



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

16/02038/LIREVP

Date:

28.04.2016

Classification:

For General Release

Title of Report:

**7 Seas Grocery Store (Previously trading as One Nation)
332 Kilburn Lane
London
W9 3EF**

Report of:

Director of Public Protection and Licensing

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

**David Sycamore
Senior Licensing Officer**

Contact Details:

**Telephone: 020 7641 8556
E-mail: dsycamore@westminster.gov.uk**

APPLICATION DETAILS

Application Type:	A review of premises licence application under the Licensing Act 2003.		
Applicant:	The Licensing Authority	Date Application Received:	23 February 2016
Premises Name and Address:	7 Seas Grocery Store (also known as One Nation.) 332 Kilburn Lane London W9 3EF		
Ward Name:	Queen's Park	Cumulative Impact Area:	No
Description of Premises:	Newsagents combined with off-licence on a busy shopping High Street.		

2. SUMMARY OF APPLICATION

- 2.1 This application has been submitted by the licensing authority due to continued breaches of current licensed conditions and continued selling of alcohol after the terminal hour.
- 2.2 The Licensing Authority have submitted evidence that shows there has been numerous breaches of current licences conditions as well as the sale of alcohol after the terminal hour. This and all supporting documents from the Licensing Authority can be found at Appendix 1.
- 2.3 The review has been supported by two responsible authorities and 1 local resident. Their statements in support are attached at appendix 2-4.
- 2.4 Guidance 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.
- 2.5 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.
- 2.6 The premises currently benefits from a premises licence that permits off sales only from 08:00 to 22:00 Sunday. The licence was originally granted on 29th May 2006. This premises was previously reviewed in 2007. Documents relating to this are contained in the Licensing Authorities evidence at appendix 1.

3. REPRESENTATIONS:

- 3.1 The Metropolitan Police Service supports this Review. (Appendix 2)
- 3.2 A local resident supports this review. (Appendix 3)

4. OPTIONS:

- 4.1 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 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.
- 4.2 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.
- 4.3 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.

List of Appendices:	<ol style="list-style-type: none">1. Application for Review and evidence.2. Police support review statement3. Resident support Review4. Additional Statement from Licensing Authority5. Current Licence Conditions
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Background Documents – Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (6th January 2016)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
07/08009/LIREVP	Police review	18.10.2007	Conditions added
06/02691/LIPN	New Application	29.05.2006	GDA
06/04707/WCCMAP	Current Licence	18.10.2007	

There is no appeal history for this premises.



City of Westminster

APPLICATION FOR REVIEW

Please forward one copy of your completed application and any supporting documentation to:

Licensing Service
REVIEWS
Westminster City Council
Westminster City Hall
4th Floor
64 Victoria Street
London
SW1E 6QP

Fax: 020 7641 7815

AND

Please give one copy of your application and any supporting documentation to the Holder of the Premises Licence and each of the following responsible authorities on the same day that the application is served on the Licensing Service;

The Chief Officer of Police
Westminster Police Liaison Team
4th Floor, Westminster City Hall
64 Victoria Street, London, SW1E 6QP

London Fire & Emergency Planning Authority
156 Harrow Road
London
W2 6NI

Premises Management (Environmental Health; Health & Safety; Weights and Measures)

Westminster City Council
Environmental Health Consultation Team
4th Floor West, Westminster City Hall
64 Victoria Street, London, SW1E 6QP

Development Planning Services
Westminster City Council
64 Victoria Street
London
SW1E 6QP

Area Child Protection Committee
Head of Commissioning – Child Protection & Quality, Social and Community
Services – Children and Families
4 Frampton Street
NW8 8LF

For boats only

The Navigation Authority (for vessels not permanently moored)

Tidal Thames
The Harbour Master
The Port of London Authority, 7 Harp Lane, London EC3R 6LB

Non Tidal Thames
The Environment Agency Recreation and Navigation, Thames Region, Kings
Meadow House, Kings Meadow Road, Reading, RG1 8DQ

Canals
The Leisure Manager
British Waterways Board
1 Sheldon Square, Paddington Central, London W2 6TT

And

The Surveyor General
The Maritime & Coastguard Agency, Orpington Marine Office, Central Court, 1 Knoll
Rise

[Insert name and address of relevant licensing authority and its reference number (optional)]

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 THE LICENSING AUTHORITY

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
ONE NATION FOOD AND WINE ALSO KNOWN AS 7 SEAS GROCERIE 332 KILBURN LANE	
Post town	Post code (if known)
LONDON	W9 3EF

Name of premises licence holder or club holding club premises certificate (if known)
MR SAYAAD MIAH AND MR JAWAD HUSSAIN

Number of premises licence or club premises certificate (if known)
06/04707/WCCMAP

Part 2 - Applicant details

I am

Please tick yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates

(please complete (A) below)

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

Please tick yes

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

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address THE LICENSING AUTHORITY WESTMINSTER CITY COUNCIL 64 VICTORIA STREET LONDON SW1E 6QP
Telephone number (if any) 02076411499
E-mail address (optional) ladedeji@westminster.gov.uk

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

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

Please tick one or more boxes

-

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

The establishment operates as an off-licence/convenience store for the sale by retail of alcohol. The sale of alcohol is permitted from Monday to Saturday – 08:00hrs to 23:00hrs and Sunday from 10:00hrs to 22:00hrs.

The licence is held by Mr Sayaad Miah and Mr Jawad Hussain and the Designated Premises Supervisor is Mr Shabir Hussain Gillani.

A copy of the Premises Licence is attached as Appendix A

The licence was Reviewed on 7 December 2007 by the Metropolitan Police. The Review was submitted on the grounds of Prevention of Crime and Disorder and Protection of Children from Harm. The main issues surrounded the sale of alcohol to a person under 18 years of age as part of a test purchase, sales after hours and alcohol exposed for sale after the permitted hours. The decision after the hearing was the additional conditions attached to the premises licence. These are conditions 11 to 14 in annex 3 of the premises licence.

The Review Papers and Decision are attached as Appendix B

Despite the Police Review, the premises continued to trade unlawfully. Following the above review in 2007, on three separate dates, the premise was prosecuted. The holder of the premises licence and the Designated Premises Supervisor were formally cautioned for the offence of Providing licensable activities otherwise than in accordance with a Premises Licence on 6th December 2008, 2nd May 2009 and 4th July 2009.

The prosecution papers are attached as Appendix C

Despite the history of non-compliance, efforts have been made with the operator to ensure he is aware of his responsibilities. Under Caution, Mr Gillani advised that he was the owner of the premises and the DPS. Mr Gillani blamed the non-compliance on 22 May 2015, 25 May 2015 and 10 June 2015 on his staff. He said that the problem would be resolved and alcohol would be behind screens at 23:00hrs. However, this has not happened. Mr Gillani advised that he was aware of the Police Review and admitted that he has been lax and had not been keeping a close eye on the premises. Despite this, further non-compliance has been identified.

This review is hereby submitted on the ground of the Prevention of Crime and Disorder.

Main issues surround the sale and display of alcohol after the permitted hours as stipulated in their licence.

On the following dates and times, during a Patrol of the area:

- Friday 22nd May 2015 at 00:35hrs: Display and sales of alcohol witnessed by City Inspectors.
- Monday 25th May 2015 at 00:35hrs: Display of alcohol witnessed by City Inspectors.
- Wednesday 10th June 2015 at 00:48hrs: Display of alcohol witnessed by City Inspectors.
- Saturday 4th July 2015 at 03:03hrs: Display of alcohol witnessed by City Inspectors.
- Sunday 2nd August 2015: Observation between 00:03hrs and 00:30hrs, Display and sales of alcohol witnessed by City Inspectors.
- Saturday 23rd January 2016 at 00:08hrs: Display of alcohol witnessed by City Inspectors.

In addition, the following conditions of the licence were breached:

4. That a comprehensive CCTV system shall be installed, operated and maintained as per the requirements of the Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.
5. No beer or cider to be sold above 5.5% alcohol by volume.
7. Outside of permitted hours all alcohol within the shop area to be secured behind locked grills/screens or secured behind locked cabinet doors.
10. The display of alcohol to be concealed by lockable blinds or shutters and the chilled cabinets to be locked outside of the hours of the supply of alcohol on the premises licence.
11. A personal licence holder will supervise all sales of alcohol at all times.

All the above breaches undermines the Licensing Objective of;

- **The Prevention of Crime and Disorder.**

These are offences under Section 136 and 137 of the Licensing Act 2003, which state:

SECTION 136 - Unauthorised licensable activities

- (1) A person commits an offence if—
 - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be so carried on.

Section 137 - Exposing alcohol for unauthorised sale

- (1) A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.
- (2) For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation.

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

On Friday 22nd May 2015 at 00:35hrs, Alcohol exposed for sale after the permitted hours contrary to Section 137 of the Licensing Act 2003.

At 00:40hrs, sale of alcohol after the permitted hours contrary to Section 136 of the Licensing Act 2003.

Copy of statement attached as Appendix D

Photographs taken and are attached as Appendix E, F and G.

On Monday 25th May 2015 at 00:35hrs, Alcohol exposed for sale after the permitted hours contrary to Section 137 of the Licensing Act 2003.

See Statement attached, Appendix D

On Wednesday 27th May 2015, letter to the DPS – Mr Shabir Hussain Gillani requesting a meeting.

Copy of letter as Appendix H.

On Wednesday 10th June 2015 at 00:48hrs, Alcohol exposed for sale after the permitted hours contrary to Section 137 of the Licensing Act 2003. City Inspector asked the Shop attendant behind the counter for the CCTV footage but it was not made available, this is in breach of licence condition No.4.

Copy of statement attached as Appendix I

On Sunday 21st June 2015, Letter to Mr Shabir Hussain Gillani inviting him for an interview under caution.

Copy of letter attached as Appendix J

On Tuesday 16th June 2015 at 14:00hrs, in response to the letter sent 27th May 2015, an interview was held with the DPS – Mr Shabir Hussain Gillani informing him of the need to comply with the licensing conditions.

See Statement attached, Appendix D

On Saturday 4th July 2015 at 03:03hrs, Alcohol exposed for sale after the permitted hours contrary to Section 137 of the Licensing Act 2003.

See Statement attached, Appendix D

Photograph taken and is attached as Appendix K

On Wednesday 15th July 2015, Letter to Mr Shabir Hussain Gillani requesting for a Written Interview Under Caution after Mr SH Gillani failed to attend the interview scheduled for 7th July 2015.

On Saturday 1st August 2015, Interview questions presented in writing and responded to accordingly.

Details of the interview attached as Appendix L

On Sunday 2nd August 2015, City Inspectors entered the premises at 00:30hrs after observing the premises from 00:03hrs. City Inspectors saw a number of people enter the premises and then left with small plastic carrier bags that appeared weighted down with heavy items that resembled the shape of cans. Alcohol was exposed for sale outside the permitted hours contrary to Section 137 of the Licensing Act 2003.

City Inspector asked the Shop attendant behind the counter for the CCTV footage from 23:30hrs to 00:30hrs but he said he did not know how to operate it. Arrangement was made to collect a disc but it was not made available, this is in breach of licence condition No.4.

See Statement attached, Appendix D
Photograph taken and is attached as Appendix M

On Saturday 29th August 2015, Letter to Mr SH Gillani requesting for a signed copy of the incorporated questions and answers from the Written Interview Under Caution received from Mr SH Gillani onto one document.

Copy of the letter attached as Appendix N

On Saturday 23rd January 2016 at 00:08hrs, City Inspectors entered the premises and noted that all beer and ciders in the chill cabinet was closed but not locked and plain black bags tucked to the side of the chill cabinet contrary to licence conditions 7 and 10. Also noted were various brands of beer and ciders over 5.5% Alcohol by Volume (ABV). This is in breach of licence condition No.5.

Copy of statement attached as Appendix O.

Please tick <input type="checkbox"/> yes	
Have you made an application for review relating to the premises before	<input type="checkbox"/>
If yes please state the date of that application	Da <input type="checkbox"/>

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

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 4)

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

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

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.

Appendix A.



Schedule 12
Part A

WARD: Queen's Park
UPRN: 999000065152

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

06/04707/WCCMAP

Part 1 – Premises details

Postal address of premises:

One Nation Food And Wine
332 Kilburn Lane
London
W9 3EF

Telephone Number: 020 8960 0134

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol: Monday to Saturday - 08:00 to 23:00
Sale by Retail of Alcohol: Sunday - 10:00 to 22:00

The opening hours of the premises:

Opening Hours: Monday to Sunday - 08:00 to 23:00

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

Off

Part 2

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

Mr Sayaad Miah & Mr Jawad Hussain
332 Kilburn Lane
London
W9 3EF
Telephone Number: 020 8960 0134

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

N/A

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

Name: Mr Shabir Hussain Gillani

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: 06/07989/LIPERS
Licensing Authority: City of Westminster

Date: 7th December 2007

Signed: Director of Community Protection

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.

Annex 2 – Conditions consistent with the operating Schedule

4. That a comprehensive CCTV system shall be installed, operated and maintained as per the requirements of the Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.
5. No beer or cider to be sold above 5.5% alcohol by volume
6. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
7. Outside of permitted hours all alcohol within the shop area to be secured behind locked grills/screens or secured behind locked cabinet doors.
8. No self service of spirits
9. In the judgement of the Designated Premises Supervisor, to maintain at all times levels of staff, so as not to undermine the Crime and Disorder objectives, to be disclosed on request of the Licensing Authority and the Police.
10. The display of alcohol to be concealed by lockable blinds or shutters and the chilled cabinets to be locked outside of the hours of the supply of alcohol on the premises licence

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

11. A personal licence holder will supervise all sales of alcohol at all times.
12. A refusals book must be maintained and kept up to date at all times and be available for inspection at the request of a responsible authority.
13. The Portman Group/Challenge 21 or equivalent scheme will be employed.
14. A Challenge 21, Portman Group or equivalent scheme poster must be displayed at the premises.



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

Schedule 12
Part B

WARD: Queen's Park
UPRN: 999000065152

Premises licence
summary

Regulation 33, 34

Premises licence number:

06/04707/WCCMAP

Part 1 – Premises details

Postal address of premises:

One Nation Food And Wine
332 Kilburn Lane
London
W9 3EF

Telephone Number: 020 8960 0134

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol: Monday to Saturday - 08:00 to 23:00
Sale by Retail of Alcohol: Sunday - 10:00 to 22:00

The opening hours of the premises:

Opening Hours: Monday to Sunday - 08:00 to 23:00

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

Off

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

Mr Sayaad Miah & Mr Jawad Hussain
332 Kilburn Lane
London
W9 3EF

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

N/A

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

Name: Mr Shabir Hussain Gillani

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

Restricted

Date: 7th December 2007

Signed: Director of Community Protection

Appendix B.

LICENSING SUB-COMMITTEE No. 5

18th October 2007

Membership: Councillors Antony Mothersdale (Chairman), Margaret Doyle and Lindsey Hall

Legal Advisor: Gitanjali Gopeesingh

Policy Advisor: Bill Hodgson

Committee Officer: Ellie Clay

Relevant Representations: Environmental Health Service, Metropolitan Police

Present: Mr Mark Browning (Representing One Nation Food and Wine), Mr Shabir Hussain Gillani (Designated Premises Supervisor at One Nation Food and Wine), Mr Jim Colbourne (EHO) and Sgt Russell Powell (Police)

One Nation Food and Wine, 332 Kilburn Lane, W9 07/08009/LIREVP	
1.	Review of Premises Licence
	<p>The Police are seeking the following outcome to the Premises Licence:</p> <ul style="list-style-type: none">• The removal of Mr Shabir Hussain Gillani as the Designated Premises Supervisor of the premises.• Revoke the Premises Licence
	<p>Amendments to application:</p> <p>Sergeant Russell Powell explained that as a recent change of DPS had been made and that Mr Shabir Hussain Gillani was not the DPS at the time of the incidents, he was happy for him to remain as the DPS.</p> <p>Sergeant Powell stated that the Police were no longer seeking the revocation of the Premises licence as the measures already carried out at the premises, along with the conditions offered by the Licensee were sufficient. The addition of the further conditions as listed below would satisfy the Police concerns.</p>
	<p>Decision (including reasons):</p> <p>That the following additional conditions be attached to the premises licence:</p> <ol style="list-style-type: none">1. A personal licence holder will supervise all sales of alcohol at all times.2. A refusals book must be maintained and kept up to date at all times and be available for inspection at the request of a responsible authority.



City of Westminster

APPLICATION FOR REVIEW

Please forward one copy of your completed application and any supporting documentation to:

Licensing Service
REVIEWS
Westminster City Council
Westminster City Hall
14th Floor
64 Victoria Street
London
SW1E 6QP

Fax: 020 7641 3238

AND

Please give one copy of your application and any supporting documentation to the Holder of the Premises Licence and each of the following responsible authorities on the same day that the application is served on the Licensing Service;

The Chief Officer of Police
Westminster Police Licensing Team
4th Floor City Hall

Victoria Street
SW1E 6QP

London Fire & Emergency Planning Authority
156 Harrow Road
London
W2 6NI

Community Protection (Environmental Health; Health & Safety; Weights and Measures)
Westminster City Council
Environmental Health Consultation Team
Room 18

Council House
Marylebone Road
NW1 5PT

Development Planning Services
Westminster City Council
64 Victoria Street
London
SW1E 6QP

Area Child Protection Committee
Head of Commissioning – Child Protection & Quality, Social and Community
Services – Children and Families
4 Frampton Street
NW8 8LF

For boats only

The Navigation Authority (for vessels not permanently moored)

Tidal Thames
The Harbour Master
The Port of London Authority, 7 Harp Lane, London EC3R 6LB

Non Tidal Thames
The Environment Agency Recreation and Navigation, Thames Region, Kings
Meadow House, Kings Meadow Road, Reading, RG1 8DQ

Canals
The Leisure Manager
British Waterways Board
1 Sheldon Square, Paddington Central, London W2 6TT

And

The Surveyor General
The Maritime & Coastguard Agency, Orplington Marine Office, Central Court, 1
Knoll Rise

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 Michael Bateman Pc 145CW Bateman
(Insert name of applicant)
apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 47~~ of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description One Nation Food and Wine, 332 Kilburn Lane W9	
Post town London	Post code (if known)W93EF

Name of premises licence holder or club holding club premises certificate (if known) Mr Sayaad MIAH
--

Number of premises licence or club premises certificate (if known) 06/04707/WCCMAP

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

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

Surname	First names
<input style="width: 100%; height: 30px;" type="text"/>	<input style="width: 100%; height: 30px;" type="text"/>

I am 18 years old or over Please tick yes

Current postal address if different from premises address	<input style="width: 100%; height: 60px;" type="text"/>
--	---

Post town	<input style="width: 100%; height: 30px;" type="text"/>	Post Code	<input style="width: 100%; height: 30px;" type="text"/>
------------------	---	------------------	---

Daytime contact telephone number	<input style="width: 100%; height: 20px;" type="text"/>
---	---

E-mail address (optional)	<input style="width: 100%; height: 30px;" type="text"/>
----------------------------------	---

(B) DETAILS OF OTHER APPLICANT

Name and address
<input style="width: 100%; height: 100px;" type="text"/>
Telephone number (if any)
<input style="width: 100%; height: 30px;" type="text"/>
E-mail address (optional)
<input style="width: 100%; height: 30px;" type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Michael Bateman Pc145CW Westminster Police Licensing Team Westminster City Hall 4 th Floor 64 Victoria Street London SW1E 6QP
Telephone number (if any) 020 7641 3179
E-mail address (optional) mbateman@westminster.gov.uk

This application to review relates to the following licensing objective(s)
Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

Protection of Children from harm.

On Tuesday 15th May 2007 at approximately 18:15 a juvenile purchased two bottles of Barcardi Breezer from these premises, without any questions being asked or identification being sought.

Again on 4th June 2007 at approx 18:15 another juvenile purchased one bottle of Barcardi Breezer, without any questions being asked or identification sought.

Prevention of Crime and Disorder.

On Saturday 2nd December 2006 and 23:45 and again at 23:55 alcohol was purchased by two different customers outside your permitted hours.

On Saturday 2nd December 2006 these premises breached their licence by failing to secure alcohol behind locked grills/shutters or locked cabinet doors, outside permitted hours.

On Saturday 2nd December 2006 you carried on a licensable activity otherwise that in accordance with an authorisation, namely no beer or cider to be sold above 5.5% ABV.

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

On the 15th May 2007 and 4th June 2007 during an operation conducted between the Police and Westminster Trading Standards, a 15year old juvenile purchased Alcohol from these premises without any questions being asked of that child or any identification being sought to verify the age of the purchaser. On both occasions staff were confronted by Police and Trading Standards officers and an £80 Penalty Notice was served on these premises.

On 2nd December 2006 two sales of Alcohol were witnessed by WCC Licensing Officers outside of the permitted hours of your licence namely at 23:45 and again at 23:55. Staff were confronted about these sales and told they would be reported.

On 2nd December 2006 during a visit by Licensing Inspectors, they noticed that Alcohol was not stored behind locked doors/shutters or secured behind locked cabinet doors outside permitted hours contrary to condition 7 of the Premises Licence.

Also on the 2nd December 2006 Beer or Cider was being offered for sale with an ABV above 5.5%. Contrary to condition 5 of the Premises Licence.

On the 20th June 2007 after admitting the 5 above offences Mr Shabir Hussain GILLANI was issued with a formal Caution by Westminster City Council.

Please tick yes

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

If yes please state the date of that application

Day

Month

Year

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

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature *M. Bateman PC 145 c.w.*

Date 23RD AUGUST 2007

Capacity POLICE OFFICER WESTMINSTER POLICE LICENSING

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

Notes for Guidance

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

APPENDIX A2

Index of Statements

1. Statement of Nigel Stewart.
2. Statement of James Hayes.
3. Statement of Bryan Lewis Pc161Cw.
4. Statement of Tony Littlemore.
5. Statement of Robert Langridge.
6. Statement of Caroline Burrows.
7. Statement of Bethan Featherby.

Index of Exhibits

8. Record of Formal Caution
9. Copies of Fixed Penalty Notices.

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005,
r27.1(1))

Statement of: Nigel James Stewart

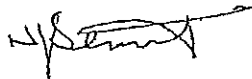
Age of Witness (if over 18 enter "over 18"): Over 18.

Occupation of Witness: Senior Licensing Inspector

This statement (consisting of 3 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.

Dated the 7th day of December 2006

Signed:

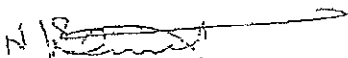


I am a Licensing Inspector employed by Westminster City Council. On Saturday 2nd December 2006 I was on duty accompanied by Licensing Inspector James Hayes were in a vehicle in Kilburn Lane, London, W9 when at 11.30 pm we commenced observation upon the premises trading as "One Nation Food and Wine" situated at 332 Kilburn Lane where it was suspected that alcohol was being sold outside the authorised hours of the Premises Licence.

One Nation Food and Wine is a general store with a Premises Licence authorising the sale of alcohol for consumption off the premises, between the hours of Monday Saturday 08:00 – 23:00 and Sunday 10:00 – 22:00. The cash register and point of sale is located inside to the right of the entrance door where the cashier is in view through the large front window. There was one member of staff on the evening of 2nd December operating as cashier. He was tall and black.

The store was quite busy with persons coming and going purchasing

Signed:



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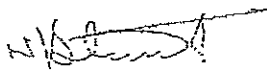
different goods. I observed that two colours of plastic bags were being used, one a light green colour and the other a blue colour. I saw both coloured bags being used. From the outline of some of the contents I suspected that the blue bags were used for alcohol sales and the green bags for general goods and foodstuffs.

At approximately 11.43pm on Saturday 2nd December (2006) a vehicle stopped directly outside One Nation Food and Wine and the driver (sole occupant of vehicle) got out and went into the shop premises. He disappeared down the right hand side of the store and after a short period re-appeared at the cash register. I could clearly see him. He placed a number of what appeared to be tins of Stella lager by the cash register and I saw him pay the cashier for them. The tins, around 8 in number, were placed in a blue plastic bag by the cashier and handed to the customer who then left the premises. I noted the time to be 11.45pm. I could quite clearly see the outline of the tins of Stella lager in the blue plastic bag as he got into his vehicle. The customer then drove off.

Inspector Hayes and I continued with our observation of the premises. At 11.53 pm I saw another male enter the premises of "One Nation Food and Wine" and then appear at the cash register with several bottles (3-4) of what appeared to be Kronenbourg lager. These he appeared to pay for and the bottles were placed into a blue plastic bag by the cashier before being handed over to the customer who then left. I noted the time to be 11.55pm.

At 12.25am (Sunday 3rd December 2006) Inspector Hayes and I entered the premises of One Nation Food and Wine where we asked for the shop manager. A Mr. Shabir Hussain identified himself as the manager and owner of the premises. We identified ourselves to him and I informed him that we had seen his member of staff sell alcohol on two occasions to members of the public outside the time authorised by his Premises Licence which was 11pm. I established that Mr. Hussain understood English and what was being alleged. I then cautioned Mr. Hussain as follows; "You do

Signed:

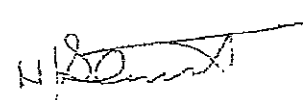


not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence." "Do you understand?" Mr. Hussain replied, "He shouldn't have sold it. I have told him many times not to sell alcohol after 11 o'clock." Mr. Hussain then accompanied Inspector Hayes and I in an inspection of the premises during which I noted the following breaches of the Premises Licence conditions;

1. Beer and Cider above 5.5% alcohol by volume was on display for sale - contrary to Premises Licence Annex 2 condition 5.
2. The alcohol on display was not locked behind grills / screens or secured behind locked cabinet doors - contrary to Premises Licence Annex 2 condition 7.

I brought these two breaches to Mr. Hussain's attention and he said that the walls could not stand the weight of grills or cabinets being fixed to them.

At 12.45am I reminded Mr. Hussain that he was still under caution and informed him that he would be reported for the offence of knowingly allowing or carrying on the unauthorised sale of alcohol - Contrary to Section 136 (1) of the Licensing Act 2003 and for the two breaches of the Premises Licence conditions. Mr. Hussain replied, "Thank you. I'm sorry." Inspector Hayes and I then left the premises at 12.47am.

Signed: 

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005,
r27.1(1))

Statement of: James Hayes

Age of Witness (if over 18 enter "over 18"): Over 18.

Occupation of Witness: Licensing Inspector

This statement (consisting of Three(3) 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.

Dated the 22nd day of January 2007

Signed:



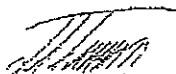
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17

Signed:

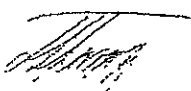


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At 12.25am (Sunday 3rd December 2006) Inspector Stewart and I entered the premises of One Nation Food and Wine where we asked for the shop manager. A Mr. Shabir Hussain identified himself as the manager and owner of the premises. We identified ourselves to him and Inspector Stewart informed him that we had seen his member of staff sell alcohol on two occasions to members of the public outside the time authorised by his Premises Licence which was 11pm. It was established that Mr. Hussain understood English and what was being alleged. Mr. Hussain was then

Signed: 

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Signed:



RESTRICTED (when completed)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Bryan Lewis PC161CW** URN:

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Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: **Police Officer 200892**

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: Bryan Lewis PC161CW Date: 2 August 2007

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

On Tuesday 15th May 2007 I was on duty in full uniform. I am currently serving with the Crime Disorder Reduction Team, which is a Police/ Westminster Borough Council partnership team. On this day I was deployed on a Police/Trading Standards Team operation using Police Cadets to attempt purchase of alcohol from grocers shops that sell alcohol. At about 6.15pm I requested a fifteen year old Police cadet enter One Nation shop, 332 Kilburn Lane London and purchase two bottles of Bacardi Breezer alcoholic drink. He purchased the alcohol and brought them to our vehicle. I then attended the shop with a Trading Standards Officer who identified the male shop assistant who made the sale, who was later known to me as Mr Sayaad MIAH. He made a full admission to selling the alcohol to our cadet, claiming he believed him to be old enough to make the purchase. He did not question him or request to see any proof of identification which might assist in determining his true age. He stated he had received adequate training and was experienced in the sale of alcohol. I then issued him with an £80 PND penalty notice for the offence of selling alcohol to a juvenile.

On the 4th of June 2007 we revisited One Nation about 6.15pm and again I requested an underage Police cadet to enter and attempt to purchase alcohol. She returned with a bottle of Bacardi Breezer and I then went to the shop and spoke to the shop assistant. This time it was a female who I now know to be Ms Syeda Ferzana GILANI who had sold the alcohol to our juvenile cadet. She again admitted to selling the alcohol, stating she had believed the female cadet to be 18 years old. She had made no attempt to confirm the cadet's age by asking for ID. She stated she had received no training in selling alcohol. I again issued a £80 PND penalty notice to the Ms GILANI.

Signature: Bryan Lewis PC161CW Signature witnessed by: [Signature]

1.

Unsigned

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Statement of: Tony David Littlemore

Age of Witness (if over 18 enter "over 18"): Over 18.

Occupation of Witness: Assistant Operations Manager (Trading Standards)

This statement (consisting of 6 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 25th day of July 2007

Signed:

I am employed by the City of Westminster as an Assistant Operations Manager in the Trading Standards Service. I am authorised under the Licensing Act 2003 and I am appointed as an Inspector of Weights and Measures.

I am currently leading the Underage Sales project work for the Westminster Trading Standards Service.

Since April 2007 onwards I have been working with PC Mark Williams, an Intelligence Officer for the Metropolitan Police, in a joint operation in relation to educating businesses and seeking their compliance with the provisions of the Licensing Act 2003 that relate to preventing the sale of alcohol to persons under 18 years of age.

Signed:

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STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of: Tony David Littlemore

The joint operation supports the Home Office initiative "TUSAC" (Tackling Underage Sales of Alcohol to Children) whereby intelligence is used to identify premises to be targeted for this operation.

I have liaised closely with Sergeant David Bannister of the Metropolitan Police in recruiting volunteer Police cadets to undertake test purchases of age controlled goods. The volunteer's welfare is managed with regard to the LACORS guidance "A Practical Guide to Test Purchasing" dated April 2006. During November 2006 and April 2007 I was in contact with the parents of a child volunteer called Jack. During this contact I explained the details of the operation and received consent for their son's assistance as a volunteer test purchaser. I also confirmed with Jack's father Michael, his son's date of birth and age. On the 15th May 2007, Jack's father Michael again confirmed to me that his son was 15 years old.

During April 2007 I was in contact with the parents of a child volunteer called Sarah. During this contact I explained the details of the operation and received consent for their daughter's assistance as a volunteer test purchaser. On the 24th May 2007, Sarah's mother Jill confirmed to me her daughter's date of birth and that her daughter was 15 years old.

As part of this operation, advisory visits were made to the premises targeted in this operation. The advisory visits were made to inform traders of their responsibilities when selling alcohol, to inform them of the changes to the Licensing Act 2003 and warn them that covert test purchases would be made

Signed:

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STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of: Tony David Littlemore

using persons under 18 to attempt to purchase alcohol.

On the 17th April 2007, at 11.55am, I entered the premises of the shop named One Nation at 332 Kilburn Lane, London W9 3EF. PC Mark Williams introduced himself and showed his warrant card. I identified myself and showed my written authorisation. We spoke to an Asian man, in his early 30s, who said his name was Mr Ali Khan and that his position was that of Shop Assistant.

During the visit I made notes on a form entitled 'Visit Sheet Underage Sales Campaign – April'07'.

Having explained the reason for my visit I handed Mr Khan an official letter marked 'For the attention of the owner and licensees' and headed 'Important information for persons selling alcohol in Westminster'. I produce a true copy of the aforementioned letter as Exhibit TL/Advice letter/1.

During my visit I explained to Mr Khan that the law had recently changed with regard to section 147A of the Licensing Act 2003, which created a new offence in relation to persistently selling alcohol to children. I also informed him that test purchases using children to attempt to buy alcohol at selected premises would be conducted.

On 15th May 2007 at 16.45, I positioned a height chart in an office at Westminster Council House, Marylebone Road NW1 5PT. I checked its accuracy using a working standard linear measure, reference "LM3".

Signed:

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STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of: Tony David Littlemore

At about 17.10, I held a briefing with the Police and officers from the Trading Standards Team. The officers included PC Lewis PC161CW and Robert Langridge a Trading Standards Officer. At 17.30, I spoke to two child volunteers and briefed them on the operation. I told Jack that he must tell the truth if asked any questions by the seller. I confirmed with Jack his date of birth and that he was 15 years old. I then took two photographs of Jack standing against the height chart, mentioned earlier in this statement. The photographs were taken using a camera that produces 'instant' pictures that develop within a few minutes. One picture was a full height shot and the other a closer face shot. I labelled these and handed them to PC Lewis PC161CW. The photographs give a true impression of him.

Later that day I was present when PC Lewis asked Jack to attempt to purchase alcohol from One Nation in Kilburn Lane.

At about 18.15, I spoke to Jack and confirmed he was clear about the procedure to follow. I checked he had no money or alcohol on him. I handed him £5 in £1 coins and requested he purchase 2 bottles of Bacardi Breezer from One Nation at 332 Kilburn Lane.

I then accompanied Jack and we followed Robert Langridge and walked towards the premises of One Nation, 332 Kilburn Lane W9. I stopped a short distance from the premises and observed Bob Langridge enter the shop.

Signed:

T D Littlemore

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of: Tony David Littlemore

About 5 seconds later, at 18.18, I observed Jack enter the shop. At 18.22, I observed Jack leave the shop and return to me. He was holding a blue plastic bag which contained 2 Bacardi Breezer bottles. I accompanied Jack back to PC Lewis and watched him hand the bag and bottles to PC Lewis. Jack then handed me the change, £2 in £1 coins and a 2 pence piece.

On the 29th May 2007, another operation was conducted using a 16 year old child volunteer to attempt to purchase alcohol from One Nation. No sale took place.

On 4th June 2007 at 17.10, I positioned a height chart in an office at Westminster Council House, Marylebone Road NW1 5PT. I checked its accuracy using a working standard linear measure, reference "LM3".

A short time later, I held a briefing with the Police and officers from the Trading Standards Team. The officers included PC Lewis PC161CW, Caroline Burrows, a Trading Standards Officer, and Bethan Featherby, a Senior Trading Standards Officer. At 17.30, I spoke to three child volunteers and briefed them on the operation. One of these was Sarah, whom I refer to earlier in this statement. I told Sarah that she must tell the truth if asked any questions by the seller. I confirmed with Sarah her date of birth and that she was 15 years old. I then took two photographs of Sarah standing against the height chart, mentioned earlier in this statement. The photographs were

Signed:

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TS 45 Witness Statement Form

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of: Tony David Littlemore

taken using a camera that produces 'instant' pictures that develop within a few minutes. One picture was a full height shot and the other a closer face shot. I labelled these and handed them to PC Lewis PC161CW. The photographs give a true impression of her.

Later that day I was present when PC Lewis asked Sarah to attempt to purchase alcohol from One Nation in Kilburn Lane W9.

On the 21st June 2007, another operation was conducted using a 15 year old child volunteer, accompanied by a 14 year old child volunteer, to attempt to purchase alcohol from One Nation. No sale took place.

On the 4th July 2007, another operation was conducted using a 16 year old child volunteer to attempt to purchase alcohol from One Nation. No sale took place.

Signed:

26

3

JHY

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Statement of: Robert William Edward Langridge

Age of Witness (if over 18 enter "over 18"): Over 18.

Occupation of Witness: Trading Standards Officer.

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 18th day of July 2007

Signed: *R.W. Langridge*

I am employed by the Westminster City Council as a Trading Standards Officer. During the early evening of Tuesday 15 May 2007 I took part in the Underage Sales campaign organised by Westminster Trading Standards Service and the Metropolitan Police. My role was to enter premises where a purchase was to be made, a few seconds before Jack, the 15 year old child volunteer purchaser to witness any purchase.

At approximately 18:22 hrs I entered the premises of 'One Nation' a mini supermarket at 332 Kilburn Lane, W9. I stood in a position where I could see the front door, the fridge and the shop serving counter. Shortly after this Jack entered the shop and selected two bottles of Bacardi Breezer from the fridge/drinks chiller on the left side of the shop, near the front door. I was standing approximately 1.5m from him. He then took the drinks to the

Signed: *Robert William Edward Langridge*

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STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of: Robert William Edward Langridge

Asian man, with dark hair aged between 20/30, wearing a white long sleeved sweatshirt and blue jeans, serving at the till. He asked for £2:98. Jack offered some coins and the man asked if he wanted a bag. The drinks were placed into blue plastic bag. Jack received his change and left the shop. I followed shortly behind him back to my colleagues and the police officers waiting a short distance away.

At 18:28 hrs I returned to the shop with PC CW161 Bryan Lewis and I identified the seller to him. PC Lewis explained the reason for our visit, that there had been a sale of alcohol to a 15 year old boy. The man who had served Jack said he remembered the boy who purchased the drinks and thought he looked old enough. PC CW161 Lewis asked the seller 'Do you admit selling the drinks?' The seller replied 'Yes'. He gave his details as Mr Sayaad Miah of 37b Wallerton Road, London. W9 3PE and his date of birth as 25/01/1973.

PC CW161 Lewis cautioned him at 18:42 for selling alcohol to this child the seller made no reply. PC CW161 Lewis then showed Mr Miah a Polaroid photograph of the purchaser and asked him if he recognised the boy? Mr Miah replied that he did. He was then asked if he had asked for any ID? Mr Miah replied that he did not ask. Mr Miah said that he had received training in the sale of alcohol and that he was not to sell to under aged children or Police officers in uniform. He said that he had worked there for 10 years. We then left the premises at 18:50 hrs. *RWB*

Signed: *RWB Langridge*



STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))


Statement of: Caroline Miriam Burrows

Age of Witness (if over 18 enter "over 18"): Over 18.

Occupation of Witness: Trading Standards Officer.


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 18th day of July 2007

Signed: 

I am employed by the City of Westminster Trading Standards Service as a Trading Standards Officer. I am authorised to investigate matters under the Licensing Act 2003. On the 4th June 2007 I took part in a test purchasing exercise to test whether minors were able to purchase alcohol from various retailers. Also taking part in this exercise were my colleagues Bethan Featherby a Senior Trading Standards Officer, Tony Littlemore an Assistant Operations Manager, Police Constable Lewis 161CW and Police Officer CW 7726. We were accompanied by Sarah a 15 year old school child volunteer.

At approximately 18:25 I entered the premises at One Nation 332 Kilburn Lane London W9. Shortly afterwards Sarah entered the shop. I stood near the till where I could clearly see and hear everything that happened if any sale was to take place. A young Asian woman was standing by the till.

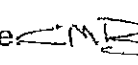
Signed: 

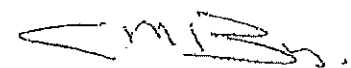
29

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of: Caroline Miriam Burrows

I observed Sarah select a bottle of Bacardi Breezer which she took to the till. The assistant said "One pound" and looked at Sarah but said nothing more. Sarah handed the assistant some cash and received the bottle which the assistant placed in a bag. No receipt was given. Sarah exited the premises and I then left the premises and we both returned to our waiting colleagues. At approximately 18:40 Police Constable Lewis 161CW, Police Officer CW7726 and I immediately returned to the shop in order to talk to the seller of the alcohol. I identified the female seller of the alcohol to PC Lewis and witnessed him interview her. He showed her the bottle of alcohol and a photograph of the child which is Exhibit SE/2. The seller agreed that she had sold the bottle of Bacardi Breezer to the child in the photograph shown to her. The seller gave her details as Mrs Syeda Ferzana Gilani date of birth 15/8/1978 home address 239 Portnall Road London W9 3BL. She then apologised for having sold the alcohol. I witnessed the seller sign the penalty notice that PC Lewis had written out. PC Lewis cautioned the seller at 18:48 and again showed the photograph of the child which is Exhibit SE/2 to the seller. The seller stated that she thought the child was under 18 and she didn't ask for any identification. When asked if she had been trained she said no. Her husband owned the shop he advised her not to sell alcohol and she only worked there infrequently. We left the premises at 18:55 with the evidence of the bottle of Bacardi Breezer and returned to the vehicle 

Signed: 

a 18:55

30

TS 45 Witness Statement Form

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Statement of: Bethan Ann Featherby

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

Occupation of Witness: Senior Trading Standards Officer

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 30th day of July 2007

Signed: 

I am employed as a Senior Trading Standards Officer for the City of Westminster Council and am authorised in respect of the Licensing Act 2003. On the 4th June 2007 at Council House, Marylebone Road, London NW1 5PT, I attended a briefing with the police and officers from Westminster Trading Standards regarding an operation to see if underage children would be sold alcohol. I observed Tony Littlemore, Assistant Operations Manager take Polaroid photographs of Sarah, a 15 year old girl against a height chart. These photos were developed immediately afterwards and labelled by him. At approximately 6.25pm I visited the area of Kilburn Lane accompanied by Sarah, Tony Littlemore, Police Constable Bryan Lewis and Caroline Burrows a Trading Standards Officer. I checked that Sarah did not have any alcohol or money on her person. I handed her £5 and heard PC Lewis instruct her to

Signed: 

31

TC 45 Witness Statement Form

STATEMENT OF WITNESS

(C.J.Act, 1967,s9;MC Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of: Bethan Ann Featherby

attempt to buy alcohol. I observed Caroline enter the shop One Nation at 332 Kilburn Lane and Sarah follow her shortly afterwards. Sarah then returned to where I was standing a short distance away from the shop with a bottle which she showed me which was Blueberry flavoured Bacardi Breezer. She handed the bottle to P.C. Lewis and gave me the change of £4. Caroline then came out of the shop a short while later and then re-entered the premises with P.C. Lewis. I escorted Sarah away from the premises to our vehicle parked nearby. *BAF*

Signed: *BAF Featherby*

32

WESTMINSTER CITY COUNCIL

RECORD OF FORMAL CAUTION

DEFENDANT

SURNAME GILLANI
FORENAME: Shabir Hussain
ADDRESS: 239 Pordnall Road, London, W9 3BL.
COMPANY (If licence not held in name of individual)
POSITION HELD: Designated Premises Supervisor

DETAILS OF OFFENCE(S)

On the 2nd December 2007 at One Nation Food and Wine, 332 Kilburn Lane, W9, you sold a bottle of Smirnoff Ice otherwise than in accordance with an authorisation.
Contrary to Section 136 (1) Licensing Act 2003.

On the 7th January 2007 at One Nation Food and Wine, 332, Kilburn Lane, W9, you carried on a licensable activity otherwise than in accordance with an authorisation, namely outside of permitted hours, all alcohol within the shop area to be secured behind locked grills/screens or secured behind locked cabinet doors. (Condition 7 of the Premises Licence)
Contrary to Section 136 (1) Licensing Act 2007

On the 7th January 2007 at One Nation Food and Wine, 332, Kilburn Lane, W9. you carried on a licensable activity otherwise than in accordance with an authorisation, namely no beer or cider to be sold above 5.5% alcohol by volume. (Condition 5 of the Premises Licence)
Contrary To Section 136 (1) Licensing Act 2007

DETAILS OF CAUTIONING PROCESS

I am satisfied that for each above offence there is sufficient evidence to prosecute and that the offender has admitted it.

Admissions (show reference e.g. statements, interview).....

Signed: *[Signature]*.....

Date: 20th June 2007.....

Name: P. ARABICK.....

Designation: Assistant Operations Manager.....

INFORMATION TO OFFENDER (TO BE READ OUT/EXPLAINED BY OFFICER ADMINISTERING CAUTION).

"After considering all the circumstances and because you have admitted the offence(s) recorded overleaf, I now propose to formally caution you for these offence(s). This does not involve court proceedings and it is not a criminal conviction. You must however understand that the City Council will keep a record of the caution and this may be taken into consideration when deciding whether to prosecute you/the company if you/the company re-offend in the future. A caution is not a criminal record but a court may be told about it if within three years you/the company are convicted of a further offence. You should clearly understand that you cannot be cautioned unless you give your agreement knowing what a caution means. If you are unsure, please say so." (explain further if person unsure).

ACKNOWLEDGEMENT OF CAUTION

I agree to be cautioned for the offence(s) I the Company have admitted and I accept an official caution knowing that it may be taken into consideration if I company re-offend and that it may be mentioned in court if within three years I am convicted of a further offence.

Signature of person cautioned: S. Hussain Date: 20/07
Position held (e.g. Manager, Director, licensee)

Signature witnessed by: etc (Redacted) Date: 20/07

CAUTION ADMINISTERED

On (date) 20/07 at (time) 2a at (location) 11th Floor City Hall

Signed (Officer administering the caution) [Signature]

Authorised by (if different) Name. _____

METROPOLITAN POLICE SERVICE
 PENALTY NOTICE
 PENALTY AMOUNT £80

9.

PART 4 CTO COPY PN No. 01/A67157319

TITLE MRS SURNAME GILLANI

FORENAMES SYEDA FERZANA

DATE OF BIRTH (ddmmyyy) 15 08 1978 ADDRESS 239 FOKIN ALL ROAD

POST CODE W9 3EL

OFFENCE TIME 1830 HRS. OFFENCE DATE 24 06 2007

AT (LOCATION) ONE HAFIUN 322
 KILBURN LANC W9 3EF

OFFENCE CODE DFI8

YOU (offence particulars) *400ml bottle of beer*
 275ml bottle of beer, 200

CONTRARY TO (Act containing offence)
 SALE OF ALCOHOL ACT 2006

PLACE OF ISSUE: Street Custody

I acknowledge receipt of this Penalty Notice
 Signature *S. SYEDA*

ISSUED BY: Surname *LOUIS* Signature *[Signature]*

Warrant/Pay No. 260892 Division *[Division]*

Rank PC DATE OF ISSUE 24 06 2007

MUST BE COMPLETED
 ADDITIONAL DETAILS OF RECIPIENT

Gender: M F IC Code 4 SD Code

Occupation *Cashier*

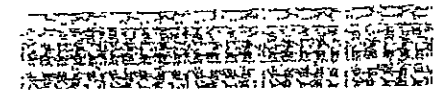
3rd Party Witness Statement: Particulars Obtained?
 Y N

CRIS No.

Local Authority Code Quality Check

A/S No.

35
 Custody (Pic) No.



METRO

PENALTY AMOUNT
DETAILS OF RECIPIENT

PART 6A

PN No. 01/AG7

IMPORTANT INFORMATION

ANY STATEMENT OFFERED BY THE SUSPECT OR A THIRD PARTY
WITNESS SHOULD BE RECORDED IN YOUR POCKET NOTEBOOK

HEIGHT:

BUILD LARGE

COMPLEXION

DESCRIPTION and/or VISIBLE DISTINCTIVE MARKS AND FEATURES

Black hair wearing orange

REPLY TO CAUTION

No reply

AT (time) 1:54 ON (date) 04062007

VD CHECKS MADE (e.g. documents seen)

Drivers' Licence Passport Bank/Credit Card National Insurance

Travel/Photo Card IND Card PNC Radio Other (specify)

Specify Other

Details (e.g. driver card/passport no.)

Fingerprints taken Photograph taken DNA taken

ADDITIONAL NOTES (continue on separate sheet if necessary and affix firmly to PND)

1) Did you sell alcohol to the juvenile
shown in this photo

1) Yes

2) Do you accept the bottle of Bacardi
breezer if the bottle you sold to the
juvenile

2) Yes I accept

3) Do you recognize the female in this photo
exhib. 1 SF/2 as the person you recently sold to

3) yes

4) why did you sell to her

4) Because I thought she was 18 years

5) Did you ask the girl for cash for it

5) No

6) Have you had training to sell alcohol

01/867157315
M.C. Rules 1981, r. 70

METHUEN PENALTY AMOUNT
PENALTY AMOUNT £20

STATEMENT OF WITNESS

(C.J. Act 1967, S. 9; M.C. Act 1980, ss.5A(3)(a) & 5B; M.C. Rules 1981, r. 70)

IMPORTANT INFORMATION:
REMOVE PARTS 1-5 BEFORE WRITING ON THIS PAGE

STATEMENT OF [name] Bryan Lewis Felton

Age 25 Occupation Police Constable

This statement, signed by me, is true to the best of my knowledge and belief. 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.

On Monday 4th June 2007, I was on duty in full uniform deployed on a test purchase of alcohol operation 'TRUST' joint run by MPS and London Borough Westminster Trading Standards. I am currently posted on the Crime Disorder Reduction Team a Police Westminster Partnership Team. At 1300 I requested Police Constable [redacted] to go on patrol who is below the legal age to purchase alcohol to attempt to purchase alcohol from "ONE NAME" alcohol shop at 822 Kingsway Lane W9 3GF. Constable [redacted] entered the shop and was sold a bottle of BACARDI BLOSSOM Home Juice which I requested exhibit 1261. I returned the shop with PC [redacted] and a [redacted] TS team. I witnessed the sale. She identified the customer in [redacted] and who I now know.

(Continue on MG11A if necessary and affix firmly to PND)

SIGNED Bryan Lewis Felton RANK/GRADE/No. PC [redacted]

DIVISION/UNIT CDRT DATE 06/06/2007

DETAILS OF OFFICER CORROBORATING EVIDENCE

NAME _____

OFFICER NO.

SIGNED (s/g) _____

CRIS No.

(For S5 Public Order Act 1986)

DATE

Checked by Supervising Officer

Signed _____
Rank/Grade PS No. 506 Div'n/Unit CDRT

ST-7
C.J. Act 1967, S. 9
PART 6B
PENALTY AMOUNT \$30

PART 6B Continued

PN No. 01/867157319

STATEMENT OF WITNESS

(C.J. Act 1967, S. 9; M.C. Act 1980, ss.5A(3)(a) & 5B; M.C. Rules 1981, r. 70)

NOTES CONTINUED

to be Ms SYEDA FERZANA GILANI.
On 15/11/78, I informed her that I intended
to issue her a FPN for sale of alcohol to a juvenile
in 1980 I cautioned her to which she made no reply
said "did you sell alcohol to the juvenile then in the
photo?" and showed her a photo of search exhibit
etc. She replied "Yes". I said "do you agree
to the bottle of Duconard. Greater is the one you sold
to the juvenile?" and showed her the bottle I had
issued for search, my exhibit BCL/1. She replied
"Yes I accept". I said "Do you recognise the
brand on the photo set on the pen you
recently told alcohol to". She replied "Yes".
I said "why did you sell to her?". She
replied "because I thought she was 18 years old".
I said "Did you ask the girl for any ID".
She replied "No". I said "have you had
training to sell alcohol?". She said "No".
I signed my notes to confirm the use a correct
recourse of what she had said. I then
fully explained her requirement to pay
\$80 and that she had twenty one days to
send the money, details shown on the ticket.
She said "I understand in Van Sany".
By: [Signature]

**METROPOLITAN POLICE SERVICE
PENALTY NOTICE
PENALTY AMOUNT £80**

PART 4 CTO COPY PN No. 01/A67157360

TITLE MC SURNAMES MIAMI

FORENAMES SAYAAD

DATE OF BIRTH (ddmm/yyyy) 25/01/1973 ADDRESS 37B WALTER

RTON ROAD

LONDON POST CODE W9 3PC

OFFENCE TIME 1622 HRS. OFFENCE DATE 10/05/2007

AT (LOCATION) ONE NATION 332 KIL-

BURN LANE LONDON

OFFENCE CODE DAI 8

YOU (offence particulars) SOLD TWO (2) BOTTLES OF BACARDI BREZER to a FIFTEEN year old JUVENILE

CONTRARY TO (Act containing offence) S16(1); LICENSING ACT 2003

PLACE OF ISSUE: Street Custody

I acknowledge receipt of this Penalty Notice
Signature S. Lewis

ISSUED BY: Surname S. Lewis Signature Bryan Lewis P10101

Warrant/Pay No. 200741 Division 01:2W

Rank PC DATE OF ISSUE 10/05/2007

**MUST BE COMPLETED
ADDITIONAL DETAILS OF RECIPIENT**

Gender: M F IC Code 4 SD Code

Occupation CASHIER

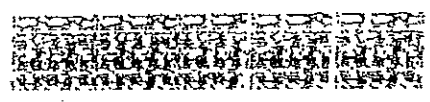
3rd Party Witness Statement: Particulars Obtained?
Y N

CRIS No.

Local Authority Code Quality Check

ACM

Custody (Pic) No.



PART 6B

STATEMENT OF WITNESS

(C.J. Act 1967, S. 9; M.C. Act 1980, ss.5A(3)(a) & 5B; M.C. Rules 1981, r. 70)

IMPORTANT INFORMATION:
REMOVE PARTS 1-5 BEFORE WRITING ON THIS PAGE

STATEMENT OF [name] BRYAN LEWIS FUGICK

Age: 0 18 Occupation: POLICE CONSTABLE

This statement, signed by me, is true to the best of my knowledge and belief: 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.

On Tuesday 15th March 2007 I was on duty in full uniform. I am currently a member of the Crime Disorder Reduction Team a Police Westminster Borough Council partnership based in Westminster. On this day I was deployed on a Police operation to conduct test purchasing of alcohol from various shop outlets by a juvenile subject, our under age purchaser was carried out by a fifteen year old cadet whose first name was Jack at about 6pm I requested the Police cadet attempt to purchase alcohol from the off licence ONE NATION 332 KILBURN LANE London. The cadet went to the shop with a WESTMINSTER COUNCIL TRADING STANDARD officer to act as cover and witness to the purchase. They returned to our vehicle. Jack was now in possession of two (2) bottles of BACARDI BREWERY alcoholic drink. I took the bottles as samples then later exhibiting them. I then went to the shop with PC 7124 Lacey.

(Continue on MG11A if necessary and affix firmly to PND)

SIGNED Bryan Lewis FUGICK RANK/GRADE/No.

P	C		
---	---	--	--

DIVISION/UNIT COURT DATE

1	5	0	5	2	0	0	7
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DETAILS OF OFFICER CORROBORATING EVIDENCE

NAME _____

OFFICER NO.

--	--	--	--	--	--	--	--

SIGNED (sig) _____

CRIS No.

--	--	--	--	--	--	--	--	--	--

(For S5 Public Order Act 1986)

DATE

--	--	--	--	--	--	--	--

Checked by Supervising Officer _____

Signed [Signature]

Rank/Grade PS No. 6124 Div'n/Unit COURT

STATEMENT OF WITNESS

(C.J. Act 1967, S. 9; M.C. Act 1980, ss.5A(3)(a) & 5B; M.C. Rules 1981, r. 70)

NOTES CONTINUED

on entering the shop I spoke to a person male who was the cashier. I now know the male to be MR MIKH SAURAB DOB 25/1/73. I said to him "did you recently sell these bottles of BACARDI BREZEEER to a white male youth?". He replied "yes". At 6:42pm I said "I am issuing you with a fixed Penalty notice for having sold alcohol to a person under 18 contrary to s149 (3) of the Licensing Act 2003. I then fully cautioned him to which he made no reply. I then said "why did you serve alcohol to a fifteen year old juvenile". He replied "I thought he was old enough". I then showed MR SAURAB a previous picture taken earlier of Jack. I said "Do you recognise the picture of the juvenile". He replied "yes I recognise him". I said "Did you ask him for any ID?". He replied "no I should have asked him". I said "have you received training in how to serve alcohol?". He replied "yes I've been training I've done it for ten years". He then signed my notice to confirm this was a correct record of what he had said. I placed the two (2) bottles of BACARDI BREZEEER in a police exhibit bag and labeled as such. I sealed the bag in the presence of MR SAURAB. I later handed the exhibit to P/SAO CW RICHARDSON for him to put back into PROPORTION POLICE STATION properly store. Having issued MR SAURAB with the top copy of the FPN I fully explained his requirement to make payment of the fine with twenty one days as stated on his copy of the ticket. I also explained that he had the option of defending himself at Court should he wish to contest the fine. Bryon Lewis P/161C

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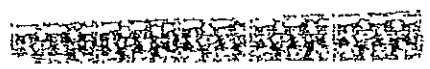
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.....

.....

11 Custody (Pic) No.



DETAILS OF RECIPIENT

PART 6A

PN No. 01/A67157360

IMPORTANT INFORMATION:

ANY STATEMENT OFFERED BY THE SUSPECT OR A 3RD PARTY WITNESS SHOULD BE RECORDED IN YOUR POCKET NOTEBOOK

HEIGHT: 5 00 BUILD MEDIUM

COMPLEXION DARK

DESCRIPTION and/or VISIBLE DISTINCTIVE MARKS AND FEATURES
BLACK HAIR Combed back

REPLY TO CAUTION

No reply

AT [time] 1842 ON [date] 15052007

ID CHECKS MADE (e.g. documents seen)

Drivers' Licence Passport Bank/Credit Card National Insurance

Travel/Photo Card IND Card PNC Radio Other (specify)

Specify Other

Details (e.g. driver/card/passport no.)

Fingerprints taken Photograph taken DNA taken

ADDITIONAL NOTES (continue on separate sheet if necessary and affix firmly to PND)

Q Why did you serve alcohol to a fifteen year old juvenile?

A I thought he was old enough

Q Do you recognize the picture of the juvenile?

A Yes I recognize him

Q Did you ask for any id?

A No I should have asked him

Q Have you received training in how to serve alcohol?

A Yes I have been trained I've done it for ten years

This is a correct record of what I said.

S. McEll
42

APPENDIX A4

MEMORANDUM

CITY OF WESTMINSTER PLANNING AND CITY DEVELOPMENT

TO: Licensing Team

Your ref: 07/08009/LIREVP.

Contact: Chris Hempstead (Planning Enforcement Team)
12th floor, City Hall

Extension: 2651

Date: 03/08/07

Re: One Nation Food & Wine', 332 Kilburn Lane, W9 3EF

In response to your request for information from the Planning Enforcement Team regarding *One Nation Food & Wine', 332 Kilburn Lane, W9 3EF*, I can confirm to you that the Planning Enforcement Team presently has a case open regarding the following:

- *(Our ref: 03/26960/F) the erection of an internally illuminated high level projecting sign located at first floor level.*

This reply should not be construed to indicate that there are no other breaches of planning control that may be unreported or otherwise unknown to us. Whether or not this is the case could only be determined by a full investigation which would normally only be initiated if there was a report or other evidence to suggest a further breach of planning control.

Thank you

Christopher Hempstead

CITY OF WESTMINSTER

MEMORANDUM

TO	Senior Licensing Officer Licensing, 14 th Floor City Hall
REFERENCE	07/ 07/08009/LIREVP

FROM	Consultation Team, Community Protection Department, 4 th Floor City Hall
REFERENCE	EH/CT/JDC/07/70245/ECLAR
BEING DEALT WITH BY	Jim Colbourne,
TELEPHONE	3493
DATE	13 th September 2007

Licensing Act 2003

Re: 'One Nation Food and Wine' 332 Kilburn Lane, London, W9 3EF.

I refer to the application for review of this premises Licence. I support this application to remove the Designated Premises Supervisor and the revocation of this Premises Licence on the grounds of **Protection of Children from Harm**.

The premises operate as a General Store and the licence permits licensable activities to be carried out between 08:00hrs to 23:00hrs Monday to Saturday and 10:00 until 22:00 on Sundays. The licence authorises supplies of alcohol for off sales only.

On Tuesday 15th May 2007 at approximately 18:15hrs a juvenile purchased two bottles of Bacardi Breezer from these premises without question or identification being sought.

On the 4th of June 2007 at approximately 18:15 another juvenile purchased on bottle of Bacardi Breezer, without questions being asked or identification sought.

Should you wish to discuss the matter further please do not hesitate to contact me.

Jim Colbourne
Environmental Health Enforcement Officer

APPENDIX C



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

Schedule 12
Part A

WARD: Queen's Park
UPRN: 999000065152

Premises licence

Regulation 33, 34

Premises licence number:

06/04707/WCCMAP

Part 1 – Premises details

Postal address of premises:

One Nation Food And Wine
332 Kilburn Lane
London
W9 3EF

Telephone Number: 020 8960 0134

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol: Monday to Saturday 08:00 to 23:00
Sale by Retail of Alcohol: Sunday 10:00 to 22:00

The opening hours of the premises:

Monday to Sunday 08:00 – 23:00

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

Off

Part 2

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

Mr Jawad Hussain
332 Kilburn Lane
London
W9 3EF
Telephone Number: 020 8960 0134

Mr Sayaad Miah
332 Kilburn Lane
London
W9 3EF
Telephone Number: 020 8960 0134

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

N/A

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

Name: Mr Shabir Hussain Gillani
Address: 239 Portnall Road
London
W9 3BL
Phone: Not Supplied

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: 06/07989/LIPERS
Licensing Authority: City of Westminster

Date:

09 July 2007

Signed:


Director of Legal & Administrative Services

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.

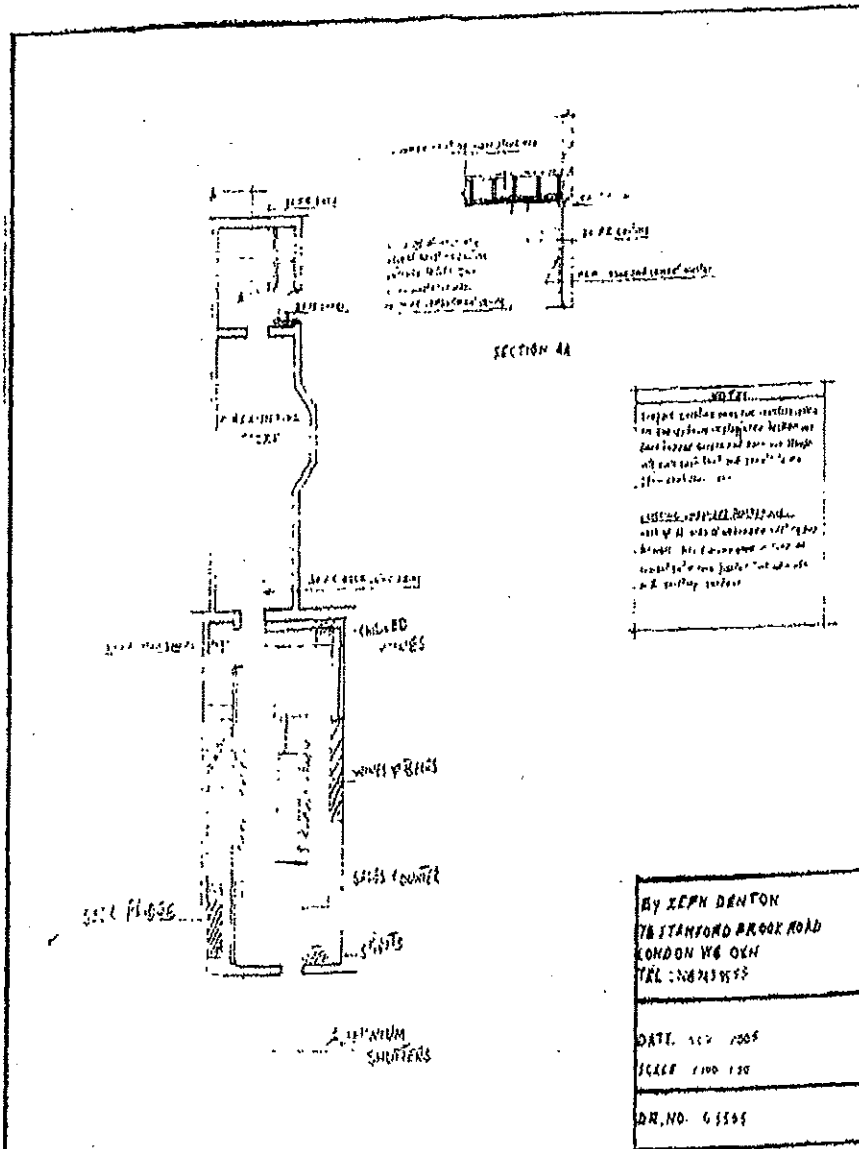
Annex 2 – Conditions consistent with the operating Schedule

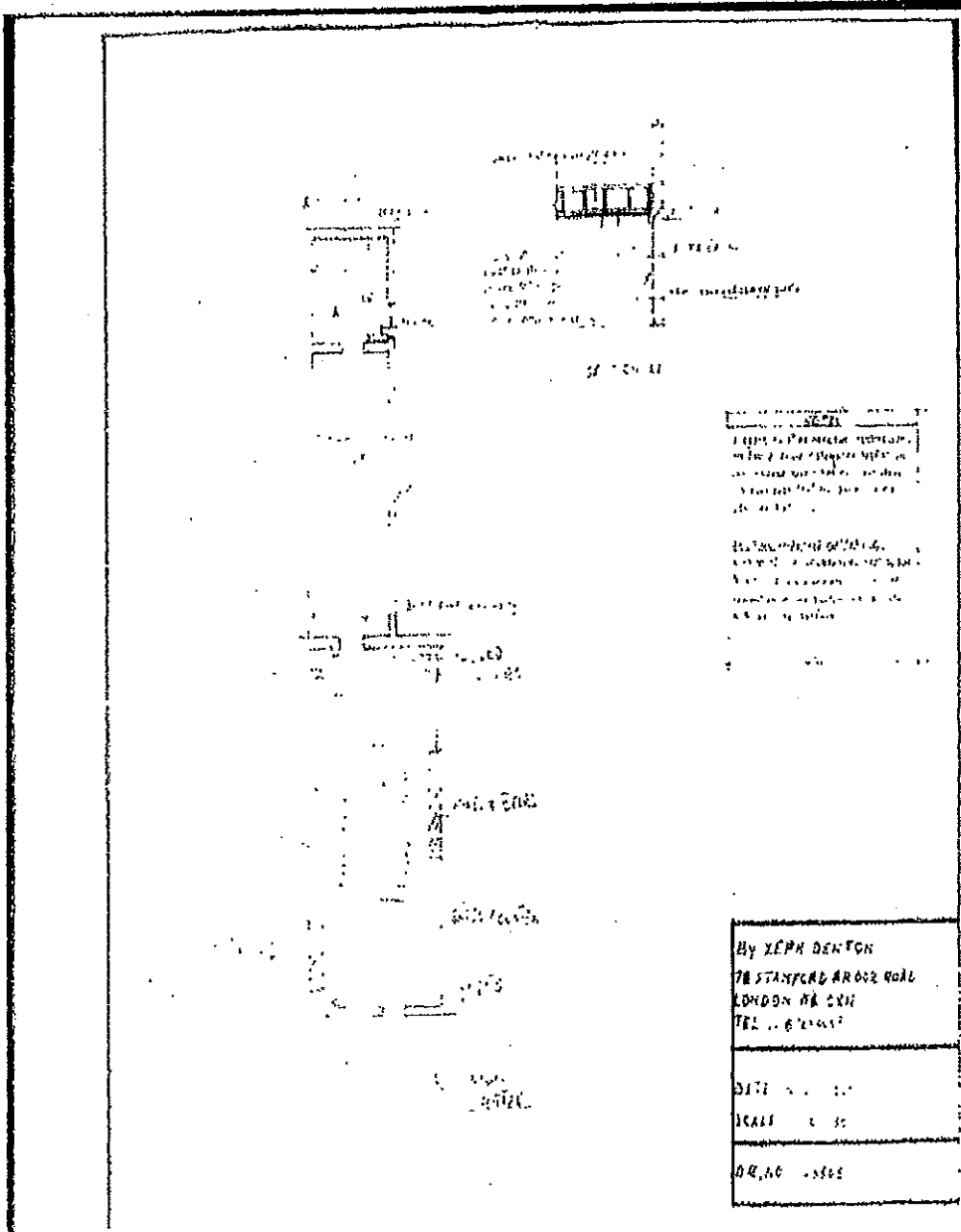
4. That a comprehensive CCTV system shall be installed, operated and maintained as per the requirements of the Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.
5. No beer or cider to be sold above 5.5% alcohol by volume.
6. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
7. Outside of permitted hours all alcohol within the shop area to be secured behind locked grills/screens or secured behind locked cabinet doors.
8. No self service of spirits.
9. In the judgement of the Designated Premises Supervisor, to maintain at all times levels of staff, so as not to undermine the Crime and Disorder objectives, to be disclosed on request of the Licensing Authority and the Police.
10. The display of alcohol to be concealed by lockable blinds or shutters and the chilled cabinets to be locked outside of the hours of the supply of alcohol on the premises licence.

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

None

Annex 4 - Plans





This drawing is a technical drawing of a mechanical assembly. It shows various components and their arrangement. The drawing is oriented vertically on the page.

By XEPH DENTON 78 STAMPING ROAD LONDON W8 2NH TEL ... 624457
DATE SCALE DR, AC

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

Mr Jawad Hussain
332 Kilburn Lane
London
W9 3EF

Mr Sayaad Miah
332 Kilburn Lane
London
W9 3EF

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

N/A

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

Name: Mr Shabir Hussain Gillani

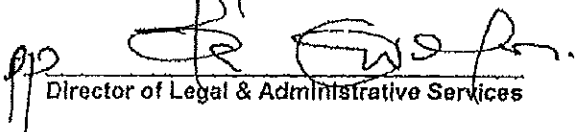
State whether access to the premises by children is restricted or prohibited:

Restricted

Date:

09 July 2007

Signed:


Director of Legal & Administrative Services

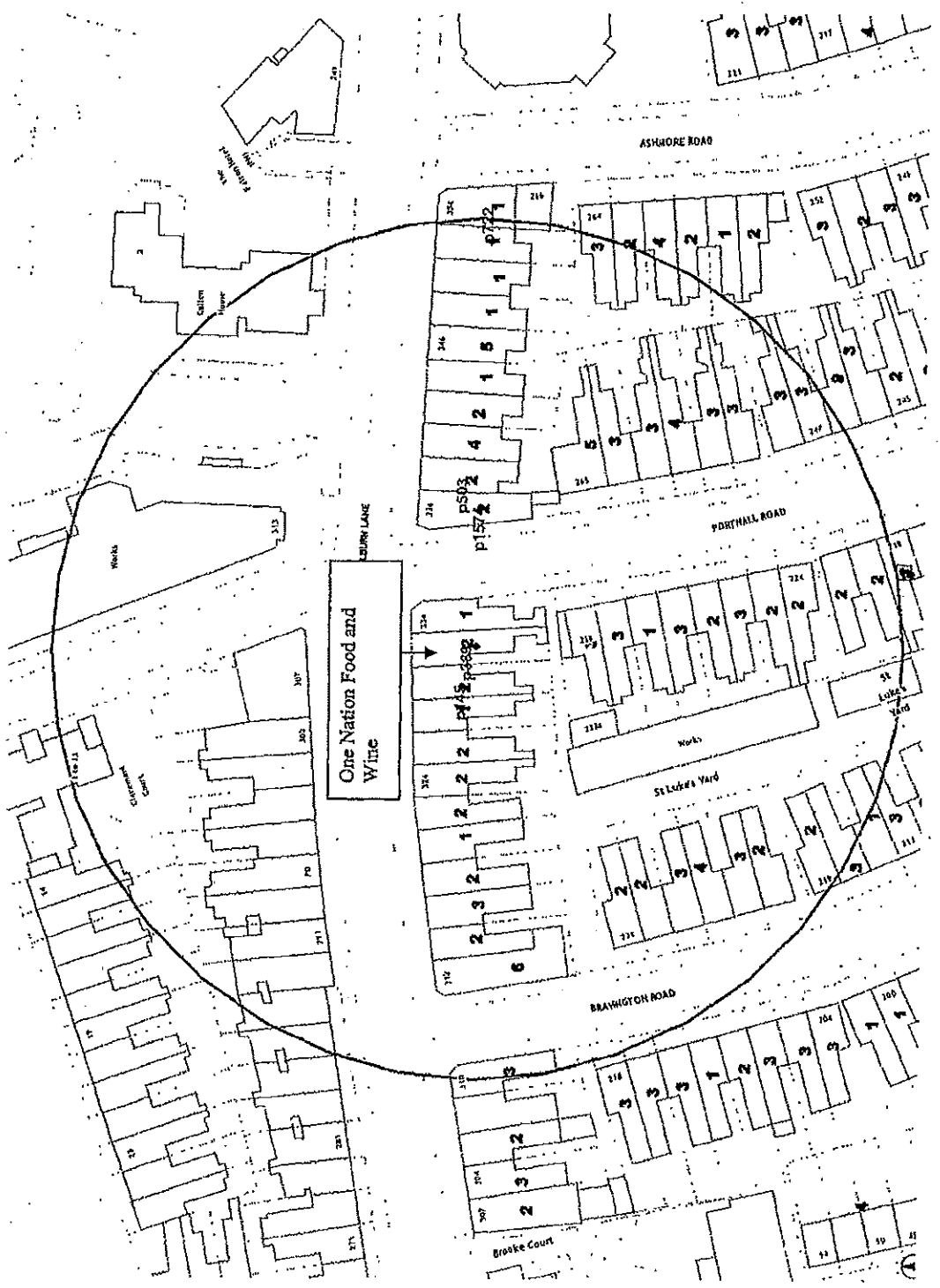
Appendix D

Licence History and Appeal Information

Application	Details of Application	Date Determined	Decision
DPS	Vary the Designated Premises Supervisor	10/07/07	Granted under delegated authority
New	New application To permit the Sale of Alcohol Monday to Sunday from 08:00 to 23:00	29/05/06	Granted under delegated authority following amendment of hours to those within Core Hours and agreement to conditions.
New	New application To permit the Sale of Alcohol Monday to Sunday from 08:00 to 01:00	24/03/06	Withdrawn by applicants

One Nation Review

One Nation Food and Wine, 332 Kilburn Lane, London W9 3EF



Residential	121
Proposed Residential	0
Under Construction	0
Other Uses	77
Proportion Residential of all Uses	61%

Number of licensed Premises	4
Number of licensed Club Certificate	0

Key	
H n123	licensed Club Certificate
v p123	licensed Premises
1	Residential
2	Landuse
○	Residential Unit Under Construction
□	Proposed Residential

APPENDIX E

Scale: Approx.  75m Rat
1:1000

© Crown copyright. All rights reserved City of Westminster LA 100019597 ;
Data Source: Uniform Database -- Date Created: 18/0

Premises within 75 metres of: One Nation Food and Wine, 332 Kilburn Lane, London W9 3EF			
p / n	Name of Premises	Premises Address	Licensable Activities Terminal Hours
p145	Ali Baba Kebabs	330 Kilburn Lane London W9 3EF	Monday to Sunday: 23:00 - 23:45
p389	One Nation Food And Wine	332 Kilburn Lane London W9 3EF	Monday to Saturday: 08:00 - 23:00, Sunday: 10:00 - 22:00
p503	Chicken Cottage	Ground Floor 338 Kilburn Lane London W9 3EF	Monday to Thursday: 23:00 - 23:30, Friday to Saturday: 23:00 - 00:00
p1574	Hilton Food And Wine	Ground Floor 336 Kilburn Lane London W9 3EF	Monday to Saturday: 08:00 - 23:00, Sunday: 10:00 - 22:30

Key : C(F) - Children's Films, Exh - Exhibitions, F - Films, IS - Indoor Sports, M - Weekday Music, M&D - Weekday Music & Dancing, NCL - Night Café, P - Plays, R(F) - Restricted Films, S(D) - Sunday Dancing, S(F) - Sunday Films, S(M) - Sunday Music, S(P) - Sunday Plays, ULP- Premises currently not licensed by the City of Westminster.

Appendix C.

CASE PAPER

Offence	Providing Licensable activities otherwise than in accordance with a Premises Licence	LBU Case Reference	09/005-007
Date & Time	1. 06.12.08 2. 02.05.09 3. 04.07.09	Expiry Date	1. 05.12.09 2. 01.05.10 3. 03.07.10

Premises	One Nation Food & Wine 332 Kilburn Lane London W9 3EF	Accused (Names and Addresses)	1. Jawad Hussain, 332 Kilburn Lane, London, W9 3EF 2. Mr. Sayaad Miah, 332 Kilburn Lane, London, W9 3EF 3. Mr. Shabir Hussain Gillani, 239 Portnall Road, London, W9 3BL
Type of Licence(s) held:	Premises Licence		
Inspectors Recommendation:	1 - 3. Formal Caution on all counts.		

Contents.

- 1. Brief Facts
- 2. Original Written Statements (x No 3)
- 3. HISTORY OF PREMISES
- 4. Contemporaneous Notes of Interview
- 5. List of Exhibits
- 6. Additional Correspondence

Costs:

Officer	Hrs	Cost	Remarks
Gareth Cleary	4		
Kay Cummings	15		
Expenses			
Total			

Date Submitted:	26 October 2009	Officer in Case:	Kay Cummings
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DECISION BY DESIGNATED OFFICER

- 1. No Further Action
- 2. A Written Letter of Warning
- 3. Formal Caution
- 4. Prosecution
- And/Or
- 5. Referral to the Licensing Sub-Committee

Additional Comments &/or Special Instructions:	
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Signed:..... Designation: Assistant Service Manager

Date:-

BRIEF FACTS

One Nation Food & Wine, 332 Kilburn Lane, London, W9 3EF

The above premises benefits from a Premises Licence issued under the Licensing Act 2003. This licence authorises the following activities:-

Sale by Retail of Alcohol: Monday to Saturday 08.00 to 23.00

Sale by Retail of Alcohol: Sunday 10.00 to 22.00

This licence is subject to a number of conditions that have arisen from the original operating schedule that was submitted when a new application for a Premises Licence was made in 2006 and to additional conditions that were imposed following a Review Hearing before the Licensing Sub-Committee in 2007.

On Saturday the 6 December 2008 at 21.30 hrs a test purchase of Stongbow Cider was made by a Licensing Inspector, Mr. Gareth Cleary. The sale was not made in the presence of a Personal Licence Holder, as required by Condition 11 of the Premises Licence.

The joint holders of the Premises Licence and the Designated Premises Supervisor were all invited to attend interviews under caution but following a number of requests finally responded in writing to the allegations.

The response claimed that Mr. Hussain, one of the joint licence holders, will be obtaining his Personal Licence to ensure that the premises can comply with condition 11. The refusals book is now available and in use as required by condition 12. All beers and ciders above 5.5% have been removed from the venue and all spirits are now stored behind the counter and not accessible via self-service. The licence holders and Designated Premises Supervisor will endeavour to ensure that no further breaches of the Licensing Act occur.

On Saturday the 2 May 2009 at 21.50 hrs Kay Cummings and Gareth Cleary, who are Licensing Inspectors, attended the premises. A test purchase of Budweiser Beer was made and the sale was made by Mr. Sayaad Miah (one of the joint Licence Holders) in breach of condition 11 of the Premises Licence which states that "A personal licence holder will supervise all sales of alcohol at all times". Mr. Miah is not the holder of a Personal Licence and Mr. Gillani, the Designated Premises Supervisor for the premises, who does hold such a licence was not on the premises at the time of the sale. There was not other Personal Licence Holder present.

Mr. Miah and Mr. Gillani were invited to attend interviews under caution but failed to respond to the two requests made in writing.

Mr. Miah holds the Premises Licence jointly with a Mr. Hussain, but as Mr. Hussain was not present at the time of this offence, he has not been contacted in relation to the incident on the 2 May 2009.

On Saturday the 4 July 2009 at 23.46 hrs Kay Cummings attended the premises as part of a Ward Sweep intended to check on unlicensed activity. A male was observed removing a bottle which appeared to be a beer, possibly Budweiser brand from a behind a shuttered fridge where alcohol is stored. Upon entry the bottle was no longer visible and the member of staff on duty denied selling alcohol. At the time the C.C.T.V. screen was not operating as the screen was blank with no visible pictures. There was power going to the screen as a 'red light' on the monitor was lit. The Designated Premises Supervisor, Mr. Gillani attended the venue and he claimed that the C.C.T.V. should be recording and a request to view the recordings was made to resolve the question as to whether or not alcohol had just been sold. However Mr. Gillani could not retrieve the pictures immediately as he did not know how to use the system. In addition Mr. Gillani claimed that the system was damaged by a power outage so he was unsure if the system was operating correctly.

Despite further requests to view the C.C.T.V. for the 4 July 2009 the premises have been unable to produce any recordings for the day in question in breach of condition 4 of their Premises Licence.

The premises have been closed for a period of time due to Food Safety issues and it was not apparent whether the venue was again open for the sale of alcohol. The premises are however again trading under their Premises Licence and the C.C.T.V. system is now operational.

WITNESS STATEMENT

(page 1 of 3)

(C.J. Act,1967 s.9 MC Act 1980, ss.5A(3) and 5B; Criminal Procedure rules 2005, r27.1(1))

Statement of Gareth CLBARY
Age of Witness Over 18 years
Occupation of Witness Licensing Inspector
Address and Telephone Number Westminster City Council
Community Protection Department
Licensing Inspectorate
4th Floor, Westminster City
Victoria Street, London, SW1E 6QP
0207-641-3385

This statement (consisting of 3 pages, 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 willfully stated in it anything which I know to be false or do not believe to be true.

Date: 7th December 2008

Signed



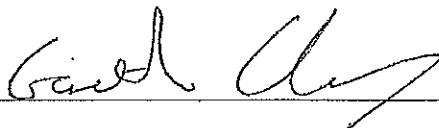
I am employed by Westminster City Council as a Licensing Inspector. I am authorised to enter and inspect premises, make enquiries and to exercise the functions and powers as contained under the provisions of the Licensing Act 2003. On 06/12/08 I was on duty in Kilburn Lane, W9, with Ms Kay CUMMINGS, also a licensing Inspector, with the purpose of conducting a test purchase of alcohol at a premises called 'One Nation Food And Wine, 332 Kilburn Lane, W9 3EF.

At about 21.25pm I entered the shop. There were no other customers in the shop.

Behind the counter was an asian male, with dark short hair. I now know this man to be Jawad Hussain. Standing to the side of the counter there was another asian male in a black leather jacket, who appeared to be a member of staff.

I walked over to a drinks cabinet at the left hand side of the premises that contained various alcoholic drinks in cans and bottles such as beer and cider. I could see that the alcohol content in the drinks cabinet was below 5.5%.

Signed



Date

7/12/08

I then went to the right hand side of the premises and examined further cans of alcohol beer and cider on a shelf. Once again, the alcohol content was below 5.5%.

At this point, I approached the counter and said "Do you have any strong beer or cider?"

Jawad Hussain said "No, just what we got on the shelves"

I said "OK".

I then returned to the drinks cabinet and got a can of strongbow cider. I walked over to the counter and placed the can of Strongbow cider down in front of Mr Hussain.

Mr Hussain placed the can of Strongbow in a brown paper bag and said "£1.20".

I handed Mr Hussain £10, and he gave me £8.80 in change.

At the time of sale, Mr Hussain was the only member of staff present at the counter, I did not see where the other male went between the time of my walking to the display and returning to the cash-desk.

Once outside the premises, I showed Ms CUMMINGS what I purchased and then at 21.30p.m. I returned to "One Nation Food And Wine at 332 Kilburn Lane W9, with Ms. CUMMINGS. Ms. CUMMINGS identified herself as did I, by showing my Westminster City Council Identification card. I identified Mr Hussain as the person who sold me the alcohol.

Mr Hussain was standing behind the counter.

I pointed directly at him and said, "That's him he sold me the alcohol."

My colleague Ms. Cummings asked Mr Hussain if she could examine his personal licence.

Mr Hussain stated that he did not have a personal licence.

Ms Cummings then asked the second member of staff that was present if he held a Personal Licence and he stated he did not. I recognized this second male as the one who had originally been present when I entered the shop at 21.29 hrs.

Signed

Gareth Cleary

Date

7/12/08

Ms Cummings then requested Mr. Hussain to produce the Premises Licence but instead he made a telephone call. After a short period of time a third male attended the premises who appeared to know Ms. Cummings. She asked this man, who I now know to be the other holder of the Premises Licence if he could produce his Personal Licence and he stated that he did not have it with him as it was at his fathers house.

After about five minutes or so another male attended the premises and was identified as the Designated Premises Supervisor, Mr. Gillani. He was able to produce his Personal Licence and Ms. Cummings took details.

Ms. Cummings then had a long discussion with Mr. Gillani, in general terms, about issues that had been found at the premises during both this visit and during a previous inspection that she had undertaken. During this discussion Ms. Cummings expressed her concerns relating to the management of the premises and the continued breaches of licence conditions.

A formal interview did not take place of any members of staff and it was agreed that Mr. Gillani would phone Ms. Cummings in January 2009 to arrange for a formal interview to take place in respect of breaches of the Premises Licence conditions that had been detected. Ms. Cummings completed a Self-Generated Licensing Inspection form which Mr. Gillani then signed on behalf of all persons present. A copy of this self-carbonated form where then handed to Mr. Gillani and then Ms Cummings and I left the premises.

Upon our return to City Hall, Ms. Cummings prepared evidence bag MB088481 in which was placed the can of Strongbow Cider and the brown paper bag. I signed this bag and then Ms. Cummings arranged for it to be put in secure storage.

Signed

Gareth Cummings

Date 7/12/08

WITNESS STATEMENT (page 1 of 2)

(C.J. Act,1967 s.9 MC Act 1980, ss.5A(3) and 5B; Criminal Procedure rules 2005, r27.1(1))

Statement of Gareth CLEARY
Age of Witness Over 18 years
Occupation of Witness Licensing Inspector
Address and Telephone Number Westminster City Council
Community Protection Department
Licensing Inspectorate
4th Floor, Westminster City
Victoria Street, London, SW1E 6QP
0207-641-3385

This statement (consisting of two pages, 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 willfully stated in it anything which I know to be false or do not believe to be true.

Date: 13th October 2009

Signed 

I am employed by Westminster City Council as a Licensing Inspector. I am authorised to enter and inspect premises, make enquiries and to exercise the functions and powers as contained under the provisions of the Licensing Act 2003. On 02/5/09 I was on duty in Kilburn Lane, W9, with Ms Kay CUMMINGS, also a licensing Inspector, with the purpose of conducting a test purchase of alcohol at a premises called 'One Nation Food And Wine, 332 Kilburn Lane, W9 3EF.

I am aware that the premises has a condition on their Premises Licence requiring that a personal licence holder supervise all sales of alcohol at all times. During my previous visits with Ms. Cummings I have established that there is only one Personal Licence Holder at the premises and that is Mr. Gillani who is the Designated Premises Supervisor.

At about 21.54pm I entered the shop. There were no other customers in the shop.

Behind the counter was an asian male, with dark short hair. I now know this man to be Sayaad Miah. Mr. Gillani was not present in the shop.

Signed 

Date 13/10/09

I walked over to a drinks cabinet on the left-hand side of the premises and got a can of Budweiser Beer. I walked over to the counter and placed the can of Budweiser Beer down in front of Mr Miah.

Mr. Miah asked if I wanted a bag, I said "No".

Mr. Miah then said "£1.20"

I handed Mr. Miah £10, and he gave me £8.80 in change. I then left the premises.

Once outside the premises, I showed Ms CUMMINGS what I purchased and then at 22.00p.m. I returned to "One Nation Food And Wine at 332 Kilburn Lane W9, with Ms. CUMMINGS. Ms. CUMMINGS identified herself as did I, by showing my Westminster City Council Identification card. I identified Mr. Miah as the person who sold me the alcohol. Mr. Miah was standing behind the counter.

I pointed directly at him and said, "That's him he sold me the alcohol."

My colleague Ms. Cummings asked Mr. Miah if he held personal licence.

Mr. Miah stated that he did not have a personal licence.

Ms. Cummings then asked Mr. Miah if Mr. Gillani was present. Mr. Miah stated that Mr. Gillani was not present. Ms. Cummings then commenced completing an Unsatisfactory Licensing Inspection Form and whilst Ms. Cummings was doing was completing it Mr. Gillani entered the venue. Mr. Gallani informed Ms. Cummings that he had just gone out for a tea however he did not appear to be in possession of a hot drink.

Ms. Cummings informed Mr. Gillani of what had taken place but he did not offer any further comment. Ms. Cummings then completed the Unsatisfactory Licensing Inspection Form which Mr. Miah read, signed and dated. Ms. Cummings gave him a carbonated copy of this form and retained the original. Subsequent to handing Mr. Miah a copy of the Inspection form, Mr. Cleary and left the premises.

Signed

Gareth Cleary

Date

13/10/09

WITNESS STATEMENT

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Statement of: Kay CummingsAge if under 18 Over 18 (if over 18 insert 'over 18') Occupation Licensing Inspector

Address and Telephone Number:

Westminster City Council
Community Protection Department
Licensing Inspectorate
City Hall,
Fourth Floor
64 Victoria Street
LONDON
SW1E 6QP

Tel: 0207 641 3385/8511

This statement (consisting of 5 pages 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: 26 October 2009Signature: K. Cummings

I am employed by Westminster City Council as a Licensing Inspector. I have held this position since 24 October 2005. I am authorised to enter and inspect premises, make enquiries and to exercise the functions and powers as contained under the provisions of the Licensing Act 2003. My authorisation is in the form of a letter of authority signed by the Director of the Community Protection Department, Dean Ingledew.

The above premises benefits from a Premises Licence issued under the Licensing Act 2003. This licence authorises the following activities:-

Sale by Retail of Alcohol: Monday to Saturday 08.00 to 23.00

Sale by Retail of Alcohol: Sunday 10.00 to 22.00

This licence is subject to a number of conditions that have arisen from the original operating schedule that was submitted when a new application for a Premises Licence was made in 2006 and to additional conditions that were imposed following a Review Hearing before the Licensing Sub-Committee in 2007. I can produce a copy of the Premises Licence as exhibit KTC/1.

On Saturday the 6 December 2008 I was on duty with my colleague Mr. Gareth Cleary who is a Licensing Inspector. We were carrying out a Ward Sweep checking for unlicensed activity. About 21.30 hrs we attended 'One Nation Food and Wine, 332 Kilburn Lane, London, W9. At my request, Mr. Cleary went into the shop to carry out a test purchase of alcohol. As I was known to the venue I remained in our vehicle in Kilburn Lane.

Signature K. Cummings

Signature witnessed by: _____

WITNESS STATEMENT

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Continuation of statement of: Kay Theresa Cummings

After a few minutes Mr. Cleary returned to the vehicle with a can of Strongbow Cider which was in a brown paper bag. I returned to the shop with Mr. Cleary where we both identified ourselves to the members of staff on duty. At this time there were two persons in the shop.

Mr. Cleary then identified Mr. Jawad Hussain as being the person responsible for the sale of the Strongbow to him. I asked Mr. Hussain if he could produce his Personal Licence and he stated that he did not hold a Personal Licence.

I then asked the other member of staff if he held a Personal Licence and he stated that he did not.

I requested Mr. Hussain to produce the Premises Licence but instead he made a phone call and after a short time Mr. Miah attended the venue.

Neither Mr. Hussain nor Mr. Miah could produce a Personal Licence and it later became apparent that neither of them was actually the holder of a Personal Licence although they had undertaken the qualifying course.

Whilst Mr. Cleary and I were at the premises, another male attended the shop who identified himself as Mr. Gillani, the Designated Premises Supervisor. I asked him for his Personal Licence which he was able to produce and I obtained full details of his licence.

Mr. Cleary and I then had a long conversation with Mr. Gillani about the issues that had been found at the premises both during this visit and during my previous visit. I expressed my concerns over the management of the venue and about the breaches of the licence conditions which had been detected.

I advised Mr. Gillani and the two joint holders of the Premises Licence that I would be writing to them further, inviting them to attend a formal interview under caution. I then completed an unsatisfactory Licensing Inspection Form which Mr. Gillani signed. I can produce a copy of this form as an exhibit reference KTC/2.

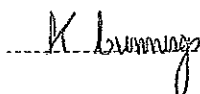
On the 16 December 2008 I sent Legal Letters to Mr. Jawad Hussain, Mr. Sayaad Miah and Mr. S. H. Gillani. In these letters I outlined details of my visit on the 6 December and I invited all three persons to attend formal interviews under caution. I can produce copies of these letters as exhibits reference KTC/3 to KTC/5 inclusive.

Following my letter of the 16 December 2008 an appointment was made for the formal interviews. However during my telephone conversation with Mr. Gillani making this appointment he indicated that he was going away on holiday. As a result of this I sent a further letter to Mr. Hussain and Mr. Miah advising them that unless one or other of them had obtained a Personal Licence or there was a Personal Licence Holder on premises all sales of alcohol would have to cease until Mr. Gillani returned from holiday. I can produce a copy of this letter as an exhibit reference KTC/6.

On the 16 March 2009 I received a letter signed by the Joint Licence Holders and the Designated Premises Supervisor responding to issues raised during my two visits. This letter was sent as an alternative to attending a formal legal interview. I can produce a copy of it as an exhibit reference KTC/7.

About 21.50 hrs on Saturday the 2 May 2009 I was on duty with my colleague, Mr. Gareth Cleary, who is also a Licensing Inspector. We were carrying out visits to licensed premises checking for any unlicensed activity.

Signature



Signature witnessed by: _____

WITNESS STATEMENT

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Continuation of statement of: Kay Theresa Cummings

Upon arrival in Kilburn Lane I noted that a premises called "One Nation Food & Wine" which is situated at 332 Kilburn Lane, London, W9 was open and trading. These premises benefit from a Premises Licence issued under the Licensing Act 2003. I have visited these premises on a number of previous occasions. I have carried out inspections under the Licensing Act 2003, and also carried out test purchases of alcohol.

I am aware that the premises has a condition on their Premises Licence requiring that a personal licence holder supervise all sales of alcohol at all times. During my previous visits I have established that there is only one Personal Licence Holder at the premises and that is Mr. Gillani who is the Designated Premises Supervisor. I am also aware from previous visits that Mr. Gillani is not always at the premises. Whilst I have advised the holders of the Premises Licence to obtain Personal Licences as they work at the venue, I was unsure whether or not they had actually followed my advice. As a result of my concerns I requested my colleague, Mr. Cleary, to attempt a test purchase of alcohol.

Whilst Mr. Cleary went to the premises I remained outside, at a distance from the premises as I was concerned that they would recognise me. After a few minutes Mr. Cleary re-joined me and showed me a can of Budweiser Beer which he had purchased from the premises at a cost of £1.20p.

As a result of this successful test purchase of alcohol, I returned to the premises with Mr. Cleary where we found one member of staff behind the counter. This person was Mr. Sayaad Miah who is one of the joint holders of the Premises Licence. In Mr. Miah's presence, Mr. Cleary identified him as the person who had sold him the beer.

I asked Mr. Miah if he held a Personal Licence and he informed me that he did not. I asked if Mr. Gillani was in the premises and I was informed that he was not present. I then commenced completing an Unsatisfactory Licensing Inspection Form and whilst I was completing it Mr. Gillani entered the venue. He informed me that he had just gone out for a tea however he did not appear to be in possession of a hot drink.

I informed Mr. Gillani of what had taken place but he did not offer any further comment. I then completed the Unsatisfactory Licensing Inspection Form which Mr. Miah read, signed and dated. I gave him a carbonated copy of this form and retained the original which I can produce as an exhibit reference KTC/8.

Subsequent to handing Mr. Miah a copy of the Inspection Form, Mr. Cleary and I left the premises.

On the 7 May 2009 I sent legal letters to Mr. Sayaad Miah and to Mr. Shabir Hussain Gillani inviting them to attend a formal interview in respect of the test purchase of alcohol made by Mr. Cleary. I can produce copies of these letters as exhibits reference KTC/9 and KTC/10.

On the 25 June 2009 I sent further letters to Mr. Miah and to Mr. Gillani giving them a further opportunity to attend a formal interview. I can produce copies of these letters as exhibits KTC/11 and KTC/12.

I have not received any response to my correspondence from either Mr. Miah or Mr. Gillani.

On Saturday the 4 July 2009 I was on duty taking part in a 'Ward Sweep' to check for any unlicensed activity. About 23.46 hrs I was outside One Nation Food and Wine which is situated at 332 Kilburn Lane, London, W9.

Signature

K Cummings

Signature witnessed by:

WITNESS STATEMENT

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Continuation of statement of: Kay Theresa Cummings

I had parked my vehicle outside the venue which was open and trading. The street lights were switched on and so were all of the shop lights. I could see into the premises as the front door was fully open.

I have attended One Nation Food and Wine in the past and I am aware that directly inside the premises on the left-hand side there is a refrigerator where alcohol is displayed. From my position outside the venue I was able to see part of the refrigerator that is furthest from the door. The fridge had a blind covering the front. As I looked into the premises I saw a male at the refrigerator. He removed a bottle from behind the blind and looked at it before replacing it in the fridge. He then selected another bottle and walked with it towards the counter where the till is situated to the right-hand side of the main entrance. I noted that the bottle that had been selected was brown in colour and looked to me like a bottle of Budweiser beer.

After witnessing the bottle being removed and taken towards the till, I got out of my vehicle and entered the premises. When I entered the shop the male, who I had seen remove the bottle from the fridge, was at the counter. There was one person behind the counter who was ringing up the sale on the till. I identified myself to the male behind the counter who I knew to be one of the holders of the Premises Licence but whose name I could not immediately recall. I advised him what I had seen and said I suspected he had just sold a bottle of Budweiser beer but he denied it immediately saying he had not sold Budweiser beer and that the sales of alcohol end at 11 p.m. At this time there were other persons in the premises. I stated to the Manager that I might be in error as to the brand but I still suspected that he had sold alcohol but he again denied selling Budweiser beer. He was speaking quite loudly in front of other customers and during this period the male left the venue. I suggested that the matter could be easily resolved if he showed me the till receipt for the sale that had just been made but he then denied making a sale and that there had even been a male in the premises.

The Manager then made a brief phone call and after a few minutes Mr. Gillani, who is the Designated Premises Supervisor, arrived at the premises. As soon as he entered the premises the Manager said something to him but as he did not speak in English I do not know what was said.

I identified myself to Mr. Gillani but he recognised me from my previous visits. I explained what I had seen and again the Manager denied selling Budweiser beer. As I knew that the premises were required to have C.C.T.V. I suggested to Mr. Gillani that we could view the recordings and this would immediately resolve the debate. I then looked at the C.C.T.V. screen in the shop and noted that it was not displaying pictures. There was a 'red' light on which indicated that power was going to the screen. Mr. Gillani told me that he could not retrieve the recordings immediately as he did not know how to check the system. He also claimed that there had been a 'power outage' due to flooding in the next premises and that this had affected the system.

As we were not able to resolve this issue immediately I completed a Licensing Inspection Form recording the visit but not showing whether the visit was 'Satisfactory' or 'Unsatisfactory' due to the ongoing denials of the Manager. Mr. Gillani signed the form in his role as Designated Premises Supervisor and I gave him a copy. I can produce this as an exhibit reference KTC/13. Prior to leaving the premises, Mr. Gillani stated that he would be calling in an engineer to repair the system and that he would retain any recordings from the 4 July 2009.

Subsequent to my visit to the premises I contacted Mr. Gillani on a number of occasions but he was unable to provide the C.C.T.V. recordings for the 4 July 2009 and so the issue surrounding the suspected sale of alcohol was not resolved.

Signature

K Cummings

Signature witnessed by: _____

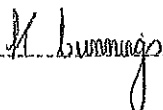
WITNESS STATEMENT

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Continuation of statement of: Kay Theresa Cummings

On the 6 August 2009 I wrote to Mr. Sayaad Miah & Mr. Jawad Hussain who are the joint-holders of the Premises Licence for One Nation Food and Wine concerning the incident on the 4 July 2009. I refer to the fact that I had not been able to view the C.C.T.V. and therefore to allay my concerns about the sale of alcohol. I did however state that, as the premises were closed due to other issues I would not be pursuing the matter further. I did however remind them of three conditions of their Premises Licence relating to the maintenance and use of the C.C.T.V. Further I reminded them about securing alcohol behind lockable blinds or shutters outside the hours for the Retail Sale of Alcohol plus the need for all sales of alcohol to be supervised at all times by a Personal Licence Holder, as I was aware that the Manager on the 4 July was not the holder of a Personal Licence. I can produce a copy of this letter as an exhibit reference KTC/14.

Signature



Signature witnessed by:

HISTORY OF PREMISES

One Nation Food & Wine

- 23.02.06 Premises visited. No alcohol on display and no evidence of unauthorised sales taking place.
- 13.04.06 Covert visit by Licensing Inspector resulted in a refusal to sell alcohol. And none found to be on display.
- 03.12.06 Observation kept upon these premises on Friday night / Sat morning 1st/2nd Dec and Sat night / Sun morning 2nd / 3rd Dec. A number of sales of alcohol witnessed after 2300 hours. Premises Licence permits sale up to 2300. Venue entered and Duty Manger seen. It was also noted that Premises Licence not displayed, 7 different types of beer and cider on sale over 5.5% abv (max 5.5% permitted). Alcohol not secured behind grills or shutters, or locked cabinet after 11pm.
- 09.02.07 Licensing Inspector attended premises trading in order to check if licence holder in compliance with condition pertaining to not selling alcohol in excess of 5.5% abv. A number of cans of lager and cider at 7% and 9% on display in cooler unit and on shelves for sale.
- 31.08.07 23:45 Inspected alcohol for sale. None in excess of 5.5% abv Blinds drawn down covering alcohol on shelves. Satisfactory on this occasion

07.09.07		Council has received a request to Review the above Premises Licence, under the Licensing Act 2003. Last Date of Objection: 16/09/07
22.09.07	22:05	Beer, cider and lager checked to see if in excess of 5.5% alcohol per volume - not permitted Premises Licence condition. None found in excess of 5.5%. Satisfactory visit so no further action needed.
19.12.07		Visit to premise after recent 'Trading Standards Underage Operation.' Two volunteers were refused sale. Since the 'Review' of the Premises Licence, all refusals need to be recorded. Further advice given on completing 'refusals book' on a regular basis
20.06.08	23:16	Visit by Licensing Inspectors to confirm no sales beyond permitted hours. Alcohol found to be locked behind metal grilles.
03.08.08	00:10	A number of bottles of alcoholic strength in excess of 5.5% located on display for sale, contrary to Licence condition. Also alcohol was on display behind unlocked grill, contrary to Licence condition. Warning/advice letter sent to venue
24.08.08	00:05	No alcohol above 5.5% abv on display however metal grill securing same was not locked. Suspected that unlicensed trading is taking place after 11pm.
12.09.08	23:40	Visit by Licensing Inspectors to confirm no sales beyond permitted hours. Alcohol found to be locked behind metal grilles.

- | | | |
|----------|-------|--|
| 03.10.08 | 23:35 | Visit by Licensing Inspectors to confirm no sales beyond permitted hours. Alcohol found to be locked behind metal grilles. |
| 24.10.08 | 23:10 | Visit by Licensing Inspectors to confirm no sales beyond permitted hours. Alcohol found to be locked behind metal grilles. |
| 13.11.08 | 15.54 | Visit by Licensing Inspector to carry out an inspection under the Licensing Act 2003. The following issues were detected:- <ul style="list-style-type: none">a. Purchased White Ace cider 7.5% abv in breach of licence condition.b. Other brands of beer and cider above 5.5% abv found including K Cider, Strongbow Super, Dragon Stout, Guinness Foreign Extra, Special Brew (9%) and Skol Super (9%)c. Sale not supervised by a personal licence holder in contravention of licence conditiond. Mixer spirit drinks found available by self-service despite condition that there is to be no self-service of spirits.e. Duty Manager, Mr. Miah apparently not aware that he was the joint-holder of the Premises Licence.f. Breach of condition 12 as venue unable to produce a 'Refusals Book' |

The issues of the 13 November were originally to be dealt with by way of prosecution and legal letters were sent to the premises. However due to legal time limits they are not being pursued in this prosecution.

16.01.09	23:03	Visit by Licensing Inspectors to confirm no sales beyond permitted hours. Alcohol found to be locked behind metal grilles.
06.02.09	23:15	Visit by Licensing Inspectors to confirm no sales beyond permitted hours. Alcohol found to be locked behind metal grilles.
04.07.09	23.05	Visit made to premises during a 'Ward Sweep' to check on unlicensed activity. At the time of this visit shutters were covering the alcohol but they were not secured shut. The manager placed a padlock on the cabinet when requested.

LIST OF EXHIBITS

One Nation Food & Wine

- GTC/1 One can of Strongbow Cider
- KTC/1 Premises Licence Ref: 06/04707/WCCMAP
- KTC/2 Unsatisfactory Licensing Inspection Form dated 6.12.08
- KTC/3 Legal letter to Mr. Hussain
- KTC/4 Legal letter to Mr. Miah
- KTC/5 Legal letter to Mr. Gillani
- KTC/6 Letter to Mr. Hussain and Mr. Miah concerning sales of alcohol during Mr. Gillani's holiday
- KTC/7 Letter from Mr. Hussain, Mr. Miah and Mr. Gillani responding to issues raised during inspections/visits
- KTC/8 Unsatisfactory Licensing Inspection Form dated 2.05.09
- KTC/9 Legal letter to Mr. Miah
- KTC/10 Legal letter to Mr. Gillani
- KTC/11 Further legal letter to Mr. Miah
- KTC/12 Further legal letter to Mr. Gillani
- KTC/13 Licensing Inspection Form dated 4.07.09
- KTC/14 Letter to Mr. Miah and Mr. Hussain dated 6.08.09



City of Westminster

City of Westminster
Community Protection Department
C391141
64 Victoria Street,
London SW1E 6QP

Description of Exhibit :Premises Licence 06/04707/WCCMAP

This is Exhibit: KTC/1 Referred to in
the Statement of Kay Cummings
Signed: [Signature] Date: 17.03.09.

Court Use Only:

Schedule 12
Part A

WARD: Queen's Park
UPRN: 999000065152

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

Premises licence

Regulation 33, 34

Premises licence number:

06/04707/WCCMAP

Part 1 – Premises details

Postal address of premises:

One Nation Food And Wine
332 Kilburn Lane
London
W9 3EF

Telephone Number: 020 8960 0134

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol: Monday to Saturday - 08:00 to 23:00
Sale by Retail of Alcohol: Sunday - 10:00 to 22:00

The opening hours of the premises:

Opening Hours: Monday to Sunday - 08:00 to 23:00

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

Off

Part 2

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

Mr Sayaad Mlah & Mr Jawad Hussain
332 Kilburn Lane
London
W9 3EF
Telephone Number: 020 8960 0134

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

N/A

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

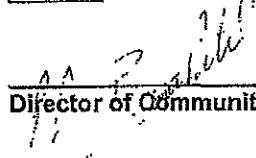
Name: Mr Shabir Hussain Gillani

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: 06/07989/LIPERS
Licensing Authority: City of Westminster

Date: 7th December 2007

Signed: 
Director of Community Protection

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.

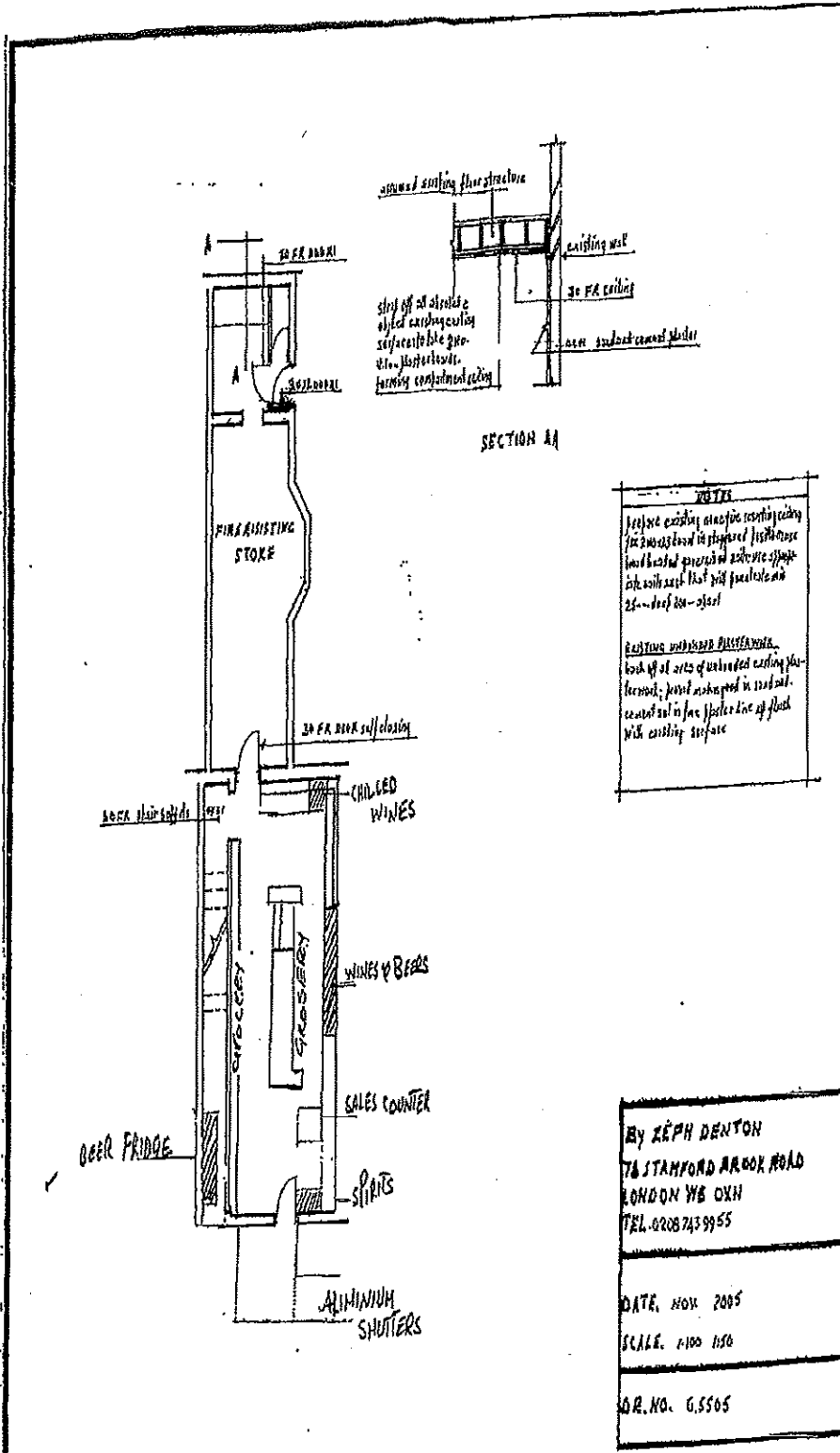
Annex 2 – Conditions consistent with the operating Schedule

4. That a comprehensive CCTV system shall be installed, operated and maintained as per the requirements of the Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.
5. No beer or cider to be sold above 5.5% alcohol by volume
6. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
7. Outside of permitted hours all alcohol within the shop area to be secured behind locked grills/screens or secured behind locked cabinet doors.
8. No self service of spirits
9. In the judgement of the Designated Premises Supervisor, to maintain at all times levels of staff, so as not to undermine the Crime and Disorder objectives, to be disclosed on request of the Licensing Authority and the Police.
10. The display of alcohol to be concealed by lockable blinds or shutters and the chilled cabinets to be locked outside of the hours of the supply of alcohol on the premises licence

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

11. A personal licence holder will supervise all sales of alcohol at all times.
12. A refusals book must be maintained and kept up to date at all times and be available for inspection at the request of a responsible authority.
13. The Portman Group/Challenge 21 or equivalent scheme will be employed.
14. A Challenge 21, Portman Group or equivalent scheme poster must be displayed at the premises.

Annex 4 - Plans





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

Schedule 12
Part B

WARD: Queen's Park
UPRN: 99900065152

Premises licence
summary

Regulation 33, 34

Premises licence number:

06/04707/WCCMAP

Part 1 – Premises details

Postal address of premises:

One Nation Food And Wine
332 Kilburn Lane
London
W9 3EF

Telephone Number: 020 8960 0134

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol: Monday to Saturday - 08:00 to 23:00
Sale by Retail of Alcohol: Sunday - 10:00 to 22:00

The opening hours of the premises:

Opening Hours: Monday to Sunday - 08:00 to 23:00

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

Off

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

Mr Sayaad Miah & Mr Jawad Hussain
332 Kilburn Lane
London
W9 3EF

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

N/A

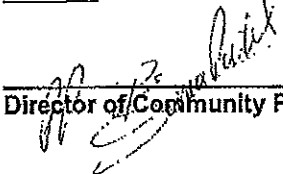
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Mr Shabir Hussain Gillani

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

Restricted

Date: 7th December 2007

Signed: 
Director of Community Protection

ONE NATION FOOD AND WINE

13 NOVEMBER 2008

69P



City of Westminster

City of Westminster
Community Protection Department
City Hall
64 Victoria Street,
London, SW1E 6QP

Description of Exhibit One Till Receipt for 69p

This is Exhibit: KTC/3..... Referred to in
the Statement of Kay Cummings
Signed: *M. J. Cummings*..... Date: 17.03.09.

Count Use Only:



City of Westminster

Licensing Act 2003

Programmed Inspection

Uniform Ref: 00638/0332/0/000

Register No: 23

Date/ time of Inspection: 13/11/08 1554

Premises Licence No: _____

Premises: ONE NATION FOOD AND WINE Cat: H/M/L

Address: 332 KILBURN LANE W9 3EP

Duty Manager/DPS: _____ E-Mail: _____

I refer to the Licensing Inspection carried out in the presence of: _____

During the course of the inspection the following irregularities were noted: -

- The summary version of the Premises Licence (Part B) was not correctly displayed
- The full version of the Premises Licence (Part A) could not be produced for inspection
- No notice was displayed stating the holder (s)/keeper(s) of the full Premises Licence
- Premises Licence (other)

City of Westminster
 City of Westminster
 Community Protection Department
 City Hall
 64 Victoria Street,
 London, SW1E 6QP

Description of Exhibit Programmed Inspection Form 13.11.08
 This is Exhibit: KTC/A Referred to in
 the Statement of: Kay Cummings
 Signed: K. Cummings Date 17.03.09.
 Court Use Only: _____

(Note: These issues are breaches of Section 57(4) Licensing Act 2003 and are brought to yo

The Licensing Act 2003 requires Licensing Authorities to carry out all their function with a view to promoting the four Licensing Objectives, (please see overleaf). In relation to these objectives, the following findings were made:-

- No first aid equipment was available at the premises
- No pre-opening check list was available
- No staff training records could be produced upon request
- No incident log could be produced REFUSALS BOOK COULD NOT BE FOUND
- Means of escape obstructed
- Evidence of Smoking ('No smoking signs' correctly displayed YES/NO)
- Other matters

RED LABEL APERITIF 13.7% WINE IN CHILLER FRIDGE 11-09

FIRE EXTINGUISHER 2001 NOTICE STATES NEEDS CORRECTION

(Note: These matters are brought to your attention to enable you to implement any remedial action you consider necessary to support the appropriate licensing objectives).

In respect of the conditions attached to the Premises Licence, the following breaches were detected :-

MR SAHAAD MIAH SOLD ONE CAN OF CIDER WHITE ACE CIDER 7.5% VOL 69p ON SHELVES W CIDER 8.4% STRAW SIGN OFF ICE, WIND, BACARDI BREEZERS, VIT VOJKA ALL BY SELF SERVICE

BREACH COND 11 SALE NOT SUPERVISED BY PERSONAL LICENCE HOLDER

(Note: These breaches may be subject to further correspondence)

I CERTIFY THAT ALL THE ABOVE IRREGULARITIES WILL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE DESIGNATED PREMISES SUPERVISOR/ HAVE BEEN BROUGHT TO MY ATTENTION. I UNDERTAKE TO TAKE ANY APPROPRIATE ACTION TO COMPLY WITH THE REQUIREMENTS OF THE LICENSING ACT 2003, THE LICENSING OBJECTIVES AND CONDITIONS OF THE PREMISES LICENCE. I HAVE BEEN ADVISED THAT A RE-INSPECTION MAY BE CONDUCTED SO AS TO ENSURE COMPLIANCE WITH THE ABOVE MATTERS.

Signed K. Cummings
(Licensing Inspector)

Signed S. MIAH
(Manager/ D.P.S./Premises Licence Holder)



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref:.....
My ref: 00638/0332/0/000
08/77948/ELSELF

Mr. Jawad Hussain
332 Kilburn Lane
London
W9 3EF

26 November 2008

Dear Mr. Hussain,


Re: One Nation Food & Wine, 332 Kilburn Lane, London, W9 3EF

I refer to my meeting with you and Mr. Sayaad Miah and inspection conducted at the above premises on 13 November 2008 at 15.54 hrs.

During the course of the inspection the following issues were identified:-

1. Part B (the Summary of the Licence) was displayed but not in a prominent position where it could easily be read by your customers
2. There was not a letter issued by you, as the holders of the Premises Licence, nominating who in your absence could produce the full licence.
3. There was a breach of condition 12 in that Mr. Miah could not locate the refusals book required by this condition. Whilst I was advised that such a book did exist I was somewhat surprised that one of the licence holders was unable to locate it.
4. There was a breach of condition 5 in that I was sold a can of White Ace Cider which has an abv of 7.5%. Under this condition you are not permitted to sell beers and ciders above 5.5% abv. In relation to the sale of the White Ace Cider, Mr. Miah initially tried to tell me that this was an error by a member of staff putting this on display however I also discovered 11 cans of K Cider with an abv of 8.4%. I was then told that this was old stock that you no longer sell.
5. There was a breach of condition 8 in that there were various mixer spirits available via self service. Under this condition you are not permitted to have self-service of spirits which would include drinks such as Gin and Tonic; Vodka and Tonic and Whisky and Ginger
6. There was a breach of condition 11 in that the sale of alcohol was not supervised by Personal Licence Holder

Community Protection
4th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP
Main Switchboard 020 7641 6000 www.westminster.gov.uk

 **City of Westminster**
City of Westminster
Community Protection Department
City Hall
64 Victoria Street,
London, SW1E 6QP

Description of Exhibit Legal Letter to Mr. Hussain 26.11.08
This is Exhibit: KTC/S..... Referred to in
the Statement of: Kay Cummings
Signed: *A. Cummings*..... Date: 17.03.09.
Court Use Only:

7. There was a breach of section 138 of the Licensing Act 2003 in that you had the following items of alcohol in your possession for sale in circumstances where its sale would be an unauthorised licensable activity:-

- White Star 7.5%
- White Ace 7.5%
- Strongbow Super 7.5%
- Stout 7.5%
- Guinness Foreign Extra 7.5%
- Special Brew 9%
- Skol Super 9%

Subsequent to my visit to your premises I have checked our records and see that on the 3 August 2008 you were visited by Mr. Nigel Stewart, a Senior Licensing Inspector, who advised you above conditions 5 and 10 on your Premises Licence and then sent you a letter on the 6 August. On the 24 August Mr. Stewart again visited your premises and again found a breach of condition 10.

In view of your continued breach of licence conditions and the serious nature of these matters, consideration is now being given to undertaking a formal prosecution. However, before the matter is submitted to the City Council's Director of Legal Services for consideration as to whether prosecution action should be considered, I would like you to have an opportunity to provide a response at an interview under caution.

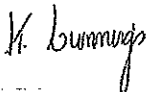
If you are willing to attend an interview, I would ask that you telephone me on the number at the top of this page, within 14 days of the date of this letter, so that a mutually convenient appointment can be arranged. I would remind you that you are entitled to seek legal advice before the interview takes place and/or to have legal representation during the course of the interview.

As an alternative, you may prefer to let me have your response to these issues in writing. This is acceptable, so long as you understand that **you do not have to say anything in response to the allegation. But it may harm your defence if you do not mention now, in response to the allegation, something which you later rely on in court. Anything you do say may be given in evidence.**

Your written response must be signed and dated by you and forwarded to the address recorded at the foot of this letter, within 14 days of the above date, marked for my attention.

Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Yours sincerely



Kay Cummings

Licensing Inspector
Community Protection



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref:.....
My ref: 00638/0332/0/000
08/77948/ELSELF

Mr. Sayaad Miah
332 Kilburn Lane
London
W9 3EF

26 November 2008


Dear Mr. Miah,

Re: One Nation Food & Wine, 332 Kilburn Lane, London, W9 3EF

I refer to my meeting with you and inspection conducted at the above premises on 13 November 2008 at 15.54 hrs.

During the course of the inspection the following issues were identified:-

1. Part B (the Summary of the Licence) was displayed but not in a prominent position where it could easily be read by your customers
2. There was not a letter issued by you, as the holders of the Premises Licence, nominating who in your absence could produce the full licence.
3. There was a breach of condition 12 in that Mr. Miah could not locate the refusals book required by this condition. Whilst I was advised that such a book did exist I was somewhat surprised that one of the licence holders was unable to locate it.
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5. There was a breach of condition 8 in that there were various mixer spirits available via self service. Under this condition you are not permitted to have self-service of spirits which would include drinks such as Gin and Tonic; Vodka and Tonic and Whisky and Ginger
6. There was a breach of condition 11 in that the sale of alcohol was not supervised by Personal Licence Holder

 **City of Westminster**
 City of Westminster
 Community Protection Department
 City Hall
 64 Victoria Street,
 London, SW1E 6QP

Description of Exhibit Legal Letter to Mr. Miah 26.11.08

This is Exhibit: KTC/6..... Referred to in
the Statement of: Kay Cummings
Signed: *K. Cummings* Date: 17.03.09.

Court Use Only:

Community Protection
4th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP
Main Switchboard 020 7641 6000 www.westminster.gov.uk

7. There was a breach of section 138 of the Licensing Act 2003 in that you had the following items of alcohol in your possession for sale in circumstances where its sale would be an unauthorised licensable activity:-

- White Star 7.5%
- White Ace 7.5%
- Strongbow Super 7.5%
- Stout 7.5%
- Guinness Foreign Extra 7.5%
- Special Brew 9%
- Skol Super 9%

Subsequent to my visit to your premises I have checked our records and see that on the 3 August 2008 you were visited by Mr. Nigel Stewart, a Senior Licensing Inspector, who advised you above conditions 5 and 10 on your Premises Licence and then sent you a letter on the 6 August. On the 24 August Mr. Stewart again visited your premises and again found a breach of condition 10.

In view of your continued breach of licence conditions and the serious nature of these matters, consideration is now being given to undertaking a formal prosecution. However, before the matter is submitted to the City Council's Director of Legal Services for consideration as to whether prosecution action should be considered, I would like you to have an opportunity to provide a response at an interview under caution.

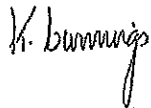
If you are willing to attend an interview, I would ask that you telephone me on the number at the top of this page, within 14 days of the date of this letter, so that a mutually convenient appointment can be arranged. I would remind you that you are entitled to seek legal advice before the interview takes place and/or to have legal representation during the course of the interview.

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Your written response must be signed and dated by you and forwarded to the address recorded at the foot of this letter, within 14 days of the above date, marked for my attention.

Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Yours sincerely



Kay Cummings

Licensing Inspector
Community Protection



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref:.....
My ref: 00638/0332/0/000
08/77948/ELSELF

Mr. S. H. Gillani
239 Portnall Road
London
W9 3BI

26 November 2008

Dear Mr. Gillani,


Re: One Nation Food & Wine, 332 Kilburn Lane, London, W9 3EF

I refer to my meeting with Mr. Miah and inspection conducted at the above premises on 13 November 2008 at 15.54 hrs.

During the course of the inspection the following issues were identified:-

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2. There was not a letter issued by you, as the holders of the Premises Licence, nominating who in your absence could produce the full licence.
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4th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP
Main Switchboard 020 7641 6000 www.westminster.gov.uk

 **City of Westminster**
City of Westminster
Community Protection Department
City Hall
64 Victoria Street
London, SW1E 6QP

Description of Exhibit Legal Letter to Mr. Gillani 26.11.08
This is Exhibit: KTC7 Referred to in
the Statement of: Kay Cummings
Signed: K. Cummings Date: 17.03.09.
Court Use Only:

7. There was a breach of section 138 of the Licensing Act 2003 in that you had the following items of alcohol in your possession for sale in circumstances where its sale would be an unauthorised licensable activity:-

- White Star 7.5%
- White Ace 7.5%
- Strongbow Super 7.5%
- Stout 7.5%
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- Skol Super 9%

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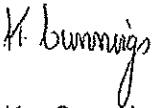
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As an alternative, you may prefer to let me have your response to these issues in writing. This is acceptable, so long as you understand that **you do not have to say anything in response to the allegation. But it may harm your defence if you do not mention now, in response to the allegation, something which you later rely on in court. Anything you do say may be given in evidence.**

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Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Yours sincerely



Kay Cummings

Licensing Inspector
Community Protection



City of Westminster

Licensing Act 2003

(Self generated/ tasking/Complaint/Referral)

08/148188/S COMP.

Uniform Ref: 08/77748/ELSELF

Register No: *6 47

Date/ time of inspection: 6/12/08 21 30

Premises licence No: 06/04707/WCCMA^P

Premises: ONE NATION FOOD AND WINE Cat: H/M/L

Address: 332 KILBURN LANE. W9 3EF Tel No: _____

Duty Manager/DPS: Mrs GILLANI E-Mail: _____

Personal Licence No(s): 06/07989/LIPERS WCC 17-8-2016 (Produced/Not produced)

- Yes/No - Evidence of Smoking.
- Yes/No - 'No smoking signs' displayed.
- Yes/No - The summary version of the Premises Licence (Part B) correctly displayed.
- Yes/No - The full version of the Premises Licence (Part A) produced for inspection.
- Yes/No - Notice displayed stating the holder (s)/keeper (s) of the full Premises Licence.
- Yes/No - Premises Licence (other).

City of Westminster
 City of Westminster
 Community Protection Department
 City Hall
 64 Victoria Street,
 London, SW1E 6QP

Description of Exhibit Unsatisfactory Licensing Inspection Form
 Dated 06.12.08. Referred to in
 This is Exhibit: KZC8
 the Statement of Kay Cummings
 Signed: K. Cummings Date: 17.03.09.
 Court Use Only:

OTHER MATTERS

TEST PURCHASE OF ALCOHOL MADE. ONLY 2 MEMBERS
PRESENT NEITHER OF WHOM HOLD A PERSONAL LICENCE
SALE WAS MADE BY JAWAD HUSSAIN.

MR HUSSAIN WILL CONSIDER APPLYING TO BE REMOVED
FROM LICENCE 0207 641 8549 OR WWW.WESTMINSTER
GOV.UK. FOR APPLICATION FORM TO VARY LICENCE.

MR GILLANI WILL PHONE ME IN JANUARY 2009 TO
ARRANGE I/V.

Referrals: _____

I CERTIFY THAT ALL THE ABOVE ISSUES/IRREGULARITIES WILL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE DESIGNATED PREMISES SUPERVISOR AND PREMISES LICENCE HOLDER / HAVE BEEN BROUGHT TO MY ATTENTION. I UNDERTAKE TO TAKE ANY APPROPRIATE ACTION TO COMPLY WITH REQUIREMENTS OF THE LICENSING ACT 2003, THE LICENSING OBJECTIVES AND CONDITIONS OF THE PREMISES LICENCE. I HAVE BEEN ADVISED THAT A RE-INSPECTION MAY BE CONDUCTED SO AS TO ENSURE COMPLIANCE WITH THE ABOVE MATTERS.

Signed K. Cummings
 (Licensing Inspector)
 Print name KAY CUMMINGS
 Tel. No 0207 641 8511

Signed S. H. Gillani
 (Manager/ D.P.S./Premises Licence Holder)



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref:.....
My ref: 00638/0332/0/000
08/77948/ELSELF

Mr. Jawad Hussain
332 Kilburn Lane
London
W9 3EF

16 December 2008

Dear Mr. Hussain,

Re: One Nation Food & Wine, 332 Kilburn Lane, London, W9 3EF

Further to my letter dated the 26 November 2008 concerning my meeting with Mr. Miah and inspection conducted at the above premises on 13 November 2008 at 15.54 hrs.

As you are aware I re-attended the premises on the 6 December 2008 at 21.30 hrs in company with my colleague Mr. Gareth Cleary who carried out a test purchase of alcohol. Whilst this sale was made by one of the holders of the Premises Licence, the sale was not supervised by a Personal Licence holder as required by condition 11 of your licence.

At the time of my visit to the premises I advised you that in view of the continued breach of licence conditions and the serious nature of these matters, consideration is being given to undertaking a formal prosecution.

I would remind you that at the time of my visit you agreed to contact me in January 2009 to arrange for a formal interview to take place. I would therefore request that you telephone me during the week commencing 5 January on the above telephone number so that a convenient time may be arranged for this interview to take place.

Alternatively you may prefer to let me have your response to these issues in writing. This is acceptable, as long as you understand that:-

"You do not have to say anything in response to the allegation. But it may harm your defence if you do not mention now, in response to the allegation, something which you later rely on in court. Anything you do say may be given in evidence."

Your written response must be signed and dated by you and forwarded to the address recorded at the foot of this letter, by the 20 January 2009, marked for my attention.

Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Yours sincerely

Kay Cummings

Licensing Inspector
Community Protection

Community Protection
4th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP
Main Switchboard 020 7641 6000 www.westminster.gov.uk



City of Westminster

City of Westminster
Community Protection Department
CIV/PLM
64 Victoria Street,
London, SW1E 6QP

Description of Exhibit Legal Letter to Mr. Hussain 16.12.08

This is Exhibit: KTC/S..... Referred to in
the Statement of: Kay Cummings

Signed: *K. Cummings*..... Date: 17.03.09.

Court Use Only:



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref:.....
My ref: 00638/0332/0/000
08/77948/ELSELF

Mr. Sayaad Miah
332 Kilburn Lane
London
W9 3EF

16 December 2008

Dear Mr. Miah,

Re: One Nation Food & Wine, 332 Kilburn Lane, London, W9 3EF

Further to my letter dated the 26 November 2008 concerning my meeting with Mr. Miah and inspection conducted at the above premises on 13 November 2008 at 15.54 hrs.

As you are aware I re-attended the premises on the 6 December 2008 at 21.30 hrs in company with my colleague Mr. Gareth Cleary who carried out a test purchase of alcohol. Whilst this sale was made by one of the holders of the Premises Licence, the sale was not supervised by a Personal Licence holder as required by condition 11 of your licence.

At the time of my visit to the premises I advised you that in view of the continued breach of licence conditions and the serious nature of these matters, consideration is being given to undertaking a formal prosecution.

I would remind you that at the time of my visit you agreed to contact me in January 2009 to arrange for a formal interview to take place. I would therefore request that you telephone me during the week commencing 5 January on the above telephone number so that a convenient time may be arranged for this interview to take place.

Alternatively you may prefer to let me have your response to these issues in writing. This is acceptable, as long as you understand that:-

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Your written response must be signed and dated by you and forwarded to the address recorded at the foot of this letter, by the 20 January 2009, marked for my attention.

Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Yours sincerely

Kay Cummings

Licensing Inspector
Community Protection

Community Protection
4th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP
Main Switchboard 020 7641 6000 www.westminster.gov.uk



City of Westminster

City of Westminster
Community Protection Department
City Hall
64 Victoria Street
London, SW1E 6QP

Description of Exhibit Legal Letter to Mr. Miah 16.12.08

This is Exhibit: KTC/10..... Referred to in
the Statement of: Kay Cummings

Signed: *K. Cummings*..... Date: 17.03.09.

Court Use Only:



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref:.....
My ref: 00638/0332/0/000
08/77948/ELSELF

Mr. S. H. Gillani
239 Portnall Road
London
W9 3BI

16 December 2008

Dear Mr. Gillani,

Re: One Nation Food & Wine, 332 Kilburn Lane, London, W9 3EF

Further to my letter dated the 26 November 2008 concerning my meeting with Mr. Miah and inspection conducted at the above premises on 13 November 2008 at 15.54 hrs.

As you are aware I re-attended the premises on the 6 December 2008 at 21.30 hrs in company with my colleague Mr. Gareth Cleary who carried out a test purchase of alcohol. Whilst this sale was made by one of the holders of the Premises Licence, the sale was not supervised by a Personal Licence holder as required by condition 11 of your licence.

During my visit to the premises you did attend and I advised you that in view of the continued breach of licence conditions and the serious nature of these matters, consideration is being given to undertaking a formal prosecution.

I would remind you that at the time of my visit you agreed to contact me in January 2009 to arrange for a formal interview to take place. I would therefore request that you telephone me during the week commencing 5 January on the above telephone number so that a convenient time may be arranged for this interview to take place.

Alternatively you may prefer to let me have your response to these issues in writing. This is acceptable, as long as you understand that:-

"You do not have to say anything in response to the allegation. But it may harm your defence if you do not mention now, in response to the allegation, something which you later rely on in court. Anything you do say may be given in evidence."

Your written response must be signed and dated by you and forwarded to the address recorded at the foot of this letter, by the 20 January 2009, marked for my attention.

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Yours sincerely

Kay Cummings

Licensing Inspector
Community Protection

Community Protection
4th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP
Main Switchboard 020 7641 6000 www.westminster.gov.uk



City of Westminster

City of Westminster
Community Protection Department
City Hall
64 Victoria Street,
London, SW1E 6QP

Description of Exhibit Legal letter to Mr. Gillani 16.12.08

This is Exhibit: KTC/ 11..... Referred to in

the Statement of: Kay Cummings
Signed: *K. Cummings*..... Date: 17.03.09.

Court Use Only:

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref:.....
My ref: 00638/0332/0/000
08/77948/ELSELF

Mr. Jawad Hussain & Mr. Sayaad Miah
332 Kilburn Lane
London
W9 3EF

5 January 2009

Dear Mr. Hussain,

Re: One Nation Food & Wine, 332 Kilburn Lane, London, W9 3EF

Further to my letters of the 26 November and 16 December 2008I relating to alleged offences under the Licensing Act 2003.

I have been advised by Mr. Gillani, the Designated Premises Supervisor, that he is due to go on holiday for approximately 6 weeks.

In view of the fact that only Mr. Gillani holds a Personal Licence I would remind you of condition 11 of your Premises Licence which requires that all sales of alcohol be supervised by a Personal Licence Holder.


Unless it is your intention to temporarily employ Personal Licence Holders during Mr. Gillanis absence or you have now obtained a Personal Licence and not just the licensing qualification, then you will need to cease all sales of alcohol until Mr. Gillani returns.

I must advise you that visits will be made to your premises in the interim and if you are found to be breaching this or any other condition of your licence, further prosecution action will be undertaken.

Yours sincerely

Kay Cummings

Licensing Inspector
Community Protection

 **City of Westminster**
City of Westminster
Community Protection Department
City Hall
64 Victoria Street,
London, SW1E 6QP

Description of Exhibit Letter to Mr. Hussain and Mr. Miah
05.01.09.....
This is Exhibit: KTC/12..... Referred to in
the Statement of: Kay Cummings
Signed: *K. Cummings*..... Date: 17.03.09..

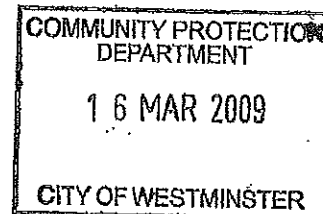
Court Use Only:

Mr S. H. Gillani, Mr Jawad Hussain and Mr Sayaad Miah
332 Kilburn Lane
London W9 3EF.

Our Ref: Huss/324/Kil
Your Ref: 00638/0332/0/000/08/77948/elsef

12th March 2009

Kay Cummings
Licensing Inspector
Community Protection
4th Floor Westminster City Hall
64 Victoria Street London SW1E 6QP



Dear Kay Cummings



**Re: ONE NATION FOOD & WINE -332 KILBURN LANE
LONDON W9 3EF**

We refer to your letter dated 26th November 2008 and we shall respond in the order as set out therein:

1. The Summary of the Licence is now displayed on top of the till and easily seen on entry into the premises.
2. Mr Jawad Hussain will be the nominated person in the absence of Mr S.H Gillani. Mr Jawad Hussain has already passed the examination and he is now on holidays. On his return a formal application for personal licence will be immediately made to the appropriate authority and prior to Mr Hussain's application Mr S.H Gillani will make himself available as required by the licence.
3. The refusals book was misplaced on the given date because there was a relocation of the book. All the three of us have now agreed on its permanent location known to us all.
4. All the old stocks with alcohol level above 5.5% have been taken off the shop premises following the visit and we apologise for the ones found in the shop at the time of the visit.
5. All spirits are now behind the counter and there are no longer any spirit self service facilities.
6. See paragraph 2 above. This situation will not repeat itself again.

Mr S. H. Gillani, Mr Jawad Hussain and Mr Sayaad Miah
332 Kilburn Lane
London W9 3EF

7. See paragraph 4 above. We have had a meeting since the said visit and it's been agreed that we must endeavour to comply with the provisions of the Licensing Act 2003.

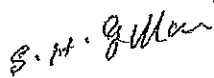
We jointly and severally wish to express our profound apologies for the breaches and undertake to do our possible best to avoid future breaches. We acknowledge the fact that you have the ability to prosecute but we plead that you grant us another chance and hope that we will find mercy from you.

We appreciate your assistance and express our thanks in advance for your favourable consideration of this letter and request to be given another chance.

We look forward to hearing from you. Kindly acknowledge the receipt of this letter.

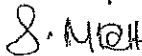
Yours sincerely

S.H Gillani



Jawad Hussain

Sayaad Miah



City of Westminster

City of Westminster
Community Protection Department
City Hall
64 Victoria Street
London, SW1E 6QP

Description of Exhibit Letter from Mr. Hussain, Mr. Miah and
Mr. Gillani dated 12.01.09.....
This is Exhibit: KYC/13..... Referred to in
the Statement of Kay Cummings
Signed: *K. Cummings*..... Date: 17.03.09
Court Use Only:



09/30519/ELSELF

Ref

19

City of Westminster

Date 2/5/09 Time 21.54

LICENSING INSPECTION

Premises: ONE NATION FOOD AND WINE

Address: 332 KILBURN LANE W9 3EF

Person in charge: SAYAD MIAH Insp. name: KAY CUMMINGS

Inspection type

Mandatory

Self Generated

UNLIC

LIC

Re-Visit

Date of original visit

Premises type

MD1

MD2

ST1

ST2

NCL

OTHER (SPECIFY)

(1 Visit)

(2 Visits)

(2 Visits)

(1 Visit)

(1 Visit)

Area of inspection:

Irregularities found:

Licence			
Licence displayed?	(A) (Q)	<input type="checkbox"/>	CAN OF BEER COSTING £1-20
Special Licence conditions?	(B)	<input type="checkbox"/>	BUDWEISER PURCHASED FROM
Overcrowding	(C)	<input type="checkbox"/>	PREMISES. SALE NOT MADE
Letter of delegated authority	(D)	<input type="checkbox"/>	BY PERSONAL LICENCE
Responsibilities of person in charge			HOLDER AND NO PERSONAL
Holds NELO/knowledge of rules/standard conditions	(E)	<input type="checkbox"/>	LICENCE HOLDER PRESENT
Knowledge of R of N standard condition		<input type="checkbox"/>	AS REQUIRED BY
Tariff displayed	(F)	<input type="checkbox"/>	CONDITION 11 OF PREMISES
Door supervisor registered	(G)	<input type="checkbox"/>	LICENCE. DPS MR SILLANI
Therapist registered	(H)	<input type="checkbox"/>	ATTENDED. PREMISES AND STATED
Badges correct/worn	(I)	<input type="checkbox"/>	
Escape Routes			
Escape route(s) clear	(J)	<input type="checkbox"/>	
Fire doors operate	(K)	<input type="checkbox"/>	
Lighting adequate	(L)	<input type="checkbox"/>	
Fire extinguishers			
Annual check completed	(M)	<input type="checkbox"/>	
In approved position	(N)	<input type="checkbox"/>	
Labels intact	(O)	<input type="checkbox"/>	
Other (Please Specify)	(R)	<input type="checkbox"/>	

Result of inspection:

HE HAD JUST GONE OUT FOR

~~SAISFACTORY~~ / UNSATISFACTORY A TEA.

Signed *K. Cummings*
Licensing Inspector

Signed
Manager/Person in charge

I certify that the issue(s) identified above, under 'Irregularities', have been brought to my attention and I undertake to rectify the breaches. I have been advised that a re-inspection may be conducted so as to ensure that the breaches have been rectified.

Signed *[Signature]*
Licensee/Delegated Authority Holder

Date 02/05/09

Copies:

Top/LBU

Second/Manager

Thrd/Inspector

Fourth/Spare



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref: 06/04707/WCCMAP
My ref: 09/30519/ELSELF

Mr Sayaad Miah
One Nation Food and Wine
332 Kilburn Lane
London
W9 3EF

7 May 2009

Dear Sir,

Re: One Nation Food and Wine, 332 Kilburn Lane, London, W9 3EF

I refer to my visit to the above premises on 2 May 2009 at 21.54 hrs.

As you are aware your premises benefits from a Premises Licence issued under the Licensing Act 2003.

On the 2 May 2009 my colleague, Mr. Gareth Cleary, purchased a can of Budweiser beer from you. This sale was made by you, but not in the presence of or under the supervision of a Personal Licence Holder. In addition as you are not the holder of a Personal Licence this sale was in breach of condition 11 of your Premises Licence.

This is a serious matter for which you may be prosecuted. However, before the matter is submitted to the City Council's Director of Legal Services for consideration as to whether prosecution action should be considered, I would like you to have an opportunity to provide a response at an interview under caution.

If you are willing to attend an interview, I would ask that you telephone me on the number at the top of this page, within 14 days of the date of this letter, so that a mutually convenient appointment can be arranged. I would remind you that you are entitled to seek legal advice before the interview takes place and/or to have legal representation during the course of the interview.

As an alternative, you may prefer to let me have your response to these issues in writing. This is acceptable, s long as you understand that:-

“You do not have to say anything in response to the allegation. But it may harm your defence if you do not mention now, in response to the allegation, something which you later rely on in court. Anything you do say may be given in evidence.”

Your written response must be signed and dated by you and forwarded to the address recorded at the foot of this letter, within 14 days of the above date, marked for my attention.

Following receipt of your response, careful consideration will be given to all of the facts before a decision is made as to the most appropriate course of action for the City Council to take.

Yours sincerely



Kay Cummings

Licensing Inspector
Community Protection



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref: 06/04707/WCCMAP
My ref: 09/30519/ELSELF

Mr. Shabir Hussain Gillani
37 B Walterton Road
London
W9 3PE

7 May 2009

Dear Sir,

Re: One Nation Food and Wine, 332 Kilburn Lane, London, W9 3EF

I refer to my visit to the above premises on 2 May 2009 at 21.54 hrs.

As you are aware your premises benefits from a Premises Licence issued under the Licensing Act 2003.

On the 2 May 2009 my colleague, Mr. Gareth Cleary, purchased a can of Budweiser beer from Mr. Sayaad Miah. This sale was made by him, but not in the presence of or under the supervision of a Personal Licence Holder. In addition as he is not a holder of a Personal Licence this sale was in breach of condition 11 of your Premises Licence.

This is a serious matter for which you may be prosecuted. However, before the matter is submitted to the City Council's Director of Legal Services for consideration as to whether prosecution action should be considered, I would like you to have an opportunity to provide a response at an interview under caution.

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Yours sincerely

Kay Cummings
Licensing Inspector
Community Protection



City of Westminster

SAFE STREETS

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Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref: 06/04707/WCCMAP
My ref: 09/30519/ELSELF

Mr Sayaad Miah
One Nation Food and Wine
332 Kilburn Lane
London
W9 3EF

25 June 2009

Dear Sir,

Re: One Nation Food and Wine, 332 Kilburn Lane, London, W9 3EF

I refer to my visit to the above premises on 2 May 2009 at 21.54 hrs and to my letter of the 7 May 2009 (a copy of which is enclosed) and to which I have not received a response.

As you are aware your premises benefits from a Premises Licence issued under the Licensing Act 2003.

As this is a serious matter for which you may be prosecuted I would like to give you a final opportunity to provide a response at an interview under caution.

If you are willing to attend an interview, I would ask that you telephone me on the number at the top of this page, within 7 days of the date of this letter, so that a mutually convenient appointment can be arranged. I would remind you that you are entitled to seek legal advice before the interview takes place and/or to have legal representation during the course of the interview.

As an alternative, you may prefer to let me have your response to these issues in writing. This is acceptable, so long as you understand that:-

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Yours sincerely

Kay Cummings

Licensing Inspector
Community Protection



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref: 06/04707/WCCMAP
My ref: 09/30519/ELSELF

Mr. Shabir Hussain Gillani
37 B WALTERTON ROAD
LONDON
W9 3PE

25 June 2009

Dear Sir,

Re: One Nation Food and Wine, 332 Kilburn Lane, London, W9 3EF

I refer to my visit to the above premises on 2 May 2009 at 21.54 hrs and to my letter of the 7 May 2009 (a copy is enclosed) to which I have not received a response.

As this is a serious matter for which you may be prosecuted I would like to give you a final opportunity to provide a response at an interview under caution.

If you are willing to attend an interview, I would ask that you telephone me on the number at the top of this page, within 7 days of the date of this letter, so that a mutually convenient appointment can be arranged. I would remind you that you are entitled to seek legal advice before the interview takes place and/or to have legal representation during the course of the interview.

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Yours sincerely

Kay Cummings
Licensing Inspector
Community Protection



City of Westminster

SAFE STREETS

Kay Cummings
Licensing Inspector
Tel: 0207 641 8511
Fax: 020 7641 3436
kcummings@westminster.gov.uk
Your ref:06/04707/WCCMAP
My ref: 09/49621/ELSELF

Mr Sayaad Miah & Mr. Jawad Hussain
One Nation Food and Wine
332 Kilburn Lane
London
W9 2EF

6 August 2009

Dear Mr. Miah and Mr. Hussain

Re: One Nation Food and Wine

I refer to my meeting with Mr. Gillani at the above premises on the 4 July 2009 at 23.46 hrs.

As you are aware I had concerns that alcohol, in the form of beer, had been sold beyond the permitted hours authorised by your Premises Licence.

At the time of my visit, the Duty Manager who is also one of the Joint Holders of the Premises Licence assured me that I was mistaken in my belief and that no such sale had occurred.

Whilst at the premises I did ask to view the C.C.T.V. footage but was advised that the monitor at the premises was broken due to a power cut that had affected the premises earlier in the week. You did however assure me that the system itself was still recording and that you would be able to show me the footage at a later date.

Subsequent to my visit I have phoned the premises on two occasions to arrange to see the C.C.T.V. footage but have been advised that the system is still undergoing repairs and so it has not been possible to completely allay my concerns.

I now understand that as a result of other enforcement action, your premises are now completely closed for an unspecified period of time whilst some works are being undertaken to resolve the issues found during an unrelated inspection of your premises.

In view of this temporary closure it would appear that the opportunity to view the C.C.T.V. footage has now passed and rather than pursue the issue further I have decided to take no further action in relation to my visit on the 4 July 2009.

During this period of closure however, I would advise you of the need to undertake any and all remedial action that is necessary to ensure that when you re-open your premises, you are fully compliant with the Licensing Act 2003. To this end I would remind you of the following specific conditions of your Premises Licence that we will be seeking to ensure are not being breached:-

- Condition 4 – regarding C.C.T.V. This conditions requires that it be operated and maintained and that recordings shall be available for the preceding two days immediately upon request or outside this period available on 24 hours notice
- Condition 10 – The display of alcohol to be concealed by lockable blinds or shutters and the chilled cabinets to be locked outside of the hours of the supply of alcohol.

This includes the unit by the front door which gave rise to concerns during my visit on the 4 July as customers can quite easily access it from the sides of the blinds that were in use at the time of my visit.

- Condition 11 – A personal licence holder will supervise all sales of alcohol at all time

If the joint licence holders have not yet obtained their personal licences please can you ensure that they do so, as this is a matter that we will be seeking to ensure is fully complied with upon re-opening.

The Licensing Act 2003 requires licensing authorities to carry out all their functions with a view to promoting the four licensing objectives, which are:

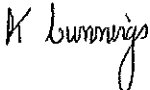
The prevention of crime and disorder;
Public safety;
The prevention of public nuisance; and
The protection of children from harm.

These matters are being brought to your attention as they have been highlighted during previous visits to your premises and as it is incumbent on you to comply with all of the conditions on your Premises Licence.

Finally I would remind you failure to comply with the Licensing Act may result in criminal offences being detected for which a person may receive a fine of £20,000 and/or 6 months imprisonment.

Our inspections are programmed on a risk-rated basis. Premises that are found to be actively promoting the licensing objectives and not breaching their premises licence or the provisions of the Licensing Act 2003 will be subject to less frequent inspections.

Yours sincerely



Kay Cummings
Licensing Inspector

Community Protection

c.c. Mr. Gillani - Designated Premises Supervisor

NON-POLICE AGENCIES
(Notification of Proceedings to Police)

AGENCY NAME: Westminster City Council

AGENCY REF. No:

ADDRESS: City Hall, Fourth Floor, 64 Victoria Street, London SW1E 6QP ☎: 0207 641 8511

OFFICER IN CHARGE OF CASE: Kay Cummings

SIGNATURE: *K Cummings*

For Police Use Only A/S Reference Number		PNC Court Case Reference Number	
PNC ID Number		CRO Number	
Entered on PNC by		Date	

Name Charged/Summonsed

Surname: Hussain Forename(s): Jawad

Alias: Nickname:

Date of Birth: Sex: M X F Colour: White Non White Height (Imperial) or Metric: ft m

Place of Birth: Nationality: Driver Number:

Process Stage: Reported Arrested Charged Date: Time:

Photograph: Taken Not Taken Fingerprints: Not Taken Taken

DNA Sample: Taken Not Taken Mouth Hair ID Number:

Prosecuting Agents: Westminster City Council

Offence (in plain language, include Act & Section of Offence.)

1. Providing licensable activities otherwise than in accordance with an authorisation
2. Keeping alcohol available at the premises for sale in circumstances where a sale would be an unauthorised activity

Offence Start Date/Time: 1 3 1 1 2 0 0 8 15.54 Offence End Date/Time: 0 6 1 2 2 0 0 8 21.25

Address/Location of Offence: One Nation Food and Wine, 332 Kilburn Lane

County: London Postcode: W 9 3 E F

Method used in Offence (Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

The defendant is the joint holder of a Premises Licence. Two sales of cider were made for brands with an abv of 7.5% abv Condition restricting such sales to an abv of 5.5%. In addition alcohol was found within the venue, available for sale, that was also in Excess of the 5.5% condition for beers and ciders. The sale was made without a Personal Licence Holder being present, also in Breach of licence conditions and a refusals book was not at the venue for production to an authorised person. On the second date a Further sale was made of Strongbow Cider again without a Personal Licence Holder present.

***** FOR ADDITIONAL OFFENCE(S) USE A SEPARATE FORM NPA 02 *****

Continuation form(s) NPA 02 attached Yes No

Charged/Summonsed on date: Court Date: Time:

Court Name:

Cautioned on date: Cautioning Officer: Rank:

Name Cautioned: Surname: Forename(s):

Ethnic Appearance	White European	Dark European	Afro Caribbean	Asian	x	Oriental	Arab	Unknown
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Build	Fat	Heavy	Stocky	Broad	Thin	Slim	Small
	Medium	Proportionate					

Shoe Size	British		or	Metric	
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Eye Colour(s)	Blue	Brown	Green	Grey	Hazel	Pink	Unknown
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Glasses	Glasses	Contact Lenses	Neither	Handed	Right Handed	Left Handed	Ambi-dextrous
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Hair	Type	Colour (1)		Dyed/Graying	Colour (2)		Features
	Bald	(BA)	Black (BK)	(BK)	Dyed (D)	Black (BK)	(BK)
Collar Length	(CL)	White (WH)	(WH)	Graying (G)	White (WH)	(WH)	Platted (PL)
Cropped	(CR)	Light Brown (LB)	(LB)		Light Brown (LB)	(LB)	Mohican (MO)
Receding	(RE)	Dark Brown (DB)	(DB)		Dark Brown (DB)	(DB)	Beehive (BH)
Short	(SH)	Fair (FA)	(FA)		Fair (FA)	(FA)	Ponytail (PT)
Shoulder L'th	(SL)	Blonde (BD)	(BD)		Blonde (BD)	(BD)	Punk (PK)
Very Long	(VL)	Ginger (GI)	(GI)		Ginger (GI)	(GI)	Rasta (RA)
		Auburn (AU)	(AU)		Auburn (AU)	(AU)	Shaven (SV)
		Grey (GY)	(GY)		Grey (GY)	(GY)	Skinhead (SK)
		Brown (BR)	(BR)		Brown (BR)	(BR)	Teddy (TE)
		Red (RD)	(RD)		Red (RD)	(RD)	Permed (PM)
		Sandy (SA)	(SA)		Sandy (SA)	(SA)	Curly (CU)
		Mousey (MO)	(MO)		Mousey (MO)	(MO)	Wavy (WA)
					Blue (BL)	(BL)	Dirty (DI)
					Green (GN)	(GN)	Greasy (GR)
					Orange (OR)	(OR)	Streaked (SD)
					Purple (PU)	(PU)	Thinning (TH)
					Yellow (YE)	(YE)	Wig (WI)
					Pink (PI)	(PI)	Straight (ST)
					Multi (MU)	(MU)	Untidy (UT)

Moustache	(M)
Beard	(B)
Long	
Sideburns	(L)
Clean Shaven	(C)

Facial Hair	Type	Colour (1)		Dyed/Graying	Colour (2)		Features

Accent	English	Scottish	Irish	Welsh	Northern	North East
	North West	Yorkshire	Midland	East Anglia	West Country	Southern
	Liverpool	Birmingham	London	Glasgow		
	American	Australian	French	German	Italian	Spanish
	West Indian	Asian	Oriental	Foreign Other	Cultured	

Marks/Scars/Abnormalities	TATT MARK	Tattoo	R	Right	SCAL(Scalp)	LEGS	GENI(Genitals)	CHIN
	LACK	Lacking	L	Left	EYES	GAIT	HAND	ABDO(Abdomen)
	SCAR	Scarred	C	Centre	LIPS	BROW	FEET	BUTT (Buttocks)
	PRCD	Pierced	U	Upper	NECK	EARS	SPEE(Speech)	FING (Finger)
	PECU	Peculiar	W	Lower	BACK	TEET(Teeth)	FACE	TOES
					ARMS	CHES(Chest)	NOSE	TONG (Tongue)

Description (describe tattoo or other details)	

Home Address(es)		Postcode	
Other Address(es)	332 Kilburn Lane, London	Postcode	W 9 1 3 E 1 F 1

Identity Numbers (DSS/National Insurance etc.)	Type	Number

Occupation	Date

Habitual Dress	
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Jewellery Worn	Bracelet	Brooch	Earring	Neck	Pin	Ring
	Watch	Pendant	Other			

State if worn permanently and body position

Habits/Mannerisms

Special skills

**NON-POLICE AGENCIES
(Notification of Proceedings to Police)**

AGENCY NAME: Westminster City Council

AGENCY REF. No:

ADDRESS: City Hall, Fourth Floor, 64 Victoria Street, London SW1E 6QP ☎: 0207 641 8511

OFFICER IN CHARGE OF CASE: Kay Cummings

SIGNATURE: *K Cummings*

Name Charged/Summoned	
Surname Hussain	Forename(s) Jawad
PNC ID Number	CRO Number

Offence (In plain language, include Act & Section of Offence.)
1. Providing licensable activities otherwise than in accordance with an authorisation – Contrary to s. 136 of the Licensing Act 2003

Offence Start Date/Time	1 3 1 1 2 0 0 8	15.54	Offence End Date/Time	0 6 1 2 2 0 0 8	21.25
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Address/Location of Offence One Nation Food and Wine, 332 Kilburn Lane	
County London	Postcode W 9 3 E F

Method used in Offence (Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

The defendant is the joint holder of a Premises Licence. Two sales of cider were made for brands with an abv of 7.5% abv Condition restricting such sales to an abv of 5.5%. The sales was made without a Personal Licence Holder being present, also in Breach of licence conditions and a refusals book was not at the venue for production to an authorised person. On the second date a Further sale was made of Strongbow Cider again without a Personal Licence Holder present.

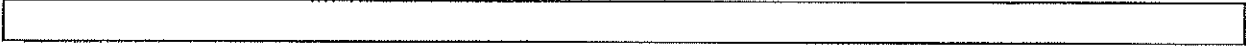
Offence (In plain language, include Act & Section of Offence.)
2. Keeping alcohol available at the premises for sale in circumstances where a sale would be an unauthorised activity – Contrary to s. 138 of the Licensing Act 2003

Offence Start Date/Time	1 3 1 1 2 0 0 8	15.54	Offence End Date/Time	0 6 1 2 2 0 0 8	21.25
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Address/Location of Offence One Nation Food and Wine, 332 Kilburn Lane	
County London	Postcode W 9 3 E F

Method used in Offence (Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

Alcohol was found within the venue, available for sale that was also in excess of the 5.5% condition for beers and ciders.



NON-POLICE AGENCIES
(Notification of Proceedings to Police)

AGENCY NAME: Westminster City Council

AGENCY REF. No:

ADDRESS: City Hall, Fourth Floor, 64 Victoria Street, London SW1E 6QP ☎: 0207 641 8511

OFFICER IN CHARGE OF CASE: Kay Cummings

SIGNATURE: *K Cummings*

For Police Use Only / A/S Reference Number		PNC Court Case Reference Number	
PNC ID Number		CRO Number	
Entered on PNC by		Date	

Name Charged/Summoned

Surname: Miah Forename(s): Sayaad

Alias: _____ Nickname: _____

Date of Birth: _____ Sex: M X F Colour: White Non White X Height (Imperial): _____ ft or Metric: _____ m

Place of Birth: _____ Nationality: _____ Driver Number: _____

Process Stage: Reported Arrested Charged Date: _____ Time: _____

Photograph: Taken Not Taken X Fingerprints: Not Taken X Taken

DNA Sample: Taken Not Taken X Mouth: _____ Hair: _____ ID Number: _____

Prosecuting Agents: Westminster City Council

Offence (in plain language, include Act & Section of Offence.)

1. Providing licensable activities otherwise than in accordance with an authorisation
2. Keeping alcohol available at the premises for sale in circumstances where a sale would be an unauthorised activity

Offence Start Date/Time: 1 3 1 1 2 0 0 8 15.54 Offence End Date/Time: 0 6 1 2 2 0 0 8 21.25

Address/Location of Offence: One Nation Food and Wine, 332 Kilburn Lane

County: London Postcode: W 9 3 E F

Method used in Offence (Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

The defendant is the joint holder of a Premises Licence. Two sales of cider were made for brands with an abv of 7.5% abv Condition restricting such sales to an abv of 5.5%. In addition alcohol was found within the venue, available for sale, that was also in Excess of the 5.5% condition for beers and ciders. The sale was made without a Personal Licence Holder being present, also in Breach of licence conditions and a refusals book was not at the venue for production to an authorised person. On the second date a Further sale was made of Strongbow Cider again without a Personal Licence Holder present.

***** FOR ADDITIONAL OFFENCE(S) USE A SEPARATE FORM NPA 02 *****

Continuation form(s) NPA 02 attached Yes No

Charged/Summoned on date: _____ Court Date: _____ Time: _____

Court Name: _____

Cautioned on date: _____ Cautioning Officer: _____ Rank: _____

Name Cautioned: Surname: _____ Forename(s): _____

Ethnic Appearance	White European	Dark European	Afro Caribbean	Asian	X	Oriental	Arab	Unknown
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Build	Fat	Heavy	Stocky	Broad	Thin	Slim	Small
	Medium	Proportionate					

Shoe Size British or Metric

Eye Colour(s)	Blue	Brown	Green	Grey	Hazel	Pink	Unknown
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Glasses	Glasses	Contact Lenses	Neither	Handed	Right Handed	Left Handed	Ami-dextrous
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Hair	Type	Colour (1)		Dyed/Greying	Colour (2)		Features	
	Bald Collar Length Cropped Receding Short Shoulder L'th Very Long	(BA) (CL) (CR) (RE) (SH) (SL) (VL)	Black (BK) White (WH) Light Brown (LB) Dark Brown (DB) Fair (FA) Blonde (BD) Ginger (GI) Auburn (AU) Grey (GY) Brown (BR) Red (RD) Sandy (SA) Mousey (MO)	(BK) (WH) (LB) (DB) (FA) (BD) (GI) (AU) (GY) (BR) (RD) (SA) (MO)	Dyed (D) Greying (G)	Black (BK) White (WH) Light Brown (LB) Dark Brown (DB) Fair (FA) Blonde (BD) Ginger (GI) Auburn (AU) Grey (GY) Brown (BR) Red (RD) Sandy (SA) Mousey (MO) Blue (BL) Green (GN) Orange (OR) Purple (PU) Yellow (YE) Pink (PI) Multi (MU)	(BK) (WH) (LB) (DB) (FA) (BD) (GI) (AU) (GY) (BR) (RD) (SA) (MO) (BL) (GN) (OR) (PU) (YE) (PI) (MU)	Afro (AF) Plaited (PL) Mohican (MO) Beehive (BH) Ponytail (PT) Punk (PK) Rasta (RA) Shaven (SV) Skinhead (SK) Teddy (TE) Permed (PM) Curly (CU) Wavy (WA) Dirty (DI) Greasy (GR) Streaked (SD) Thinning (TH) Wig (WI) Straight (ST) Untidy (UT)

Moustache (M) Beard (B) Long Sideburns (L) Clean Shaven (C)

Facial Hair	Type	Colour (1)		Dyed/Greying	Colour (2)		Features	

Accent	English	Scottish	Irish	Welsh	Northern	North East
	North West	Yorkshire	Midland	East Anglia	West Country	Southern
	Liverpool	Birmingham	London	Glasgow		
	American	Australian	French	German	Italian	Spanish
	West Indian	Asian	Oriental	Foreign Other	Cultured	

Marks/Scars/Abnormalities	TATT MARK	Tattoo	R	Right	SCAL(Scap)	LEGS	GENI(Genitals)	CHIN
	LACK	Lacking	L	Left	EYES	GAIT	HAND	ABDO(Abdomen)
	SCAR	Scarred	C	Centre	LIPS	BROW	FEET	BUTT (Buttocks)
	PRCD	Pierced	U	Upper	NECK	EARS	SPEE(Speech)	FING (Finger)
	PECU	Peculiar	W	Lower	BACK	TEET(Teeth)	FACE	TOES
					ARMS	CHES(Chest)	NOSE	TONG (Tongue)

Description (describe tattoo or other details)

Home Address(es)						Postcode						
	Other Address(es)	332 Kilburn Lane, London					Postcode	W 9			3	E

Identity Numbers	Type	Number				
	(DSS/National Insurance etc.)					

Occupation		Date					
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Habitual Dress

Jewellery Worn	Bracelet	Brooch	Earring	Neck	Pin	Ring
	Watch	Pendant	Other			

State if worn permanently and body position

Habits/Mannerisms

Special skills

NON-POLICE AGENCIES
(Notification of Proceedings to Police)

AGENCY NAME: Westminster City Council

AGENCY REF. No:

ADDRESS: City Hall, Fourth Floor, 64 Victoria Street, London SW1E 6QP ☎: 0207 641 8511

OFFICER IN CHARGE OF CASE: Kay Cummings

SIGNATURE: Kay Cummings

Name Charged/Summoned	
Surname: Miah	Forename(s): Sayaad
PNC ID Number	CRO Number

Offence (in plain language, include Act & Section of Offence.)	Providing licensable activities otherwise than in accordance with an authorisation – Contrary to s.136 of the Licensing Act 2003		
Offence Start Date/Time	1 3 1 1 2 0 0 8 15.54	Offence End Date/Time	0 6 1 2 2 0 0 8 21.25
Address/Location of Offence One Nation Food and Wine, 332 Kilburn Lane			
County	London	Postcode	W 9 1 1 3 E F

Method used in Offence (Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

The defendant is the joint holder of a Premises Licence. Two sales of cider were made for brands with an abv of 7.5% abv Condition restricting such sales to an abv of 5.5%. The sales was made without a Personal Licence Holder being present, also in Breach of licence conditions and a refusals book was not at the venue for production to an authorised person. On the second date a Further sale was made of Strongbow Cider again without a Personal Licence Holder present.

Offence (in plain language, include Act & Section of Offence.)	1. Keeping alcohol available at the premises for sale in circumstances where a sale would be an unauthorised activity – Contrary to s. 138 of the Licensing Act 2003		
Offence Start Date/Time	1 3 1 1 2 0 0 8 15.54	Offence End Date/Time	0 6 1 2 2 0 0 8 21.25
Address/Location of Offence One Nation Food and Wine, 332 Kilburn Lane			
County	London	Postcode	W 9 1 1 3 E F

Method used in Offence (Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

Alcohol was found within the venue, available for sale that was also in excess of the 5.5% condition for beers and ciders.

**NON-POLICE AGENCIES
(Notification of Proceedings to Police)**

AGENCY NAME: Westminster City Council

AGENCY REF. No:

ADDRESS: City Hall, Fourth Floor, 64 Victoria Street, London SW1E 6QP ☎: 0207 641 8511

OFFICER IN CHARGE OF CASE: Kay Cummings

SIGNATURE: *K Cummings*

For Police Use Only A/S Reference Number		PNC Court Case Reference Number	
PNC ID Number		CRO Number	
Entered on PNC by		Date	

Name Charged/Summoned

Surname: Gillani Forename(s): Shabir Hussain

Alias: _____ Nickname: _____

Date of Birth: _____ Sex: M F Colour: White Non White Height (Imperial): _____ ft or Metric: _____ m

Place of Birth: _____ Nationality: _____ Driver Number: _____

Process Stage: Reported Arrested Charged Date: _____ Time: _____

Photograph: Taken Not Taken Fingerprints: Not Taken Taken

DNA Sample: Taken Not Taken Mouth: _____ Hair: _____ ID Number: _____

Prosecuting Agents: Westminster City Council

Offence (in plain language, include Act & Section of Offence.):
 1. Providing licensable activities otherwise than in accordance with an authorisation
 2. Keeping alcohol available at the premises for sale in circumstances where a sale would be an unauthorised activity

Offence Start Date/Time: 1 3 1 1 2 0 0 8 15.54 Offence End Date/Time: 0 6 1 2 2 0 0 8 21.25

Address/Location of Offence: One Nation Food and Wine, 332 Kilburn Lane
 County: London Postcode: W 9 3 E F

Method used in Offence (Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

The defendant is the Designated Premises Supervisor for the premises which benefits from a Premises Licence. Two sales of cider with an abv over 5.5% were made in breach of condition restricting beers and ciders to 5.5% abv. In addition alcohol was found within the venue, available for sale, that was also in excess of the 5.5% condition for beers and ciders. The sales were made made without a Personal Licence Holder being present, also in breach of licence conditions and a refusals book was not at the venue for production to an authorised person. On the second date a further sale was made of Strongbow Cider again without a Personal Licence Holder present. Mr. Gillani is responsible for authorising all sales of alcohol at the venue

***** FOR ADDITIONAL OFFENCE(S) USE A SEPARATE FORM NPA 02 *****

Continuation form(s) NPA 02 attached Yes No

Charged/Summoned on date: _____ Court Date: _____ Time: _____

Court Name: _____

Cautioned on date: _____ Cautioning Officer: _____ Rank: _____

Name Cautioned: Surname: _____ Forename(s): _____

Ethnic Appearance	White European	Dark European	Afro Caribbean	Asian	X	Oriental	Arab	Unknown
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Build	Fat	Heavy	Stocky	Broad	Thin	Slim	Small
	Medium	Proportionate					

Shoe Size British or Metric

Eye Colour(s)	Blue	Brown	Green	Grey	Hazel	Pink	Unknown
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Glasses	Glasses	Contact Lenses	Neither	Handed	Right Handed	Left Handed	Ambi-dextrous
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Hair	Type	Colour (1)		Dyed/Greying	Colour (2)		Features	
	Bald	(BA)	Black (BK)	(BK)	Dyed (D)	Black (BK)	(BK)	Afro (AF)
Collar Length	(CL)	White (WH)	(WH)	Greying (G)	White (WH)	(WH)	Platted (PL)	(PL)
Cropped	(CR)	Light Brown (LB)	(LB)		Light Brown (LB)	(LB)	Mohican (MO)	(MO)
Receding	(RE)	Dark Brown (DB)	(DB)		Dark Brown (DB)	(DB)	Beehive (BH)	(BH)
Short	(SH)	Fair (FA)	(FA)		Fair (FA)	(FA)	Ponytail (PT)	(PT)
Shoulder L'th	(SL)	Blonde (BD)	(BD)		Blonde (BD)	(BD)	Punk (PK)	(PK)
Very Long	(VL)	Ginger (GI)	(GI)		Ginger (GI)	(GI)	Rasta (RA)	(RA)
		Auburn (AU)	(AU)		Auburn (AU)	(AU)	Shaven (SV)	(SV)
		Grey (GY)	(GY)		Grey (GY)	(GY)	Skinhead (SK)	(SK)
		Brown (BR)	(BR)		Brown (BR)	(BR)	Teddy (TE)	(TE)
		Red (RD)	(RD)		Red (RD)	(RD)	Permed (PM)	(PM)
		Sandy (SA)	(SA)		Sandy (SA)	(SA)	Curly (CU)	(CU)
		Mousey (MO)	(MO)		Mousey (MO)	(MO)	Wavy (WA)	(WA)
					Blue (BL)	(BL)	Dirty (DI)	(DI)
					Green (GN)	(GN)	Greasy (GR)	(GR)
					Orange (OR)	(OR)	Streaked (SD)	(SD)
					Purple (PU)	(PU)	Thinning (TH)	(TH)
					Yellow (YE)	(YE)	Wig (WI)	(WI)
					Pink (PI)	(PI)	Straight (ST)	(ST)
					Multi (MU)	(MU)	Untidy (UT)	(UT)

Moustache	(M)
Beard	(B)
Long	
Sideburns	(L)
Clean Shaven	(C)

Facial Hair	Type	Colour (1)		Dyed/Greying	Colour (2)		Features	

English	Scottish	Irish	Welsh	Northern	North East
North West	Yorkshire	Midland	East Anglia	West Country	Southern
Liverpool	Birmingham	London	Glasgow		
American	Australian	French	German	Italian	Spanish
West Indian	Asian	Oriental	Foreign Other	Cultured	

Marks/Scars/Abnormalities	TATT	Tattoo	R	Right	SCAL(Scalp)	LEGS	GENI(Genitals)	CHIN
	MARK		L	Left	EYES	GAIT	HAND	ABDO(Abdomen)
	LACK	Lacking	C	Centre	LIPS	BROW	FEET	BUTT (Buttocks)
	SCAR	Scarred	U	Upper	NECK	EARS	SPEE(Speech)	FING (Finger)
	PRCD	Pierced	W	Lower	BACK	TEET(Teeth)	FACE	TOES
	PECU	Peculiar			ARMS	CHES(Chest)	NOSE	TONG (Tongue)

Description (describe tattoo or other details)

Home Address(es)	239 Portnall Road, London	Postcode	W 9 3 B L
Other Address(es)	332 Kilburn Lane, London	Postcode	W 9 3 E F

Identity Numbers	Type	Number

Occupation Date

Habitual Dress

Bracelet	Brooch	Earring	Neck	Pin	Ring
Watch	Pendant	Other			

State if worn permanently and body position

Habits/Mannerisms

Special skills

NON-POLICE AGENCIES
(Notification of Proceedings to Police)

AGENCY NAME: Westminster City Council

AGENCY REF. No:

ADDRESS: City Hall, Fourth Floor, 64 Victoria Street, London SW1E 6QP ☎: 0207 641 8511

OFFICER IN CHARGE OF CASE: Kay Cummings

SIGNATURE: *Kay Cummings*

Name Charged/Summoned	
Surname Gillani	Forename(s) Shabir Hussain
PNC ID Number	CRO Number

Offence (in plain language, include Act & Section of Offence.)

1. Providing licensable activities otherwise than in accordance with an authorisation – Contrary to s. 136 of the Licensing Act 2003

Offence Start Date/Time	1 3 1 1 2 0 0 8	15.54	Offence End Date/Time	0 6 1 2 2 0 0 8	21.25
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Address/Location of Offence One Nation Food and Wine, 332 Kilburn Lane

County	London	Postcode	W 9 3 E F
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Method used in Offence (Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

The defendant is the Designated Premises Supervisor for the premises and responsible for authorising sales of alcohol.

Two sales of cider were made for brands with an abv of 7.5% abv in breach of a licence condition restricting such sales to an abv of 5.5%. The sales was made without a Personal Licence Holder being present, also in

Breach of licence conditions and a refusals book was not at the venue for production to an authorised person. On the second date a

Further sale was made of Strongbow Cider again without a Personal Licence Holder present.

Offence (in plain language, include Act & Section of Offence.)

2. Keeping alcohol available at the premises for sale in circumstances where a sale would be an unauthorised activity – Contrary to s. 138 of the Licensing Act 2003

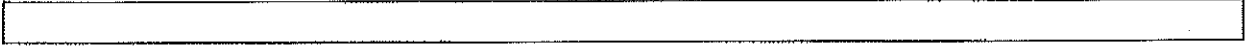
Offence Start Date/Time	1 3 1 1 2 0 0 8	15.54	Offence End Date/Time	0 6 1 2 2 0 0 8	21.25
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Address/Location of Offence One Nation Food and Wine, 332 Kilburn Lane

County	London	Postcode	W 9 3 E F
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Method used in Offence (Show as much information as possible especially in regards to words spoken/weapons used/means of entry/exit and part played by any ACCOMPLICE showing name and address where known.)

Alcohol was found within the venue, available for sale that was also in excess of the 5.5% condition for beers and ciders.



Appendix D.

STATEMENT OF WITNESS

(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Statement of: Paul Green
Age of witness: Over 21
Occupation of Witness: Senior City Inspector
Public Protection and Licensing
Address: Westminster City Council, City Hall
64 Victoria Street
LONDON SW1V 6QP
Telephone Number: 0207 641 4614

This statement, consisting of three 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.

Signed: 

Dated: 22 February 2016

I am employed by Westminster City Council as a Senior City Inspector for City Operations, Public Protection and Licensing. I have held this position since 1 April 2015. Prior to this date, I have held enforcement roles within the City Council since 1994. I am authorised to enter and inspect premises, make enquiries within these premises and to exercise the functions and powers as contained under the provisions of the Licensing Act 2003.

On Friday 22 May 2015 at 00:35hrs, I entered an off licence and grocery store called 7 Seas Grocerie, 332 Kilburn Lane, London W9 3EF which was open and trading for business. I was accompanied by a colleague Mr Leroy Adedeji, who is also a City Inspector. On directly entering the premises, I noticed an upright cold chill display cabinet against the left hand side wall in which cans and bottles of beer and cider were openly displayed and exposed for sale. I took a photograph of the chill cabinet that I Exhibit as PKG1. Against the length of the right hand

Signed: 

Dated: 22 February 2016

STATEMENT OF WITNESS

(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules
2005, r27.1(1))

Continuation Statement of Paul Green

side wall of the premises was a shelving unit in which bottles of wine were openly displayed and exposed for sale. I took a photograph of the shelving unit that I Exhibit as PKG2. Behind a counter at the front of the shop was an open display containing bottles of spirits. I took a photograph of the display that I exhibit as PKG3. I identified myself to a person working behind the counter and then waited for him to serve two queuing customers. The second customer was a male who paid for a single can of Strongbow cider. The person behind the counter then gave his name as Mr Amir Raja and said that he was helping out and that a manager was not available. The Premises Licence was attached to a wall above the counter and Mr Raja handed the licence to Mr Adedeji. The license showed that the premises were permitted to sell alcohol up to 23:00hrs and that the DPS was called Mr Shabir Hussain Gillani. On leaving the premises another member of staff pulled down a plastic roller shutter over the cans and bottles of beer and cider. On Monday 25 May 2015 at 00:35hrs, I entered the premises with Mr Adedeji and noticed the same open displays of alcohol, exposed for sale. A different member of staff gave his name as Mr Wajeed Shah and said that he only works on Sundays and did not know the owner of the premises. He also refused a sale of two cans of alcohol to a customer when he saw me. On Tuesday 16 June 2015, at 14:00hrs at Westminster City Hall, I and Ms Maria Johnson – Senior City Inspector interviewed the DPS, Mr Shabir Hussain Gillani and informed him of the need to comply with the licensing conditions for 7 Seas Grocerie. On Saturday 4 July 2015 at 03:10hrs, I revisited the premises with Mr Adedeji and noted that the display of wine was not covered and that the bottles and cans of beer and cider in the chill cabinet were partially covered by a roller blind however some of the cans of beer on the bottom shelf of the cold chill display cabinet were covered with a black bin bag. I took a photograph of the

Signed:



Dated: 22 February 2016

STATEMENT OF WITNESS

(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules
2005, r27.1(1))

Continuation Statement of Paul Green

cold chill display cabinet after I had removed the bin bag from the cans of beer that I Exhibit at PKG4. On Sunday 2 August 2015, I visited 7 Seas Grocerie with Mr Marco Ditano, who is also a City Inspector. Prior to entering the premises, I stood outside in the street and observed the premises from 00:03hrs until 00:30hrs. I saw customers leaving the premises with small plastic carrier bags that appeared to be weighted down with heavy items that resembled the shape of cans. I observed a male leave the premises and after walking past me, he took a can of beer out of a carrier bag. At 00:30hrs, I entered the premises and saw that a silver coloured roller blind was covering the cold chill display cabinet but cans of beer and cider could be reached from an open side. The wine display was partially covered by metal shutters but the shutters were not fully closed, leaving gap of sufficient size for customers to reach inside for bottles of wine from the bottom shelf. I took a photograph of the partially covered wine display that I Exhibit as PKG5. I introduced myself to Mr Amir Raja and asked to speak with a manager and he put me on a phone to a person who gave his name as Mr Fiaz. I asked Mr Fiaz to provide CCTV footage from 23:30hrs until 00:30hrs. I asked him, "Do you know how to work the CCTV" and he replied, "I don't know". I informed him that I would return to collect CCTV footage on the 2 August 2015. I met Mr Fiaz at 7 Seas Grocerie on 2 August 2015 at 22:30hrs but he was unable to provide any DVD or CD. On the 29 August 2015, I wrote to Mr Shabir Hussain Gillani, the Designated Premises Supervisor, a written interview under caution that I delivered to 7 Seas Grocerie. Ms Maria Johnson collected document on 22 September 2015, which had been signed by Mr Gillani on the 19 September 2015. I Exhibit the Written Interview Under Caution as Exhibit PKG6. In the written interview under caution, Mr Gillani was asked for his role in the business and he replied, 'I am the owner of the premises, DPS and Licence Holder'.

Signed:



Dated: 22 February 2016

Appendix E.



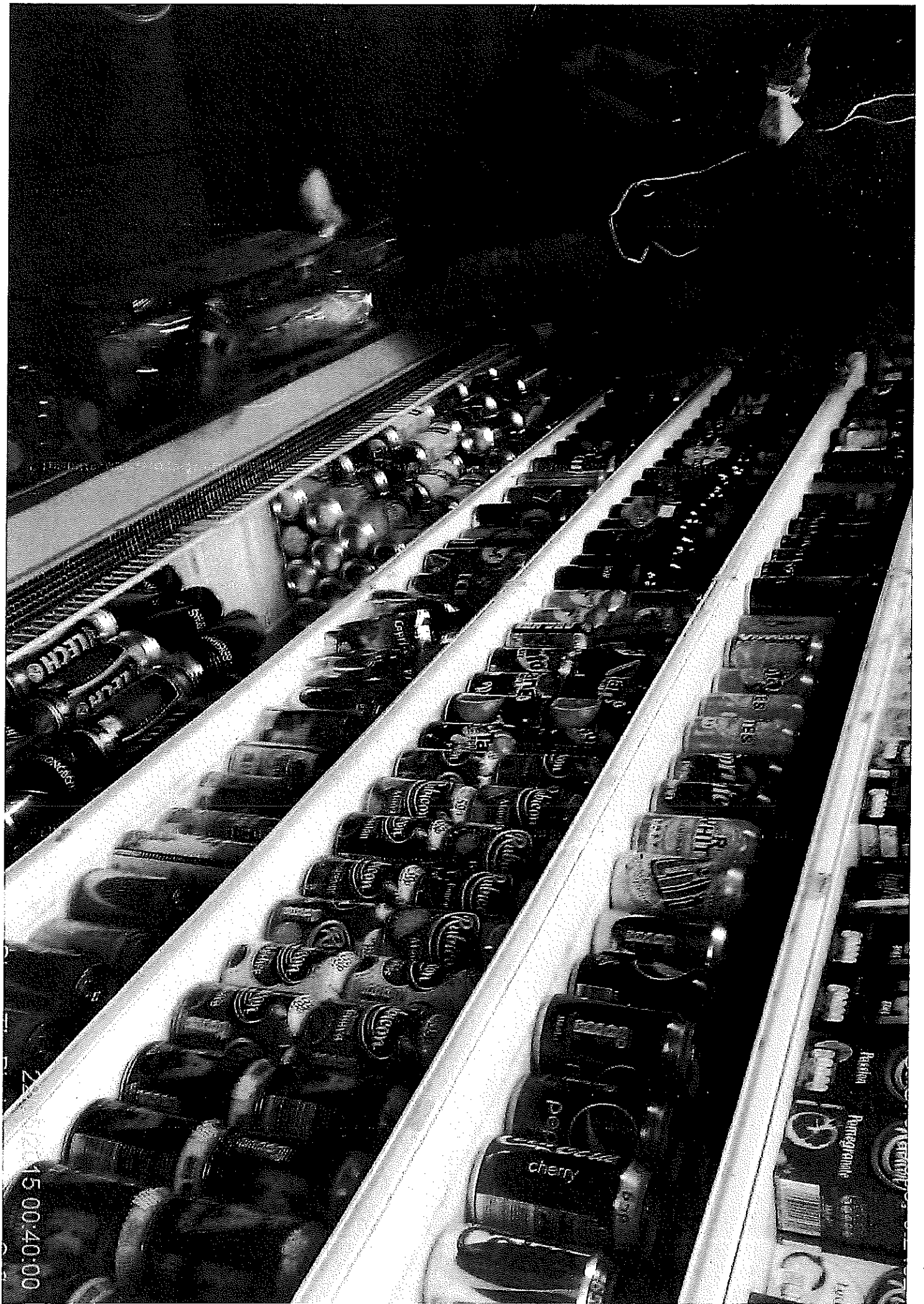
2005/2010/01/28

Appendix F.



22105/2 540

Appendix G.



2015 00:40:00

Appendix H.



City of Westminster

Mr PK Green
City Operations - Public Protection and Licensing

Tel: 020 7641 4614
pgreen1@westminster.gov.uk
27 May 2015

Ref: 15/12464/ELSELF

Mr Shabir Hussain Gillani
239 Portnall Road
LONDON
W9 3BL

Dear Sir

LICENSING ACT 2003 – SALE BY RETAIL OF ALCOHOL
RE: 7 SEAS GROCERIE STORE, 332 KILBURN LANE, LONDON W9 3EF

Further to Mrs Johnson's recent email to you and as the designated premises supervisor for the above mentioned premises, I should be pleased if you would contact me to arrange to meeting, in order to discuss the sale by retail of alcohol.

Yours respectively

Mr PK Green
Senior City Inspector

cc. Mr Shabir Hussain Gillani, 7 Seas Grocerie Store, 332 Kilburn Lane, London W9
Mrs M Johnson, Senior City Inspector, City of Westminster



Appendix I.

WITNESS STATEMENT

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Continuation of statement of: Maria Johnson

I entered the premises at 00:48 hours I immediately noticed that the shutter of a cabinet, positioned on the right hand side of the shop, containing alcohol, was not closed, resulting in alcohol being exposed for sale. I also noticed that the cabinet on the left hand side of the shop contained alcohol, mostly cans of beer and cider, was not in a lockable cabinet. There was a silver material covering which was accessible from the sides. To the right of the silver material covering there were cans of alcohol which were not covered at all.

I identified myself and my colleagues to the person working behind the counter. I asked him what his name was and he said it was Ahmed Raj. I asked him if he was the manager and he said he was not. I asked him for a copy of the licence and he handed Part A and Part B of the Premises licence.

I looked at the licence and identified condition 4 which requires that CCTV images of the preceding two days should be made available to authorised officers on request. I asked to view CCTV images and was advised by Mr Ahmed Raj that he was unable to comply with this as only the manager was able to operate the CCTV system.

My colleague asked Mr Ahmed Raj if he was a personal licence holder and he said he was not. I noticed that condition 11 on the licence stated that "A personal licence holder will supervise all sales of alcohol at all times". Mr Ahmed Raj made a phone call and handed the phone to me. The person identified himself as Mr Fiad Shah. He said he worked in the shop in the afternoon and until 23:00. He said he had a personal licence which was issued by Westminster Council. I explained that I was concerned that the alcohol was exposed for sale. Mr Fiad Shah said that the shutters were open because of a delivery. I said that I did not accept this as a credible reason as the only member of staff at the premises was serving behind the counter and not replacing stock. In addition, some of the alcohol was placed in cabinets with no cover and no lock. I advised Mr Shah that I was very concerned about the operation of the premises and needed the Designated Premises Supervisor or licence holder to call me the following day. He agreed to arrange this.

When I got off the phone I asked Mr Ahmed Raj why the cabinet was open. He said it was because it was broken and that someone was due to come to fix it the follow day. This differed from the explanation given by Mr Fiad Shah.

Signature



Signature witnessed by: _____

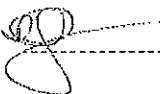
WITNESS STATEMENT

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Continuation of statement of: Maria Johnson

I advised Mr Ahmed Raj that as he was unable to comply with the licensing conditions he should close the shop to the public. There were approximately 4 people in the shop and I waited for them to be served and leave the premises.

Signature



Signature witnessed by: _____

Appendix J.



City of Westminster

Mr PK Green
City Operations - Public Protection and Licensing

Tel: 020 7641 4614
pgreen1@westminster.gov.uk
21 June 2015

Ref: 15/12464/ELSELF

Mr Shabir Hussain Gillani
Flat E, 239 Portnall Road
LONDON
W9 3BL

Dear Sir

LICENSING ACT 2003

RE: 7 SEAS GROCERIE STORE, 332 KILBURN LANE, LONDON W9 3EF

I am investigating the matter of unauthorised sale of alcohol by retail at the above mentioned premises and I am of the opinion that an offence may have occurred on the 22nd May and 10th June 2015. I therefore invite you to be interviewed under caution about the offence, on **7th July 2015 at 10am** at Westminster City Hall, 64 Victoria Street, London SW1E 6QP.

The interview will be conducted in accordance with the Police and Criminal Evidence Act 1984 and the relevant Codes of Practice. Your legal representative may accompany you during the interview, if you wish. The interview will be recorded and a copy of the CD can be prepared for you following the interview, if requested.

I also require that you bring to the interview your personal licence and a copy of CCTV footage for the periods; 21 May 22:30hrs to 22 May 01:00hrs
09 Jun 22:30hrs to 10 Jun 01:00hrs.

I should be pleased if you would confirm your attendance by email or should you wish to make an alternative date and time as soon as possible and therefore I look forward to hearing from you.

Yours faithfully

Mr PK Green
Senior City Inspector

cc. Mr Shabir Hussain Gillani, 7 Seas Grocerie Store, 332 Kilburn Lane, London W9



Appendix K.

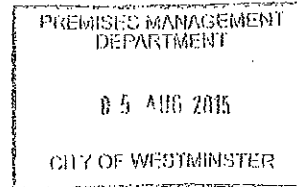


04/07/2015 09:10:29

Appendix L .

7 Seas Groceries Store
332 Kilburn Lane
London W9 3EF

Mr P K Green
City Operations
Public Protection and Licensing
Westminster City Council
Westminster City Hall
4th Floor, 64 Victoria Street
London
SW1E 6QP



31st July 2015

Dear Mr Green

Re: 7 Seas Groceries Store, 332 Kilburn Lane London W9

Further to your letter dated 15th July I apologise for not attending the interview with you on 7th July. I did ring your office three times but was unable to speak to anyone to advise them that I was unable to attend as my Solicitor was away on holiday, but I did leave a message on the answerphone. I did not receive a telephone call back to rearrange the meeting.

My response to the questions in your letter are as follows:

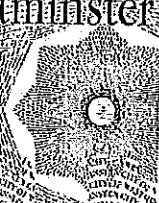
1. Shabir Hussain Gillani
2. 4.3.58
3. Flat E, 239 Portnall Road London W9 3BL. Tel: 07882 260228, email sbr.gillani@yahoo.com.
4. Yes.
5. I am the owner of the premises, DPS and licence holder.
6. Approximately 10 years.
7. The other premises licence holders are Mr Jawad Hussain and Mr Sayaad Miah. I am the only one of the three now involved in the operation and ownership of the business and will be removing the names of the others shortly in a transfer application.
8. I do not have the current addresses of the other licence holders as we have lost contact since they stopped working at the shop and being involved with it.
9. Neither of them have an active role in the premises.
10. Yes.
11. 7am – 1am daily.
12. 8am-11pm daily.
13. Mr Amir Khan was working that evening. I had told him that alcohol must not be sold after 11pm and that after that time the alcohol must not be exposed for sale but should be covered up. Mr Khan admitted afterwards that he had forgotten to do this.
14. Again, Mr Khan was working that evening and forgot to cover up the alcohol at 11pm.



Personal Licence (Part 1)
Licensing Act 2003

City of Westminster

Shabir Hussain Gillani
239 Portnall Road
London
W9 3BT



Expiry Date 17-08-2016

06/07989/LIPERS

21/06/2006-30/06/20

Appendix M.



Appendix *N*.



City of Westminster

Mr PK Green
City Operations - Public Protection and Licensing

Tel: 020 7641 4614
pgreen1@westminster.gov.uk
29 August 2015

Ref: 15/12464/ELSELF

Mr Shabir Hussain Gillani
c/o 7 Seas Grocerie Store
332 Kilburn Lane
LONDON
W9 3EF

Dear Sir

LICENSING ACT 2003

PREMISES: 7 SEAS GROCERIE STORE, 332 KILBURN LANE, LONDON W9 3EF
RE: WRITTEN INTERVIEW UNDER CAUTION

Further to your letter of 31 July where you responded to my earlier questions in writing, I have now incorporated your answers into my questions and onto one document. I should therefore be pleased if you would check your answers against the questions and sign and date them at the bottom of the page.

I must however remind you that you are under caution and,

You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.

Please have this document ready by the **18 September 2015**, when I shall collect it from the above premises.

Yours faithfully

Mr PK Green
Senior City Inspector





City of Westminster

29 August 2015

Ref: 15/12464/ELSELF

LICENSING ACT 2003

**PREMISES: 7 SEAS GROCERIE STORE, 332 KILBURN LANE, LONDON W9 3EF
RE: WRITTEN INTERVIEW UNDER CAUTION**

INTERVIEW QUESTIONS UNDER CAUTION FOR SHABIR HUSSAIN GILLANI

1. What is your full name?

Answer; Shabir Hussain Gillani.

2. What is your date of birth?

Answer; 4th March 1958

3. What is your home address, telephone number and email?

Answer; Flat E, 239 Portnall Road, London W9 3BL. Tel 07882 260228. Email sbr.gillani@yahoo.com

4. Are you able to write on behalf of 7 Seas Grocerie Store, 332 Kilburn Lane, London W9 3EF in relation the investigation into the unauthorised sale of alcohol by retail outside the hours permitted for the premises license in place at 7 Seas Grocerie Store, 332 Kilburn Lane, London W9 3EF premises on the 22nd and 25th May and 10th June 2015, which is an offence under Section 136 and 137 of the Licensing Act 2003?

Answer; Yes.

5. What is your role at 7 Seas Grocerie Store, 332 Kilburn Lane and are you the DPS?

Answer; I am the owner of the premises, DPS and licence holder.

6. How long have you worked at 7 Seas Grocerie Store and when it was called One Nation Food and Wine?

Answer; Approximately ten years.

7. Who else is concerned in the operation and or ownership of the business?
(Who are the holders of the Premises Licence?)





City of Westminster

Answer; The other premises licence holders are Mr Jawad Hussain and Mr Sayaad Miah. I am the only one of the three now involved with the operation and ownership of the business and will be removing the names of the others shortly in a transfer application.

8. What are their addresses and contact details?

Answer; I do not have the current addresses of the other licence holders as we have lost contact since they stopped working at the shop and being involved with it.

9. What is their role in the business and is it an active role?

Answer; Neither of them have an active role in the premises.

10. Do you hold a personal licence?

Answer; Yes.

11. What hours are the premises open to the public?

Answer; 7am – 1am daily.

12. What hours is the sale of alcohol permitted?

Answer; 8am – 11pm daily.

13. On Friday 22 May 2015 at 00:35hrs, I entered 7 Seas Grocerie Store, which was open and saw alcohol openly exposed for sale. Cans and bottles of beer and cider were exposed in a chill cabinet and a shelving unit openly displayed bottles of wine. Behind the shop counter was an open display exposing bottles of spirits for sale. I also witnessed the sale of one can of cider to a customer. Please write why alcohol was exposed for sale and how the sale of alcohol was permitted?

Answer; Mr Amir Khan was working that evening. I had told him that alcohol must not be sold after 11pm and that after that time the alcohol must not be exposed for sale but should be covered up. Mr Khan admitted afterwards that he had forgotten to do this.

14. On Monday 25th May 2015 at 00:35, I entered the premises again and noticed the same displays of alcohol that were still exposed for sale. Please write why the alcohol was still exposed for sale despite my earlier visit?

Answer; Again, Mr Khan was working that evening and forgot to cover up the alcohol at 11pm.





City of Westminster

15. On Wednesday 10th June 2015 at 00:48hrs, Ms M Johnson, Senior City Inspector, entered 7 Seas Grocerie Store and noticed displays of alcohol that were exposed for sale in that cans of beer were exposed in a chill cabinet. Please write why the alcohol was still exposed for sale despite my previous visits of the 22nd and 25th May?

Answer; Mr Khan was working at the shop again on the 10th June and despite having been repeatedly reminded he had forgotten again to cover up the alcohol area at 11pm. Mr Kahn has now been warned that if he sells alcohol again after 11pm or forgets to cover the alcohol area up he will be sacked.

16. What steps have you taken to ensure alcohol is not exposed for sale and sold after the permitted hours?

Answer; The premises are now closed at 11pm and all service to customers is now made via a window service from 11pm onwards until the shop closes for business.

17. On Saturday 4th July 2015 at 03:10hrs, I entered 7 Seas Grocerie Store that were open and occupied with customers and observed that the wine and spirits had been concealed behind wire grills but the beer was only partially covered by a roller blind and a loose black plastic bin bag. Regarding the cans of beer concealed by the bin bag in the chill cabinet, why were the cans not secured behind lockable grills/shutters/screens or doors or removed?

Answer; The staff member who had stocked the shelves didn't realise that when the shutter was down some of the beers were still visible. This has now been rectified and all alcohol is now hidden behind blinds or shutters after 11pm.

18. On 7 Seas Grocerie Store then known as One Nation Food and Wine was subject to a Review by the City of Westminster. Why did Westminster City Council ask for a Review?

Answer; The Council asked for a review of the premises because a Police Licensing Officers saw alcohol being sold at the shop after licensable hours, beers was not locked away after hours beer over 5.5% ABV on sale.

19. What conditions did the Review ask for and what did you do?

Answer; 1) A personal licence holder will supervise all sales of alcohol at all times, 2) A refusals book must be put into place and kept up to date at all times and be available for inspection at the request of a responsible authority, 3) The Portman Group/Challenge 21 or equivalent scheme will be employed, 4) A Challenge 21, Portman Group or equivalent scheme poster must be displayed at the premises. All measures were put in place as required.





City of Westminster

20. How do you account for why the business did not comply with the conditions of the Review?

Answer; The correct measures were put in place but I admit that I have been lax in that I have not been keeping a close enough eye on my staff to ensure that when I am not at the shop they are still complying with these conditions. I have sat down all members of staff who work at the shop and reminded them of all the conditions in place during the hours that they are working at the shop will result in them being dismissed.

21. Do you wish to clarify or add anything further?

Answer; I apologise for all the problems that the Police have encountered in their visits to the premises and will do everything can now to take more control and supervise my staff to ensure that all alcohol is locked away at 11pm every night and that customers do not have access to the alcohol after the hours for licensable activity.

Signed:

Mr Shabir Hussain Gillani

Dated:

September 2015



Appendix .

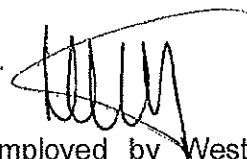
STATEMENT OF WITNESS

(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Statement of: Adam Webb
Age of witness: Over 21
Occupation of Witness: City Inspector
Public Protection and Licensing
Address: Westminster City Council, City Hall
64 Victoria Street
London, SW1V 6QP
Telephone Number: 0207 641 1718

This statement, consisting of four 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.

Signed:



Dated: 29th January 2016

I am employed by Westminster City Council as a City Inspector for City Operations, Public Protection and Licensing. I have held this position since 1 December 2015. Prior to this date, I have held various enforcement roles within Local Authority Community Safety teams since 1996. I am authorised to enter and inspect premises, make enquiries within these premises and to exercise the functions and powers as contained under the provisions of the Licensing Act 2003.

On Saturday 23rd January 2016 at 00:08hrs, I entered an off licence and grocery store called 7 Seas Grocery, 332 Kilburn Lane, London W9 3EF, that was open and was trading.

Continued...

Signed:



Dated: 29th January 2016

STATEMENT OF WITNESS
**(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure
Rules 2005, r27.1(1))**

Continuation Statement of Adam Webb...

I would describe the establishment as busy with approximately 10 to 15 customers being served. I observed a sale of cigarettes to a mid-thirties female, a can of butane lighter gas to a male and another customer asked for single razor blades.

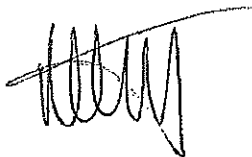
I was accompanied by my colleague Mr ALEX WOODMAN, who is a Public Protection and Licensing Manager. On entering the premises, I and Mr WOODMAN identified ourselves as council officers and asked to see the shop so we could then discuss licence conditions.

The shop had a beer chiller on the right hand side wall of the premises which was closed but not locked. My attention was drawn to a number of plain black plastic bags tucked to the right side of the fridge which are regularly used in the sale of alcohol products. Various high alcohol spirits and cigarettes were accessible from behind the counter.

The person behind the counter then gave his name as SHAHID MUHAMMAD of 8a ALBERT ROAD, ILFORD, ESSEX, ID1 1HN, Telephone 07863 036369 and said that he was 'a partner' in the business.

Continued...

Signed:



Dated: 29th January 2016

STATEMENT OF WITNESS

(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation...

Also working in the store by monitoring the door and providing goods to customers was another male of approximately 50 years of age of Central Asian or Middle Eastern appearance who identified himself as Mr ALI MOHD of 23 Kilburn High Road, London. Neither man had any ID available to view on request.

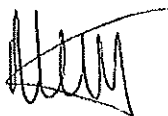
I entered a rear room through an open door from the main shop area and into a room that appeared to be further shop space and/or storage which had a CCTV camera in it. This area contained various cases and uncased alcohol and retail items which were easily accessible from the main shop to members of the public.

To the rear of that area in another open door area was various beers and a locked spirit cupboard. Mr SHAHID MUHAMMAD showed us the cupboards contents which were various 1 litre spirits in single bottles and cases neatly arranged and secured at the time of my visit.

My understanding is that no alcoholic beer over 5.5% Alcohol by Volume (ABV) should be available for sale in the premises however; within the rear room with open access to the front of the shop I made a note of the following high alcohol beers and ciders in full and split cases: 32 cans of KCIDER at 8.4% ABV, 16 cans of KESTRAL SUPER at 9% ABV, 4 cans of SUPERSKOL at 9% ABV and 4 cans of SPECIAL BREW at 9% ABV.

Continued...

Signed:



Dated: 29th January 2016

STATEMENT OF WITNESS

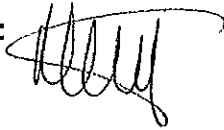
(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation...

After inspecting the rear of the shop, I and Mr WOODMAN returned to the sales desk at the front. The aforementioned black bags located adjacent to the beer chiller had been removed whilst I was in the rear of the premises. Mr WOODMAN asked Mr SHAHID MUHAMMAD where the bags had gone and why they were there; Mr SHAHID MUHAMMAD denied knowledge of the bags and said he did not know.

End of Adam Webb's Statement.

Signed:



Dated: 29th January 2016

RESTRICTED (when complete)

MG 11 (T)

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:

--	--	--	--

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

This statement (consisting of: ...**5**... 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: Date:

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

I am Police Constable Reaz Guerra, 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 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 Westminster.

On Thursday 17th March 2016 at approximately 1215 hours I visited 332 Kilburn Lane, W9, a premises which is subject to a review application by Westminster Council City Inspectors (Ref 16/02038/LIREVP). An application for a review of the premise licence was made by the Metropolitan Police in 2007 for the Prevention of Crime and Disorder and the Protection of Children from Harm. This was as a result of persistent underage sales, sale of alcohol past permitted hours and breach of licence conditions.

The licence holders in 2007 were named as Mr Sayaad MIAH and Mr Jawad Hussain, the current licence is still held by the same two people.

Signature: Signature witnessed by:

RESTRICTED (when complete)

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

The premises is located on the south footway of Kilburn Lane, approximately 15 meters east of the junction with Portnal Road. The main entrance to the premises is on Kilburn Lane. The premises is currently trading and displaying the store name as '7 Seas Grocerie Stores'. I would describe the premises as a small convenience store and is open to the public 24 hours a day, seven days a week. As you enter the premises the till and cash desk is immediately on the right, backed by the shop window.

As I entered the premises I noted the Blue Notice on display in the shop window in relation to the current review application. On entering the premises I walked around the premises and noted that there were three main areas where alcohol was exposed for sale. There was a chilled display of alcohol on the left, containing predominantly beers, wine and a selection of spirit mixtures.

On the right of the shop floor was a cabinet/shelving unit with ambient wine and champagne. Behind the counter was a further display of spirits.

On entering the shop there were no staff inside the premises, I did note that there was a male stood outside the front on the highway, after a few minutes this male entered the store. Identified myself to him and explained I was from the Westminster Police Licensing Team. I explained to him that I was visiting the premises in relation to the review application. I asked the male his name and he was reluctant to provide me his details and did not provide his name. I asked how long he had worked at the premises and he said he was just covering as the normal person was not there. I then asked if the Designated Premises Supervisor (DPS) or manager was present, he replied that he was not there. I asked where he was and when he would be available, to which he replied the manager would be back after 1pm. I asked him if he held a personal licence, he did not understand my question so I asked him if had any training in relation to the sale of alcohol and he just shook his head and again did not understand my question. I asked if he could produce the Premises Licence but he was unable to do so.

At this point a male I now know to be Shabil Gillani, the person named as the DPS on the premises Licence appeared from the rear of the store. I asked them why I had been told that the DPS was not present and Mr Gillani explained he had advised the member of staff to say he was not there as he was meeting his solicitor. He then introduced me to Debra Silvester, his licensing consultant who was sat in an office at the rear of the premises. I explained to Mr Gillani that the member of staff had not

Signature: Signature witnessed by:

Continuation of Statement of PC Reaz Guerra 1614CW

provided me with his details, to which Mr Gillani prompted him to provide me with his name, which he did as Mr Mayank PATEL, I then reconfirmed with Mr Gillani that Mr Patel did not hold a personal licence.

I then explained the purpose of my visit to Mr Gillani and then went through the conditions attached the premises licence: 06/04707/WCCMAP

Condition 4.

That a comprehensive CCTV system shall be installed, operated and maintained as per the requirements of the Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.

I asked if he could show me recent footage, he then escorted me to the rear store room where the CCTV system was located on top of a tall shelving rack. He said he did not know how to operate the system and was unable to show me any recorded footage and that no person on the premises was able to operate the system. Therefore breaching the condition

Condition 5. No beer or cider to be sold above 5.5% alcohol by volume

The alcohol on display with the shop floor was checked, all beer and cider exposed for sale was 5.5% ABV or less. I did note that there were two high strength tonic drinks, called Mandigo (12.5% ABV) and Magnum (16.3% ABV) which were available for self service.

Signature: Signature witnessed by:

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

Condition 7. *Outside of permitted hours all alcohol within the shop area to be secured behind locked grills/screens or secured behind locked cabinet doors.*

And

Condition 10. *The display of alcohol to be concealed by lockable blinds or shutters and the chilled cabinets to be locked outside of the hours of the supply of alcohol on the premises licence*

I asked Mr Gillani to demonstrate how the alcohol is secured outside of hours. Mr Patel then demonstrated that on the Ambient display cabinet a metal shutter was pulled down covering the alcohol and then locked with two padlocks. However I then highlighted to him that there was a large area at the side of the cabinet which still provided access to bottles of wine when the shutter was down. For the chilled cabinets there were two cloth/material blinds which could be pulled down and secured with a padlock. However even when pulled down the alcohol was still readily accessible.

Condition 8. *No self service of spirits*

The spirits were stored and displayed behind the counter and other that the were two high strength tonic drinks, called Mandigo (12.5% ABV) and Magnum (16.3% ABV), none were available for self service

Condition 9. *In the judgement of the Designated Premises Supervisor, to maintain at all times levels of staff, so as not to undermine the Crime and Disorder objectives, to be disclosed on request of the Licensing Authority and the Police.*

At the time of my visit, there was one member of staff present, he appeared to lack any training in relation to the responsible sale of alcohol and initially he when I entered the premises he was outside taking several minutes to re-enter the shop. During this time the shop floor was not staffed or supervised.

Signature: Signature witnessed by:

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

Condition 11. *A personal licence holder will supervise all sales of alcohol at all times.*

Although Mr Gillani was actually present in the premises, there was no personal licence holder supervising the sales of alcohol. Mr Gillani was unable to provide any evidence of training given to his staff in relation to the Sale Of Alcohol and Mr Patel did not hold a personal licence.

Condition 12. *A refusals book must be maintained and kept up to date at all times and be available for inspection at the request of a responsible authority.*

I asked both Mr Patel and the Mr Gillani, to produce the refusals log for inspection, however Mr Gillani stated that the he could not find it as a man named Mr Hussain (one of the Licence Holders) had put it somewhere. He was unable to comply with the condition.

Condition 13. *The Portman Group/Challenge 21 or equivalent scheme will be employed.*

and

Condition 14. *A Challenge 21, Portman Group or equivalent scheme poster must be displayed at the premises.*

I noticed one sign above the cashiers desk stating Challenge 25, No ID No Sale.

Following my inspection, I am of the opinion that the existing licence holders are neglecting to promote the licensing objectives by failing to comply with the conditions attached to their licence.

Signature: 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:

Sycamore, David

From: Nida Bhatti <nidabhatti@me.com>
Sent: 21 March 2016 14:42
To: General Licensing
Subject: Alcohol sold Out of licensing hours

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

I am writting reguarding an off license named 7 seas grocerie store located on 332 kilburn lane, London, W9 3EF. I have a big concern about the staff selling alcohol out of hours amd strong beers being sold from behinf the counter, I had raised this issue previously. However, I have still seen the same thing happening alocohol was sold right before my eyes late at night. I am sending this email hoping that these issues will be resolved by yourselves as soon as possible so that these people can stop abusing the license and ruin the society.

Thanks for your cooperation and hope to hear from you soon.

Miss Bhatti

Sent from my iPhone

Appendix 4

Page 1 of 2

STATEMENT OF WITNESS

(C.J. Act, 1967, s.9; M.C. Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, r.27.1 (1))

Statement of: Racheal Ejuetami

Age of witness:
(if over 18 enter "over 18") "Over 18 years"

Occupation of Witness: City Inspector

Address: Westminster City Hall
64 Victoria Street
London
SW1E 6QP

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.

Signed.....

Dated: 9 March 2016

I am a City Inspector employed by Westminster City Council attached to the Public Protection and Licensing Department, 4th Floor, City Hall, 64 Victoria Street, SW1E 6QP. I am authorised to enter and inspect premises, make enquires, and to exercise the functions and powers as contained under the provisions of the Licensing Act 2003.

On Saturday 5 March 2016, I was on duty in the Queens Park area. At approximately 00:10 hours, I parked the van I was driving in view of the entrance to Seven Seas Food and Wine, 332 Kilburn Lane, London W9 3EF to conduct an observation. Inside the shop I could see one male I believed to be a member of staff standing at the entrance. There was also another male who I could see partially through the window display. He was standing behind what appears to be the sales counter. There was a large group of young males standing outside the entrance of the premises.

At 00:15, I saw the group disperse. There were a number of people entering and leaving the premises carrying bags.

Signed.....

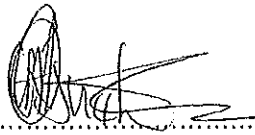
At 00:18, a man entered the premises with nothing in his hands and then left the premises holding the neck of what appeared to be a bottle in a black bag.

Another group of males went into the premises at 00:20 hours most of them were wearing hoodies. At 00:26, some of the group left the premises and stood outside the entrance (approximately five minutes).

On Sunday 6 March 2016 22:30, another observation was conducted for approximately one hour. I parked the vehicle I was driving in view of the entrance to Seven Seas Food and Wine, 332 Kilburn Lane, London W9 3EF. There were a number of people entering and leaving the premises carrying bags.

On the left side of the premises was a refrigerator. The refrigerator was covered with roller silver blind and the items in the refrigerator were accessible from the sides. I did not see any item taken from the side of the blind.

I made this statement using the records held at Westminster City Council and my own recollections.

Signed.....

STATEMENT OF WITNESS

(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules
2005, r27.1(1))

Statement of: Leroy Adedeji
Age of witness: Over 21
Occupation of Witness: City Inspector
Public Protection and Licensing
Address: Westminster City Council, City Hall
64 Victoria Street
LONDON SW1V 6QP
Telephone Number: 0207 641 4614

This statement, consisting of two 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.

Signed:

Dated: 27 February 2016

I am employed by Westminster City Council as a City Inspector for City Operations, Public Protection and Licensing. I have held this position since 1 April 2015. Prior to this date, I have held enforcement roles within the Council since 2003. I am authorised to enter and inspect premises, make enquiries within these premises and to exercise the functions and powers as contained under the provisions of the Licensing Act 2003.

On Saturday 27 February 2016 at 00:50hrs, I entered an off licence and grocery store called 7 Seas Grocerie, 332 Kilburn Lane, London W9 3EF, that was open and was trading. I was accompanied by a colleague Ms Maria Johnson, who is also in Public Protection and Licensing and two Metropolitan Police Officers (PC Marles – CW1735 and PC Lewis – CW 1436) from Paddington Green Police Station. I noticed that the cabinet on the left hand side of the shop which I believe contained alcohol was not in a lockable cabinet. There was a silver material covering, and the sides of the silver material were taped cardboard boxes.

Signed:

Dated: 27 February 2016

STATEMENT OF WITNESS

(C.J. Act 1967,s,9; M.C. Act 1980, ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, r27.1(1))

Continuation Statement of Leroy Adedeji

On the right hand side wall of the premises, I noticed that the shutter of a cabinet containing alcohol was closed. Behind a counter at the front of the shop was an open display containing bottles of spirits including miniatures. There were six customers inside the shop. My colleague, Ms Maria Johnson identified herself and me to a person working behind the counter and allowed him to serve five customers. At 00:55hrs, a customer walked in and asked the man behind the counter for four cans of beer and he responded "the Police are around" and refused sale. The customer got angry and replied "fuck the Police". The person behind the counter then gave his name as Shabir Hussain, D.O.B 12 October 1980 of 332 Kilburn Lane W9 3EF. Ms Johnson asked to view CCTV images and was advised by Mr Shabir Hussain that he was unable to comply with this as only the manager was able to operate the CCTV system. We left the premises at 01:05hrs.

Signed:

Dated: 27 February 2016

APPENDIX 5

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 (if any) 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.

Current conditions on the existing licence

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. That a comprehensive CCTV system shall be installed, operated and maintained as per the requirements of the Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.

10. No beer or cider to be sold above 5.5% alcohol by volume

11. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
12. Outside of permitted hours all alcohol within the shop area to be secured behind locked grills/screens or secured behind locked cabinet doors.
13. No self service of spirits
14. In the judgement of the Designated Premises Supervisor, to maintain at all times levels of staff, so as not to undermine the Crime and Disorder objectives, to be disclosed on request of the Licensing Authority and the Police.
15. The display of alcohol to be concealed by lockable blinds or shutters and the chilled cabinets to be locked outside of the hours of the supply of alcohol on the premises licence
16. A personal licence holder will supervise all sales of alcohol at all times.
17. A refusals book must be maintained and kept up to date at all times and be available for inspection at the request of a responsible authority.
18. The Portman Group/Challenge 21 or equivalent scheme will be employed.
19. A Challenge 21, Portman Group or equivalent scheme poster must be displayed at the premises.