised Home Office Guidance (April 2018 issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 2.3 As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.
- 2.4 The premises currently benefits from a premises licence that permits:

**Playing of Recorded Music:** Unrestricted

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit:** Unrestricted

**Sale by Retail of Alcohol:**

Monday to Saturday: 08:00 to 23:00

Sunday: 10:00 to 22:30

**Sale by Retail of Alcohol (Off Sales):**

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 08:00 to 23:00
- (b) On Sundays, other than Christmas Day, 10:00 to 22:30
- (c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- (d) On Good Friday, 08:00 to 22:30

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

A copy of the existing Premises Licence (22/03073/LIPVM) is attached at **Appendix 4**.

- 2.5 On submission of this application, the applicant provided an in-depth description of the issues relating to the premises which stated the following:

Westminster Police Licensing were first made aware of the alleged sale of alcohol to children in February 2021. Information was passed to the local Lancaster Gate SNT and a criminal intelligence report was created and passed to Police Licensing. Over time, similar reports came in via their criminal intelligence database and Police Licensing set up test purchasing operations using the Police Cadets to buy alcohol from the venue.

Westminster City Council were passed all these reports, and Trading Standards along with City Inspectors, also conducted their own test purchasing operations.

The licensee has passed every single test purchasing operation that the authorities have conducted. It is therefore believed that the licensee knows and trusts who he is selling alcohol to.

Several other anonymous reports came in via their criminal intelligence database, that the licensee was still selling alcohol to children. Parents of the children that bought alcohol, were engaged with and asked to assist Police by giving statements. Many of the parents would not provide statements and would not engage with Police any further. This was because they were worried about any reprisals.

In December 2021, Police received another report that a child had bought alcohol from the venue. The parent was contacted and they provided a statement to Police Licensing.

On the 26th February 2022, a CAD (3604/26FEB22) report came in that two other children had bought alcohol from the premises on the 25th February 2022. Police Licensing engaged with the parent to see whether a statement could be given.

On Wednesday 2nd March 2022, Police Licensing and Westminster City Council Inspectors attended the premises to check CCTV cameras and conduct a full licensing inspection. Officers asked to see recordings between the hours of 17:00 and 17:30 on the 25<sup>th</sup> February 2022, which was when the children bought the alcohol. This was a bottle of vodka.

There was no CCTV recordings, as the licensee, stated that they automatically delete after 3 days. This was checked by officers and confirmed. There was no DVR and the CCTV system was a basic one, which worked off the internet. There was also no CCTV condition on the premises licence and work has been on-going with WCC and Police over the last year to get the premises licence updated.

The premises licence holder has failed to promote the licensing objectives. He has a duty of care to his customers and he has demonstrated on numerous occasions that he does not care for the safety of children. He is all too willing to sell alcohol to children in order to make profit. He goes out of his way to cover his tracks. He has not worked with the authorities to conduct the simplest of tasks to update his premises licence with conditions. Westminster Police Licensing have no faith in the licence holder and do not regard him as a responsible operator.

- 2.6 Witness statements and incident reports were submitted in addition to the review application and can be found at **Appendix 2**.
- 2.7 Submissions have been received from the premises licence holder in response to the review application and the interested parties representations and can be found at **Appendix 3**.
3. **REPRESENTATIONS:**
  - 3.1 The application has received a representation in support of the review from the Environmental Health Service on 13 April 2022 on the grounds of Protection of Children from Harm, Prevention of Public Nuisance, and Public Safety and can be found at **Appendix 5 and 5.1**.
  - 3.2 The application has received a representation in support of the review from the Licensing Authority on 11 April 2022 on the grounds of the protection of children and can be found at **Appendix 6**.
  - 3.3 The application has also received representations in support of the review from 6 interested parties and can be found at **Appendix 7**.
4. **OPTIONS:**
  - 4.1. The licensing Sub-Committee will have a range of powers to exercise on determining a review where it considers them appropriate for promotion of the licensing objectives.
  - 4.2 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps to be taken by the Licensing Sub-Committee using their powers in determining the matter are:
    - (a) to modify the conditions of the licence;
    - (b) to exclude a licensable activity from the scope of the licence;
    - (c) to remove the designated premises supervisor;
    - (d) to suspend the licence for a period not exceeding three months;
    - (e) to revoke the licence;and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.
  - 4.3 In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
  - 4.4 The licensing authority's determination of this application does not have effect until the 21-day appeal period has expired or if the decision is appealed the date the appeal is determined and/or disposed of.

- 4.5 The applicant is seeking revocation of the licence due to the weight of evidence that has been submitted and that the premises fails to promote the licensing objectives:
- 1) The prevention of crime and disorder
  - 2) The protection of children from harm

**5. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY**

- 5.1 Any applications under the Licensing Act 2003 are set out in **Appendix 8**.
- 5.2 The chronology relating to appeals and applications is set out in **Appendix 8**.

**6. Equality Implications**

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, Marriages and Civil Partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

<b>List of Appendices:</b>	Appendix 1 – Application for Review Appendix 2 – Applicant’s supporting documents Appendix 3 – Premises licence holder’s supporting documents Appendix 4 – Current Premises Licence (22/03073/LIPVM) Appendix 5 – Environmental Health Service representation Appendix 5.1 – Environmental Health’s supporting documents Appendix 6– The Licensing Authority’s representation Appendix 7 – Interested Parties representations Appendix 8 – Licence and Appeal History Appendix 9 – Residential Map and list of premises in the vicinity
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**Background Documents – Local Government (Access to Information) Act 1972**

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (01 October 2021)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

Please see next page



## 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 Adam Deweltz**

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:**

AMK Food and Wine, 35B Queensway

**Post town:**

London

**Post code:**  
(if known)

W2 4QJ

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

AMK Innovation Limited, 199 Uxbridge Road, W12 9DH

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

20/09113/LIPCHT

### Part 2 – Applicant details

**I am:**

Please tick Yes

- |          |  |                                     |
|----------|--|-------------------------------------|
| <b>1</b> | <b>an individual, body or business which is not a responsible authority</b><br>(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/>            |
| <b>2</b> | <b>a responsible authority (please complete (C) below)</b>   | <input checked="" type="checkbox"/> |
| <b>3</b> | <b>a member of the club to which this application relates (please complete section (A) below)</b>  | <input type="checkbox"/>            |



**PROTECTIVE MARKING**

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

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

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

<b>Name and Address:</b>	
<b>Telephone Number (if any):</b>	
<b>Email address: (optional)</b>	

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

<b>Name and Address:</b>	
PC Adam Deweltz, Westminster Police Licensing Unit, Metropolitan Police Service	
<b>Telephone Number (if any):</b>	020 7641 1705
<b>Email address: (optional)</b>	adam.s.deweltz@met.police.uk

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

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

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

Westminster Police Licensing are bringing this review on the grounds of protection of children from harm and the prevention of crime and disorder.

The premises licence in question is for AMK Food and Wine, 35B Queensway, W2 4QJ. The premises licence number is 20/09113/LIPCHT. The premises licence holder is AMK Innovation Limited, 199 Uxbridge Road, London, W12 9DH. The Designated Premises Supervisor (DPS) is Mr Mustafa ALKIFRAY.

Westminster Police Licensing were first made aware of the alleged sale of alcohol to children in February 2021. Information was passed to the local Lancaster Gate SNT and a criminal intelligence report was created and passed to Police Licensing. Over time, similar reports came in via our criminal intelligence database and Police Licensing set up test purchasing operations using the Police Cadets to buy alcohol from the venue.

Westminster City Council were passed all these reports, and Trading Standards along with City Inspectors, also conducted their own test purchasing operations.

## PROTECTIVE MARKING

The licensee has passed every single test purchasing operation that the authorities have conducted. It is therefore believed that the licensee knows and trusts who he is selling alcohol to.

Several other anonymous reports came in via our criminal intelligence database, that the licensee was still selling alcohol to children. Parents of the children that bought alcohol, were engaged with and asked to assist Police by giving statements. Many of the parents would not provide statements and would not engage with Police any further. This was because they were worried about any reprisals.

In December 2021, Police received another report that a child had bought alcohol from the venue. The parent was contacted and they provided a statement to Police Licensing.

On the 26th February 2022, a CAD (3604/26FEB22) report came in that two (2) other children had bought alcohol from the premises on the 25th February 2022. Police Licensing engaged with the parent to see whether a statement could be given. The parent stated they would assist Police.

On Wednesday 2nd March 2022, Police Licensing and Westminster City Council Inspectors attended the premises to check CCTV cameras and conduct a full licensing inspection. Officers asked to see recordings between the hours of 17:00 and 17:30 on the 25<sup>th</sup> February 2022, which was when the children bought the alcohol. This was a bottle of vodka. They used cash to do this.

There was no CCTV recordings, as the licensee Mr ALKIFRAY, stated that they automatically delete after 3 days. This was checked by officers and confirmed. There was no DVR and the CCTV system was a basic one, which worked off the internet. There was also no CCTV condition on the premises licence and work has been on-going with WCC and Police over the last year to get the premises licence updated.

Mr ALKIFRAY has come to Police notice a number of times, which has led to him being arrested. Details of this will be in my MG11 Police Statement.

It is clear MR ALKIFRAY has failed to promote the licensing objectives. He has a duty of care to his customers and he has demonstrated time and time again that he does not care for the safety of children. He is all too willing to sell alcohol to children in order to make profit. He goes out of his way to cover his tracks. He has not worked with the authorities to conduct the simplest of tasks to update his premises licence with conditions. Westminster Police Licensing have no faith in Mr ALKIFRAY and do not regard him as a responsible operator. The Metropolitan Police Service seek full revocation of the premises licence in order to protect children from harm.

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

**PROTECTIVE MARKING**

Information contained above.

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

(Please tick yes)

PROTECTIVE MARKING

	Day	Month	Year
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:

N/A



**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"/>
<b>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.</b>	

<b>Part 3 – Signatures</b> (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:		Date:	16/03/2022,
Capacity:	N/A		
<b>Contact name</b> (where not previously given) <b>and postal address for correspondence associated with this application:</b> (please read guidance note 6)			
N/A			
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):			

**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.

Retention Period: 7 years  
MP 321/12

Please see next page

### 5WITNESS STATEMENT

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

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Statement of: Bryan LEWIS PC 4161AW

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Police Constable p200892

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: *Bryan Lewis PC 4161AW* Date: 25/04/2022

I am currently employed with the Metropolitan Police Service as a Police Constable. For the last thirteen years, I have been a member of the Westminster Police Licensing Team. I have amassed extensive knowledge of licensed premises in the city of Westminster from both a licensing and enforcement perspective. Prior to that, I was employed on a Westminster Council / police partnership team, and I was a police emergency response officer on both the boroughs of Hammersmith, Twickenham and Richmond.

On Friday 15<sup>th</sup> April 2022 about 4pm, PC Reaz Guerra and myself from the Westminster Police Licensing Team visited 35b Queensway to check the premises was complying with its new CCTV licence condition. We entered the shop and made our introductions to Mr Mustafa Alkifray, the licence holder, who was alone and sat behind the counter. Mr Alkifray was familiar to me as I believe we were to him; due to previous visits we had both conducted. As on previous occasions, I found Mr Alkifray's answers to our questions to be vague, and ambiguous. He informed us that the CCTV was working but that its installation was not completed and the individual who had fitted it, would be returning to finish the job. I asked him how many days it had been recording for. He said twenty days. He also said he was not sure how to operate the system. There was a monitor fitted at ceiling height, which was working but was partially obscured by both the shelf it rested on and because it was not angled downwards. This was also where the small digital recording recorder (DVR) box was located, along with its control mouse. I asked to see recorded footage. Mr Alkifray found a short step ladder. As I informed Mr Alkifray, having to go up a ladder to operate the DVR and view footage was not satisfactory, as following an incident, Police may need to view

Witness Signature: .....

Signature Witnessed by Signature: .....



Continuation of Statement of:

footage upon immediate request. When I checked the recorded footage, it was only available from the 2<sup>nd</sup> of April 22 and therefore about thirteen days, not twenty, as he had informed us. There was live footage currently being shown from four cameras. There had only ever been only four cameras working since the system had commenced operating, as we viewed recorded footage from the first days in April it had been operating. This did confirm that the system was fully operational in relation to the four cameras. However, Mr Alkifray repeatedly maintained that there were six cameras in operation. I ticked the boxes of the first six cameras on the DVR operation display but the other two camera images did not appear. Mr Alkifray continued to insist that there were 6 cameras. I then noticed that below the monitor, were the red feed cables for the cameras. There were only four cable leads connected, confirming that there could only be four cameras in operation, which I pointed out to Mr Alkifray. We also noted that the cameras not working, were the two dome cameras fixed to the ceiling above where Mr Alkifray served his customers and appeared originally positioned to capture all transactions at the counter.

At about this time during our visit, a young female, I would estimate to be in her mid-teens, entered the shop. She hesitantly looked at the three of us rather than the goods on sale, and abruptly left the shop.

I informed Mr Alkifray that I had confirmed the CCTV system was operating but that I wasn't entirely satisfied as the need for the use of a ladder meant DVR was too difficult to access, the monitor couldn't be viewed properly, and two important cameras weren't working. Therefore, he was breaching his CCTV licence condition in that the system did not meet our minimum standard. The DVR and monitor required repositioning and the two counter cameras connecting to the system. I gave him one week, despite him arguing for more time. In my experience, his shop CCTV system was a simple inexpensive analogue system, a homeowner might purchase. It is basically a plug and play system and requires virtually no technical knowledge to fit and operate. Our visit completed; we left the shop.

As we crossed the high street, PC Guerra and I observed two young females, I would estimate to be in their teens, enter the shop; then leave a short time later. PC Guerra went over to the girls to speak to them as they walked away, finally catching up with them in Bayswater tube Station. He phoned me, requesting I join him. When I arrived at the station, he was just leaving the platforms. PC Guerra informed me he had identified himself as a  
Witness Signature: .....

Signature Witnessed by Signature:.....



Continuation of Statement of:

police officer to the girls and enquired as to why they had visited the shop. I did not make a note of the conversation, but I specifically remember he said the girls mentioned that they had heard on Snapchat, an internet chat site popular with young people, that you could purchase 'bad' things in the shop, or words to that effect. They had gone on their way.

We returned to the shop a short time later. On arrival, PC Guerra requested from Mr Alkifray, that he produce a recording of the CCTV, from 4pm to 4.30pm. This would cover the time period the two females had entered the shop. Mr Alkifray said this couldn't be done, as he didn't know how to download from the system. PC Guerra informed him it was a requirement of his CCTV condition, to provide a copy of the CCTV following a police request. It should be downloaded onto a USB memory stick, and it was agreed with Mr Alkifray that I would return the following day to collect it, at some time from 11am onwards when he opened the shop. I made a note of his two phone numbers and his company email address, so that I could contact him the following day, to notify him roughly what time we would be arriving. In fact, when searching on the internet for the company name within his email address, I was surprised to find that he described his business as a repairer of electronic and optical equipment, suggesting he would not have any trouble installing a basic CCTV system and downloading from it.

The following day, Saturday 16<sup>th</sup> April 2022 about 6pm, I returned to the shop, accompanied by another police licensing officer, PC Nicole Sondh; who had also previously visited the shop. I had tried to phone Mr Alkifray in advance, but he had not answered. On arrival, Mr Alkifray was sat behind the counter. I was keen to be as brief as possible, in order to visit other premises. When I asked him for the download, he said he hadn't done it. He said a number of times, if I wanted it, I could use my phone, which I took to mean I could find the relevant recording times myself, and again standing on the ladder, I could film the footage on my mobile phone. I said to him that he had been requested to produce downloaded footage on a USB memory stick, and in any case, I am not permitted to capture CCTV evidence on my own mobile phone. Mr Alkifray changed his manner from confusion to hostility. He said several times why his shop? Suggesting we were targeting him for no good reason. PC Sondh patiently explained to Mr Alkifray in detail the purpose of our visit and exactly why it was his shop we were visiting. That this was following a number of allegations that he sold alcohol to children. As we were speaking a young girl entered the shop, I would

Witness Signature: .....

Signature Witnessed by Signature:.....

Continuation of Statement of:

estimate to be in her mid-teens, dressed in a white top and trouser outfit. Mr Alkifray said to her "give me two minutes", and she left. I thought this was odd, as when an older male had previously entered the shop, which generally seems to have few customers, Mr Alkifray had immediately turned his attention away from us, and served the male some cigarette papers. We then had a conversation about the sale of alcohol. Mr Alkifray said he wanted to cease the sale of alcohol. I said why don't you surrender your licence. He then clarified that he only meant temporarily. I took this to mean while the troubles he was having with the Responsible Authorities blew over. I said he could not temporarily surrender his licence. He then spoke of a visit by another police officer earlier that day, who he couldn't name or why he had visited. The officer had also wanted to look at his shop CCTV. We had no knowledge of this visit, but it is possible that it was following two crime reports for assaults that had occurred at the shop in the past weeks. He then showed us on his mobile phone, footage from his outside cameras looking onto the street, which had been captured earlier that day 16/04/22, and which he had said he had shown the officer. I said to Mr Alkifray then you are able to download footage, as you have just shown me. He then claimed that he had simply used the phone- camera, to film the monitor image holding the phone-camera. I knew this wasn't true as it was clear the images he had shown me were properly downloaded.

PC Sondh in a further attempt to assist Mr Alkifray, suggested that we would send him an email with a link to a police contractor (Axon) web site, enabling the downloading of CCTV footage directly without the need for a storage device. Again, he would not provide clear answers, in my opinion feigning ignorance of how to conduct a simple download. However, he finally agreed to carry out our further request for the same footage originally requested the day before. We left the shop and crossed Queensway. When I looked back, I noticed the same young female dressed in white, had re-entered the shop, and had sat down in a swivel chair by the counter, suggesting a familiarity with visiting the shop. We then left the area, to conduct other licensing visits.

As far as I am aware, Mr Alkifray has still not produced the CCTV footage requested by police.

*Bryan Lewis PC 4161 AN*

Witness Signature: .....

Signature Witnessed by Signature:.....

Continuation of Statement of:

Bryan Lewis PC4161CW

Westminster Police Licensing Team

*Bryan Lewis PC4161CW*

Witness Signature: .....

Signature Witnessed by Signature:.....

**STATEMENT OF WITNESS***(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

URN

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Statement of: Constable Tom Stewart

Age if under 18: Over 18

Occupation: Police officer

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:



Date: 10 Mar 2022

I am PC Tom Stewart 4230AW and I am attached to the Central West Licensing team, covering Westminster borough. I have been a police officer for 13 years and a Licensing officer 4 ½ years.

On Wednesday 2nd of March 2022 at approximately 15:50 hours, I was on duty in plain clothes, accompanied by Pc Bryan Lewis and Westminster City Council (WCC) City Inspectors Floyd Harris and Sam Bucpapaj. We had arranged to conduct a licensing visit at AMK Food and Wine, 35b Queensway.

Police Licensing had received numerous reports that the Licence Holder and DPS (Designated Premises Supervisor) had been selling alcohol to children. The most recent allegation was that he had sold a bottle of vodka to two girls aged 13 and 14 years old who were in school uniform. This had allegedly happened on Friday 25th February between 17:00-17:30.

The Licensee, Mr Mustafa Alkifray had previously denied all of the allegations of underage sales and following engagement with the police licensing team, agreed to submit a minor variation to add several conditions to his licence, including a condition requiring CCTV that recorded for a minimum of 31 days. Westminster City Council had informed us that the variation had been applied for, but payment had not been made, thus making the application invalid until the payment had been received. Since the application had been submitted by Mr Alkifray, it would be a fair assumption to make that the CCTV would be compliant with the conditions he had included on the application.

The intention of the visit was to establish if the CCTV was compliant and whether the alleged sale of alcohol was captured on CCTV. If the incident hadn't taken place, then this could also be corroborated by the CCTV.

We entered the premises, which is a very small and narrow shop, with the counter and till area located at the far end. There were only two people on the premises when we entered. A male stood behind the counter, who I now know to be Mr Mustafa Alkifray and a young male, possibly around 13 or 14 years old. When the customer saw us enter, he appeared quite nervous. He quickly picked up something from the sweets section, paid for the item and then left the premises. At this point I approached Mr Alkifray and introduced myself and the other officers. I produced my warrant card and showed it to Mr Alkifray.

I asked him if he had the summary part of his premises licence (Part B) to hand, as I could not see it displayed. He appeared confused by the question but indicated that he did not have it. I then asked Mr Alkifray if he had the original copy of his premises licence available for inspection. Again, he stated that he did not have it, but could access one on his computer. I explained to Mr Alkifray that it was a legal requirement to display the Summary (Part B) licence and to have the full premises licence on the premises. I asked Mr Alkifray if he had his personal licence on him, which he did. He handed this over and I inspected it. It appeared to be in order. The licence had been issued by the London Borough of Hammersmith and Fulham.

Signature:



Signature Witnessed by:


Continuation of Statement of: Constable Tom Stewart

I asked Mr Alkifray about the minor variation that he had submitted, informing him that payment had not been received and that if the payment was not made by the 4th of March, then WCC would invalidate the application. Mr Alkifray insisted that he had paid for the application to two separate occasions but could not provide a receipt or email confirmation of the payment. I asked him if he was aware of the conditions that he had requested to be added to the premises licence, and he responded by saying that he was just doing what the police had told him to do. He didn't appear to have any interest, professional or otherwise in the conditions that were requested by police or the reasons for why we had asked for them. It had been explained to Mr Alkifray on numerous occasions of our concerns in regard to the allegations of underage sales, and that the implementation of CCTV, Challenge 25 and an incident log would assist him in promoting the licensing objectives. Mr Alkifray's complete lack of comprehension was very concerning. He literally seemed to shrug off the idea that there was an issue.

I could see that there were at least two CCTV cameras within the premises. One positioned above the till area, facing downwards and the other was by the entrance/exit. I could also see that the spirits, including a bottle of vodka was behind the count on a shelving unit. This could only be accessed by someone behind the counter. I asked Mr Alkifray how long his CCTV recorded for. He stated that it only recorded for three days. I asked if the premises was open on Friday 25th February. Mr Alkifray appeared confused by the question, stating that he could not remember. He then stated that the shop had not been open much at all during the last few weeks. I asked him if anyone other than himself worked or sold alcohol from the shop. He confirmed that he was the only person who worked there but stated that he often gave the keys to other people to lock up. I asked again if he was working on Friday 25th at around 5pm. He again returned a blank look and finally stated that he thought he came to the shop that evening around 8pm.

I then informed Mr Alkifray that we had received a recent allegation that he had sold a bottle of vodka to two underage females. I stated that this had allegedly happened on Friday 25th February around 17:00-17:30. I asked Mr Alkifray if his CCTV would have recorded what had taken place, if anything, during these times. He showed me his mobile phone (where the CCTV recording could be accessed via an application). I could see from the information on the application that the recordings only went back three days. This was indicated by a small dot over the preceding three days. Mr Alkifray scrolled to Friday 25th February and there were no recordings.

Throughout my interactions with Mr Alkifray, I got the impression that he was not taking the situation seriously and was perhaps 'playing dumb' and being deliberately obstructive and unhelpful. This sort of behaviour is very concerning considering he is the premises licence holder and DPS. This is further compounded by the fact that we were discussing the very serious allegations of selling high strength spirits to children.

Witness Signature: 

Signature Witnessed by:



## 5 WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Bryan LEWIS PC 4161AW

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Police Constable p200892

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: *Bryan Lewis PC4161AW* Date: 10/03/2022

I am currently employed with the Metropolitan Police Service as a Police Constable. For the last thirteen years, I have been a member of the Westminster Police Licensing Team. I have amassed extensive knowledge of licensed premises in the city of Westminster from both a licensing and enforcement perspective. Prior to that, I was employed on a Westminster Council / police partnership team, and a police emergency response officer on both the boroughs of Hammersmith, Twickenham and Richmond.

On Wednesday 2<sup>nd</sup> of March about 3.50pm, I was on duty in plain clothes, accompanied by fellow Police Licensing officer, PC Tom Stewart. That afternoon we met with Westminster City Council (WCC) Licensing Inspectors Floyd Harris and Sam Bucpapaj. We then conducted a joint licensing visit at AMK Food and Wine shop, 35b Queensway. The visit was arranged due to information we had received, that underage youths had been sold alcohol in the shop, the previous Friday. As we entered, there was one young male customer conversing with a male who appeared in his forties or fifties, sat at the rear of the shop, who I now know to be the shop owner, Mr Mustafa Alkifray. The shop is long and narrow and appears to have once been a larger shop now subdivided. Mr Alkifray was seated behind a screen, wearing a dark baseball cap. PC Stewart introduced us and explained that we were conducting a licensing visit. Mr Alkifray confirmed he was the owner, and I knew from having seen the premises licence before our visit, he was also the Designated Premises Supervisor. The young male customer selected some items, paid and left the premises. I noted that there were cans of alcohol for sale on my left in a refrigerated cabinet, and numerous bottles of spirits in a horizontal wall-

Witness Signature: *Bryan Lewis PC4161AW*Signature Witnessed by Signature: *Bryan Lewis PC4161AW*

Page 1 of 3

Continuation of Statement of:

to-wall wooden shelf above Mr Alkifray. Examining the interior of the shop, my impression was that little time and money had been spent on its appearance. PC Stewart queried where part B of the premises licence was displayed and if Mr Alkifray could produce the hard copy part A of the licence. He was unable to produce either. PC Stewart informed Mr Alkifray that he was required by law to produce these documents to the authorities upon request. Throughout our visit, Mr Alkifray's answers were vague and he often appeared mildly amused by something. PC Stewart asked to see his personal licence which he immediately produced. It appeared to be in order. PC Stewart then asked Mr Alkifray about a minor variation application to add a CCTV licence condition to his premises licence, that he had submitted some time before. Police Licensing had requested this on a previous occasion, due to other allegations of underage sales against the premises. Apparently, the variation had been submitted but not paid for and therefore had not been processed successfully. There was some discussion about whether he had paid for it, but it was apparent that he had not confirmed if it had been added to his premises licence. Mr Alkifray said he would resolve this matter.

I noticed two wireless CCTV cameras in the shop, one behind the counter, the other at high level covering the alcohol display. PC Stewart queried with Mr Alkifray whether his CCTV system complied with the condition he had applied for, including the 31-day storage requirement. He replied that the CCTV system only stored footage for three days. PC Stewart asked why this was the case, to which a satisfactory answer was not provided. PC Stewart asked if he was open for business the previous Friday, 25/2/2022. Mr Alkifray repeatedly said he couldn't remember, despite it being only five days before. He stated no one else worked there and gave the impression that the shop's opening times were intermittent.

PC Stewart explained that we had received information that some school children had purchased a bottle of Vodka the previous Friday and asked for Mr Alkifray's response. He then said that he now remembered he had not worked that day and the shop would not have been open, therefore the sale could not have taken place. We

Witness Signature: .....

Signature Witnessed by Signature: .....

*Byrne Lee & PC4161A*

Page 2 of 3

Continuation of Statement of:

left the shop, having completed our visit, intending to follow up whether the minor variation regarding a CCTV condition was resolved, and the condition added to the licence.

*Bryan Lewis PC4161CW*

Bryan Lewis PC4161CW

Westminster Police Licensing Team

Witness Signature: .....

Signature Witnessed by Signature:.....



### WITNESS STATEMENT

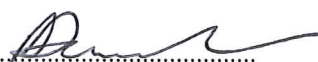
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Adam Deweltz**..... URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of: ... **1**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: **A.Deweltz PC 2556 AW**  Date: **10/03/2022**.....

Tick if witness evidence is visually recorded  (supply witness details on rear)

My name is Adam Deweltz and I am a Police Constable for the Metropolitan Police Service. I have been a Police Officer for 20 years and I am an experienced licensing officer currently working in the Westminster Police Licensing Unit. I have been in this role since November 2014. Since then I have dealt with a wide range of licensing matters including applications for new premises licences, licence committee hearings, licence review hearings and a large number of licensing visits to a variety of licensed premises within the City Of Westminster. My unit is responsible for approximately 5000 licensed premises across Westminster, Kensington and Chelsea and Hammersmith and Fulham. When visiting any licensed premises, we aim to work in partnership with them by making improvements and offering advice to ensure the licensing objectives are promoted.

This MG11 statement refers to AMK Food and Wine, 35B Queensway, W2 4QJ. The Premises licence number is 20/09113/LIPCHT. The premises licence holder is AMK Innovation Limited, 199 Uxbridge Road, London, W12 9DH. The Designated Premises Supervisor (DPS) is Mr Mustafa ALKIFRAY.

Following on from PC BOON's work, I took over dealing with the licensed premises in November 2021. With the licensee passing our Police test purchase on the 15<sup>th</sup> April 2021, a decision was made at the time to not review the premises licence. I had also liaised with Trading Standards and City Inspectors who had also conducted test purchases on different dates. Once again, the licensee had passed these tests and challenged the cadets for identification. It was viewed that these results would undermine any review brought by the authorities. Instead, it was decided to get conditions added to the premises licence. These conditions, such as CCTV model conditions, would ensure that officers could view any CCTV over a 31 day period if or when any further allegations of underage sales were made. PC BOON first made this request in person on the day of the Police test purchase operation. She later sent him a follow up email on the 23<sup>rd</sup> April 2021 requesting him to submit the minor variation to add conditions to the premises licence. PC BOON exhibited the email thread as CB/5.

Police Licensing knew the CCTV at the premises deleted itself after 1-3 days. This meant that by the time we received any complaints and attended the venue, it was likely that all evidence would be lost. The licensee was well aware of this fact. With the passing of the test purchases, the licensee was getting away with selling alcohol to children. We decided to request for his premises licence to be updated with CCTV conditions, as well as challenge 25 and refusal log. This request was considered both completely reasonable and proportionate. The licensee already had a CCTV system in place. It just required an update to ensure recordings were kept for 31 days. The other conditions asked for would not cost him any extra money to adhere to them.

On the 12 May 2021, the licensee submitted the application to update his premises licence. However, no conditions were contained within the application form. This therefore made the application invalid. Police could not have been any clearer and it can be seen from the emails sent by PC BOON on the 23<sup>rd</sup> April 2021 (exhibit number CB/5) that the conditions were there.

Licensing services contacted the licensee and told him he would have to reapply. He failed to do this.

On the 4<sup>th</sup> October 2021, Westminster City Council were contacted by a Council colleague whose friend's daughter bought alcohol with her friends from AMK Food and Wine. The group of underage girls who were 14-15 in age, bought a bottle of vodka from the licensee and went to Hyde Park where they consumed it. This information was passed to Westminster Police licensing on the 9<sup>th</sup> November. I immediately contacted the informant who put me in touch with her friend. I obtained a statement from her, which I exhibit as ASD/1.

Signature:  ..... page 110 witnessed by: .....



Continuation of Statement of **Adam Deweltz** .....

A further complaint came in to Westminster City Council also on the 9<sup>th</sup> November 2021. This was also passed to Westminster Police licensing. I made contact with this informant. Please see exhibit ASD/2, which is the email thread to them. Initially this parent wanted to assist Police, but unfortunately they stopped engaging with me.

It was clear that the licensee was becoming more active again after not coming to Police Licensing’s notice for approximately five (5) months.

On the 15<sup>th</sup> November 2021, I emailed Mr Mustafa ALKIFRAY to ask for an update on the minor variation request from my colleague PC BOON. I exhibit the email thread at ASD/4. I had no response from him. I then asked my two colleagues, PC GUERRA and PC SONDH to visit the premises and make enquiries as to why the minor variation had not been submitted. They attended on the 18<sup>th</sup> November 2022. I bring your attention to PC Guerra’s statement.

On the 17<sup>th</sup> November 2021 I was made aware that another report of underage sales was made. I made contact with the informant. I exhibit the email as ASD/3. Unfortunately I did not get any response from them.

On the 23<sup>rd</sup> November 2021 I wrote a letter to Mr ALKIFRAY and tasked PC ALI from the Lancaster Gate SNT to hand deliver it. I exhibit this as ASD/6. The letter was yet another reminder to submit the minor variation. This letter was delivered on the 30<sup>th</sup> November 2021.

Mr ALKIFRAY finally submitted the Minor Variation application on the 1<sup>st</sup> December 2021. However, he did not pay the fee and therefore it was invalid once more. Westminster Police Licensing were not made aware that the application was invalid. When the application was sent to Police, it was consulted on and not objected to. This was on the 2<sup>nd</sup> December 2021. As far as the Police were concerned, the conditions were now on the premises licence and a new premises licence would be issued.

On the 10<sup>th</sup> January 2022 I emailed another informant having received information that the licensee had sold cigarettes to her daughter, who was under 18. I spoke with the informant and passed all her details to Trading Standards. I exhibit the email thread as ASD/7.

On the 25<sup>th</sup> February 2022, Police were made aware of yet another report relating to underage drinking at the premises. I phoned the informant and send her a text message to contact me. We managed to speak on Tuesday 1<sup>st</sup> March and they explained to me that their child had gone into the premises with another child and they had bought a small bottle of vodka. They were not challenged for ID. They then went home and consumed the bottle of vodka in their bedroom. The next day the informant entered the room and discovered the empty bottle. I asked whether I could take a statement over the phone and they told me they would. A statement was due to be taken on Tuesday 8<sup>th</sup> March 2022, however, the parent became reluctant to assist.

I asked PC Lewis and PC Stewart to attend the premises to check the CCTV. A joint visit with WCC City Inspectors, Floyd Harris and Sam Bucpapaj was conducted on Wednesday 2<sup>nd</sup> March 2022. The officers asked to see CCTV between the hours of 17:00 and 17:30. These were the times the two children entered the premises.

I bring your attention to the statements provided by the above officers.

Enquiries were then conducted with licensing services and it became known that the minor variation I had requested for CCTV conditions to be added to the licence, was invalid as payment was never made by the licensee back in December 2021.

On Tuesday 8<sup>th</sup> March 2022, Mr ALKIFRAY withdrew his application for the minor variation he submitted in December 2021. It is unclear what his motives are for this, but on Wednesday 9<sup>th</sup> March 2022, he submitted another minor variation application for the conditions to take effect on 01/01/2023. This was not what Police had requested and Mr ALKIFRAY knew we wanted the conditions on the licence to take immediate effect. This is yet more evidence of him not working with the authorities and using delay tactics to keep the conditions off his premises licence.

The Licensee, Mr ALKIFRAY, is also known to the Police. He has been arrested a number of times for GBH and Robbery and at the time of completing this statement, he is Wanted by Police for ‘failing to appear’ at Wimbledon Magistrates Court for being charged with ‘failing to provide a specimen of breath’ at Kingston Custody Suite. Arrangements have been made to arrest him and put him before the court. He has been charged for the GBH and is due to go to trial in August 2022. The robbery case is still being investigated. The courts will be informed that he is a Personal Licence holder (Licence number 2019-01726-LAPER issued by Hammersmith and Fulham).

It is clear MR ALKIFRAY has failed to promote the licensing objectives. He has a duty of care to his customers and he has demonstrated time and time again that he does not care for the safety of children. He is all too willing to sell alcohol to children in order to make profit. He has not worked with the authorities to conduct the simplest of tasks to update his premises licence with conditions. He has dragged

Signature: 

Signature witnessed by: .....

Continuation of Statement of **Adam Deweltz** .....

his feet and been obstructive. Westminster Police Licensing have no faith in Mr ALKIFRAY and do not regard him as a responsible operator.

Whilst the existing premises licence is devoid of any conditions, having only the mandatory conditions attached to it, it is the view of the Police that even with the addition of further conditions the premises would continue to operate in an irresponsible and negligent manner. Therefore, The Metropolitan Police Service seek full revocation of the premises licence in order to protect children from harm and prevent further crime.

*Adam Deweltz*

Signature: *Adam Deweltz* ..... **page 112** ..... Witnessed by: .....

**Witness contact details**

Home address: .....  
..... Postcode: .....

Home telephone number ..... Work telephone number .....

Mobile/pager number ..... Email address: .....

Preferred means of contact: .....

**Male / Female**-(delete as applicable) Date and place of birth: .....

Former name: ..... Ethnicity Code (16+1): ..... Religion/belief: .....

**Dates of witness non-availability** .....

**Witness care**

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? **No.** If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

**Witness Consent (for witness completion)**

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes  No
- b) I have been given the Victim Personal Statement leaflet Yes  No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes  No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes  No  N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes  No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: ..... Print name: .....

Signature of parent/guardian/appropriate adult: ..... Print name: .....

Address and telephone number if different from above: .....

Statement taken by (print name): **PC Deweltz**..... Station: **N/A** .....

Time and place statement taken: **16:00 hours at City Hall, Victoria Street, SW1** .....



**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC Reaz Guerra 1614CW** ..... URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

This statement (consisting of: .... **4**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: *Reaz Guerra 1614AW* ..... Date: 17/03 2022.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above-named person, currently employed in the Westminster Police Licensing Unit.  
I joined the Metropolitan Police Service in 2002 and was posted to the Borough of Westminster in 2003, working in numerous operational roles. I moved to the Westminster Police Licensing Unit in April 2011. Since my appointment in the Licensing Unit I have dealt with a wide range of licensing matters including applications for new premises licences, variations to existing premises licenses, licensing committee hearings, licensing reviews and a large number of licensing visits to licensed premises within the City of Westminster. I am also a specially trained search officer, Licensed by the Home Office, with over 16 years' experience performing this role.  
  
I submit the below information in relation to an application to review the premises licence for 35B Queensway, London W2, Premises licence 20/09113/LIPCHT.  
  
The premises is located on the west footway of Queensway, W2, approximately 100 metres north of the junction with Bayswater Road, W2. The main entrance to the premises is via a single door on Queensway. I would describe the premises as a long narrow premises. As you enter the premises there is a booth/cabin to the right, which appears to sell or repair used mobile phones.

Signature: *Reaz Guerra 1614AW* ..... Signature witnessed by: .....

Continuation of Statement of **PC Reaz Guerra 1614CW** .....

There are display shelves along the sides of the wall and the till is located at the back of the premises.

The current plans as submitted to the licensing authority, do not accurately reflect the current layout of the premises, as the booth/cabin is not shown on the current plans.

On Thursday 18<sup>th</sup> November 2021 at approximately 18:25hrs, PC Sondh and I attended the premises to conduct further enquiries on behalf of PC Deweltz regarding the submission of a minor variation to add a number of conditions to the premises licence. On entering the premises, we spoke with Mr Mustafa ALKIFRAY, who confirmed he was the owner and the Designated Premises Supervisor. Having introduced ourselves I asked Mr ALKIFRAY if he had any recollection of the request to submit the minor variation. Mr ALKIFRAY gave the impression that he did not understand what I was asking, replying something like, "What is this? Is there a problem here? Why are you here?" I then explained that my colleague had previously requested he voluntarily add a number of conditions, regarding CCTV, age challenge policy and incident log. He then said he had already done it and tried to look on his phone to find an email, but couldn't show me any emails relating to the minor variation. In speaking with ALKIFRAY I formed the opinion that he was being evasive, pretending not to understand what was being asked of him. I recorded his details and informed him we would be in touch to discuss this further, we then left the premises. There appears to be a discrepancy and two variations with spelling of Mr Alkifray's surname. 'Companies House' shows him as the sole director, with his name spelt as Mr Mustafa Mahmoud Ibrahim ALKFIRAY, his personal licence shows his name as Mustafa ALKIFRAY.

On Friday 9<sup>th</sup> March 2022, the Westminster Police Licensing team were served with a minor variation application in respect of this premises (35B Queensway), reference 22/02401/LIPVM to add a number of conditions, however the applicant, Mr ALKIFRAY, had requested that the minor variation not take immediate effect, but instead be deferred, and take effect from 01/01/2023. The Police objected to this application, as having the start date deferred for such

Signature:  1614CW .....

Signature witnessed by: .....

Continuation of Statement of **PC Reaz Guerra 1614CW** .....

an extended period did not show a proactive and determined approach to promote the licensing objectives. In addition to this the Westminster Police licensing team had taken the decision to review this premises licence. On Wednesday 16<sup>th</sup> March 2022, PC Deweltz, and myself, along with several uniformed colleagues attended the premises. It was our intention to serve the review application on Mr Alkifray, however, he was also wanted for failing to appear at Wimbledon Magistrates on 1<sup>st</sup> March 2022 for a separate offence (Failing to provide a specimen of breath), and therefore the uniformed officers would arrest Mr Alkifray should he be present. On approach to the premises, the main door had been locked and an internal roller shutter, which was set back approximately one (1) metre from the main door was being closed, the shutter was unable to close fully as it had been obstructed by a case of plastic water bottles, leaving a gap of approximately 30cms at the bottom. It was our belief that Mr Alkifray had locked himself within the premises. There were several wet footprints that could be clearly seen under the shutter going back into the premises, however there were no foot prints leading out of the premises towards the street. Although Mr Alkifray had not been seen, it is my belief that Mr Alkifray had seen or been alerted to the police presence and locked himself to avoid being arrested. There is only one entrance to the premises, that being the main entrance on Queensway.

Being unable to speak in person with Mr Alkifray, PC Deweltz posted a copy of the Review application through the letter box of the premises. A copy of the review was subsequently served on Mr Alkifray by email.

Later that same day, two further minor variation applications were received by Westminster Licensing, submitted by Mr Alkifray, proposing to add conditions as previously requested, however the variation was now requested to take immediate effect.

In preparation for this review having assessed the numerous criminal intelligence reports regarding the sale of alcohol to children, there is one prominent factor in that all the sales that have been reported, have been sales made to young girls.

Signature: *[Handwritten Signature]* 1614AW ..... Signature witnessed by: .....

Continuation of Statement of **PC Reaz Guerra 1614CW** .....

Police seek revocation of this licence to prevent crime and disorder, and foremost to protect children from harm.

*PC Reaz Guerra 1614CW*

Signature: *PC Reaz Guerra 1614CW* .....

Signature witnessed by: .....



**Witness contact details**

Home address: .....  
..... Postcode: .....  
Home telephone number ..... Work telephone number .....  
Mobile/pager number ..... Email address: .....  
Preferred means of contact: .....  
Male / Female (delete as applicable) ..... Date and place of birth: .....  
Former name: ..... Ethnicity Code (16+1): ..... Religion/belief: .....

**Dates of witness non-availability** .....

**Witness care**

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?  
Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

**Witness Consent (for witness completion)**

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes  No
- b) I have been given the Victim Personal Statement leaflet Yes  No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes  No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes  No  N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes  No  N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes  No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: ..... Print name: .....  
Signature of parent/guardian/appropriate adult: ..... Print name: .....  
Address and telephone number if different from above: .....

Statement taken by (print name): **PC1614CW P207028 PC GUERRA**..... Station: **City Hall Westminster** .....

Time and place statement taken: .....

STATEMENT OF WITNESS

(Criminal Procedure Rules, r 27.1(1);  
Criminal Justice Act 1967, s. 9, Magistrates' Court Act 1980, ss 5A(3)(a) and 5B)

Statement of *SAM BUCPAPAJ*

Age of Witness  
(if over 18 enter "over 18") *OVER 18*

Occupation of Witness *CITY INSPECTOR PUBLIC PROTECTION & LICENSING*

This statement, consisting of 2 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 3<sup>rd</sup> March 2022

Signed.....

My name is Sam Bucpapaj and have being employed as City inspector in public protection and licencing department for Westminster City Council since October 2013

*On Wednesday 2<sup>nd</sup> March 2022, I was deployed on duty with fellow City Inspector (CI) Floyd Harris to attend an Off Licence at an address; 35 Queensway W2. We were tasked to assist two Police officers from the Licensing team PC Bryan Lewis and PC Tom Stewart. As a result of an allegation of sale of alcohol to a 13-year-old child. We entered the premises at about 3:50pm and spoke with a male at the rear of the premises sitting behind a counter. The premises were narrow, with confectionary and other commodities on either side. At the rear behind the male on a raised shelf were bottles of alcohol, and below this a further recess with sliding door containing tobacco etc. There were also bottles of alcohol in a box-like case above the counter and a large fridge with bottled and canned beers, ciders and wine*

*PC Stewart introduced all of us and asked whether the male was the owner? This male is described as Arabic/Middle eastern ethnicity, stocky build, dark short hair wearing a black*

Dated 04<sup>th</sup> \_\_\_\_\_ day of March \_\_\_\_\_ 2022 \_\_\_\_\_

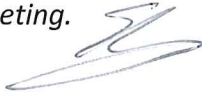
Signed  \_\_\_\_\_

STATEMENT OF WITNESS

(Criminal Procedure Rules, r 27.1(1);  
Criminal Justice Act 1967, s. 9, Magistrates' Court Act 1980, ss 5A(3)(a) and 5B)

*baseball cap and dark clothing. The male replied stating that he was the owner and that his name was Mustafa. PC Stewart explained that he was a police officer and that he was conducting a Licensing visit. PC Stewart then asked to see the Part B section of his premises licence. Mr Mustafa made a show of trying to look for it, but eventually gave up claiming that he couldn't find it. PC Stewart told Mustafa that he was in breach of licensing conditions and that he should always have a copy of the licence on display for inspection by Licensing and members of the public. I could clearly see one CCTV camera located above Mustafa's left shoulder pointing at the costumers and the paying till and one camera on the allocated halfway the shop, pointing at the incoming costumers*

*Pc Stewart asked me to stand by the front entrance and make sure the door remains closed until we had finished the meeting with Mustafa in order to stop costumers entering the shop and interfering with the meeting.*



Dated 04<sup>th</sup> March 2022

2

Signed  page 120

STATEMENT OF WITNESS

(Criminal Procedure Rules, r 27.1(1);  
Criminal Justice Act 1967, s. 9, Magistrates' Court Act 1980, ss 5A(3)(a) and 5B)

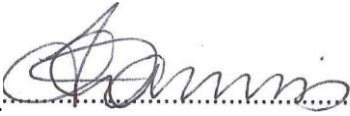
Statement of FLOYD 1 HARRIS

Age of Witness  
(if over 18 enter "over 18") OVER 18

Occupation of Witness CITY INSPECTOR PUBLIC PROTECTION & LICENSING

This statement, consisting of 2 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 3<sup>rd</sup> March 2022

Signed...  .....

My Name is Floyd Harris and I'm employed as a City Inspector for Westminster City Council in Public Protection and Licensing since 2019.

On Wednesday 2<sup>nd</sup> March 2022, I was deployed on duty with fellow City Inspector (C!) Sam Bucpapaj to attend an Off Licence at an address; 35 Queensway W2. We were tasked to assist two Police officers from the Licensing team PC Bryan Lewis and PC Tom Stewart As a result of an allegation of sale of alcohol to a 13-year-old child. We entered the premises at about 3:50pm and spoke with a male at the rear of the premises sitting behind a counter. The premises were narrow, with confectionary and other commodities on either side. At the rear behind the male on a raised shelf were bottles of alcohol, and below this a further recess with sliding door containing tobacco etc. There were also bottles of alcohol in a box-like case above the counter.

PC Stewart introduced all of us and asked whether the male was the owner? This male is described as Arabic Middle Eastern in appearance (IC2), proportionate build,  
th \_\_\_\_\_ day of March \_\_\_\_\_ 2022

  
\_\_\_\_\_

Continuation sheet  
Dated 04

Signed

STATEMENT OF WITNESS

(Criminal Procedure Rules, r 27.1(1);  
Criminal Justice Act 1967, s. 9, Magistrates' Court Act 1980, ss 5A(3)(a) and 5B)

dark short hair wearing a black baseball cap and dark clothing. The male replied stating that he was the owner and that his name was Mustapha. PC Stewart explained that he was a police officer and that he was conducting a Licensing visit. PC Stewart then asked to see the Part B section of his premises licence. Mr Mustapha made a show of trying to look for it, but eventually gave up claiming that he couldn't find it. PC Stewart told Mustapha that he was in breach of licensing conditions and that he should always have a copy of the licence on display for inspection by Licensing and members of the public.

Pc Stewart, then asked whether Mustapha was in possession of his Personal License? Which he was and showed it to PC Stewart, the name on the licence was Mr Mustapha ALKFIRAM address 199 Uxbridge Road London WI 2 9DH. PC Stewart went on to say that MrALKFIRAM has applied to the council for a variation on his license (Which required the Licensee to install CCTV), but that the application had been denied due to not being completed on time. Mr Alkfirm, was asked whether his CCTV was working? I saw that there was a white CCTV camera sitting atop a tall unit behind the shop counter Mr ALKFIRAM stated that the CCTV was working. I said to MrALKFIRAM "Can you tell me if you working last Friday 25<sup>th</sup> Feb"? MrALKFIRAM Said I might have been, but I'm not sure. I may have been here later in the evening". He further stated that he had worked on Saturday. PC Stewart asked to review the recording from last Friday 25<sup>th</sup>. Mr ALKFIRAM claimed that the CCTV was only installed recently and had been set to overwrite every 3<sup>rd</sup> day.

It was explained to MrALKFIRAM, that he was currently in breach with 2 conditions on his licence and that there was no confidence in his ability to comply with conditions placed upon his licence. PC Stewart also explained to Mr ALKFIRAM, that there would now be a review of his Licence. I approached Mr ALKFIRAM and asked him to hand over the tape for the CCTV. MrALKFIRAM said that the CCTV records to a 16GB Micro SD card, which I took receipt of and produce as my Exhibit FIH/I. Mr ALKFIRAM signed my pocketbook to confirm I had taken custody and control of the card

Dated 04

Signed

**STATEMENT OF WITNESS***(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

URN

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Statement of: Constable Cheryl Boon

Age if under 18: Over 18

Occupation: Police officer

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: *CM*

Date: 11 May 2021

My name is Cheryl BOON and I am a Police Constable working for the Metropolitan Police Service. I have been a Police Officer for 15 years, my current role is working within the Westminster Police Licensing Unit. I have been in this role since February 2018. Since then I have dealt with a wide range of licensing matters including applications for new premises licences, licence committee hearings and a large number of licensing visits to a variety of licensed premises within the City Of Westminster. When visiting these licensed premises the aim is to work in partnership with them by making improvements and offering advice to ensure the licensing objectives are achieved.

This statement is in relation to a Licensed Premises AMK FOOD & WINE, 35B QUEENSWAY, W2 4QJ, current premises licence number 20/09113/LIPCHT. Since 30th January 2021 this premises has come to the attention of Police Licensing, there have been numerous reports made to Police since this time in relation to under age sales of alcohol and cigarettes at the venue, there has also been mention of drug dealing from the location. The majority of these reports have been submitted in the form of intelligence reports and have been made to Police in various forms, either reported on the street to officers, online or telephone. After receiving this initial report I have contacted the local Dedicated Ward officer for the area, PC Ali 1413AW, to ascertain if he had received any similar information, he stated that he hadn't. We discussed the possibility of arranging a Test Purchase operation for this premises and other off licences within the area but due to COVID restrictions at the time this was not available.

During February and early March 2021 Police have received more intelligence reports of the same nature. Due to the fact that the Test Purchase tactic was still not available the decision was made that Police Licensing attend the venue to speak with the Premises Licence Holder and/or Designated Premises Supervisor to discuss the reports. The nature of the reports and the fact that there were now five separate reports was very concerning, we needed to try and ensure that alcohol was not being sold to children or gather evidence if it was. The main aim was to try and safeguard these children and young adults if they were managing to buying and drinking alcohol and to protect them from coming to any harm.

On Tuesday 9th March 2021 I attended the premises in company with PC SONDH 2438AW, we spoke to a male who I now know as Mustafa ALKFIRAY dob [REDACTED] of [REDACTED]. He stated that he is the Premises Licence Holder and the Designated Premises Supervisor. He also confirmed that he is the only person currently working at the premises. Due to the COVID pandemic his business has suffered and he can't afford to employ anyone else. During this visit the reports of underage sales were discussed with him, he stated that he was already aware of these allegations and they are malicious reports made by local businesses. I explained how there is a requirement as a licensed premises to promote the Licensing objectives, in respect to this, the Protection of Children from Harm. He confirmed the practises he has in place with regards

Signature: *CM*

Signature Witnessed by:



Continuation of Statement of: Constable Cheryl Boon

to age verification policies. He confirmed that he had four fully functioning CCTV cameras and we could view footage of these sales underage sales if we had a time and date, at this stage we did not have a report with these details. I confirmed points discussed during this visit via an email to Mr ALKFIRAY sent on Wednesday 10th March 2021, I exhibit a copy of this email as CB/1 and can produce it at court if required. I did not receive any reply from Mr ALKFIRAY to this email.

On Thursday 18th March 2021 I received confirmation from PC ALI 1413AW that a test purchase operation could now go ahead, it was agreed that the dates for this operation would be Tuesday 6th April and Thursday 15th April 2021. The first date for the test purchase operation was then cancelled due to COVID restrictions with the Police Cadets. Police have continued to receive further reports of the venue selling alcohol to under age children. Due to the fact that the second date was set for the Test Purchase Operation I held off attending the venue again until after that date. A report of particular concern was an online report submitted from CAD 2670 12APR21 crimint CWRT01035924 which was received by Police on 12th April 2021. This report was from a parent [REDACTED] he reported that his 13 year old daughter had been found by Police unconscious in the park, this was after drinking vodka she had bought at the above premises, she was taken to hospital as a result of this. I have sent an email to this informant and spoke to him on the phone to clarify details and to see if his daughter was willing to provide a statement to Police in relation to the matter. Unfortunately the female was unwilling to provide Police with a statement. I exhibit two email threads between myself and [REDACTED] as CB/2 and CB/3. I also contacted the Police officer who dealt with this female, this officer confirmed they had not been told where the female had bought the alcohol from and could not provide any further evidence in relation to this incident.

I have looked more in depth into other reports Police had received. I made contact on Thursday 15th April 2021 with the informant from CAD 7543 02APR21, this informant [REDACTED] stated that her 14 year old daughter had bought an Evian bottle with vodka decanted in it for £8.50 from the venue. I sent an email to this informant and spoke to her on the phone. Her daughter was unwilling to provide a statement to Police in relation to this incident. I exhibit the email thread in relation to this correspondence as CB/4.

On Thursday 15th April 2021 a Test Purchase Operation was conducted, officers present were the local Dedicated Ward Officer PC ALI 1413AW, PC MAROUAN 4126AW who is the Volunteer Police Cadet Co-Ordinator in company with him were Police Cadets, along with myself and PC SONDH from Police Licensing. At approximately 1310hrs PC MAROUAN has attended AMK FOOD & WINE, 35B QUEENSWAY, W2 4QJ with two female cadets believed to be aged 13 and 16, myself and PC SONDH remained outside the venue. A short while later PC MAROUAN and the cadets have come back out of the premises, PC MAROUAN as the witnessing officer confirmed that the cadets attempted to buy alcohol, they were challenged for Identification and when they could not produce any the employee has refused the sale.

Due to the fact that the venue had been part of this operation and the increase in concerns of the reports received, myself and PC SONDH have again attended the venue. We have again been met with Mr ALKFIRAY, I have informed him of how he was part of a Test Purchase Operation, he confirmed that it was him that had been at the premises and refused the sale. We thanked him for his action by challenging ID and refusing to sell alcohol to two females under 18 years old. I then made him aware of the further reports we had received and most importantly the one in relation to the female being hospitalised, I have highlighted the seriousness of this allegation along with the other reports and the importance of the Licensing objectives in relation to this the Protection of Children from Harm. He again has claimed that the reports to Police are malicious and reiterated that he does check ID and refuse sales as outlined by the result of the Police operation. As during our previous visit he had confirmed that he had CCTV and that he would allow Police to view footage of any alleged sales, I have requested to view footage of the time and dates of the two reports mentioned above. Mr ALKFIRAY has stated that the CCTV system he has is linked to his phone and only records for 24 hours before erasing itself. I have recommended an upgrade to this CCTV system to record for 31 days and to submit a Minor Variation Application to his Premises Licence, this to ensure that CCTV enquiries can be made at the venue to prove/disprove these reports for a longer period of time. He appeared to be in agreement that this would be beneficial to his business and assist him in disproving these report. On 23rd April 2021 I have sent him an

Witness Signature: *CM*

Signature Witnessed by:

Continuation of Statement of: Constable Cheryl Boon

email confirming what was discussed and requesting he submit a Minor Variation application with conditions appropriate to promote the Licensing objectives and to assist in any future investigation into reports of a similar nature. This request was felt necessary due to the number of reports received and to try and establish if these sales are being made from this premises. I did not receive a reply to this email or any confirmation of whether he agreed and would action my recommendations. I have sent a follow up email on 5th May 2021 asking for a response, he has sent a reply the same date explaining how he operates and also stating that due to financial implications he can not afford to upgrade this CCTV system currently.

Due to further reports received about the premises and underage sales after the Test Purchase Operation, my colleagues from Police Licensing PC SONDH 2438AW and PC Kris CARDWELL 3286AW in company with Chidi Nweke from Westminster City Council have attended the premises to conduct a further visit at the venue. On Saturday 8th May 2021 at approximately 17:40hrs they have attended the premises and found Mr ALKFIRAY present, they have searched the premises under Section 180 Licensing Act 2003 to see if there was any evidence of decanted vodka into soft drink bottles behind the counter, this information was received in two separate intelligence reports. There was no evidence found to support this. During their time at the premises Mr ALKFIRAY he has stated that he would be upgrading his CCTV system and submitting the Minor Variation application requested by myself during the following week.

Following this visit I have replied to the email from Mr ALKFIRAY on Monday 10th May 2021. This email correspondence between myself and Mr ALKFIRAY from 23rd April 2021 to Monday 10th May 2021 is exhibited as CB/5.

Witness Signature: *CM*

Signature Witnessed by:



**CB/1 Copy of email sent to DPS on 10/03/21**

Dear Mr Alkifray,

Thanks for taking the time to speak to me and my colleague yesterday when we visited your premises.

I explained how we have received four recent reports from members of the public, these reports are alleging that your venue is selling both alcohol and cigarettes to children under the legal age required to buy these products. I explained how there is a requirement as a licensed premises to promote the Licensing objectives, in respect to this, the Protection of Children from Harm. With regards to the reports you were already aware and state that it is untrue, you believe these are malicious complaints due to ongoing issues you are experiencing with other local businesses and residents. You state that you do attract younger customers to your store but they attend to buy sweets and soft drinks and never alcohol or cigarettes. If young people are being sold these items in the local vicinity then it is not coming from your premises.

You confirmed that you are the Designated Premises Supervisor of the venue, also that you are a personal licence holder and as such that you are fully aware of all age verification requirements for your premises. You have clear signage on the cigarette display behind your counter to challenge the sale of age restricted products. I asked about staff training and if employees were aware of age verification policy and the law for selling both alcohol and cigarettes, you explained how currently you are the only person working at the venue, this is due to the financial loss the business is suffering due to lack of customers with the COVID pandemic. Therefore you are currently the only person completing any sales at the premises.

With regards to your current Premises Licence reference 20/09113/LIPCHT, I draw your attention to condition 6 below which highlights what is expected of you:

*6.(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.*

*(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.*

*(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—*

- (a) a holographic mark, or*
- (b) an ultraviolet feature.*

You have offered to assist Police in any investigation into these allegations, by stating that if there is a time or date when these sales have taken place you are happy to show us CCTV, you explained that this will show these allegations to be incorrect. You have four fully working CCTV cameras covering different areas of the store. You welcome the idea of a Police operation in the area to try and ascertain which premises are illegally selling these products to children.

As outlined above you state that these are malicious allegations and that as a Licensed premises you are fully aware of your requirements with the lawful sale of alcohol and cigarettes, also that you are promoting the licensing objectives. As discussed during our visit if you experience similar issues with local business or residents, then please feel free to report this via the Police non-emergency number 101 or online.

Kind Regards

Cheryl

Cheryl BOON  
PC 1344AW  
Westminster Police Licensing Team  
15<sup>th</sup> Floor  
64 Victoria Street  
SW1E 6QP

**CB/2 – copy of first email thread with [REDACTED]**

Hi - yes of course. It's [REDACTED]

[REDACTED]

On Tue, 13 Apr 2021, 12:41 , [REDACTED] wrote:

Dear [REDACTED]

Thanks for your quick response. Are you free for a quick call on your mobile? I can discuss the options in more detail then and allow you to decide how to progress this with your daughter.

Many Thanks

Cheryl

**From:** [REDACTED]  
**Sent:** 13 April 2021 12:29  
**To:** Boon Cheryl - AW-CU [REDACTED]  
**Subject:** Re: Police Licensing Contact - 35B Queensway, W2

Cheryl,

Thanks so much for getting back to me. Our daughter is happy to help in any way but I wanted to confirm whether there would be any negative implications for her giving a statement or any information on this matter? We are just concerned if information is held that might be traceable in the future.

Apologies for checking. We are keen to assist but wanted to check with you first.

Regards,

[REDACTED]

On Tue, 13 Apr 2021 at 10:38, [REDACTED] wrote:

Dear [REDACTED]

I am a Police Officer and I work in the Westminster Police Licensing Team dealing with all licensed premises throughout the Borough, including Caps News, 35B Queensway, W2. I have been made aware of the report you submitted online yesterday regarding your daughter, I am really sorry to hear what has happened to her, I hope she is a lot better now?

In order to try and stop this happening to other children/young adults I need to obtain some details from you, this is before I can take further action at the venue. Could you please answer the following questions:

Can I have your daughter's name and date of birth? This will enable me to search the Police systems for when she was found on Friday night. I can then contact the officers who attended.

Where was your daughter found unconscious by Police? How did she get to hospital and which hospital did she attend?

What date and time did your daughter buy this alcohol? Can you please describe your daughter including her clothing. This will enable me to check CCTV at Caps News.

Has your daughter previously bought alcohol or any other age restricted products from Cap News, if so when?

Does your daughter know if her friends bought any alcohol or age restricted products from Cap News, if so when?

Would your daughter be willing to provide us with a full statement about the incident?

I am sorry to bombard you with questions, I just need to obtain as much information as possible. We take these reports extremely seriously and want to try and take action with the correct information as soon as possible. I am happy to discuss this further over the phone if its more convenient for you.

I look forward to hearing from you.

Many Thanks

Cheryl

Cheryl BOON

PC 1344AW

Westminster Police Licensing Team

15<sup>th</sup> Floor

64 Victoria Street

SW1E 6QP

**CB/3 – copy of second email thread** [REDACTED]

Cheryl,

As discussed, we would appreciate if our daughter's name is not mentioned and she does not feel comfortable giving a statement. Feel free to use my name, [REDACTED]  
[REDACTED]

Three girls went in around 14.15 on 9 April. Our daughter was all in black with shoulder length brown hair and a small black shoulder bag. She was wearing a black hoodie, black trousers and white trainers. One companion has long light brown hair with jeans, black hoodie and a light blue shoulder bag. The other girl had long black hair and was probably also wearing black.

They bought a bottle of vodka and some vapes and paid in cash. As mentioned, this shop is well known amongst all the teenagers who hang out in "Hyde".

Please let me know what else I can do to assist.

Regards,

[REDACTED]

On Tue, 13 Apr 2021, 10:38 , [REDACTED] wrote:

[REDACTED]

I am a Police Officer and I work in the Westminster Police Licensing Team dealing with all licensed premises throughout the Borough, including Caps News, 35B Queensway, W2. I have been made aware of the report you submitted online yesterday regarding your daughter, I am really sorry to hear what has happened to her, I hope she is a lot better now?

In order to try and stop this happening to other children/young adults I need to obtain some details from you, this is before I can take further action at the venue. Could you please answer the following questions:

Can I have your daughter's name and date of birth? This will enable me to search the Police systems for when she was found on Friday night. I can then contact the officers who attended.

Where was your daughter found unconscious by Police? How did she get to hospital and which hospital did she attend?

What date and time did your daughter buy this alcohol? Can you please describe your daughter including her clothing. This will enable me to check CCTV at Caps News.

Has your daughter previously bought alcohol or any other age restricted products from Cap News, if so when?

Does your daughter know if her friends bought any alcohol or age restricted products from Cap News, if so when?

Would your daughter be willing to provide us with a full statement about the incident?

I am sorry to bombard you with questions, I just need to obtain as much information as possible. We take these reports extremely seriously and want to try and take action with the correct information as soon as possible. I am happy to discuss this further over the phone if its more convenient for you.

I look forward to hearing from you.

Many Thanks

Cheryl

Cheryl BOON

PC 1344AW

Westminster Police Licensing Team

15<sup>th</sup> Floor

64 Victoria Street

SW1E 6QP

**CB/4 – email thread** [REDACTED]

Cheryl,

Can you call me tomorrow anytime before 14:30 and we can make a time and date. I am useless organising myself like this. My life is all over the place ,

[REDACTED]

Thank you

[REDACTED]

On 27 Apr 2021, at 16:08, [REDACTED] wrote:

[REDACTED]

Sorry I can't do next Monday but I can do any other day next week, if you have any availability then?

Many Thanks

Cheryl

**From:** [REDACTED]  
**Sent:** 26 April 2021 18:56  
**To:** Boon Cheryl - AW-CU [REDACTED]  
**Subject:** Re: Police Licensing Contact - 35B Queensway

Cheryl,

This week is manic, but would next Monday work. She is back by 5

Kind regards,

[REDACTED]

On 26 Apr 2021, at 08:05, [REDACTED] wrote:

Morning [REDACTED]

I appreciate all your help with this and that you think that it is for the best for your daughter to assist further. However in order for me to take a statement it is something your daughter would want to do. I would need to speak to her about it to obtain further details, she will then need to sign the statement after I have completed it. If this case went any further and onto court then she could be called to give evidence and again this is something she would want/need to do.

I am more than happy to chat to you both later today if you think this is something she would be willing to do?

Thanks again.

Cheryl



**From:** [REDACTED]  
**Sent:** 23 April 2021 21:37  
**To:** Boon Cheryl - AW-CU [REDACTED]  
**Subject:** Re: Police Licensing Contact - 35B Queensway

Cheryl,

I am experiencing extreme resistance from my daughter. However, I think this is for the greater good of other children and so she has no choice.  
What time are you thinking? She doesn't return until about 16:30/17:00 most days. Monday is the easiest for both of us.

Kind regards,

[REDACTED]

On 23 Apr 2021, at 16:25, [REDACTED] wrote:

[REDACTED]

Thanks for your reply its greatly appreciated.

Is there a suitable time Monday-Thursday next week when I could speak to you and your daughter to discuss this further, with the possibility of taking a statement via telephone?

Many Thanks

Cheryl

**From:** [REDACTED]  
**Sent:** 23 April 2021 07:55  
**To:** Boon Cheryl - AW-CU [REDACTED]  
**Subject:** Re: Police Licensing Contact - 35B Queensway

Cheryl,

Please see the answers next to each question. Sorry for the delay.

Kind regards

[REDACTED]

On 15 Apr 2021, at 10:57, [REDACTED] wrote:

Dear [REDACTED]

I am a Police Officer and I work in the Westminster Police Licensing Team dealing with all licensed premises throughout the Borough, including Caps News, 35B Queensway, W2. I have been made aware of the report you submitted on 02<sup>nd</sup> April 2021 regarding your 14 year old daughter being able to buy vodka at the above store.

In order to try and stop this happening to other children/young adults I need to obtain some details from you, this is before I can take further action at the venue. Could you please answer the following questions:

What date and time did your daughter buy this alcohol?- The timing is on the report I filed, 2/4/2021

Can you please describe your daughter including her clothing. This will enable me to check CCTV at Caps News.- light blue jeans, grey t-shirt, cape hoodie- zip. Airforce trainers in white with colouring on the sides. My daughter is about [REDACTED] that may have been up. She was also carrying a [REDACTED]. She was travelling with another girl who was at Joe and the Juice when the event occurred.

Has your daughter previously bought alcohol or any other age restricted products from Cap News, if so when?- no

Does your daughter know if her friends bought any alcohol or age restricted products from Cap News, if so when? - no

Would your daughter be willing to provide us with a full statement about the incident? -yes

I am sorry to bombard you with questions, I just need to obtain as much information as possible. We take these reports extremely seriously and want to try and take action with the correct information as soon as possible.

Many Thanks

Cheryl

Cheryl BOON  
PC 1344AW  
Westminster Police Licensing Team  
15<sup>th</sup> Floor  
64 Victoria Street  
SW1E 6QP  
0207 6411705

## CB/5 – MV request to DPS and response

Dear Mr Alkfiray,

Thanks for your response and for providing me with further details.

Your explanation of how you currently operate with regards to challenging age/ID and refusals is appreciated. I also note that your financial constraints are making it difficult for you to upgrade your CCTV to the requirement set out within the proposed condition. The upgrade of CCTV and the suggested condition are recommended as a means to try to protect your business against these allegations and to prove that they are false and malicious. Police have a duty to follow up these allegations in order to safeguard the children that are allegedly being sold this alcohol.

My colleagues informed me that they visited your premises on 08<sup>th</sup> May 2021, during this visit you have informed them that you will now be upgrading your CCTV and submitting the Minor Variation request this coming week. I will be monitoring receipt of this application with Westminster City Council.

Please feel free to contact me if you want to discuss the matter further.

Kind regards

Cheryl

**From:** amk innovation [REDACTED]  
**Sent:** 05 May 2021 13:21  
**To:** Boon Cheryl - AW-CU [REDACTED]  
**Subject:** Re: Please reply - AMK Food & Wine, 35B Queensway, W2 4QJ - Police Licensing visit 15th April 2021

Dear Ms. Boon,

Thank you for your email dated 23rd April, 2021.

Further to the first paragraph of your correspondence, I can confirm that I always check for identification before selling alcohol to customers, and that this has been my attitude towards any person whom I suspect to be under the age of 18. In case they do not provide me with ID, I refuse to sell them alcohol and ask them to leave the premises. As per your response, I can confirm that all the allegations and reports submitted against me are false. I have never acted unlawfully nor sold any alcohol to under 18 years old since I opened the shop in November 2019.

I have been feeling unwanted in the area by many local shop owners. I know that they submit false information/reports, allegations against me, and they will continue doing so, they trying to push me to leave the shop and area.

In regards to the incident you mentioned in paragraph two dated 09th April, 2021, it has never happened, and I have nothing to deal with it.

I understand the significance of the problems that arise from selling alcohol to children, and I appreciate your efforts in trying to prevent such actions from occurring. However, I have

complied with the procedures required of me as a person operating in an off-license shop. Despite my good intentions and my lawful actions, there seems to be reports and allegations made against me. Nevertheless, I am willing to cooperate to prove my innocence.

In regards to the requirements suggested, I am happy to set up CCTV in the shop to assure you that these allegations made against me are false. However, my financial abilities have been limited due to the lockdown and the pandemic. As I am willing to comply with these requirements, I would like to take some time, to get quotes from different providers in order to set a system for the cameras on the premises. By then, hopefully the lockdown measures would have eased and I would be financially able to afford paying for the CCTV.

As for the requirement regarding a list of refused sales to be made, this is something that I already do and that is the way I operate, by keeping a record of the refused sales, noting the date and time accordingly.

I hope this is satisfactory.

Thank you for your cooperation. Your efforts are appreciated.

Kind regards,

Mustafa Alkifray.

On Wed, 5 May 2021, 12:51, [REDACTED] > wrote:

Dear Mr Alkifray,

I am following up on my email below dated the 23<sup>rd</sup> April 2021. I haven't received a reply from you yet so I wanted to establish if you have put any of the measures we discussed into action yet.

Police are still receiving reports in relation to your premises selling alcohol to under 18 year olds and I wanted to ensure that some action was being taken by yourself to combat this. As we discussed in person and I highlighted in the email below we both felt that an appropriate way for you to disprove these allegations was to install an adequate CCTV system, this was so that Police could view the alleged time/date that you were meant to be making these sales. I requested that you submit a minor variation to your premises licence (reference number 20/09113/LIPCHT) to add the appropriate conditions. This is to ensure that you are promoting the Licensing objectives, in relation to these allegations The Protection of Children from Harm.

Can you please confirm that you are receiving my emails? When we last met in person you confirmed you had received the first email I sent you, which is the same email address I have used now.

Could you also confirm if you have upgraded your CCTV system to the requirements stated below and that you will be submitting a minor variation to your premises licence?

I require a response by 9am on Wednesday 12<sup>th</sup> May 2021 before I have to consider taking further action.

I look forward to hearing from you.

Kind regards

Cheryl

Cheryl BOON

PC 1344AW

Westminster Police Licensing Team

15<sup>th</sup> Floor

64 Victoria Street

SW1E 6QP

**From:** Boon Cheryl - AW-CU

**Sent:** 23 April 2021 11:58

**To:** [REDACTED]

**Cc:** Deweltz Adam S - AW-CU [REDACTED]; Sondh Nicole K - AW-CU [REDACTED]

**Subject:** AMK Food & Wine, 35B Queensway, W2 4QJ - Police Licensing visit 15th April 2021

Dear Mr Alkifray,

Myself and my colleague, PC Sondh attended your premises on Thursday 15th April 2021, we informed you that you had been part of a test purchasing operation completed by Police Cadets in the Queensway area on the same date. The cadets had attended your premises to try and buy alcohol, you challenged their age and asked for ID, when they could not produce any ID you refused to sell to them. We thank you for this as it evidences that you do challenge ID and refuse to sell alcohol to children.

Despite the result of the test purchase operation noted above, we also had to discuss more reports that Police have received in relation to children as young as 13 and 14 being able to buy alcohol from your store. We had previously attended your venue on 9<sup>th</sup> March 2021 and spoke to you about similar allegations. From a recent report one of these children was hospitalised, this is alleged to be as a result of drinking vodka she bought from your store on Friday 9<sup>th</sup> April 2021. I have explained how I am trying to gather evidence of these sales and will look to take further action in relation to this matter if I can.

During our conversation, I have requested that if these allegations are true and you are selling alcohol to under 18 year olds then please stop immediately, you are breaking the law under Section 146 licensing Act 2003. You are also putting the health and well-being of these young people at risk, we expect as a premises licence holder for you to be accountable for these sales and be a responsible operator by not selling alcohol to children. Part of your

responsibility by holding a premises licence is to promote the licensing objectives, in relation to these allegations the protection of children from harm.

When I informed you of these further serious allegations you stated that the sales aren't coming from your premises, you claim they are coming from another store but won't say which one. You state you always ask for ID for every sale, which was evidenced during the test purchase operation. You explained it is only you currently working at your store and you are responsible for all sales. You have a CCTV system that is linked to your mobile phone, when I have asked to view footage from the dates and times when the alleged underage sales have taken place, you explained that the system only records for 24 hours then erases itself, I therefore wasn't able to view this footage. You insisted that I download your CCTV app onto my phone so I can constantly monitor your cameras to view who you are selling to. This is not proportionate or a reasonable request or long term solution.

As we are still receiving these worrying reports of underage sales, we discussed the possibility of you submitting a minor variation application to your current premises licence (licence number 20/09113/LIPCHT). This is to add the following conditions to ensure that in future Police and Local Authorities have a way of monitoring who you are selling to and any refusals to underage children. You appeared happy with this suggestion as a way of proving your innocence. You will find the conditions below, I would urge you to consider operating under these conditions as soon as possible, this will enable you to assist in evidencing that you aren't responsible for these sales:

*1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.*

*2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*

*3. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*

*4. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.*

*5. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:*

*(a) all crimes reported to the venue*

*(b) all ejections of patrons*

*(c) any complaints received concerning crime and disorder*

*(d) any incidents of disorder (e) all seizures of drugs or offensive weapons*

*(f) any faults in the CCTV system, searching equipment or scanning equipment*

*(g) any refusal of the sale of alcohol*

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

I look forward to a reply acknowledging my request to submit a minor variation. Please feel free to contact me to discuss any of the above.

Kind Regards

Cheryl

Cheryl BOON

PC 1344AW

Westminster Police Licensing Team

15<sup>th</sup> Floor

64 Victoria Street

SW1E 6QP



### WITNESS STATEMENT

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

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Statement of: [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: N/A

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: ..... [REDACTED] ..... Date: 07/12/2021

This statement refers to the day my 14 year old daughter was with her friends and they bought alcohol from an off licence and consumed it in Hyde Park.

My daughter's name is [REDACTED] and her date of birth is the [REDACTED]. I am providing this statement as a parent, because I am deeply concerned that children under the age of 18 are able to purchase alcohol from Lebara, (AMK Food and Wine) 35B Queensway, London, W2 4QJ.

On Friday 24<sup>th</sup> September 2021, my daughter was in London with a group of four (4) her friends. At approximately 16:30 hours, they entered Lebara, 35B Queensway, W2 to buy some vapes or e-cigarettes. Once they had bought the items, my daughter left the shop. At no time was she asked for identification by the licensee and she does not look 18 or older.

My daughter waited outside the shop while one of her friends then went back inside to buy some alcohol. Her friend was 15 years old. After a few minutes she left the shop in possession of a full sized bottle of vodka. She paid in cash. At no time, did the licensee ask her friend for identification or question her age.

My daughter and her four (4) friends then walked up Queensway and crossed over the Bayswater Road, into Hyde Park. Once in Hyde Park, the girls consumed the bottle of vodka. [REDACTED] had a couple of sips, as did some of the other girls. However, the girl who bought the bottle of vodka, drunk the most.

After a while, the girl began to act strange and it became apparent that she was drunk. My daughter and her friends left Hyde Park and made their way to Queensway tube station.

Witness Signature: ..... [REDACTED] .....

Signature Witnessed by Signature: .....

Continuation of Statement of:

██████ was very scared and worried about her friend who had now fallen unconscious. A staff member for Transport for London (TFL) and a female member of the public assisted ██████ friend. They called an ambulance for her and looked after her until the paramedics arrived on scene. Once the ambulance arrived, they conveyed ██████ friend to St Mary’s Hospital, where her parents were contacted.

I subsequently informed a friend of mine, who worked for Westminster City Council, of the event. She notified Licensing Services on my behalf.

As a parent, I worry about the welfare and vulnerability of my daughter. I was shocked to learn of what happened and equally as angry to learn her friends were able to buy alcohol and e-cigarettes without being asked for identification by the licensee of the shop. He will know that it is illegal to sell alcohol to anyone under the age of 18. I was horrified to learn what had happened.

Even now I continue to be concerned, not only for my children’s welfare, but for others. If the licensee has sold alcohol to my daughter and her friends, he could be selling alcohol to other children too. This is not only illegal but completely irresponsible for a licensee and extremely dangerous. The licensee has a duty of care to ensure the safety of children if or when they attempt to buy alcohol from him. He has failed to do this and clearly does not care about their welfare. I now worry about my daughter’s safety whenever she goes out.

My daughter describes the licensee as an Asian male.

I hope that this statement will assist the local authorities in taking all necessary and reasonable steps to ensure the licensee does not sell alcohol to children anymore. I support any enforcement action.



Witness Signature: ██████████ .....

Signature Witnessed by Signature: .....



**Deweltz, Adam: WCC**

---

**From:** Deweltz, Adam: WCC  
**Sent:** 15 November 2021 16:08  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** 35B Queensway, W2

Hello [REDACTED]

Thank you for coming back to me.

Under no circumstances will the operator have any private details. We would never disclose anything to him. In fact, Police are the only ones that will have them.

All details will be redacted should we decide to review the premises licence for full revocation.

One (1) statement will be sufficient. An officer can attend your home address if you are local and they can sit down with either you [REDACTED] and take the statement on behalf of your daughter. In this statement, we can include the fact that she was with her friend and they both entered the shop. Alternatively you could attend City Hall, 64 Victoria Street, SW1 where Police Licensing work and we can do the statement there.

If you are willing to do this, please let me know and we can get started.

Many thanks,

Adam.

*PC Adam Deweltz  
Police Licensing Officer - Westminster - Central West BCU  
Westminster Police Licensing Unit  
Westminster City Hall  
15<sup>th</sup> Floor, 64 Victoria Street  
London  
SW1E 6QP  
J20 7641 1705*



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**From:** [REDACTED]  
**Sent:** 15 November 2021 15:46  
**To:** Deweltz, Adam: WCC [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: 35B Queensway, W2

Dear PC Deweltz

Thank you for your email below and reassuring me that this matter will be taken seriously.

I copy the father of my daughter [REDACTED] too. There's also the family of her friend (also 14) with whom she went to the shop.

We can provide a witness statement, if have however a few questions:

1. What information do you need?
2. Do we need to provide four statements (ie two sets of parents), or we can all sign one statement?
3. How about our anonymity? I don't want my daughter's address and details to be known to the shop.

I look forward to hearing from you.

Kind regards

[REDACTED]

Sent from my iPhone

On 15 Nov 2021, at 14:37, Deweltz, Adam: WCC [REDACTED] wrote:

Dear [REDACTED]

Westminster City Council Licensing Services have informed Westminster Police Licensing about the operator at 35B Queensway, W2 selling alcohol to your daughter and her friend. First and foremost, I am sorry this has happened to your 14 year old daughter. This is completely unacceptable and I can confirm the authorities take this matter very serious.

Would you able to provide a statement on behalf of your daughter explaining what happened and that she bought alcohol from the premises? Without evidence, it is very difficult to take further action against the operator.

I look forward to hearing from you soon.

Many thanks,

Adam.

**PC Adam Deweltz**  
**Police Licensing Officer - Westminster - Central West BCU**  
**Westminster Police Licensing Unit**  
**Westminster City Hall**  
**15<sup>th</sup> Floor, 64 Victoria Street**  
**London**  
**SW1E 6QP**  
**020 7641 1705**



**METROPOLITAN  
POLICE**

\*\*\*\*\*

**COVID-19 VACCINATIONS AND TESTING**

**Deweltz, Adam: WCC**

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**From:** Deweltz, Adam: WCC  
**Sent:** 17 November 2021 09:14  
**To:** [REDACTED]  
**Subject:** Lebara, 35B Queensway, W2

Dear [REDACTED]

Many thanks for notifying Police regarding the underage sales of alcohol from Lebara, 35B Queensway, W2.

My apologies for the late reply. Please rest assured that significant work is being done to take enforcement action against the premises. This week I have been trying to contact other parents in relation to their children buying alcohol from this venue.

I appreciate you are a third party reporting on behalf of a parent. Do you happen to know whether this parent would provide Police with a written statement on behalf of their child? Ideally, Police would like to speak to this parent to gather more information.

Police (Licensing/SNT) and Westminster City Council (Licensing Services/Trading Standards/City Inspectors) are working together to find a solution. The problem we have is that we have conducted several test purchases at the premises authorising Police Cadets to buy alcohol. Unfortunately, the operator has passed all these tests and asked for identification each time. This makes it very difficult to review his premises licence for revocation. The other issue is that there is no CCTV in the venue. Work is being done to get the operator to install proper working CCTV and update the premises licence with strict conditions.

If anymore reports come your way, can I ask that you email me direct so I can build an intelligence picture with a view to take further action against the operator.

Many thanks,

Adam.

**PC Adam Deweltz**  
**Police Licensing Officer - Westminster - Central West BCU**  
**Westminster Police Licensing Unit**  
**Westminster City Hall**  
**15<sup>th</sup> Floor, 64 Victoria Street**  
**London**  
**SW1E 6QP**  
**020 7641 1705**





Deweltz, Adam: WCC

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**From:** [REDACTED]  
**Sent:** 09 March 2022 12:40  
**To:** Deweltz, Adam: WCC  
**Subject:** AMK Food & Wine, 35B Queensway, W2 4QJ - CCTV

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr Alkifray,

Good morning to you. My name is PC Adam Deweltz from Westminster Police Licensing.

You have previously dealt with my colleague PC Boon. I bring your attention to the correspondence below.

As stated in your email to PC Boon back in May 2021, you were going to install CCTV cameras after lockdown. Can you please confirm that CCTV has now been installed, which will ensure recordings are kept for a minimum of 31 days?

Police would also like you to submit a minor variation to Westminster City Council Licensing Services to have CCTV and other conditions imposed on your premises licence. You will see this below in PC Boon's email.

You will be aware of the many allegations made against your premises for the sale of alcohol to underage persons. While I have seen from your email below that you strongly refuse these allegations, the Police, local authorities and other agencies are very concerned.

You will be required to show the authorities that you are promoting the licensing objectives namely, The Protection of Children from Harm. Failure to do this, can result in enforcement action being taken against you.

As a matter of urgency, I would like a response to this email please.

Many thanks,

Adam.

**PC Adam Deweltz**  
**Police Licensing Officer - Westminster - Central West BCU**  
**Westminster Police Licensing Unit**  
**Westminster City Hall**  
**15<sup>th</sup> Floor, 64 Victoria Street**  
**London**  
**SW1E 6QP**  
**020 7641 1705**



Dear Ms. Boon,

Thank you for your email dated 23rd April, 2021.

Further to the first paragraph of your correspondence, I can confirm that I always check for identification before selling alcohol to customers, and that this has been my attitude towards any person whom I suspect to be under the age of 18. In case they do not provide me with ID, I refuse to sell them alcohol and ask them to leave the premises. As per your response, I can confirm that all the allegations and reports submitted against me are false. I have never acted unlawfully nor sold any alcohol to under 18 years old since I opened the shop in November 2019.

I have been feeling unwanted in the area by many local shop owners. I know that they submit false information/reports, allegations against me, and they will continue doing so, they trying to push me to leave the shop and area.

In regards to the incident you mentioned in paragraph two dated 09th April, 2021, it has never happened, and I have nothing to deal with it.

I understand the significance of the problems that arise from selling alcohol to children, and I appreciate your efforts in trying to prevent such actions from occurring. However, I have complied with the procedures required of me a person operating in an off-license shop. Despite my good intentions and my lawful actions, there seems to be reports and allegations made against me. Nevertheless, I am willing to cooperate to prove my innocence.

In regards to the requirements suggested, I am happy to set up CCTV in the shop to assure you that these allegations made against me are false. However, my financial abilities have been limited due to the lockdown and the pandemic. As I am willing to comply with these requirements, I would like to take some time, to get quotes from different providers in order to set a system for the cameras on the premises. By then, hopefully the lockdown measures would have eased and I would be financially able to afford paying for the CCTV.

As for the requirement regarding a list of refused sales to be made, this is something that I already do and that is the way I operate, by keeping a record of the refused sales, noting the date and time accordingly.

I hope this is satisfactory.

Thank you for your cooperation. Your efforts are appreciated.

Kind regards,

Mustafa Alkifray.

On Wed, 5 May 2021, 12:51, [REDACTED] wrote:

Dear Mr Alkifray,

I am following up on my email below dated the 23<sup>rd</sup> April 2021. I haven't received a reply from you yet so I wanted to establish if you have put any of the measures we discussed into action yet.



Police are still receiving reports in relation to your premises selling alcohol to under 18 year olds and I wanted to ensure that some action was being taken by yourself to combat this. As we discussed in person and I highlighted in the email below we both felt that an appropriate way for you to disprove these allegations was to install an adequate CCTV system, this was so that Police could view the alleged time/date that you were meant to be making these sales. I requested that you submit a minor variation to your premises licence (reference number 20/09113/LIPCHT) to add the appropriate conditions. This is to ensure that you are promoting the Licensing objectives, in relation to these allegations The Protection of Children from Harm.

Can you please confirm that you are receiving my emails? When we last met in person you confirmed you had received the first email I sent you, which is the same email address I have used now.

Could you also confirm if you have upgraded your CCTV system to the requirements stated below and that you will be submitting a minor variation to your premises licence?

I require a response by 9am on Wednesday 12<sup>th</sup> May 2021 before I have to consider taking further action.

I look forward to hearing from you.

Kind regards

Cheryl

Cheryl BOON

PC 1344AW

Westminster Police Licensing Team

15<sup>th</sup> Floor

64 Victoria Street

SW1E 6QP

---

**From:** Boon Cheryl - AW-CU

**Sent:** 23 April 2021 11:58

**To:** [REDACTED]

**Cc:** Deweltz Adam S - AW-CU [REDACTED]; Sondh Nicole K - AW-CU [REDACTED]

**Subject:** AMK Food & Wine, 35B Queensway, W2 4QJ - Police Licensing visit 15th April 2021

Dear Mr Alkifray,

Myself and my colleague, PC Sondh attended your premises on Thursday 15th April 2021, we informed you that you had been part of a test purchasing operation completed by Police Cadets in the Queensway area on the same date. The cadets had attended your premises to try and buy alcohol, you challenged their age and asked for ID, when they could not produce any ID you refused to sell to them. We thank you for this as it evidences that you do challenge ID and refuse to sell alcohol to children.

Despite the result of the test purchase operation noted above, we also had to discuss more reports that Police have received in relation to children as young as 13 and 14 being able to buy alcohol from your store. We had previously attended your venue on 9<sup>th</sup> March 2021 and spoke to you about similar allegations. From a recent report one of these children was hospitalised, this is alleged to be as a result of drinking vodka she bought from your store on Friday 9<sup>th</sup> April 2021. I have explained how I am trying to gather evidence of these sales and will look to take further action in relation to this matter if I can.

During our conversation, I have requested that if these allegations are true and you are selling alcohol to under 18 year olds then please stop immediately, you are breaking the law under Section 146 licensing Act 2003. You are also putting the health and well-being of these young people at risk, we expect as a premises licence holder for you to be accountable for these sales and be a responsible operator by not selling alcohol to children. Part of your responsibility by holding a premises licence is to promote the licensing objectives, in relation to these allegations the protection of children from harm.

When I informed you of these further serious allegations you stated that the sales aren't coming from your premises, you claim they are coming from another store but won't say which one. You state you always ask for ID for every sale, which was evidenced during the test purchase operation. You explained it is only you currently working at your store and you are responsible for all sales. You have a CCTV system that is linked to your mobile phone, when I have asked to view footage from the dates and times when the alleged underage sales have taken place, you explained that the system only records for 24 hours then erases itself, I therefore wasn't able to view this footage. You insisted that I download your CCTV app onto my phone so I can constantly monitor your cameras to view who you are selling to. This is not proportionate or a reasonable request or long term solution.

As we are still receiving these worrying reports of underage sales, we discussed the possibility of you submitting a minor variation application to your current premises licence (licence number 20/09113/LIPCHT). This is to add the following conditions to ensure that in future Police and Local Authorities have a way of monitoring who you are selling to and any refusals to underage children. You appeared happy with this suggestion as a way of proving your innocence. You will find the conditions

below, I would urge you to consider operating under these conditions as soon as possible, this will enable you to assist in evidencing that you aren't responsible for these sales:

*1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.*

*2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*

*3. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*

*4. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.*

*5. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:*

*(a) all crimes reported to the venue*

*(b) all ejections of patrons*

*(c) any complaints received concerning crime and disorder*

*(d) any incidents of disorder (e) all seizures of drugs or offensive weapons*

*(f) any faults in the CCTV system, searching equipment or scanning equipment*

*(g) any refusal of the sale of alcohol*

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

I look forward to a reply acknowledging my request to submit a minor variation. Please feel free to contact me to discuss any of the above.



Kind Regards

Cheryl

Cheryl BOON

PC 1344AW

Westminster Police Licensing Team

15<sup>th</sup> Floor

64 Victoria Street

SW1E 6QP

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**PC Adam Deweltz**  
**Police Licensing Officer - Westminster - Central West BCU**  
**Westminster Police Licensing Unit**  
**Westminster City Hall**  
**15<sup>th</sup> Floor, 64 Victoria Street**  
**London**  
**SW1E 6QP**  
**020 7641 1705**



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Deweltz, Adam: WCC

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**From:** [REDACTED]  
**Sent:** 09 March 2022 12:41  
**To:** Deweltz, Adam: WCC  
**Subject:** 35B Queensway, W2  
**Attachments:** MV request 35B Queensway.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Zach,

I have a big favour to ask you if that's ok.....

Police Licensing have engaged with Mr Alkhiray (DPS) via email and a visit over the last 2 weeks but we don't seem to be getting anywhere fast.

Ultimately, I can see this going one way and that will be to review his premises licence to get conditions put on. Unfortunately, a revocation of the licence would be unlikely because he has passed 3 test purchases from Police, WCC Inspectors and Trading Standards. There is no doubt in our mind that he is selling to kids, but we suspect, it is specific children – ones that he knows.

Would you be able to print and drop off the above letter to him in person for me please? And if so, could you notify me the date and time it's dropped off?

Many thanks,

Adam.

**PC Adam Deweltz**  
**Police Licensing Officer - Westminster - Central West BCU**  
**Westminster Police Licensing Unit**  
**Westminster City Hall**  
**15<sup>th</sup> Floor, 64 Victoria Street**  
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Mr Mustafa Alkifray  
AMK Food and Wine  
35B Queensway  
W2 4QJ

Westminster Police Licensing Unit  
Westminster City Hall  
15<sup>th</sup> Floor, 64 Victoria Street  
London  
SW1E 6QP

Email:  
adeweltz@westminster.gov.uk  
Tel. 020 7641 1705

Your ref:  
Tuesday 23rd November 2021

Dear Mr Alkifray

You have previously dealt with my colleague, PC Boon, in relation to reports of underage sales of alcohol to children at your premises of 35B Queensway, W2 4QJ.

While I am aware that you strongly refute these allegations of underage sales of alcohol, the Police, local authorities, and other agencies are very concerned.

As stated in an email to PC Boon back in May 2021, you were going to install CCTV cameras after lockdown. I have been informed that this is yet to be done by you.

As a matter of urgency, Police would like you to submit a minor variation to Westminster City Council Licensing Services to have conditions imposed on your premises licence. (The conditions are below).

I emailed you on the 15<sup>th</sup> November 2021 requesting you to do this, but I had no response. My colleagues, PC Guerra and PC Sondh visited your premises on Thursday 18<sup>th</sup> November 2021, whereby you told them you did not receive my email.

You are required to show the authorities that you are promoting the licensing objectives namely, The Protection of Children from Harm. Failure to do this, can result in enforcement action being taken against you. Police are giving you 2 weeks to submit a minor variation to have the following conditions put on your premises licence:

*1) (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.*

*(b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.*



*(c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.*

*(d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.*

*(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.*

*2) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*

*3) Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*

*4) An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:*

*(a) all crimes reported to the venue*

*(b) all ejections of patrons*

*(c) any complaints received concerning crime and disorder*

*(d) any incidents of disorder*

*(e) all seizures of drugs or offensive weapons*

*(f) any faults in the CCTV system*

*(g) any refusal of the sale of alcohol*

*(h) any visit by a relevant authority or emergency service*

As stated above, failing to submit the minor variation to Westminster City Council will put Westminster Police Licensing in a position of enforcement with all disposal options available.

Yours sincerely,

PC Adam Deweltz 2256AW.



**Deweltz, Adam: WCC**

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**From:** [REDACTED]  
**Sent:** 09 March 2022 13:13  
**To:** Deweltz, Adam: WCC  
**Subject:** 35B Queensway, W2

---

**From:** Deweltz Adam S - AW-CU  
**Sent:** 10 January 2022 12:41  
**To:** [REDACTED]  
**Subject:** 35B Queensway, W2

Hello [REDACTED]

Many thanks for taking my call earlier.

I have passed all the information to Trading Standards within Westminster City Council, so hopefully, you will be contacted in due course.

Can you please confirm that date and time that your daughter bought the cigarettes?

I have also emailed a colleague for further information regarding joining the Police cadets, so once he comes back to me, I will be able to update you.

I appreciate all your assistance. Please rest assured that we are aware of the issues with this premises and work is being done to tackle it.

Kind regards,

Adam.

**PC Adam Deweltz**  
**Police Licensing Officer - Westminster - Central West BCU**  
**Westminster Police Licensing Unit**  
**Westminster City Hall**  
**15<sup>th</sup> Floor, 64 Victoria Street**  
**London**  
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### WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of [REDACTED] .....  
URN: [REDACTED]

--	--	--	--

Age if under 18 **Over 18** ..... (if over 18 insert 'over 18') Occupation: N/A.....

This statement (consisting of: ....2..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [REDACTED] ..... Date: 06/04/2022.....

Tick if witness evidence is visually recorded  (supply witness details on rear)

This statement is in relation to my [REDACTED] and [REDACTED] year old daughters buying vapes and alcohol from an off licence. The off licence address is AMK Food and Wine, 35B Queensway, London, W2 4QJ.

I have two daughters. My oldest is [REDACTED] She is [REDACTED] years old and her date of birth is [REDACTED] My other daughter is [REDACTED] She is [REDACTED] years old and her date of birth is [REDACTED]. I am providing this statement as a parent, because I am deeply concerned and worried that children under the age of 18 are able to purchase vapes and alcohol from this licensed premises.

Around the beginning of February 2001, I noticed that my daughters and their friends were gravitating to the area of Bayswater and Hyde Park. At the time I thought this was unusual because we don't live in that area. My concerns increased when I found some vapes in [REDACTED] coat pocket. I became very anxious, as I am aware that you have to be 18 years and older to purchase vapes. I felt very worried and gravely concerned about this.

I decided to speak with their Father and we checked their bank statements to see if there were any bank transactions to give us a location of the purchase.

We found that on the 14<sup>th</sup> February 2021, [REDACTED] had bought an item from AMK Food and Wine for £8 using her debit card. There were also other similar transactions where items had been bought from AMK Food and Wine. (These transactions were consistent over the next few months).

We decided to speak to [REDACTED] and [REDACTED] about this matter and they openly admitted that they had bought vapes and alcohol respectively on several occasions from AMK Food and Wine.

My daughters both confirmed that the operator of the shop never asked for photo identification and he

Signature [REDACTED]

Signature witnessed by: [REDACTED]



Continuation of Statement of.....

never asked them how old they were. They had no resistance from the operator.

As a parent, I am unbelievably frustrated and extremely anxious about this situation. I try to keep my children as safe as I possibly can, but I cannot be with them at all times. I am horrified that this operator would sell vapes and alcohol to my children. [redacted] is just [redacted] years old and she is now vaping on a regular basis. Vaping is very addictive. It is upsetting, as this could be a stepping stone to her buying cigarettes. She tries to hide them from me, but I find the vapes in the pockets of her coat. At her age she is extremely impressionable and there is a lot of pressure on her to fit in with her friends, who also vape. We have had to book an appointment with our GP to help make her aware of the dangers and implications of what vaping and alcohol-use does. I fear for her safety. I fear for both my children's safety.

My daughter [redacted] admitted buying a small bottle of vodka from AMK Food and Wine and she has done this on two occasions that I am aware of. At the time of buying these bottles she was only [redacted] years old.

I am extremely disappointed with this shop operator and frustrated that he would give my children access to these items. He should have a duty of care to his customers and protect children, but instead he has given no thought to my children's health and safety. This operator will have no idea the effect he is having on families by selling alcohol and vapes to children. He clearly only cares about making a profit.

I hope that this statement will assist the local authorities in taking all necessary and reasonable steps to ensure the licensee does not sell vapes or alcohol to children anymore. I support any enforcement action.

[redacted]

*[Handwritten signature]*

Signature

Signature witnessed by:

[redacted]



**Witness contact details**

Home address: ..... Postcode: .....

Home telephone number ..... Work telephone number .....

Mobile/pager number ..... Email .....

Preferred means of contact: .....

Male / Female (delete as applicable) ..... Date and place of birth: .....

Former name: ..... Ethnicity Code (16+1): ..... Religion/belief: .....

Dates of witness non-availability: .....

**Witness care**

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?  
**No.** If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

**Witness Consent (for witness completion)**

a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
b) I have been given the Victim Personal Statement leaflet	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
c) I have been given the leaflet 'Giving a witness statement to police — what happens next?'	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
e) I consent to my medical record in relation to this matter being disclosed to the defence:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to <u>decline</u> their services:			<input type="checkbox"/>

Signature of witness: ..... Print name: .....

Signature of parent/guardian/appropriate adult: ..... Print name: .....

Address and telephone number if different from above: .....

Statement taken by (print name): **PC Deweltz** ..... Station: **N/A** .....

Time and place statement taken: **16:00 hours at City Hall, Victoria Street, SW1** .....

## AMK FOOD AND WINE, 35B QUEENSWAY, W2

### CRIMINAL INTELLIGENCE REPORTS

- 1) CWR01033803 - 18/02/2021  
Informant has been a local business owner in the area and wanted to report to their local SNT about the increase of ASB on the QUEENSWAY W2 predominantly from young children who look under 16. The informant states that the kids are very rowdy and boisterous and are wreaking havoc in the local area. The informant states that they are on the QUEENSWAY almost every day gathering in groups and breaching lockdown regulations. The informant is part of a residents/business WhatsApp group and has stated that it was mentioned that the kids are attracted to the QUEENSWAY due to them being able to buy alcohol from the CAP NEWS LEBARA shop 35B QUEENSWAY W2 4QJ. The informant states over hearing the kids discuss amongst themselves as to who gets what alcohol.
- 2) CWR01034179 - 28/02/2021  
INFORMANT WANTS TO MAKE A COMPLAINT ABOUT THE OFF LICENSE CAP NEWS ON QUEENSWAY W2  
THIS SHOP IS SELLING ALCOHOL TO CHILDREN THAT ARE UNDER AGE - [REDACTED] HAS WITNESSED THIS.  
CHILDREN AGED AS YOUNG AS 13 YRS OLD WALKING OUT THE OFF LICENCE WITH ALCOHOL. THE FRONT OF THE SHOP IS PACKED WITH YOUTHS. THE SHOP KEEPER IS KNOWN TO BE SELLING CIGARETTES AND ALCOHOL TO THESE CHILDREN.  
PREMISES IS CAP NEWS 35B QUEENSWAY W2.
- 3) CWR01034440 - 06/03/2021  
On SATURDAY 06/03/2021 at 1332 HOURS a concerned parent called police in relation to  
CAP NEWS, 35B QUEENSWAY W2. Parent has stated they have concerns that the staff at CAP NEWS are selling alcohol and cigarettes to minors. They know this to be true as their 13 year old daughter has been served cigarettes and VAPS. Apparently all the children go there to buy. I have created ASB report for LPT to look at.
- 4) CWR01034891 –  
Report submitted by AW licensing, information passed onto WCC Licensing services. On Tuesday 9th March 2021 the Designated Premises Supervisor for AMK FOOD & WINE, 35B QUEENSWAY, W2 4QJ was arrested for robbery on the Queensway. The offence is alleged to have happened on the opposite side of the street to the venue and it doesn't appear to be linked directly to it. He has currently be RUI. The DPS is: Mustafa ALKIFRAY, dob [REDACTED], [REDACTED]. The current premises licence number is 20/09113/LIPCHT.
- 5) CWR01035748 - 07/04/2021  
The informant has called police wanting to report his daughter having received a message over Easter from the below person. The text message read, tomorrow anyone can buy anything you need no rules tomorrow (date unknown) get what you want and without bag and anyone blocked from the store he/she can come in for tomorrow. Supposedly it implies the people he's barred for shoplifting were all allowed in over the Easter weekend. The informant stated that they drove past the shop yesterday to ascertain the exact address and he witnessed 3 very overexcited girls standing outside holding Lucozade bottle. It's believed the shop owner decants the alcohol in the Lucozade bottle. The informant states he has a screen shot of the message: [REDACTED] he uses to communicate with customers: [REDACTED]  
AMK, 35B Queensway, W2
- 6) CWR01035924 - 12/04/2021  
THIS IS A CRIMINT - BASED ONLY ON THE DETS OF A CAD BY THE LRT. Incident number: 2670 Date/time of origin: 12/04/2021 11:52:38. ADDRESS of shop: Location: CAP NEWS, 35B QUEENSWAY, W2 INFT via Holon:  
"This shop is selling alcohol and tobacco products to minors. It is well known amongst the teenagers who have started congregating in Hyde Park since the lockdown. My daughter, aged 13, was sold a bottle of vodka and vapes there on Friday 9 April. She was subsequently hospitalised, having been found unconscious by the police. Thankfully she is fine but the shop needs to be dealt with. She tells us that everyone she knows either goes there or knows of the "Lebara shop" (the sign outside says "Lebara" although it is not the name of the shop). I would be really grateful on behalf of all parents if you could look into this."
- 7) CWR01036086 –  
A test purchase operation was carried out on 15th April 2021 within the Queensway area by Police cadets with local SNT and Police licensing officers. This operation was arranged due to on-going reports of youths buying alcohol and drinking within this area resulting in ASB.  
CAP NEWS, 35B Queensway - visited at 1310hrs. The Licence holder Mustafa ALKIFRAY asked the cadets for ID and refused to serve when they could not provide any. This venue has been repeatedly coming to notice for selling to under 18's, there have been numerous CRIMINTS and CADs created for it. Police licensing have spoken to the licensee and given strong words of advice from the intel. On- going enquiries to obtain any evidence of these sales.
- 8) CWR01036091 - 15/04/2021  
On Thursday 15th April 2021 officers from the Lancaster Gate/Bayswater wards along with colleagues from police Licencing and Volunteer Police Cadets conducted a test purchasing operation within the Lancaster Gate ward. This operation was planned in response to a number of reports indicating the sale of alcohol to underage persons. CAP News 35B Queensway: PASSED

On attending this venue it was the general observations of the police witness that while the shopkeeper did not complete the sale of alcohol to the test subject, it appeared that this was influenced heavily by the fact that the police witness was present when the purchase was attempted and the shopkeeper was adamant that he serve the police witness before serving the Cadet in order to ensure discretion.

9) CWR01036735 - 29/04/2021

Information received by ward officers via Airspace suggests that the Lebara shop on Queensway has been selling alcohol, tobacco and nicotine products to underage teens for a while now. The informant states the following. "He sells without question and recently I have witnessed people as young as 13 being able to just go in and buy things. I have been aware of this for about a year now but now it seems it is getting serious, it seems as though he is using the fact he sells to underage teens as a way to get close to them in a creepy way. The crime being committed is obviously the selling to teenagers, but however he also [REDACTED] the teens, recently he has started [REDACTED]. This is mostly girls, many (if not most) under 16. I can just see this turning out extremely badly, in the way of him being a predator or just the fact that selling alcohol to, it seems, literally any age. His [REDACTED]. He tells us his name is mike, tall, often wears a cap and is the only worker in the lebara shop.

10) CWR01036795 - 29/04/2021

Information received: AMK off licence/ newsagents QUEENSWAY W2 alleged to be supplying alcohol to minors, which has allegedly resulted in a 13 year old girl being hospitalised with alcohol poisoning.

11) CWR01037241 - 08/05/2021

On Saturday 8th May 2021 at approximately 17:40hrs PC SONDH 2438AW, PC Kris CARDWELL 3286AW and Chidi Nweke from Westminster City Council attended AMK Food and Wine, 35B Queensway, London, W2 in relation to recent reports that the premises is selling alcohol to children. It has been alleged that the shop owner, who is also listed as the DPS is decanting the alcohol into Lucozade bottles and selling to young girls. Given that the premises does not have any additional conditions other than the mandatory conditions, an official visit was not conducted and it was decided that a search of the premises under s.180 Licensing Act 2003 would be more beneficial as there were not conditions on the licence to assess.

When we arrived at the premises Mr Alkifray was sitting behind the counter on his mobile phone there were no customers present. I explained to Mr Alkifray why we visiting him and explained that we wanted to search behind the counter for evidence of the allegations that had been made against him. He complied and allowed me to look behind the counter. It was untidy however there were no opened bottles of alcohol, there were empty water bottles however these were not of the same brand and appeared to have just been thrown on the floor. There were some miniature bottles of Smirnoff Vodka under the counter and also some miniature bottles of Whiskey on a shelf behind the counter, however these were all sealed. On the till were disposable shot glasses and also disposable beakers, I asked Mr Alkifray why these were there and he said they had been there ages and could not offer any other reason. All bottles of alcohol appeared to be sealed and there was no evidence to support that alcohol is being decanted into bottles.

I spoke to Mr Alkifray about the email he had received with regards to the minor variation he had been asked to submit, he stated that he was arranging for the CCTV to be sorted this week and it was reiterated to him the importance of submitting the minor variation for the conditions proposed to be added to his licence. It was explained that should these allegations be malicious as he claims then having these conditions added would assist in proving that, which he appeared to understand.

As we were leaving 3 young girls approximately 13-14 years of age entered the off licence holding cash, they approached the counter where Mr Alkifray told them that we were police.

We waited outside the premises and the girls left shortly after holding chocolate bars.

Premises Licence - 20/09113/LIPCHT

12) CWR01047796 –

Lebara Off Licence, Queensway London W2 will serve any young person with no form of ID.

13) CWR01048005 - 09/01/2022

AMK FOOD and WINE  
35B QUEENSWAY  
W2

The above location is selling alcohol and cigarettes to people underage, they sell vodka in water bottles.

14) CWR01048031 - 09/01/2022

The shop owners of AMK International Off Licence, Queensway Road, London, W2, is selling alcohol and cigarettes to underage children 14 and 15yrs old. The business has previously been investigated for the same crime, the shop appears to be closed, but the owners are filling water bottles with Vodka, and leaving the bottles behind the door which can be pushed open so the youngsters can take the bottles or cigarettes and leave the money. Behind the door the shutters to the shop are pulled down, there is just enough space for the bottles and cigarettes to be left for collection. Alternatively, the youngsters can contact the owners on a mobile number; the owners will come to meet them and open the shop, so they can buy the cigarettes and alcohol.

15) CWR01049979 - 25/02/2022



On SATURDAY 26/02/2022 at 1300 HOURS informant called police reporting that on 25/02/2022 her daughter age 13 and her friend age 14 managed to purchase a bottle of vodka. Mother believes daughter would have been wearing her school uniform at the time under her jacket. Store where this is located on the park side of QUEENSWAY next to KALINKA 35 and a pizza place and has LEBARA Signage.  
Mother was advised by operator to contact local council.

SINGLE INCIDENT PRINTOUT  
PAGE 1

INCIDENT No. 2670:12APR21

INCIDENT No. 2670 entered at 11:52 on 12APR21 by CHS/CHS in CCC/IR

INCIDENT WAS ENTERED "EXTERNALLY"

Rec By :O (Ordinary)

Call Tel [REDACTED]

Call Name: [REDACTED]

Call Type: [REDACTED]

Call Mail: [REDACTED]

Cntct Tel: [REDACTED]

Att Locn :CAP NEWS, 35B QUEENSWAY, W2

Map :Page 140, Grid Reference 525875,180875

GPA :CA Division: [AWN:CNW]

Inc Locn :(HOLON)CAP NEWS, 35B QUEENSWAY, W2

Map : [REDACTED]

G

Call [REDACTED]

Openi

2:609 (Child / Young Person At Risk)

3:625 (Believed)

Prompt(s) existed for Opening Code(s) at time of creation

Open Text:

Urgency :R (Referred)

Major :

VRMs :

Proposal :

Assigned :

DeAssign :

TOA :

DO Name :

DO Tel :

CRIME REF:NOT CRIMED

Class 1 :215 (ASB - Nuisance)

Qual 1 :202 (Rowdy Or Inconsiderate Behaviour)

2 :676 (Resolved by LRT)

Res 1 :701 (Assistance Requested / Rendered)

Clo Text :ASB URN NOT REQUIRED P232107

O Dealing:

Metops :

CHS Demid: [REDACTED]

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT  
PAGE 2

INCIDENT No. 2670:12APR21

Linked :

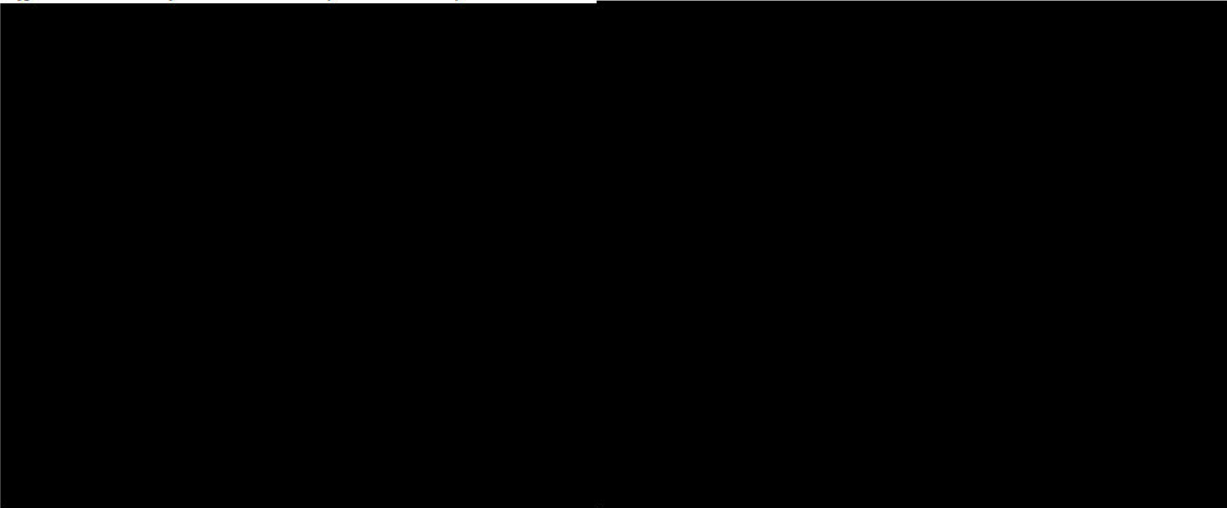
Location Field : (For previous Incidents at this location use  
action:LCD or LCL - use DARIS to extend search)

Gazetteer Comments : (May have existed or altered since Incident creation  
-  
Use MSS SMF:SPECARCHIVE)

Location Based Comments

\*\* Attendance and Incident Location \*\*

QUEENSWAY,W2 (1 - 120)



n \*\*



Remarks:

Time	Date	Opid	Termid
	12APR21	CHS	CHS (pre 1st routing)
11:59:39		CREATED IN: CHS	AT: 2021-04-12 11:52:38 CAD AT: 2021-04-12

=====

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.



28/09/14 If applicable and call relates to third party  
allegation of

child sexual exploitation, please consider SMF/MAKESAFE

\*\* \*\*END OF DATA AUTOMATICALLY COPIED FROM OPEN PROMPT\*\* \*\*

11:59:39 12APR21 CHS

ENTERED BY: CHS (c099174 ) AT: 2021-04-12 11:59:37

^digital 101 - details passed to lancaster Gate SNT and informant  
advised of actions

12:50:30 12APR21 232107

ENTERED BY: CADL (p232107 ) AT: 2021-04-12 12:50:30

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.



SINGLE INCIDENT PRINTOUT  
PAGE 4

INCIDENT No. 2670:12APR21

Time Date Opid Termid  
-----

LRT, DETAILS HAVE BEEN PASSED ON TO LANCASTER GATE SNT TO LOOK INTO THIS.

NO ASB URN REQUIRED, PLEASE CLOSE CAD WITH CODE 676

12:51:02 12APR21 740217 H2722

\*\* \*\*START OF DATA AUTOMATICALLY COPIED FROM CLOSING PROMPT\*\* \*\*  
CLOSING CODE "215":

STOP - THIS INCIDENT TO BE PLACED IN THE GPC QUEUE

HAS AN ASB URN BEEN SHOWN? OR

HAS A MEMBER OF GPC CONFIRMED URN NOT REQUIRED - INCLUDE

PAY NO

RESULT WITH FORMAT: ASB URN XX123456 OR ASB URN NOT

REQUIRED

THEN FOLLOWED BY THE POLICE/STAFF PAY NUMBER OF DECISION

MAKER

\*\* \*\*END OF DATA AUTOMATICALLY COPIED FROM CLOSING PROMPT\*\* \*\*

Previous Actions:

Time Date Opid Termid ACTION  
-----

Time	Date	Opid	Termid	ACTION
				SYSTEM(EXTERNAL)
11:59:39	12APR21	CHS	CCC:CCL	O() 507:CONTACT RECORD,609:CHILD / YOUNG PE
"	"	"	"	RSON AT RISK,625:BELIEVED
"	"	"	"	PI
11:59:51	"	259282	DIV:AWN	AK
11:59:52	"	"	"	XP/AK/O609
12:00:00	"	"	"	AWT/LRT
12:01:17	"	CHS	CCC:CCL	CT(V)
"	"	"	"	PI
12:01:34	"	259282	DIV:AWN	AK
12:49:15	"	232107	CCC:CADL	VI/p232107
12:50:30	"	"	"	PI
12:50:32	"	740217	DIV:AWN	AK
12:50:34	"	232107	CCC:CADL	VI/p232107
12:51:02	"	740217	DIV:AWN	AC()
"	"	"	"	AQ()
12:51:09	"	"	"	CTX()
12:51:10	"	"	"	PS/CM
12:57:13	"	093034	"	ACR/NC
12:57:14	"	"	"	CM
"	"	"	"	XP/CM/C215
13:30:44	"	231567	CCC:CADL	VI/p231567
16:38:14	"	218152	"	VI/p218152
23:03:31	"	230259	"	VI/p230259
10:04:24	13APR21	"	"	VI/p230259

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT

PAGE 5

INCIDENT No. 2670:12APR21

Time	Date	Opid	Termid	ACTION
-----	-----	-----	-----	-----
15:56:33	10MAY21	"	CCC:CADL	VI/p230259
15:56:56	"	"	"	IP//1344aw/1/p230259@met.police.uk
13:39:20	08MAR22	204897	"	VI/p204897
13:39:22	"	"	"	IP//PC Deweltz/1/p204897@met.police.uk

... END OF

PRINT ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT  
PAGE 1

INCIDENT No. 3604:26FEB22

INCIDENT No. 3604 entered at 13:00 on 26FEB22 by CHS/CHS in CCC/IR

INCIDENT WAS ENTERED "EXTERNALLY"

Rec By )  
 Call Tel [REDACTED]  
 Call Name [REDACTED]  
 Call Type: [REDACTED]  
 Call Mail:  
 Cntct Tel:  
 Att Locn :CAP NEWS, 35B QUEENSWAY, W2:Lebara  
 Map :Page 140, Grid Reference 525875,180875  
 GPA :CA Division: [AWN:CNW]  
 Inc Locn :CAP NEWS, 35B QUEENSWAY, W2:Lebara  
 Map :Page 140, Grid Reference 525875,180875  
 GPA : [REDACTED] NW]  
 Call Locn: [REDACTED]  
 Map : [REDACTED]  
 GPA : [REDACTED]  
 Opening 1:  
 2:600 (Alcohol)  
 Open Text:  
 Urgency :R (Referred)  
 Major :  
 VRMs :  
 Proposal :  
 Assigned :  
 DeAssign :  
 TOA :  
 DO Name :  
 DO Tel :  
 CRIME REF:NOT CRIMED  
 Class 1 :301 (Licensing)  
 Qual 1 :600 (Alcohol)  
 2 :676 (Resolved by LRT)  
 Res 1 :718 (Police Attendance Not Required)  
 2 :709 (CRIMINT Entry)  
 Clo Text :CWRT01049979  
 O Dealing:  
 Metops :  
 CHS Demid: [REDACTED]  
 Linked :

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT  
PAGE 2

INCIDENT No. 3604:26FEB22

Gazetteer Comments : (May have existed or altered since Incident creation  
-  
Use MSS SMF:SPECARCHIVE)

Location Based Comments

\*\* Attendance and Incident Location \*\*

QUEENSWAY,W2 (1 - 120)

[REDACTED]

[REDACTED]

[REDACTED] APPROPRIATE PI/BTP

[REDACTED]

Remarks:

Time	Date	Opid	Termid
	26FEB22	CHS	CHS (pre 1st routing)
13:14:53		CREATED IN: CHS	AT: 2022-02-26 13:00:24 CAD AT: 2022-02-26

=====

ENTERED BY: CHS (p240397 ) AT: 2022-02-26 13:14:54  
 ^inft... Yesterday after school My thirteen year old daughter  
 and her friend had managed to buy a bottle of vodka, she is 13 and her  
 friend is 14. 25/02/2022.  
 She would have been in a school uniform under a winter jacket -

[REDACTED]

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.



SINGLE INCIDENT PRINTOUT  
PAGE 3

INCIDENT No. 3604:26FEB22

Time Date Opid Termid  
-----

This is located on the park side of queensway. Next to kalinka  
35 and a  
pizza place and has Lebara Signage.  
^op... given advice to contact council, number supplied via sms  
with

CAD  
For the attention of licencing and LIT.  
14:57:45 26FEB22 233486 #2  
ENTERED BY: CADL (p233486 ) AT: 2022-02-26 14:57:45  
LRT - CRIMINT CWRT01049979  
PLEASE CLOSE USING CODE 676

Previous Actions:

Time	Date	Opid	Termid	ACTION
				SYSTEM(EXTERNAL)
13:14:53	26FEB22	CHS	CCC:CCB	O() 301:LICENSING,600:ALCOHOL
"	"	"	"	PI
13:17:09	"	742934	DIV:AWN	AK
13:18:19	"	"	"	AC()
"	"	"	"	AQ()
"	"	"	"	AR()
13:18:23	"	"	"	ACR/NC
13:18:26	"	"	"	PS/CM
13:19:22	"	051617	"	AWT/LRT
14:43:37	"	233486	CCC:CADL	VI/p233486
14:57:45	"	"	"	PI
14:57:46	"	"	"	VI/p233486
14:57:49	"	100374	DIV:AWN	AK
14:58:00	"	"	"	CTX()
14:58:01	"	"	"	PS/CM
14:58:03	"	"	"	Q(600)
14:59:55	"	098724	"	R(718)
15:00:10	"	"	"	CM
10:13:53	28FEB22	740108	CCC:CADL	VI/c740108
10:04:55	01MAR22	204897	"	VI/p204897
10:05:35	"	"	"	IP//PC Deweltz/1/p204897@met.police.uk

... END OF

PRINT ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.



SINGLE INCIDENT PRINTOUT  
PAGE 2

INCIDENT No. 3699:06MAR21

Linked :explicitly to 1260:24MAR21  
Linked :implicitly to (none)

Gazetteer Comments : (May have existed or altered since Incident creation

-

Use MSS SMF:SPECARCHIVE)

[REDACTED]

[REDACTED]

[REDACTED]

Remarks:

Time	Date	Opid	Termid
13:40:13	06MAR21	CHS	CHS (pre 1st routing)
	CREATED IN: CHS AT: 2021-03-06 13:32:17 CAD AT: 2021-03-06		

=====

ENTERED BY: CHS (c743587 ) AT: 2021-03-06 13:33:28  
 ^ INFT I WOULD LIKE TO REPORT A STORE THAT SELLING ALCOHOL AND  
 CIGARETTES TO UNDER AGE CHILDREN  
 MY DAUGHER IS 13YRS AND THEY SOLD CIGARETTES AND VAPS TO HER

13:40:13 06MAR21 CHS  
 ENTERED BY: CHS (c743587 ) AT: 2021-03-06 13:35:52  
 ALL THE CHILDREN GO THERE AND PURCHASE THESE SORT OF THINGS FROM  
 THEM

13:40:13 06MAR21 CHS  
 ENTERED BY: CHS (c743587 ) AT: 2021-03-06 13:36:41  
 SMF ASB (For All IncidentS Of Anti-social Behaviour)  
 Always consider whether the circumstances of the incident render  
 the

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT  
PAGE 3

INCIDENT No. 3699:06MAR21

Time Date Opid Termid  
-----

person concerned as vulnerable.  
1. Has anything like this happened before?: Yes  
2. Has the caller spoken to police about this or any other  
matter relating to ASB?: No  
3. If the answer to 2 is 'Yes', when were police called  
(approximately)? :  
4. Prior to this call, has the person sought help from elsewhere  
(e.g. Local Authority, Security, Housing Association, Samaritans,  
Citizens Advice, BT, etc.)?: No  
5. If the answer to 4 is 'Yes' please state who? :  
6. Are there any health or welfare issues we need to be aware of  
that could help us deal with your call? (VULNERABILITY)? : Yes  
7. If the answer to 6 is 'Yes' record details of how/why  
vulnerable.

Record any other relevant information? : CHILDREN RANGE FROM 13  
AND POSSIBLY YOUNGER  
\*\* For 'ASB' calls, you are no longer required to complete the

'REPEAT' or 'VULNERABLE' SMFs \*\*

13:40:13 06MAR21 CHS  
ENTERED BY: CHS (c743587 ) AT: 2021-03-06 13:38:04  
^ OP THE INFT WOULD LIKE TO REMAIN ANONOMOUS AND WILL NOT  
DIVULGER HER  
DETS

SHE STATES THAT HER DAUGHTER VISITS THE AREA AT WEEKENDS AND  
SCHOOL HOLIDAYS

13:40:13 06MAR21 CHS  
ENTERED BY: CHS (c743587 ) AT: 2021-03-06 13:38:21  
THE OWNER DOES NOT ASK FOR ID

13:40:14 06MAR21 CHS  
ENTERED BY: CHS (c743587 ) AT: 2021-03-06 13:40:13  
CAN THE LPT HAVE A LOOK AT THIS PLEASE  
I HAVE ADVISED THE CALLER TO CONTACT THE TRADING STANDARDS

OFFICE TOO  
13:40:32 06MAR21 720785 H2723

\*\* \*\*START OF DATA AUTOMATICALLY COPIED FROM CLOSING PROMPT\*\* \*\*  
CLOSING CODE "215":  
STOP - THIS INCIDENT TO BE PLACED IN THE GPC QUEUE  
HAS AN ASB URN BEEN SHOWN? OR  
HAS A MEMBER OF GPC CONFIRMED URN NOT REQUIRED - INCLUDE

PAY NO RESULT WITH FORMAT: ASB URN XX123456 OR ASB URN NOT  
REQUIRED

THEN FOLLOWED BY THE POLICE/STAFF PAY NUMBER OF DECISION  
MAKER  
\*\* \*\*END OF DATA AUTOMATICALLY COPIED FROM CLOSING PROMPT\*\* \*\*  
14:31:57 06MAR21 233486  
ENTERED BY: CADL (p233486 ) AT: 2021-03-06 14:31:57

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.



SINGLE INCIDENT PRINTOUT  
PAGE 4

INCIDENT No. 3699:06MAR21

Time	Date	Opid	Termid
14:55:10	06MAR21	233486	

LRT P233486 DEALING  
 ENTERED BY: CADL (p233486 ) AT: 2021-03-06 14:55:10  
 AW LRT - WFH - ASB URN VACW21595 AND CRIMINT CWRT01034440-  
 P233486  
 PLEASE CLOSE USING CODE 676

Previous Actions:

Time	Date	Opid	Termid	ACTION
13:40:13	06MAR21	CHS	CCC:CCB	O() 215:ASB - NUISANCE,600:ALCOHOL,608:YOUT
"	"	"	"	H RELATED
13:40:17	"	720785	DIV:AWN	PI AK
"	"	"	"	AK
13:40:39	"	"	"	AK AC() AQ() AR() PS/CM
13:40:41	"	"	"	AWT/LRT
13:48:42	"	098718	"	VI/p233486
14:30:27	"	233486	CCC:CADL	PI
14:31:57	"	"	"	VI/p233486
14:32:02	"	"	"	AK
"	"	084133	DIV:AWN	PI
14:55:10	"	233486	CCC:CADL	CTX() CM
14:55:30	"	098718	DIV:AWN	XP/CM/C215
14:55:43	"	"	"	VI/p233486
14:55:45	"	"	"	VI/p230259
"	"	"	"	VI/c742728
14:56:12	"	233486	CCC:CADL	VI/c723203
09:29:34	09MAR21	230259	"	VI/p204897
12:19:40	12MAR21	742728	"	IP//PC Deweltz/1/p204897@met.police.uk
10:11:34	14APR21	723203	"	
13:40:21	08MAR22	204897	"	
13:40:23	"	"	"	

... END OF

PRINT ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT  
PAGE 1

INCIDENT No. 4282:09JAN22

INCIDENT No. 4282 entered at 16:32 on 09JAN22 by CHS/CHS in CCC/IR

INCIDENT WAS ENTERED "EXTERNALLY"

Rec By : )  
Call Tel :  
Call Name:  
Call Type:  
Call Mail:  
Cntct Tel:  
Att Locn : (LIT?) 35B QUEENSWAY, W2:AMK FOOD & WINE  
Map : Page 140, Grid Reference 525875,180875  
GPA : CA Division: [AWN:CNW]  
Inc Locn : 35B QUEENSWAY, W2:AMK FOOD & WINE  
Map : Page 140, Grid Reference 525875,180875

[REDACTED]  
[REDACTED]  
[REDACTED] tances)

Open Tex  
Urgency : R (Referred)  
Major :  
VRMs :  
Proposal : (CCC at 17:11/09JAN22):  
TJ3S TJ100B TJ200E TJ200F TJ211 TJ3N TJ71A TJ72A U546 U415  
Assigned :  
DeAssign :  
TOA :  
DO Name :  
DO Tel :  
CRIME REF:  
Class 1 : 314 (Suspicious Circumstances)  
Qual 1 : 701 (Assistance Requested / Rendered)  
Res 1 : 718 (Police Attendance Not Required)  
2 : 709 (CRIMINT Entry)  
Clo Text : CWRT01048005  
O Dealing:  
Metops :  
CHS Demid:20220109030208

Linked :

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT  
PAGE 2

INCIDENT No. 4282:09JAN22

Gazetteer Comments : (May have existed or altered since Incident creation  
-  
Use MSS SMF:SPECARCHIVE)

Location Based Comments

\*\* Attendance and Incident Location \*\*

QUEENSWAY,W2 (1 - 120)

VULNERABLE LUL TUNNEL NEARBY - IF APPROPRIATE PI/BTP

[REDACTED]

[REDACTED]

Remarks:

Time	Date	Opid	Termid
16:36:04	09JAN22	CHS	CHS (pre 1st routing)
	CREATED IN:	CHS	AT: 2022-01-09 16:32:06 CAD AT: 2022-01-09

=====

ENTERED BY: CHS (p241241 ) AT: 2022-01-09 16:36:03  
 ^INFT THERE IS A SHOP AT QUEENSWAY IN W2 WHO IS SELLING  
 CIGARETTES AND  
 ALCOHOL TO UNDER-AGE PEOPLE  
 -  
 TODAY I WENT TO THE SHOP. I SPOKE TO OTHER SHOPS IN THE AREA.  
 THEY  
 ARE SELLING VODKA IN WATER BOTTLES.

16:36:28 09JAN22 CHS #2  
 ENTERED BY: CHS (p241241 ) AT: 2022-01-09 16:36:28  
 ^OP CAN THIS BE PASSED TO LIT/LICENSING/SNT PLEASE? WILL ALSO  
 ADVISE  
 TRADING STANDARDS.

16:49:05 09JAN22 229134 AW943 #3  
 AW OPS - Passed to NPT, LIT and Licensing.

17:18:34 09JAN22 259287 #4  
 ENTERED BY: CADL (p259287 ) AT: 2022-01-09 17:18:34

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT  
PAGE 3

INCIDENT No. 4282:09JAN22

Time Date Opid Termid  
-----  
CWRT01048005 created

Previous Actions:

Time	Date	Opid	Termid	ACTION
				SYSTEM(EXTERNAL)
16:36:04	09JAN22	CHS	CCC:CCL	O() 305:CIVIL DISPUTES,314:SUSPICIOUS CIRCU
				MSTANCES
"	"	"	"	PI
16:36:08	"	740077	DIV:AWN	AK
16:36:19	"	"	"	LOCA(35B QUEENSWAY, W2:AMK FOOD & WINE)(CA)
16:36:28	"	"	"	AC()
"	"	"	"	AQ()
"	"	CHS	CCC:CCL	PI
"	"	740077	DIV:AWN	AR()
16:36:31	"	"	"	AK
16:36:36	"	"	"	PS/CM
16:38:14	"	230698	"	AWT/OPSROOM
16:49:09	"	229134	"	PS/CM
16:50:47	"	230698	"	AWT/OPSROOM
16:52:57	"	259287	CCC:CADL	VI/p259287
16:58:05	"	229134	DIV:AWN	AWT/CREF
17:18:25	"	259287	CCC:CADL	VI/p259287
17:18:34	"	"	"	PI
17:18:35	"	"	"	VI/p259287
17:18:38	"	741546	DIV:AWN	AK
"	"	"	"	AK
"	"	"	"	AK
17:18:57	"	"	"	CTX()
17:18:59	"	"	"	PS/CM
17:24:05	"	230698	"	CM
17:24:11	"	"	"	R(718)
08:32:59	10JAN22	204897	CCC:CADL	VI/p204897
08:33:02	"	"	"	IP//PC Deweltz/1/p204897@met.police.uk
08:33:19	"	"	"	VI/p204897
11:16:22	07MAR22	207028	"	VI/p207028
11:16:37	"	"	"	IP//P207028/1/p207028@met.police.uk
13:38:56	08MAR22	204897	"	VI/p204897
13:39:00	"	"	"	IP//PC Deweltz/1/p204897@met.police.uk

... END OF

PRINT ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT  
PAGE 1

INCIDENT No. 7543:02APR21

INCIDENT No. 7543 entered at 20:13 on 02APR21 by CHS/CHS in CCC/IR

INCIDENT WAS ENTERED "EXTERNALLY"

Rec By : )

Call Tel : [REDACTED]

Call Name: [REDACTED]

Call Type: [REDACTED]

Call Mail: [REDACTED]

Cntct Tel: [REDACTED]

Att Locn :35B QUEENSWAY, W2:AMK food and wine.

Map :Page 140, Grid Reference 525875,180875

GPA :CA Division: [AWN:CNW]

Inc Locn :(HOLON) 35B, QUEENSWAY, W2:AMK food and wine.

Map :Page 140, Grid Reference 525875,180625

Cal [REDACTED]

Openi [REDACTED]stances)

2:600 (Alcohol)

Open Text:

Urgency :R (Referred)

Major :

VRMs :

Proposal :(BOCU at 20:23/02APR21):

114VF 13VF 159VF 198VF 235VF 6VF 207VF 189VF 27VF 193VF

Assigned :

DeAssign :

TOA :

DO Name :

DO Tel :

CRIME REF:NOT CRIMED

Class 1 :314 (Suspicious Circumstances)

Qual 1 :701 (Assistance Requested / Rendered)

Res 1 :704 (Inform / Informed)

Clo Text :

O Dealing:

Metops :

CHS Demid:20210402033473

Linked :

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.



SINGLE INCIDENT PRINTOUT  
PAGE 2

INCIDENT No. 7543:02APR21

Phone Field : (For previous Incidents from this phone use  
action:PHD or PHL - use DARIS to extend search)  
Location Field : (For previous Incidents at this location use  
action:LCD or LCL - use DARIS to extend search)  
Gazetteer Comments : (May have existed or altered since Incident creation  
-  
Use MSS SMF:SPECARCHIVE)

Location Based Comments

\*\* Attendance and Incident Location \*\*

QUEENSWAY,W2 (1 - 120)  
VULNERABLE LUL TUNNEL NEARBY - IF APPROPRIATE PI/BTP  
\* "NR ROYAL PALACES:CONSIDER PI/PAL"  
SEE QUEENSWAY LT STN FOR ANY RELEVANT COMMENTS  
SEE BAYSWATER LT STN FOR ANY RELEVANT DETAILS  
13 QUEENSWAY - "ROYAL CHINA RESTAURANT" \*SITE HAZARD\* THESE PREMISES  
HAVE A FRAGILE ROOF

\*\* Caller Location \*\*

No Comments for this Location

Remarks:

Time	Date	Opid	Termid
	02APR21	CHS	CHS (pre 1st routing)
20:20:53		CREATED IN: CHS	AT: 2021-04-02 20:13:39 CAD AT: 2021-04-02



interest  
Your role  
Is the victim under 18 years of age?  
Yes  
Does the victim have any health, mobility or welfare issues that  
are

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT  
PAGE 3

INCIDENT No. 7543:02APR21

Time Date Opid Termid  
-----

making this situation more difficult?

No

Incident details

Do you feel race, ethnicity, sex, gender, sexuality, disability

or

religion were a factor in this crime?

No

Evidence

Has the suspect clearly left something at the scene; such as  
clothing,

blood, any other bodily fluids, discarded items, obvious  
fingerprints

or footprints? Or has the suspect caused any damage or made a  
mess

20:20:53 02APR21 CHS

ENTERED BY: CHS (c730178 ) AT: 2021-04-02 20:14:07

searching?

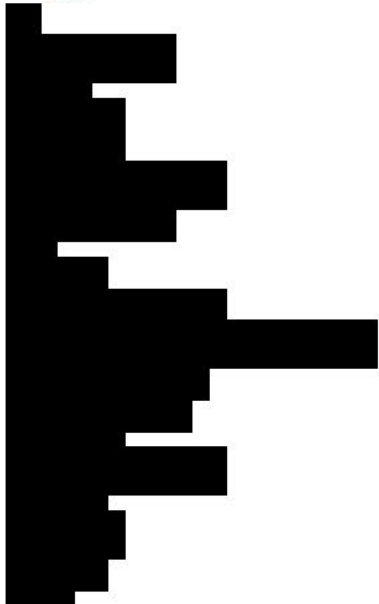
No

All fields

Your details

Your details

tle



20:20:53 R21 CHS

ENTERED BY: CHS (c730178 ) AT: 2021-04-02 20:14:07

Your role

Your role

CONTINUED ...

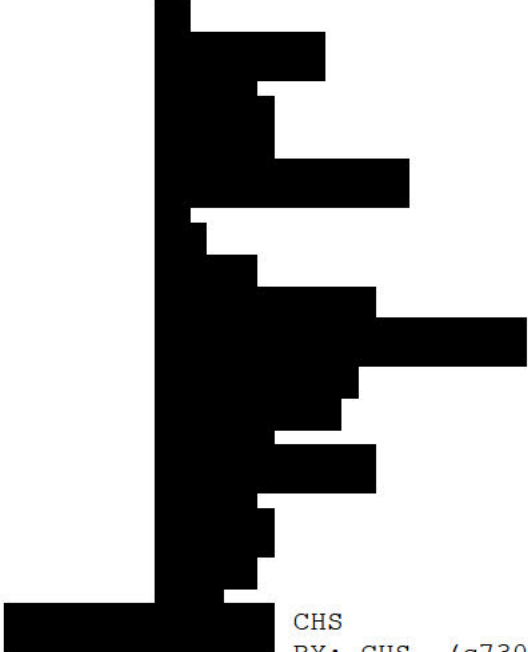
SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT  
PAGE 4

INCIDENT No. 7543:02APR21

Time Date Opid Termid  
-----

How were you involved?  
I'm reporting on behalf of a victim  
Victim's details  
Title



CHS

BY: CHS (c730178 ) AT: 2021-04-02 20:14:07

If you do not know the victim's details, please describe them as best

you can  
not given  
If you are connected to the victim, please explain how  
Mother  
Is the victim under 18 years of age?  
Yes  
Title  
not given  
First name  
not given  
Surname  
not given  
Phone number  
not given  
Has the victim experienced any other crimes in the past 12  
months?

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT  
PAGE 5

INCIDENT No. 7543:02APR21

Time Date Opid Termid  
-----

No  
Does the victim have any health, mobility or welfare issues that  
are

making this situation more difficult?

No

Would you like the victim to be contacted by Victim Support?

No

Does the victim have a disability?

No

20:20:53 02APR21 CHS

ENTERED BY: CHS (c730178 ) AT: 2021-04-02 20:14:07

What is the victim s ethnic background?

White-British

Did you do any of the following before you used the website  
today?

I called 101

Incident details

Incident details

Has anyone reported this already?

No

When did it happen?

When did it happen?

02/04/2021 - 02/04/2021

Start time

14:45

End time

14:45

If you re unsure about the date or time, please give a few  
details

below

Early afternoon

Where did it happen?

Lat long

51.5113499,-0.1875282

Easting northing

525873,180715

Address

20:20:53 02APR21 CHS

ENTERED BY: CHS (c730178 ) AT: 2021-04-02 20:14:07

CAP NEWS, 35B, QUEENSWAY, LONDON, W2 4QJ, UK

Map url

<https://www.google.co.uk/maps?q=51.5113499+-0.1875282>

Map type

ReadOnly

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT



NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT  
PAGE 6

INCIDENT No. 7543:02APR21

Time Date Opid Termid  
-----

Origin

Triage

You gave us this map location earlier. Is the address correct?

Can you

g else to help pinpoint the exact location?

says that it s called AMK food and wine.

ere you on public transport?

[REDACTED]

Please tell us what happened, and the events leading up to it,  
to help

us identify if an offence has been committed.

My daughter asked the man at the counter if she could buy Vodka.

She

says he didn t ask her age or for ID. Instead he gave her a

small Evian

water bottle filled with vodka instead which he filled up in

front of

her on the counter. Charging £8.50

Do you feel race, ethnicity, sex, gender, sexuality, disability

or

religion were a factor in this crime?

No

Evidence

Evidence

20:20:53 02APR21 CHS

ENTERED BY: CHS (c730178 ) AT: 2021-04-02 20:14:07

Has the suspect clearly left something at the scene; such as  
clothing,

blood, any other bodily fluids, discarded items, obvious

fingerprints

or footprints? Or has the suspect caused any damage or made a

mess

searching?

No

Do you have any video, audio or photo evidence?

No

Does another person, business or company have video evidence

such as

CCTV or mobile phone footage?

I don't know

Witness details

Witness details

Did anyone else see what happened?  
I don't know  
Suspect details  
Suspect details

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT  
PAGE 7

INCIDENT No. 7543:02APR21

Time	Date	Opid	Termid
			Suspect 1
			Do you know this person?
			No I don't know anything about them
20:20:53	02APR21	CHS	
			ENTERED BY: CHS (c730178 ) AT: 2021-04-02 20:20:53
			DD ^ DIG101 the infmt believes this store sold alcohol to 14
			year old
			daughter - possible app needed - no access to call the infmt
			from this
			terminal wfh
20:24:17	02APR21	088140	H2721
			^ AWN THIS IS LICENSING ISSUES..
20:31:08	02APR21	718680	H2657
			LRT^AWNC REL CAN THIS BE PASSED TO THE LICENING TEAM THANKS
12:38:27	03APR21	236496	
			ENTERED BY: CADL (p236496 ) AT: 2021-04-03 12:38:27
			Sgt Ben Chadwick (Licensing PS for AW) emailed re this
			This CAD can now be closed

Previous Actions:

Time	Date	Opid	Termid	ACTION
				SYSTEM(EXTERNAL)
20:20:53	02APR21	CHS	CCC:EGS	O() 314:SUSPICIOUS
				CIRCUMSTANCES,600:ALCOHO
"	"	"	"	L
				PI
20:21:04	"	741098	DIV:AWN	AK
20:23:37	"	088140	"	LOCA((HOLON) 35B, QUEENSWAY, W2:AMK food
				an
				d wine.) (CA)
20:24:38	"	"	"	AC()
"	"	"	"	AQ()
"	"	"	"	AR()
20:24:39	"	"	"	PS/CM
20:31:10	"	718680	"	AWT/LRT
12:31:31	03APR21	236496	CCC:CADL	VI/p236496
12:38:27	"	"	"	PI
12:38:30	"	"	"	VI/p236496
12:38:32	"	086028	DIV:AWN	AK
12:38:45	"	"	"	PS/CM
12:43:00	"	095427	"	ACR/NC
12:43:10	"	"	"	GF(E)LICENCING DEALING
12:43:11	"	"	"	CM
12:43:15	"	"	"	LOCA((HOLON) 35B QUEENSWAY, W2:AMK food
				and

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

SINGLE INCIDENT PRINTOUT  
PAGE 8

INCIDENT No. 7543:02APR21

Time	Date	Opid	Termid	ACTION
12:43:15	03APR21	"	DIV:AWN	wine.) (CA)
10:47:56	15APR21	230259	CCC:CADL	VI/p230259
16:07:44	"	"	"	VI/p230259
14:47:58	26APR21	"	"	VI/p230259
14:55:08	"	"	"	VI/p230259
11:51:07	29APR21	"	"	VI/p230259
15:57:23	10MAY21	"	"	VI/p230259
15:57:26	"	"	"	IP//1344aw/1/p230259@met.police.uk
13:39:49	08MAR22	204897	"	VI/p204897
13:39:51	"	"	"	IP//PC Deweltz/1/p204897@met.police.uk

... END OF

PRINT ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT  
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.



**Response to the review**

My client is discontented with the decision made by the Metropolitan police Service and is appealing the decision of licence provocation due to the absence of any evidence to support the claim.

1. In the application to review, you have stated 'alleged sale of alcohol to children'. Therefore, you are aware that you are investigating allegations with no evidential background.

2. It was mentioned that you have conducted your own test purchasing operations to further investigate the claims regarding the premises license. The aim behind this was to accumulate evidence and examine the rightfulness behind the accusations. However, my client passed every single test. This should provide that my client is abiding by Section 51 of the Licensing Act 2003 and has not failed or breached any of his duties.

3. The latest report CAD (3604/26FEB22) concerning the alleged selling of alcohol to minors on my clients premises (AMK Food & Wine, 35B Queensway, London, W2 4QJ) has no validity. The report wrongfully claims that my client 'goes out of his way to cover his tracks' which is not possible as you have full control of the DVR and CCTV system. Officers have confirmed that recordings get automatically deleted after three days. Police licensing and Westminster City Council Inspectors only attended the premises four days after the report (26<sup>th</sup> February 2022) which meant the recording was no longer there. Therefore, it is evident that my client is being accused for a delay in action made on your behalf. Moreover, my client is stating that he was not working on the afternoon of the incident as he was visiting a friend in a nearby shop called 'lsmart'. The off-licence has a single employee which is my client; this means if he is away the premises will be closed. Therefore the alleged date and time of the purchase in the report CAD (3604/26FEB22) are misleading and untruthful.

4. As for the earlier reports sent in April and May 2021, the underage girls who allegedly purchased alcohol were both unwilling to provide statements and have not confirmed where they purchased the alcohol from which negates the validity of the reports.

5. In another statement made by PC Reaz Gueraa 1614CW on 17<sup>th</sup> March 2022, my client is described as being evasive when he was clearly overwhelmed and shocked by the allegations. My client felt distressed having officers on his premises as not only does it make his business look notorious but it also degrades his reputation amongst his neighbours in town and yet he remained responsive and cooperative.

6. You have further stated that that my client had failed to assist you even 'in the simplest of tasks' however my client has been very accommodating. This is seen through his recent purchase of an updated CCTV system which will save recordings for 30 days as requested by you. This purchase was made even though my client is having financial difficulties.

7. My client was adequately trained before getting a licensing approval therefore my client is well aware of the objectives and would not act in a way which contravenes The Licensing Act 2003. My client requests a proof of ID for almost every purchase as per stated in section 6 of the mandatory licensing condition and therefore feels the reports were merely a false statement.

Whilst we understand your duty in protecting children and preventing crime and disorder, this subject does not apply to my client, where he is being accused of suspicion with no evidence to approve any of the allegations. My client has not breached any of his objectives; therefore, the claim for license revocation is considered deficient.

Kind regards,



## **Response to the interested parties**

Reference: 22/02885/LIREVP

**Our Client: AMK Food 7 Wine – 35B Queensway, London, W2 4QJ**

**Re: 22/02885/LIREVP-AMK Food & Wine, 35B Queensway, London, W2 4QJ**

### **Responses to the Interested Parties**

Further to the email you have sent our client dated 14<sup>th</sup> April 2022 at 15:27, we are writing to you in regards to the representations that have been received during the consultation period.

In regards to the public representations received between 4<sup>th</sup> April and 13<sup>th</sup> April 2022, our client does not agree with the comments that several parties have made.

We believe that our client is being discriminated against and treated unfairly. Until this day, there is no proof to show that our client is selling alcohol to children. Most of these comments mention that Queensway continues to have issues of young underage people drinking; however, none of the six parties have mentioned that they have seen our client illegally selling alcohol to children nor have any evidence of his actions. Alternatively, these comments refer to the Queensway neighbourhood as a whole. It is considered unjust that our client's licence should be revoked based on the view that most people have about Queensway as an area and not based on our client's shop in particular.

Referring to [REDACTED], Please note that the presence of children outside the premises after school does not incriminate our client. It is of normal social behaviour that school children gather on the street at the end of the school day to buy snacks/ beverages from a corner shop or even gather outside it; it is not unusual and should not be used as evidence of illegal selling of alcohol. Moreover CCTV footage indicates that even when the shop is closed you will still find children standing in front of the place therefore, this point is invalid.

Our client understands the concern of the residents and the council. However, given that there is no evidence of any illegal trading related to our client, the revocation of the licence is unjust and disproportionate with the facts of the case. Please note that the underage girls who allegedly purchased alcohol were both unwilling to provide statements and have not confirmed where they purchased the alcohol from which negates the validity of the reports.

As for [REDACTED] arguments produced in the representation, most of the points listed are pure allegations. This includes 'decanting alcohol into Lucozade bottles' which is a very unreasonable argument, there is zero evidence to support this claim. In addition to that [REDACTED] also mentioned an arrest that took place in March 2021. Whilst we do agree that the arrest took place, no sentence was given regarding this incidence; therefore the 'Robbery' charge mentioned in the report is false which leads us to believe that all other arguments are false two.

By stating that, we are not underestimating the importance of the crime or the significance of the consequences of such an action. Our client himself believes that it is absolutely immoral, unethical, and unlawful to sell alcohol without checking customer's ID's; and since our client of a clear criminal record has passed all the purchasing operations tests that the police have conducted, this shows that there no basis to the accusations made especially that the police had full control of the DVR and CCTV system. Therefore, these accusations are unfounded.

Our client is not against the criminal proceedings taking place; instead, he has respect for the law and abides by it. Furthermore, our client requests that further investigations are thoroughly made so that the decision to revoke his license is fairly and justly issued.

We would like to bring to your attention the fact that our client has been suffering financially due to the Covid-19 pandemic due to the decreased demand and depreciation in the market. Therefore, we request that if a decision to revoke the licence will be made, it should be made based on evidence and not on mere suspicion. Such a decision would make our client's business look notorious, it would degrade his reputation amongst his neighbours in town, and may negatively affect his business further.

AMK Innovation Ltd



City of Westminster  
64 Victoria Street, London,  
SW1E 6QP

Schedule 12  
Part A

WARD: Lancaster  
Gate  
UPRN: 010033560272

Premises licence

Regulation 33, 34

Premises licence  
number:

22/03073/LIPVM

Original Reference:

05/10334/LIPC

**Part 1 – Premises details**

**Postal address of premises:**

AMK Food & Wine  
35B Queensway  
London  
W2 4QJ

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Playing of Recorded Music** Unrestricted

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted

**Sale by Retail of Alcohol**  
Monday to Saturday: 08:00 to 23:00  
Sunday: 10:00 to 22:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday: 08:00 to 23:00  
Sunday: 10:00 to 22:30

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption off the Premises.

Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Amk Innovation Limited  
199 Uxbridge Road  
London  
W12 9DH

**Registered number of holder, for example company number, charity number (where applicable)**

12201928

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Name:** Mustafa Alkifray

**Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.**

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Licence Number: 2019-01726-LAPER  
Licensing Authority: London Borough Of Hammersmith & Fulham

**Date:** 11 April 2022

**This licence has been authorised by Jessica Donovan on behalf of the Director - Public Protection and Licensing.**

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
- 5(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 5(ii) For the purposes of the condition set out in paragraph 5(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
$$P = D + (D \times V)$$
Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and



- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 5(iv).
  - (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.**

- 6. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 08:00 to 23:00
- (b) On Sundays, other than Christmas Day, 10:00 to 22:30
- (c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- (d) On Good Friday, 08:00 to 22:30

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

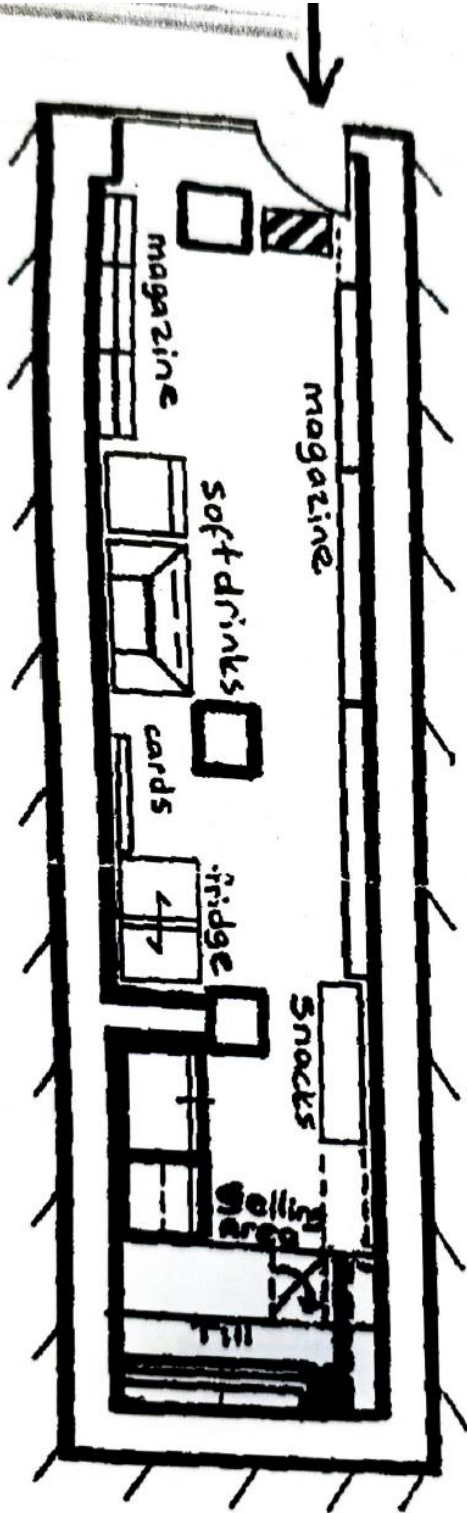
- 7. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

## **Annex 2 – Conditions consistent with the operating Schedule**

8. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
9. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
10. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
11. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

None





City of Westminster  
64 Victoria Street, London,  
SW1E 6QP

Schedule 12  
Part B

Premises licence  
summary

WARD: Lancaster  
Gate  
UPRN: 010033560272

Regulation 33, 34

Premises licence  
number:

22/03073/LIPVM

Part 1 – Premises details

Postal address of premises:

AMK Food & Wine  
35B Queensway  
London  
W2 4QJ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music Unrestricted

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol  
Monday to Saturday: 08:00 to 23:00  
Sunday: 10:00 to 22:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

The opening hours of the premises:

Monday to Saturday: 08:00 to 23:00  
Sunday: 10:00 to 22:30

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption off the Premises.

**Name and (registered) address of holder of premises licence:**

Amk Innovation Limited  
199 Uxbridge Road  
London  
W12 9DH

**Registered number of holder, for example company number, charity number (where applicable)**

12201928

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Name: Mustafa Alkifray

**State whether access to the premises by children is restricted or prohibited:**

Restricted

**Date:** 11 April 2022

**This licence has been authorised by Jessica Donovan on behalf of the Director - Public Protection and Licensing.**

**Consultee Comments for Licensing Application  
22/02885/LIREVP**

**Application Summary**

Application Number: 22/02885/LIREVP  
Address: 35B Queensway London W2 4QJ  
Proposal: Review of a Premises Licence  
Case Officer: Miss Jessica Donovan

**Consultee Details**

Name: Dave Nevitt  
Address: City Hall, 64 Victoria Street, London SW1E 6QP  
Email: Not Available  
On Behalf Of: Environmental Health Administration

**Comments**

I wish to make Representations in respect of this application by the Metropolitan Police for a Review of Licence 20/09113/LIPCHT. The Police seek revocation of the Licence. Environmental Health as a Responsible Authority under the Licensing Act 2003 will submit a full list of complaints, details of visits and outcomes in relation to the premises, and a number of proposed conditions which seek to promote the Licensing Objectives (Protection of Children from Harm, Prevention of Public Nuisance, and Public Safety) for consideration prior to the sub-committee Hearing. An Environmental Health Officer will be available to attend and participate at the Hearing



**APPLICATION FOR REVIEW OF PREMISES LICENCE 20/09113/LIPCHT**

**REVIEW APPLICATION REF: 22/02885/LIREVP**

**AMK Food & Wine, 35B Queensway**

**ENVIRONMENTAL HEALTH COMMENTS:**

- 1. It is noted that the Police seek Revocation of the Licence.**
- 2. It is also noted that the 'Issued' Licence for the premises is 22/03073/LIPVM.**
- 3. The 'Issued' Licence 22/03073/LIPVM includes the following Conditions:**

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.

6. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, 08:00 to 23:00
- (b) On Sundays, other than Christmas Day, 10:00 to 22:30
- (c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
- (d) On Good Friday, 08:00 to 22:30

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

7. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 2 – Conditions consistent with the operating Schedule

8. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
9. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be

able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

10. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
11. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.

**If the Committee is minded to Revoke the Licence 20/09113/LIPCHT Environmental Health have no further comments or observations to make. If, however, the Committee is NOT minded to Revoke the Licence EH request that all of the above Conditions are applied to the Licence. In addition to the above, EH propose the following further Conditions in support of the Licensing Objectives:**

MC12 No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

MC13 Loudspeakers shall not be located in the entrance lobby or outside the premises building.

MC28 Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

MC29 No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

MC30 No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.

MC31 No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.

MC32 There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.

MC33 Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

MC80 Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.

**DAVID NEVITT**

**28.4.2022**

I write in relation to the application for a review of the premises licence for AMK Food & Wine - 35B Queensway, London, W2 4QJ.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered the application that the Metropolitan Police have submitted a review and have concerns in relation to the operation of the premises and how the premises promote the four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The Licensing Authority raise particular concern to the licence holder not abiding to the protection of children from harm when taking into account the evidence the Police have submitted along with their grounds for review of the premises licence, specifically the continuous selling of alcohol to children.

Paragraph 11.29 of the Revised guidance issued under section 182 of Licensing Act 2003 (the 182 Guidance) in relation to premises licence following persistent sales of alcohol to children states; “*The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store’s age verification procedures).*”

The Licensing Authority make specific reference to the following paragraph;

***However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances.***

*This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.”*

The Licensing Authority believes that Mr Alkifray has little respect in abiding by the four licensing objectives as a premises licence holder and agree with the Metropolitan Police’s request to revoke the premises licence as he has continued to put children at risk.

It is for this reason and the other reasons highlighted above that the Licensing Authority submit a formal representation.

Should the Licensing Authority wish to provide further submission they will do so before the hearing.

Many Thanks

Karyn Abbott  
Senior Licensing Officer  
Licensing Team  
Public Protection & Licensing Department

Westminster City Council  
15<sup>th</sup> Floor  
64 Victoria Street

London SW1E 6QP

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[REDACTED] and walk past the premises daily and see under age teenagers congregate outside the premises almost daily after school and at the weekends and then proceed to Hyde Park to drink dangerous levels of alcohol. Some children are as young as 11 and ambulances are called daily due to dangerous underage drinking that is a direct consequence of these premises illegal selling of alcohol to kids. The sale of alcohol to teenagers by these premises is seriously endangering children and teenagers lives and they must have their license removed or it could prove catastrophic for the children in the area and further away. I know from speaking to my children that kids come from all over London to buy alcohol from

[REDACTED]  
**Received: 12 Apr 2022**  
**SUPPORT**

We have viewed the information regarding the review

We are shocked and appalled that this premises may be undertaking underage sales of alcohol.

We are incredibly concerned for the wellbeing of these children.

We are also very concerned that this sort of thing is happening right under our noses at such proximity to our premises.

It goes without saying that the medical consequences of underage drinking are dire.

We are in favour of the license to be reviewed.

Thank you for your efforts to protect children from harm.

[REDACTED]  
**Received: 12 Apr 2022**  
**SUPPORT**

[REDACTED]  
[REDACTED] I have held the position of [REDACTED] for over 3 years and have worked within the [REDACTED] for over 2 years. In my role as a [REDACTED], I am responsible for managing and leading on medium to long-term problem-solving activity on local crime, anti-social behaviour and public realm issues.

I make this statement from my own personal knowledge and the contents are true. If the contents are not within my own personal knowledge, they are true to the best of my knowledge information and belief.

During my time in the role of [REDACTED], I have been witness to and made aware of various types of anti-social behaviour, particularly within the Queensway vicinity. The main types of anti-social behaviour taking place includes: accosting members of the public demanding money, often aided by the use of cardboard signs and cups; littering, urinating and defecating in public places; loitering in public places under the influence of drugs and/or alcohol; obstruction of the highway and the entrances of premises with personal belongings; and behaving in an aggressive and hostile manner when asked to leave private premises by their owners. The area team has recently also seen an increase in violent offences and robberies against young persons on Queensway, as well as alcohol-related antisocial behaviour caused by groups of young persons congregating on Queensway.

Over the past year, I have received a number of reports and intelligence relating to breach of licence by AMK Food and Wine, 35B Queensway. In April 2021, intelligence was received



from a member of the public that the shop was allowing the sales of alcohol to underage persons and decanting the alcohol into Lucozade bottles. Upon liaising with Police colleagues, it was revealed that the DPS had been arrested in March 2021 for robbery on Queensway. In November 2021, a further two complaints were received from concerned parents regarding the sales of alcohol to their underage children. In February 2022, a further report was received regarding the sale of alcohol to two underage females (ages 13 and 14) that had taken place in January. I would support the review of the premises licence as the sales of alcohol to underage persons is contributing to the antisocial behaviour on Queensway.

I am willing for this statement to be shared with the MET Police, Westminster City Council and the Magistrates Court in order to support formal enforcement action.

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/10334/LIPC	<p>Conversion Licence</p> <p><b>Playing of Recorded Music:</b> Unrestricted</p> <p><b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit:</b> Unrestricted</p> <p><b>Sale by Retail of Alcohol:</b> Monday to Saturday: 08:00 to 23:00 Sunday: 10:00 to 22:30</p>	03.10.2005	Granted under Delegated Authority
06/09887/WCCMAP	Master Licence	03.10.2005	Granted under Delegated Authority
11/06688/LIPT	Transfer Application - Mr Javed Jiwani to Mr Ashok Kumar	24.07.2011	Granted under Delegated Authority
11/06692/LIPDPS	Application to Vary the Designated Premises Supervisor	25.07.2011	Granted under Delegated Authority
19/14327/LIPT	Transfer Application - Mr Ashok Kumar to Amk Innovation Limited	20.12.2019	Granted under Delegated Authority
20/01050/LIPDPS	Application to Vary the Designated Premises Supervisor	12.02.2020	Granted under Delegated Authority
20/09113/LIPCHT	Change of Details	07.10.2020	Granted under Delegated Authority
22/02401/LIPVM	Minor Variation – To add 4 model conditions	29.03.2022	Application rejected
22/03073/LIPVM	Minor Variation – To add 4 model conditions	11.04.2022	Granted under Delegated Authority

There is no Temporary Event Notice or appeal history for this premises.



**Resident count: 477**

**Licensed premises within 75 metres of 35B Queensway London W2 4QJ**

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
06/10311/WCCMAP	Taza Take Away	35A Queensway London W2 4QJ	Shop	Monday to Sunday; 10:00 - 00:00
22/03073/LIPVM	AMK Food & Wine	35B Queensway London W2 4QJ	Shop	Monday; 08:00 - 23:00   Tuesday; 08:00 - 23:00   Wednesday; 08:00 - 23:00   Thursday; 08:00 - 23:00   Friday; 08:00 - 23:00   Sunday; 10:00 - 22:30
17/06728/LIPN	Queensway Food Wine	31-31A Queensway London W2 4QJ	Shop	Sunday; 08:00 - 00:00   Monday to Saturday; 07:00 - 00:00
15/03800/LIPT	Queensway Food & Wine	37 Queensway London W2 4QJ	Food store	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
20/04031/LIPD	Kalinka	35 Queensway London W2 4QJ	Shop	Sunday; 12:00 - 18:30   Monday to Saturday; 11:00 - 20:00
10/04568/LIPN	Curry Place	36 Queensway London W2 3RX	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 11:00 - 23:30   Friday to Saturday; 11:00 - 00:00
21/07962/LIPDPS	Rosa's	36 Queensway London W2 3RX	Not Recorded	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
19/15603/LIPT	Food Basics Limited	28 Queensway London W2 3RX	Restaurant	Sunday; 10:00 - 22:30   Monday to Saturday; 10:00 - 23:00
18/07658/LIPN	Urban Baristas	Ground Floor 11 Queensway London W2 4QJ	Not Recorded	Sunday; 07:00 - 23:00   Monday to Saturday; 07:00 - 23:30
18/08878/LIPT	Del Casa	27 Queensway London W2 4QJ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday;

				10:00 - 00:30
21/04671/LIPDPS	Queens Ice Bowl	Queens Ice Club 17 Queensway London W2 4QP	Ice rink	Monday; 09:00 - 23:30   Tuesday; 09:00 - 23:30   Wednesday; 09:00 - 23:30   Thursday; 09:00 - 23:30   Friday; 09:00 - 00:00   Saturday; 09:00 - 00:00   Sunday; 09:00 - 23:00
21/07343/LIPN	Ceru	11 Queensway London W2 4QJ	Restaurant	Sunday; 09:00 - 22:00   Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00
13/08953/LIPT	Royal China Chinese Restaurant	13 Queensway London W2 4QJ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/13617/LIPVM	Pizza Pilgrims	38 Queensway London W2 3RS	Restaurant	Monday; 10:00 - 23:30   Tuesday; 10:00 - 23:30   Wednesday; 10:00 - 23:30   Thursday; 10:00 - 23:30   Friday; 10:00 - 00:00   Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
20/00632/LIPN	Not Recorded	40 Queensway London W2 3RS	Cafe	Monday to Sunday; 09:00 - 21:00
21/04894/LIPDPS	Not Recorded	18 - 20 Queensway London W2 3RX	Cafe	Sunday; 07:00 - 23:00   Monday to Saturday; 07:00 - 23:30
15/11442/LIPN	The London Shop	10 Queensway London W2 3RX	Shop (large)	Sunday; 10:00 - 22:00   Monday to Saturday; 08:00 - 23:00
06/10112/WCCMAP	Mandarin Kitchen	14-16 Queensway London W2 3RX	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/14229/LIPT	Manoush Restaurant	48 Queensway London W2 3RY	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday;

				10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
16/02012/LIPDPS	Taste Of India	51 Queensway London W2 4QH	Restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 12:00 - 23:30
16/05337/LIPT	Kam Tong Chinese Restaurant	59-63 Queensway London W2 4QH	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
21/05954/LIPCH	Bella Italia	55-57 Queensway London W2 4QH	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
17/02109/LIPDPS	Maharaja	50 Queensway London W2 3RY	Restaurant	Monday to Sunday; 12:00 - 00:30