



City of Westminster

Executive Summary and Recommendations

21/00348/LIREVX	Licensing Sub-Committee Report	
Date:	Tuesday 19 th January 2021	
Subject:	Initial consideration for any Interim measures pending the full review of the premises licence for: Olympic Food and Wine 21 Moscow Road London W2 4AH	
Licence Holder: Mr Pejman Akbari	Ward: Lancaster Gate	Cumulative Impact Area: No
Summary		
<p>An application was made by the Metropolitan Police Service on 15th January 2021 to review the premises licence for Olympic Food and Wine, 21 Moscow Road, London, W2 4AH under the Section 53A(1)(b) of the Licensing Act 2003 (premises associated with serious crime or serious disorder or both).</p>		
Options		
<p>The Committee after considering this report and the evidence presented at the hearing may take such interim steps as it considers necessary for the promotion of the licensing objectives. These steps are:</p> <ul style="list-style-type: none"> (a) modification of the conditions of the premises licence (modify, delete or add conditions); (b) to exclude the sale by retail of alcohol from the scope of the licence; (c) to remove the designated premises supervisor; (d) to suspend the licence; 		

1. Summary of review application

- 1.1 Intelligence had been received that a number of customers had been witnessed entering the shop and leaving without goods for the premises located at 21 Moscow Road, W2 4AH. The Metropolitan Police Service upon executing a warrant and gained entry to the premises where Officers conducted a thorough search and found a number of what is suspected to be illegal substances.
- 1.2 The premises had also been selling alcohol without a Designated Premises Supervisor since May 2013.

2. Submissions from Licensee

- 2.1 Due to the short notice of the hearing to consider interim steps it has not been possible for the licence holder to submit any documentation in time for the publication of this report.

3. Interim steps

- 3.1 Under the provisions of section 53A(2)(a) of the Act the Licensing Authority must within 48 hours of receiving the review application consider whether it is necessary to take interim steps pending the determination of a full review of the premises licence.

4. Options

- 4.1 The Authority must, having regard to the application, take such interim steps as it considers necessary for the promotion of the licensing objectives. The steps are:
 - (a) to modify the conditions of the premises licence (modify, delete or add conditions);
 - (b) to exclude sale of alcohol from the scope of the licence;
 - (c) to remove the designated premises supervisor;
 - (d) suspend the licence
- 4.2 At the time of report publication the premises did not have a Designated Premises Supervisor for the premises. Therefore the premises are not permitted to provide the sale of alcohol by retail.

5. Appendices

- 5.1 Appendix 1 – Premises Licence
- Appendix 2 – Review Application Form
- Appendix 3 – Supporting evidence
- Appendix 4 – Licence History

If you have any queries about this report or wish to inspect one of the background papers please contact Michelle Steward on 07815000597, or email msteward@westminster.gov.uk.

Background Papers

- Licensing Act 2003
- Violent Crime Reduction Act 2006
- The Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007
- Guidance issued under section 182 of the Licensing Act 2003 (March 2015)
- Department for Culture Media and Sport, Licensing Act 2003 – Expedited/Summary Licence Reviews Guidance (October 2007)

APPENDIX 1



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: Lancaster Gate
UPRN: 100023480397

Premises licence

Regulation 33, 34

Premises licence number:

13/03218/LIDPSR

Original Reference:

05/06095/LIPCV

Part 1 – Premises details

Postal address of premises:

Olympic Food Centre
21 Moscow Road
London
W2 4AH

Telephone Number: 020 7243 3498

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Playing of Recorded Music Unrestricted

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

Sale by Retail of Alcohol
Monday to Saturday: 08:00 to 23:00
Sunday: 10:00 to 22:30

For times authorised for Christmas and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 08:00 to 23:00
Sunday: 08:00 to 22:30

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

Alcohol is supplied for consumption off the Premises.

Part 2

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

Mr Pejman Akbari
24 Barry Road
London
NW10 8DL

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: None

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: None
Licensing Authority: None

Date: 14 January 2021

This licence has been authorised by Miss Daisy Gadd on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 5(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 5(ii) For the purposes of the condition set out in paragraph 5(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -
$$P = D+(D \times V)$$
Where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect.

Conditions for Sale of Alcohol

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.

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

In this condition, permitted hours means:

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

The above restrictions do not prohibit:

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

7. Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 2 – Conditions consistent with the operating Schedule

None

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

None



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

Schedule 12
Part B

WARD: Lancaster Gate
UPRN: 100023480397

Premises licence
summary

Regulation 33, 34

Premises licence number:

13/03218/LIDPSR

Part 1 – Premises details

Postal address of premises:

Olympic Food Centre
21 Moscow Road
London
W2 4AH

Telephone Number: 020 7243 3498

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Playing of Recorded Music Unrestricted

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

Sale by Retail of Alcohol

Monday to Saturday: 08:00 to 23:00
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For times authorised for Christmas and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 08:00 to 23:00
Sunday: 08:00 to 22:30

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

Alcohol is supplied for consumption off the Premises.

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

Mr Pejman Akbari
24 Barry Road
London
NW10 8DL

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: None

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

Restricted

Date: 14 January 2021

This licence has been authorised by Miss Daisy Gadd on behalf of the Director - Public Protection and Licensing.



**METROPOLITAN
POLICE**

TOTAL POLICING

Form for Applying for a Summary Licence Review

Application for the review of a premises licence under section 53A of the Licensing Act 2003
(premises associated with serious crime, serious disorder or both)

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 the 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.

Insert name and address of relevant licensing authority and its reference number:

Name:	City of Westminster		
Address:	Westminster City Hall, 64 Victoria Street		
Post town:	London	Post code:	SW1E 6QP
Ref. No.:	13/03218/LIDPSR		

I PC Adam Deweltz

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

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

Olympic Food Centre
21 Moscow Road, London, W2 4AH

Post town:	London	Post code: (if known)	W2 4AH
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2. Premises licence details

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

[Redacted Name]

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

13/03218/LIDPSR

PROTECTIVE MARKING

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:



4. Details of association of the above premises with serious crime, serious disorder or both (Please read guidance note 2)

On Wednesday 13th January 2021 at approximately 15:15 hours, Metropolitan Police Officers executed a Section 23 Misuse of Drugs Warrant at Olympic Food and Wine, 21 Moscow Road, W2 4AH.

Officers had received intelligence that people were attending the premises over the course of time, entering for a very short period and then leaving empty handed with no bags or purchases. After numerous complaints, Police acted on the information and a drugs warrant was obtained, as it was suspected the operators of the premises were concerned in the supply of controlled substances.

Upon executing the warrant and gaining entry to the premises, Officers conducted a thorough search and found

[REDACTED] was present at the scene. Also present was another male by the name of Mr [REDACTED]. Both males were arrested on [REDACTED]

The evidence found was seized and the males arrested were conveyed to a Police Station. Further evidence was found at a subsequent linked address, which was search by police.

The premises holds a premises licence (13/03218/LIDPSR). Further enquiries into the premises licence revealed that there is no Designated Premises Supervisor (DPS) currently named on the premises licence. Without a DPS, the sale of alcohol by retail is not authorised, regardless of whether the premises holds a licence. Checks reveal there has not been a DPS at the premises since May 2013. This would mean the licensee has been permitting sales of alcohol unlawfully and without correct authorisation.

It is clear that the licensee has failed to promote the Licensing Objectives, such as The Prevention of Crime and Disorder, and therefore Police request the Licensing Sub-Committee consider immediate suspension of the premises licence to prevent the licensee from applying to be a DPS for the venue to conduct further sales of alcohol; pending a full hearing where the Metropolitan Police will seek full revocation of the premises licence.

PROTECTIVE MARKING

Signature of applicant			
Signature:		Date:	15/01/2021
Capacity:	Police Constable		
Contact details for matters concerning this application			
Surname:	Deweltz	First Names:	Adam
Address: Westminster City Hall, 15th Floor, 64 Victoria Street			
Post town:	London	Post code:	SW1E 6QP
Tel. No.:	02076411705	Email:	Adam.s.deweltz@met.police.uk

Notes for guidance

- A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
- Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

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

URN

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Statement of: Constable Adam Deweltz

Age if under 18: Over 18

Occupation: Police officer

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

Signature: 

Date: 14 Jan 2021

My name is Adam Deweltz and I am a Police Constable for the Metropolitan Police Service. I have been a Police Officer for 19 years and I am an experienced licensing officer currently working in the Westminster Police Licensing Unit. I have been in this role since November 2014. Since then I have dealt with a wide range of licensing matters including applications for new premises licences, licence committee hearings, licence review hearings and a large number of licensing visits to a variety of licensed premises within the City Of Westminster. My unit is responsible for over 5,000 licensed premises in Westminster, Kensington and Chelsea and Hammersmith and Fulham. When visiting these licensed premises the aim is to work in partnership with them by making improvements and offering advice to ensure the licensing objectives are achieved.

I submit the below information in regard to an application by the Westminster Police Licensing Unit, on behalf of the Commissioner of the Metropolitan Police, to review the premises Licence of Olympic Food and Wine, 21 Moscow Road, W2 4AH. Premises licence number 13/03218/LIDPSR

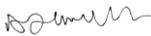
The Westminster Police Licensing Unit seeks revocation of the premises licence on the grounds of Prevention of Crime and Disorder.

On Wednesday 13th January 2021 at approximately 15:15 hours, uniformed Police Officers executed a Section 23 Misuse of Drugs Act warrant at Olympic Food and Wine, 21 Moscow Road, W2 4AH. Intelligence had been received by local officers that individuals were entering the premises for a very short time and then leaving empty handed with no bags or purchases. Given this suspicious behaviour, officers obtained a warrant from Court to search the premises for controlled substances.

Once entry has been made, a large amount of what is believed to be illegal drugs, was found behind the front desk and at the back of the premises. A [REDACTED] was also found and therefore a Trojan (Armed Response Unit) dog was deployed to the scene to search for anything firearms related. Further items such as cash, weighing scales and syringes were also found in the search.

The venue is a licensed premises, which has off sales of alcohol. Alcohol was displayed on the shelves inside the shop. The licensee is a male by the name of [REDACTED]. He was behind the counter at the time Police entered the shop. He was detained and subsequently arrested for [REDACTED].

Also present in the shop was [REDACTED]. He was also arrested for the same offences. Both males were transported to a Police station and booked into custody whereby they would be interviewed under caution.

Signature: 

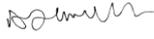
Signature Witnessed by:

Continuation of Statement of: Constable Adam Deweltz

On Thursday 14th January 2021, Westminster Police Licensing were made aware that the warrant was executed at the address. Enquiries were immediately made into the premises licence and Westminster City Council were contacted. Checks into the premises licence revealed that since May 2013, there has not been a Designated Premises Supervisor (DPS). The previous DPS [REDACTED] at the premises wrote to WCC on 03/05/2013 asking to be removed as the DPS from the premises licence, as he was no longer connected with the premises. This was acknowledged by WCC and they replied to him on the 10th May 2013.

[REDACTED] was still the licence holder and he had a responsibility to ensure the premises licence had a DPS. Because no individual was ever allocated the position of DPS by way of applying through WCC, this meant any sales of alcohol would be unauthorised and unlawful. [REDACTED] continued to permit the sale of alcohol from 21 Moscow Road, W2 unlawfully and without correct authorisation.

Westminster Police Licensing Unit are reviewing the premises licence for 21 Moscow Road, W2. The licensee has clearly failed to promote the Licensing Objectives, namely The Prevention of Crime and Disorder. Not only has a [REDACTED] been found at his premises, but he has been trading unlawfully by selling alcohol without a DPS. We will be seeking full revocation of the premises licence when this matter is brought before the Licensing Sub-committee at Westminster City Council.

Witness Signature: 

Signature Witnessed by:

APPENDIX 4**Licence and Appeal History****Premises licence history**

Application	Details of Application	Date Determined	Decision
05/06095/LIPCV	Conversion Under the Licensing Act 2003	19.09.2005	Granted
06/10263/WCCMA P	Master Licence		Granted under Delegated Authority
10/09430/LIPD	Application for duplicate licence	06 June 2012	Granted under Delegated Authority
12/04331/LIPDPS	Application to vary the Designated Premises Supervisor	18 April 2013	Granted under Delegated Authority
13/00644/LIPT	Application to transfer the Premises Licence to Mr Pejman Akbari	18.02.2013	Granted under Delegated Authority
13/03218/LIDPSR	Application to be Removed as the Designated Premises Supervisor	10 May 2013	Granted under Delegated Authority

There is no appeal history for the premises.