



## Alcohol and Entertainment Licensing Sub-Committee

**Tuesday 25 February 2020 at 10.00 am**

Members Suite - 4th Floor, Brent Civic Centre,  
Engineers Way, Wembley, HA9 0FJ

### Membership:

#### Members

Councillors:

Ahmed (Chair)  
W Mitchell Murray  
Maurice

#### Substitute Members

Councillors:

Chohan, Hector, Kennelly, Long, McLeish and RS Patel

**For further information contact:** Devbai Bhanji, Governance Assistant  
Tel: 020 8937 6841; Email: [devbai.bhanji@brent.gov.uk](mailto:devbai.bhanji@brent.gov.uk)

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

**[www.brent.gov.uk/committees](http://www.brent.gov.uk/committees)**

**The press and public are welcome to attend this meeting**

### **Notes for Members - Declarations of Interest:**

If a Member is aware they have a Disclosable Pecuniary Interest\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest\*\* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

### **\*Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

### **\*\*Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
  - To which you are appointed by the council;
  - which exercises functions of a public nature;
  - which is directed is to charitable purposes;
  - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
- (b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

# Agenda

Introductions, if appropriate.

Item	Page
3 <b>Application for the Review a Premises Licence by Metropolitan Police for the premises known as Woodchurch Filling Station, 242 Church Lane, NW9 8SL, pursuant to the provisions of the Licensing Act 2003</b>	1 - 72

**Date of the next meeting:**            **Date Not Specified**



- Please remember to ***SWITCH OFF*** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

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HEARING ON 25 February 2020  
SUPPORTING DOCUMENTATION  
BY THE LICENCE HOLDER FOR  
242 CHURCH LANE, KINGSBURY

**Compliance  
direct Ltd**  
Compliance Direct Ltd, Registered in England No. 0632858

Background  
documents to be  
used at hearing

JUSTICES' OFF LICENCE

AT THE LICENSING SESSIONS FOR THE LOCAL JUSTICE AREA OF BRENT HELD ON  
THE 02.08.2005. **BRENT LOCAL JUSTICE AREA - LICENSING**

APPLICANT(S):

Sithamparanathan KIRUBENDRAN

-----

THE LICENSING JUSTICES FOR THE SAID LOCAL JUSTICE AREA HEREBY GRANT to  
the abovenamed applicant(s) this JUSTICES' LICENCE authorising the  
sale by retail of intoxicating liquor in accordance with the schedule  
below and subject to any endorsements and undertakings attached  
hereto.

S C H E D U L E

Type of licence : OFF LICENCE

Name of premises : WOODCHURCH FILLING STATION (GULF)

Address of premises : 242 Church Lane  
Kingsbury  
London  
NW9 1DU

Liquor authorised : All Descriptions  
for consumption off the premises.

Name of Owner(s) of  
the premises

Sithamparanathan KIRUBENDRAN,

THIS LICENCE TO HAVE EFFECT FROM THE GRANT HEREOF UNTIL THE 4th DAY OF  
APRIL, 2007.

GIVEN UNDER THE OFFICIAL STAMP OF THE LICENSING JUSTICES WHICH IS  
HEREBY AFFIXED UNDER THEIR AUTHORITY BY ME,

  
CLERK TO THE LICENSING JUSTICES.

Legislation	Types of premises	Type of restriction	Embedded Conditions	Notes
s. 60, 63, 86 LA 1964	Off-licences and off-sales departments of on-licensed premises.	Permitted hours	<p>Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p> <p>a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.</p> <p>b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.</p> <p>c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.</p> <p>d. On Good Friday, 8 a.m. to 10.30 p.m. The above restrictions do not prohibit:</p> <p>(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;</p> <p>(b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;</p> <p>(c) the sale of alcohol to a trader or club for the purposes of the trade or club;</p> <p>(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;</p>	See notes 1-2.

*[insert name and address of relevant licensing authority and its reference number, optional]*

**(Part A) Application for an existing licence to be converted to a premises licence under the Licensing Act 2003 and (Part B) application to vary the premises licence simultaneously**

**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/We [ ] apply to convert an existing licence to a premises licence under Schedule 8 to the Licensing Act 2003 for the premises described in Part A1 below**

**Part A1 – Premises Details**

Postal address of premises or, if none, Ordnance Survey map reference or description	
Post town	Post code
Telephone number of premises (if any)	
Non-domestic rateable value of premises	E

**Part A2 – Applicant Details**

Please state the capacity in which you are applying to convert your existing licence  
Please tick ✓

- |   |  |
|---|--|
| a) An individual or individuals                   | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual              |  |
| i. as a limited company                           | <input type="checkbox"/> please complete section (B) |
| ii. as a partnership                              | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or          | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation)   | <input type="checkbox"/> please complete section (B) |
| c) a recognised club                              | <input type="checkbox"/> please complete section (B) |
| d) a charity                                      | <input type="checkbox"/> please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| f) a health service body                          | <input type="checkbox"/> please complete section (B) |



g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital

please complete section (B)

☐

h) the chief officer of police of a police force in England and Wales

please complete section (B)

☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname  First names

Please tick ☐

I am 18 years old or over

Yes ☐

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)

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

Surname  First names

Please tick ☐

I am 18 years old or over

Yes ☐

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part A3 - Operating Schedule**

General description of premises (please read guidance note 1)

If 5,000 or more people attend the premises at any one time, please state the number

What existing licensable activities are authorised by your existing licence(s)?

Please tick ☒ Yes

Provision of regulated entertainment

- |  |                          |
|--|--------------------------|
| a) plays   | <input type="checkbox"/> |
| b) films   | <input type="checkbox"/> |
| c) indoor sporting events  | <input type="checkbox"/> |
| d) boxing or wrestling entertainment                                       | <input type="checkbox"/> |
| e) live music  | <input type="checkbox"/> |
| f) recorded music  | <input type="checkbox"/> |
| g) performances of dance   | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e) (f) or (g) | <input type="checkbox"/> |

Provision of entertainment facilities for:

- |   |                          |
|---|--------------------------|
| i) tracing music  | <input type="checkbox"/> |
| j) dancing  | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) | <input type="checkbox"/> |

Provision of late night refreshment

Sale by retail of alcohol

- |                                     |                          |
|-------------------------------------|--------------------------|
| a) for consumption on the premises  | <input type="checkbox"/> |
| b) for consumption off the premises | <input type="checkbox"/> |

Please state who you wish to be specified to be the premises supervisor under the new licence

Name .....

Address .....

Personal licence number, if known, .....

State any limitations on the hours during which you are permitted by your licence(s) or any additional authorities to conduct licensable activities, including the sale of alcohol.

Describe the conditions subject to which your existing licence(s) has/have been granted (please read guidance note 2):

a) General – all four licensing objectives (b,c,d,e)

--

b) The prevention of crime and disorder

--

c) Public safety

--

d) The prevention of public nuisance

--

e) The protection of children from harm

--

Please tick ✓ Yes

- I have made or enclosed payment of the fee
- I have enclosed my existing licence(s) or a certified copy of each licence
- I have enclosed a plan of the premises
- I have sent copies of this application to the chief officer of police (please read guidance note 3)
- I have enclosed the consent form completed by the proposed premises supervisor, if relevant
- I have enclosed the consent of the justices' licence holder to my application, if relevant
- 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 A4 – 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

.....

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (Please read guidance note 6). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 7)

Post town	Post code
Telephone number	
E-mail address (optional)	

IF YOU WISH TO APPLY SIMULTANEOUSLY FOR A VARIATION OF THE PREMISES LICENCE IF IT IS CONVERTED FROM YOUR EXISTING LICENCE(S) UNDER SECTION 34 OR 37 OF THE LICENSING ACT 2003, NOW COMPLETE PART B OF THIS FORM.

IF YOU DO NOT WISH TO APPLY SIMULTANEOUSLY FOR A VARIATION OF THE PREMISES LICENCE IF IT IS CONVERTED FROM YOUR EXISTING LICENCE(S), YOU SHOULD LEAVE PART B BLANK.





Environment & Culture Dept  
Health, Safety & Licensing Unit  
P.O. Box 411, Brent House  
349-357 High Road, Wembley  
Middlesex HA9 6FP  
Telephone: 020 8937 5359  
Fax: 020 8937 5357  
Email: hsl@brent.gov.uk

## London Borough of Brent

### Premises Licence

#### PART A

*This Premises Licence was granted by Brent Council, Licensing Authority for the area of Borough of Brent.*

Signed.....  
Director of Environment and Culture

Date: 1 February 2006

**Licence number 162050**

**Licence start date: 24/11/2005**

#### Part 1 - Premises Details

WOODCHURCH FILLING STATION, Church Lane, London, NW9 8SL  
Telephone: 020-8905-8327

*Licensable activities and the times authorised by this licence*

#### Supply of Alcohol:

Day	Start Time	End Time
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00
Sunday	10:00	22:30

Non standard timings: Good Friday - 08.00hrs to 22:30hrs  
Christmas Day - 12:00hrs to 15:00hrs and 19:00hrs to 22:30hrs

Whether alcohol is authorised to be supplied on or off the premises: **Off**

**The Opening Hours of the Premises:**

Day	Start Time	End Time
Monday	07:00	23:00
Tuesday	07:00	23:00
Wednesday	07:00	23:00
Thursday	07:00	23:00
Friday	07:00	23:00
Saturday	07:00	23:00
Sunday	07:00	23:00



## Part 2

### Details of Holder of Premises Licence:

Mr. Sithamparanathan Kirubendran [REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

### Details of Designated Premises Supervisor:

Name: Sithamparanathan Kirubendran

Address: [REDACTED]

Personal Licence Number: [REDACTED]

Issuing Authority: [REDACTED]

### Annexe 1 - Mandatory Conditions

(a) No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended.

(b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

All persons present on the premises who are required to carry out a security activity must be licensed by the Security Industry Authority.

#### Embedded Conditions

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

***Alcohol shall only be sold between the times specified:***

On weekdays, other than Christmas Day, between 08:00 and 23:00 hours

On Sundays, other than Christmas Day, between 10:00 and 22:30 hours

On Christmas Day, from 12:00 to 15:00 and 19:00 to 22:30 hours

On Good Friday, between 08:00 and 22:30 hours

### Annexe 2 - Conditions Consistent With the Operating Schedule

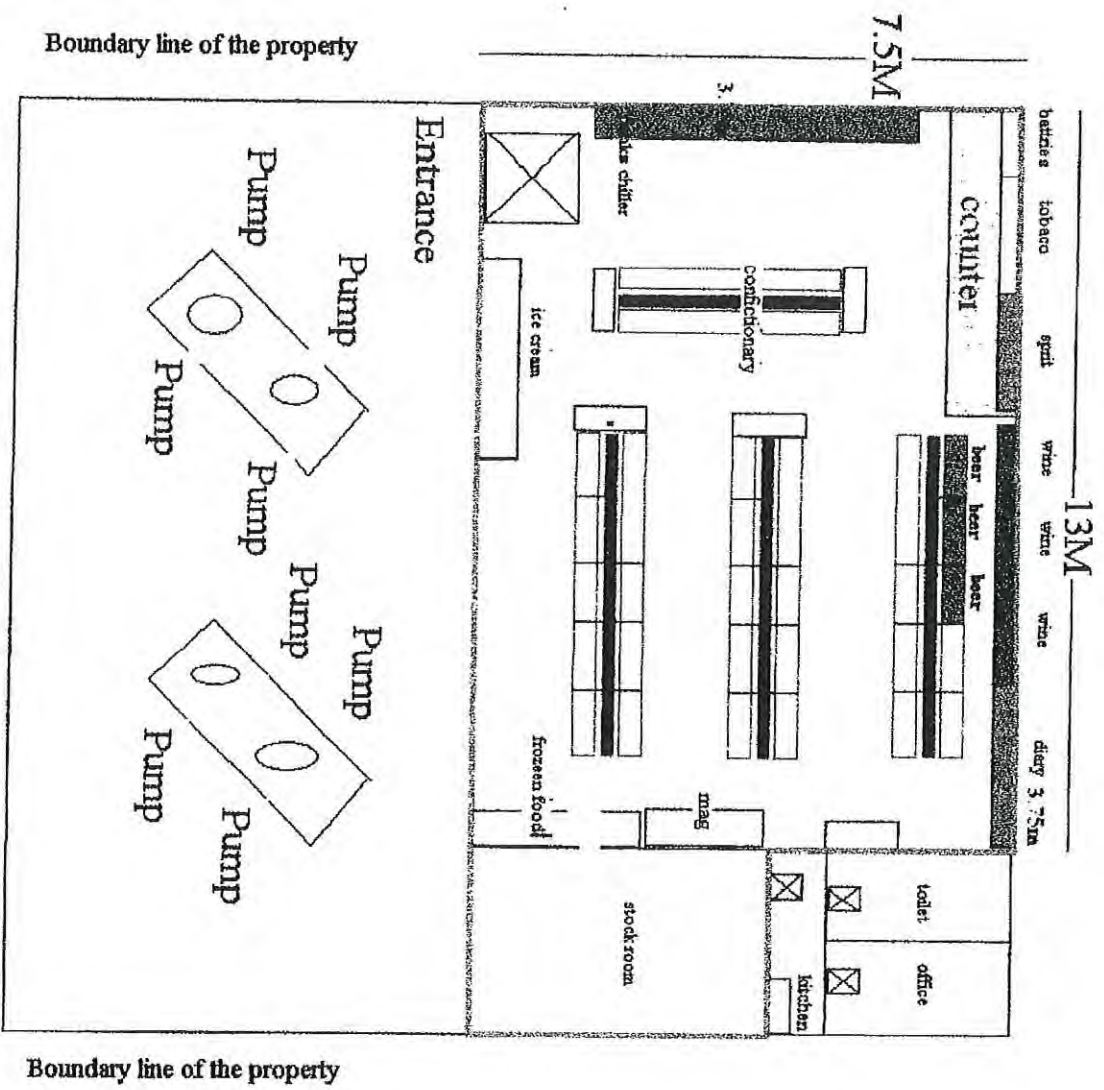
None

**Annexe 3 - Conditions Attached After a Hearing by the Licensing Authority**

None

**Annexe 4 - Plans**

See attached sheet.



Boundary line of the property

**LICENSING ACT 2003**

24 NOV 2005

Plan Applicable to Licence

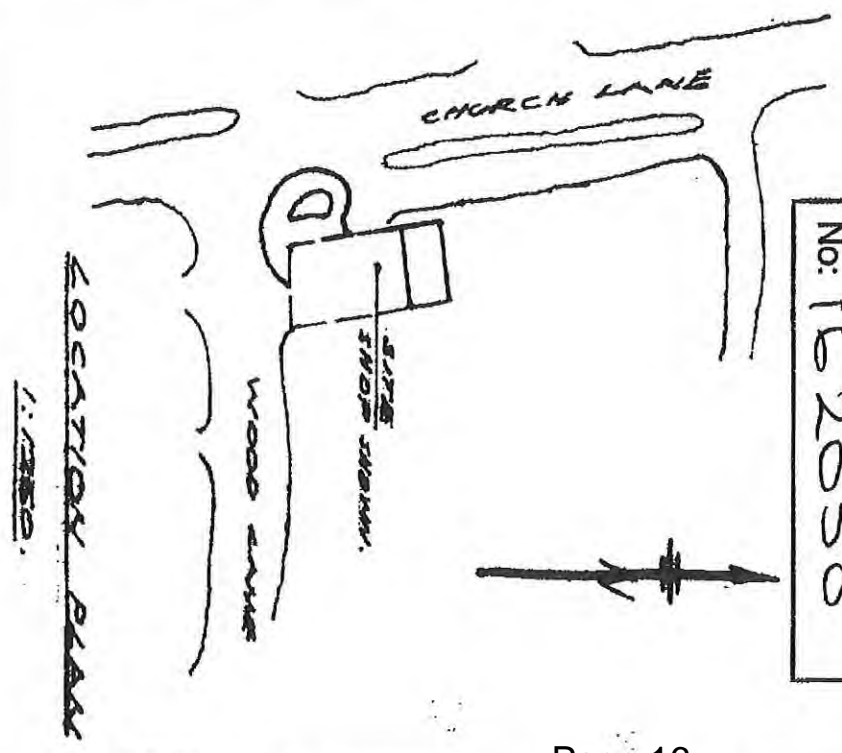
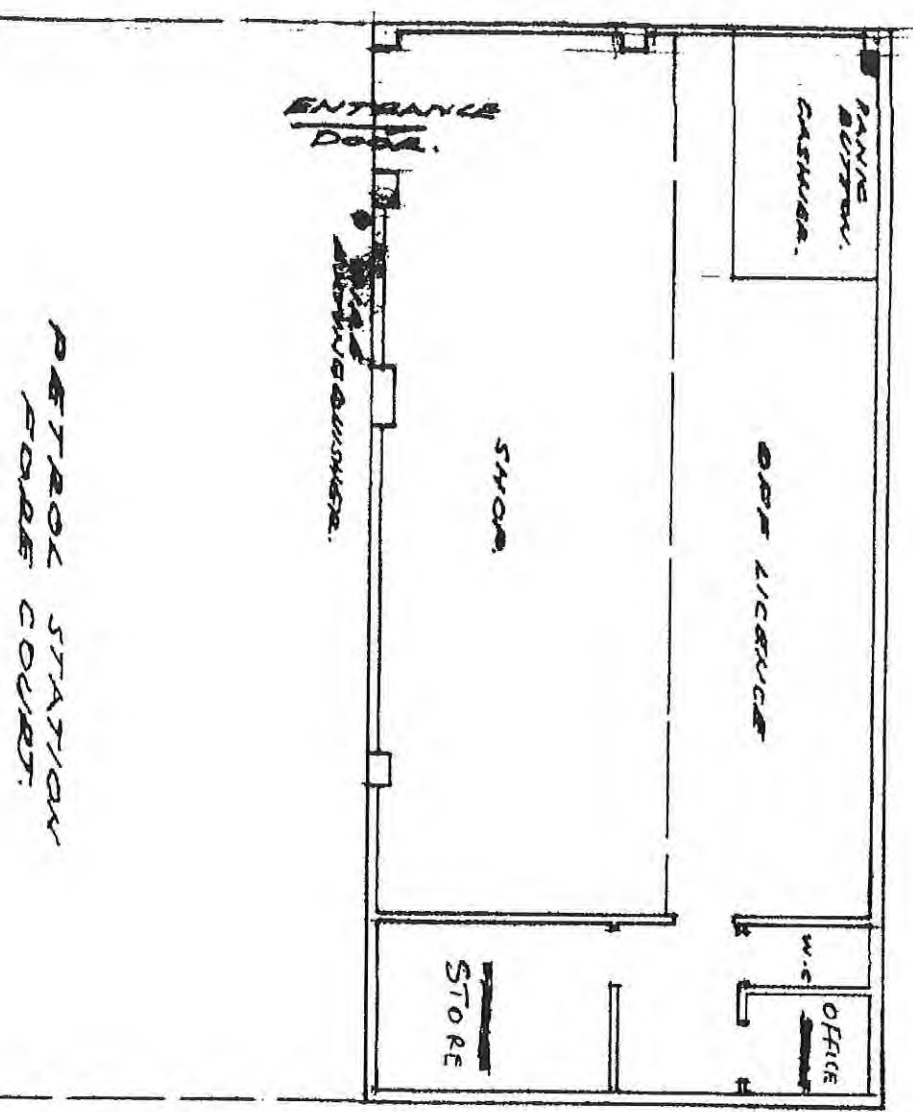
No: 162050



**LICENSING ACT 2003**

24 NOV 2005

Plan Applicable to Licence  
No: 16 2050



WOODCHURCH SERVICE STATION  
CHURCH LANE, LONDON

## Compliance Direct

---

**From:** Nicola Harbor <Nicola.Harbor@hounslow.gov.uk>  
**Sent:** 17 October 2016 14:23  
**To:** Compliance Direct  
**Subject:** ~~RE: 2016-2017 Hounslow~~

Dear Shankar

Thank you for pointing the oversight out to us, I will as you suggested make the amendment at the same time as the transfer of the licence.

Regards

Nicola

Miss Nicola Harbor  
Licensing Processing Officer  
Regeneration, Economic Development and Environment Department  
**REDe**

Tel: 020 8583 4711



[www.hounslow.gov.uk](http://www.hounslow.gov.uk)

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**From:** Compliance Direct [mailto:office@compliancedirectltd.com]  
**Sent:** 14 October 2016 09:56  
**To:** Nicola Harbor  
**Subject:** ~~RE: 2016-2017 Hounslow~~

Dear Nicola,

Thank you for your email and the very useful attachment of the Justices Restaurant Licence.

You might be wondering as to my question whether this was originally a Part IV licence under the Licensing Act 1964.

The attached Justices Licence copy confirms that this actually was a Part IV restaurant licence under the Licensing Act 1964. Hence the hours operation are governed by s68 of the Licensing Act 1964, and the hours would have been midnight for sale of alcohol as ancillary to table meals and the ability to sell hot food and drink until midnight.

Hence, it appears that the Licensing Authority (Hounslow Council) has made an error in 2005 when it converted this licence. The licence should have been issued with a sale of alcohol, with table meals after 2300, until midnight and Late night refreshments until midnight. There are no restrictions as to the opening hours to public.



It would be our suggestion that the Authority corrects this error during this transfer application and issue the licence with these hours as suggested.

It is needless to say that the previous licence holders have been unlawfully restricted by the Authority, however, since we are not instructed by the previous owners currently not our interest to address the past years when they may have a reasonable claim for loss of business.

We hope this matter can be resolved at this point with the transfer, however, should you wish to discuss any of the matters raised in this email, please do not hesitate to contact the writer.

Kind Regards

Shankar

Shankar P Sivashankar BSc (MIOL)

44(0)7879473696

**Compliance  
direct Ltd**

[www.compliancedirectltd.com](http://www.compliancedirectltd.com)

VAT No: 204 9151 33

Compliance Advice and Training, Planning and Appeals, Licensing Reviews, Shisha compliance, Site Plans, Construction Management and general Regulatory matters

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Compliance Direct Ltd, Registered in England No. 8832658. Registered Office: 52 Roxeth Green Avenue, Harrow. HA2 8AF.

**From:** Nicola Harbor [<mailto:Nicola.Harbor@hounslow.gov.uk>]

**Sent:** 14 October 2016 07:39

**To:** Compliance Direct <[office@compliancedirectltd.com](mailto:office@compliancedirectltd.com)>

**Subject:** FW: ~~RE: [REDACTED]~~

The licence I sent you was a transfer the grandfather was issued on 4<sup>th</sup> November 2005.

Please see a copy of the justices licence attached.

Regards

Miss Nicola Harbor

Licensing Processing Officer

Regeneration, Economic Development and Environment Department

**REDe**

Tel: 020 8583 4711



**London Borough  
of Hounslow**



## Minor variations process

8.54 Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Under this process, the applicant is not required to advertise the variation in a newspaper or circular, or copy it to responsible authorities.

However, they must display it on a white notice (to distinguish it from the blue notice used for full variations and new applications). The notice must comply with the requirements set out in regulation 26A of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. In accordance with those regulations, the notice must be displayed for a period of ten working days starting on the working day after the minor variation application was given to the licensing authority.

8.55 On receipt of an application for a minor variation, the licensing authority must consider whether the variation could impact adversely on the licensing objectives. It is recommended that decisions on minor variations should be delegated to licensing officers.

8.56 In considering the application, the licensing authority must consult relevant responsible authorities (whether the application is made in writing or electronically) if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision. The application is unlikely to be relevant to all responsible authorities.

8.57 The licensing authority must also consider any relevant representations received from other persons within the time limit referred to below. As stated earlier in this Guidance, representations are only relevant if they clearly relate to the likely effect of the grant of the variation on the promotion of at least one of the licensing objectives; representations must be confined to the subject matter of the variation. In the case of minor variations, there is no right to a hearing (as for a full variation or new application), but licensing authorities must take any representations into account in arriving at a decision.





Brent House  
349-357 High Road  
Wembley  
Middlesex HA9 6BZ

TEL 020 8937 5359  
FAX 020 8937 5357  
EMAIL [natasha.o'donoghue@brent.gov.uk](mailto:natasha.o'donoghue@brent.gov.uk)  
WEB [www.brent.gov.uk](http://www.brent.gov.uk)

Premier/PartyShop  
Woodchurch Filling Station  
242 Church Lane  
London  
NW9 8SL

22nd April 2013  
Our Ref 24204

Dear Mr Kirubendran,

I write further to my visit where it has been noted the plan submitted to the Council is not a true reflection of the layout of the premises. You must submit a MINOR variation application with an up to date plan by Friday 24<sup>th</sup> May 2013 showing any changes which are not indicated on the current plan.

Please ensure you amend the plan in accordance to the attached plan requirements and submit your application form with the fee of £89 (cheque made payable to London Borough of Brent) to the following address:

Safer Streets (Licensing)  
Brent Council  
349-357 High Road  
Wembley  
Middlesex  
HA0 2HH

May I remind you that the notice must be displayed for not less than 10 working days. The notice must be prominently displayed at the premises to which it relates, where it can be conveniently read from the exterior of the premises. This should be done once you have successfully submitted your application form to the Licensing Authority.

If you require any further advice or information, please do not hesitate to contact me or the business support team on 0208 937 5359.

Yours faithfully

  
Natasha O'Donoghue  
Enforcement Officer  
Safer Streets



**From:** S Kiruba <kiruba@partyocean.com>  
**Sent:** 13 February 2020 07:49  
**To:** Sivashankar  
**Subject:** Fwd: FW: Woodchurch Service Station, 242 Church Lane, NW9 8SL

----- Original Message -----

**From:** "Hale, Darren" <Darren.Hale@brent.gov.uk>  
**To:** "'kiruba@partyocean.com'" <kiruba@partyocean.com>  
**Cc:** "Thrle, David" <David.Thrle@brent.gov.uk>, "Read, Michael" <Michael.Read@brent.gov.uk>  
**Date:** 31 July 2014 at 15:32  
**Subject:** FW: Woodchurch Service Station, 242 Church Lane, NW9 8SL

Dear Mr Kirubendran

I have been asked by David Thrle to review the situation with your case and the issues you raised in your complaint.

The Council have received an initial legal opinion of your case and the issues around the selling of alcohol at Woodchurch Service Station, 242 Church Lane. Due to changes at your premises it appears that a variation is required to regularise the position, the view of the visiting officer is these changes require a major variation application. However, Section 176 of the Licensing Act 2003 excludes garages from holding a Premises Licence or a Temporary Event, where the primary business is sale of petrol, derv or vehicles.

It was for this reason officers advised you not to sell alcohol as it appears you do not have a valid licence to do so and the changes you have made to the premises have not been approved.

This means that until such time that an application is received and information is confirmed you should not display and sell alcohol. If you do so you could be liable to enforcement action as you could be deemed to be operating without a Licence, regardless of whether one had previously been issued by the Council as this may be invalid. The offence on conviction carries a fine up to £20,000 or up to six month imprisonment. Therefore you may wish to seek independent legal advice on this matter.

I trust this clarifies the immediate issues in relation to the sale of alcohol at the premises. The other issues raised require a more detailed investigation and we hope to give a fully response within 14 days as previously advised by David Thrle.

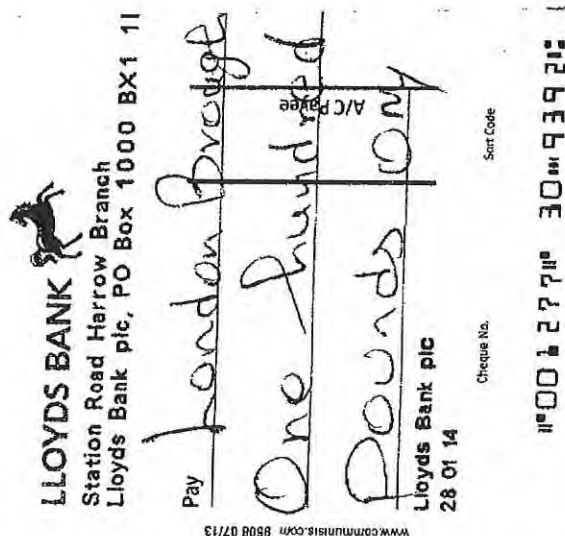


London Borough of Brent  
Official receipt

EP-RCPT 31513  
Ref:

Name Woodchurch F/Stn  
Address 242 Church Lane  
Kingsbury  
NW9 8SL  
Service Van a Premises Licence  
Amount £ 190.00 cash / cheque / card Date 13/8/14  
Council Signature G. May Customer's signature

Environment and Protection, Civic Centre, Engineers Way, Wembley HA9 0FJ  
Email: [environmentandprotection@brent.gov.uk](mailto:environmentandprotection@brent.gov.uk) [www.brent.gov.uk](http://www.brent.gov.uk) VAT No. 226 6699 29





## APPLICATION TO VARY A PREMISES LICENCE

Application to vary a premises licence  
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/We SITHAMPARANATHAN KIRUBENDRAN

..... [insert name of applicant(s)] being the  
premises licence holder, apply to vary a premises licence under section 34 of the Licensing  
Act 2003 for the premises described in Part 1 below

Premises licence number

162050

### Part 1 – Premises Details

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

WOOD CHURCH FILLING STATION  
242, CHURCH LANE  
KINGSBURY

Post Town LONDON

Post Code NW9 8SL

Telephone number at premises (if any)

02032100005

Non-domestic rateable value of premises

£14,250.00



## Part 2 - Applicant details

Daytime contact telephone number		[REDACTED]	
E-mail address (optional)		[REDACTED]	
Current postal address if different from premises address			
Post Town		Post Code	

## Part 3 - Variation

Please tick ☒ Yes

Do you want the proposed variation to have effect as soon as possible?



If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

1. MOVED THE COUNTER FROM THE BACK OF THE SHOP TO THE FRONT OF THE SHOP, THIS HAS BEEN DONE ON THE ADVICE OF THE PETROLEUM OFFICER MS. JEAN FINCKEN.
2. DUE TO THE REPOSITION OF THE DOORS ALSO NEEDED TO BE MOVED.
3. PARTY ITEMS WERE INTRODUCED TO THE ONE SIDE OF THE SHOP.
4. THERE IS NO CHANGE IN THE ARRANGEMENT OF THE DISPLAY OF ALCOHOLS. IT WAS REMAINED THE SAME SIZE OF THE SELVES.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

#### Part 4 – Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick ✓ Yes

##### Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

☐  
☐  
☐  
☐  
☐  
☐  
☐  
☐

##### Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)  
(if ticking yes, fill in box K)

☐  
☐  
☐

##### Provision of late night refreshment (if ticking yes, fill in box L)

☐

##### Sale by retail of alcohol (if ticking yes, fill in box M)

☒

In all cases complete boxes N, O and P

**M**

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box ✓) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	✓
Mon	08:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	10:00	23:30			

IN ALL CASES PLEASE COMPLETE N, O, & P BELOW

**N**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

N/A

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			<b>Non-standard timings. Where you intend the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 5)</b>
Thur			
Fri			
Sat			
Sun			

**Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking**

NOTHING BEYOND EXISTING HEALTH AND SAFETY, FIRE SAFETY AND ETC.

- Please tick ✓ Yes
- I have enclosed the premises licence ☒
  - I have enclosed the relevant part of the premises licence ☒

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

**P** Describe any additional steps that you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)

N/A

b) The prevention of crime and disorder

NOTHING BEYOND EXISTING HEALTH AND SAFETY, FIRE SAFETY AND ETC.

c) Public safety

NOTHING BEYOND EXISTING HEALTH AND SAFETY, FIRE SAFETY AND ETC.

d) The prevention of public nuisance

NOTHING BEYOND EXISTING HEALTH AND SAFETY, FIRE SAFETY AND ETC.

e) The protection of children from harm

NOTHING BEYOND EXISTING HEALTH AND SAFETY, FIRE SAFETY AND ETC.



Please tick ✓ Yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures** (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (Please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 13-8-2014

Capacity OWNER

Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (Please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

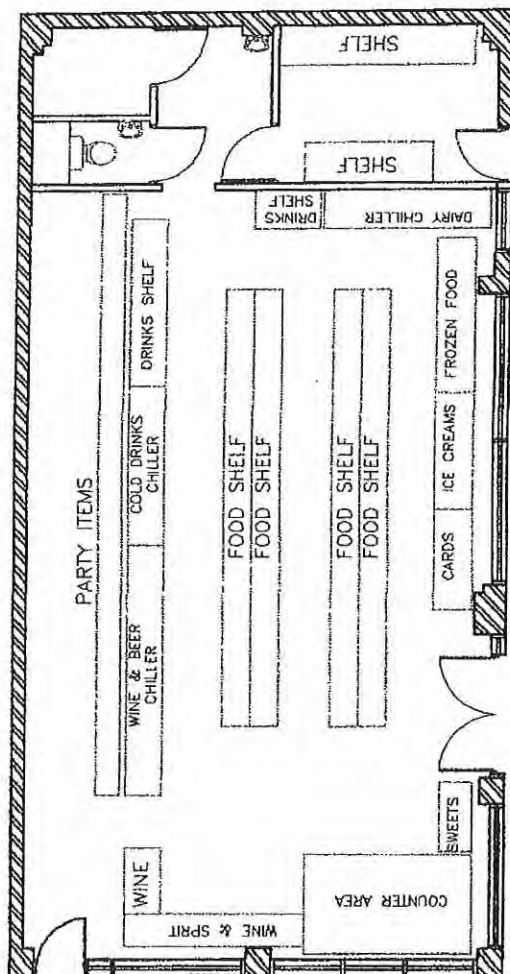
N/A

Signature .....

Date .....

Capacity .....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
Post town	Post code
Telephone number	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	



CLIENT : Mr.S.KIRUBENRAN WOODCHURCH SERVICE STATION 242 Church Lane NW9 8SL	DRAWN BY : B.J DESIGNED BY : B.J	REVISION :
TITLE : EXISTING SHOP FLOOR (GROUND FLOOR)	DRAWING NO : BJ/2014/037/01 DATE : 03/08/2014	SCALE : 1:100 ORG.SIZE : A3

NOTES:  
The general contractor is responsible for the verification of all dimensions on site and shall inform the Contract Administrator of any discrepancy.

Woodchurch Filling Station

E-mail from

Nicola.McDonald@met.pnn.police.uk:

Woodchurch Filling Station

Woodchurch Filling Station

Nicola.McDonald@met.pnn.police.uk

To: Yogini Patel kiruba@partyocean.com

Dear Yogini

I have spoken to the applicant for this variation today and although he has accepted my request for conditions he has made an oversight around the high strength condition. He would like to be able to sell bottles of imported (Nigerian) Guinness and draught Guinness. Both of these products are more than 6% ABV, however they are premium beers.

Police are happy for the high strength condition to read as in my reps with the exception of those two bottled beers.

I do understand that this case has been completed as there was only Police representations but I think the applicant had made a genuine error in a rush to maintain his licence to sell alcohol.

I await your response.

Regards

Nicola

From: McDonald Nicola - QK

Sent: 12 September 2014 12:54

To: 'kiruba@partyocean.com'; 'Chan, Esther'; 'Figueiredo, Susana';  
'Miller-Johnson, Lavine'

Cc: Patel, Yogini; 'business licence'; 'Liquor Licensing'

Subject: RE: Woodchurch service station

Many thanks for your acceptance email.

Police will not be making any further representation to your application.

Police are happy to allow you a two week period from today to allow you to remove/sell your stock of beers above 6% ABV

This would have to be permitted by the licensing authority.

Regards

Nicola

-----Original Message-----

From: Partyocean event decorators [kiruba@partyocean.com]

Sent: 12 September 2014 12:48

To: McDonald Nicola - QK

- a. It is very clear from *Taylor v Manchester City Council* [2012] EWHC 3467 (Admin) at paras 77-79 that a variation application does not trigger a general review of the licence. If the variation is rejected then it does not provide an opportunity to add conditions to the licence. Moreover, even where there is a variation, the change in the conditions must relate to the variation, so that if the variation is to add an hour to the licence there is no power to change a condition which restricts trade throughout the whole day. In other words, the Council acted without jurisdiction.





# Brent

REGENERATION AND GROWTH  
REGULATORY SERVICES  
BRENT CIVIC CENTRE  
ENGINEERS WAY  
WEMBLEY  
HA9 0FJ

TEL: 020 8937 5359  
EMAIL: [business.licence@brent.gov.uk](mailto:business.licence@brent.gov.uk)

## London Borough of Brent Premises Licence

### PART A

*This Premises Licence was granted by Brent Council, Licensing Authority for the area of the Borough of Brent under the **Licensing Act 2003**.*

Signed...*David Thwaites*...  
Head of Regulatory Services

Date: 16 February 2015

**Licence number 162050**

**Licence start date: 24/11/2005**

#### Part 1 - Premises Details

Woodchurch Filling Station, Church Lane, London, NW9 8SL  
Telephone: 020-8905-8327

*Licensable activities and the times authorised by this licence*

#### Supply of Alcohol:

Day	Start Time	End Time
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00
Sunday	10:00	22:30

Non standard timings: Good Friday - 08.00hrs to 22:30hrs  
Christmas Day - 12:00hrs to 15:00hrs and 19:00hrs to 22:30hrs

Whether alcohol is authorised to be supplied on or off the premises: **Off**

**The Opening Hours of the Premises:**

Day	Start Time	End Time
Monday	07:00	23:00
Tuesday	07:00	23:00
Wednesday	07:00	23:00
Thursday	07:00	23:00
Friday	07:00	23:00
Saturday	07:00	23:00
Sunday	07:00	23:00

**Where the Licence Authorises Supplies of Alcohol Whether These are On and/or Off Supplies:**

**Off** Supplies

**Name, (Registered) Address of Holder of Premises Licence:**

Name: Sithamparanathan Kirubendran

**Registered Number of Holder, For Example Company Number, Charity Number (Where Applicable):**

Not applicable

**Name of Designated Premises Supervisor Where the Premises Licence Authorises the Supply of Alcohol:**

Sithamparanathan Kirubendran

**State Whether Access to the Premises by Children is Restricted or Prohibited:**

Not Applicable

Non standard timings: Good Friday - 08.00hrs to 22:30hrs  
Christmas Day - 12:00hrs to 15:00hrs and 19:00hrs to 22:30hrs

Whether alcohol is authorised to be supplied on or off the premises: **Off**

<b>The Opening Hours of the Premises:</b>
---

Day	Start Time	End Time
Monday	07:00	23:00
Tuesday	07:00	23:00
Wednesday	07:00	23:00
Thursday	07:00	23:00
Friday	07:00	23:00
Saturday	07:00	23:00
Sunday	07:00	23:00

## Part 2

### Details of Holder of Premises Licence:

Name: Kirubendran, Sithamparanathan

Address: [REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

### Details of Designated Premises Supervisor:

Name: Sithamparanathan Kirubendran

Address: [REDACTED]

Personal Licence Number: [REDACTED]

Issuing authority: [REDACTED]

### Annexe 1 - Mandatory Conditions

#### Age Verification Policy

- (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.

#### Minimum Price of Alcohol

1. 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.
2. For the purposes of the condition set out in paragraph 1-
  - (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) —valued added tax means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 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.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

#### **Requirement for a DPS**

(1) No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### **Door Supervisors and Security Staff to be Licensed by the SIA (Only if required)**

Where the licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority, with the following exceptions:

a) premises where the premises licence authorises plays or films

b) any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 to the Private Security Industry Act 2001 (premises being used exclusively by a club with a club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

c) any occasion within paragraph 8(3)(d) of Schedule 2 to the Private Security Industry Act 2001

#### **Embedded Conditions**

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

Alcohol shall only be sold between the times specified:

On weekdays, other than Christmas Day, between 08:00 and 23:00 hours

On Sundays, other than Christmas Day, between 10:00 and 22:30 hours

On Christmas Day, from 12:00 to 15:00 and 19:00 to 22:30 hours

On Good Friday, between 08:00 and 22:30 hours

#### **Annexe 2 - Conditions Consistent With the Operating Schedule**

1. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.

2. A CCTV camera shall be installed to cover the entrance of the premises

3. A "Challenge 21" policy shall be adopted and adhered to.

4. No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked with the exception of bottles of imported (Nigerian) Guinness and draft Guinness.



5. An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

6. A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises.

7. A clear and unobstructed view into the premises shall be maintained at all times.

8. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by customers or staff.

9. The following crime prevention measures shall be implemented:

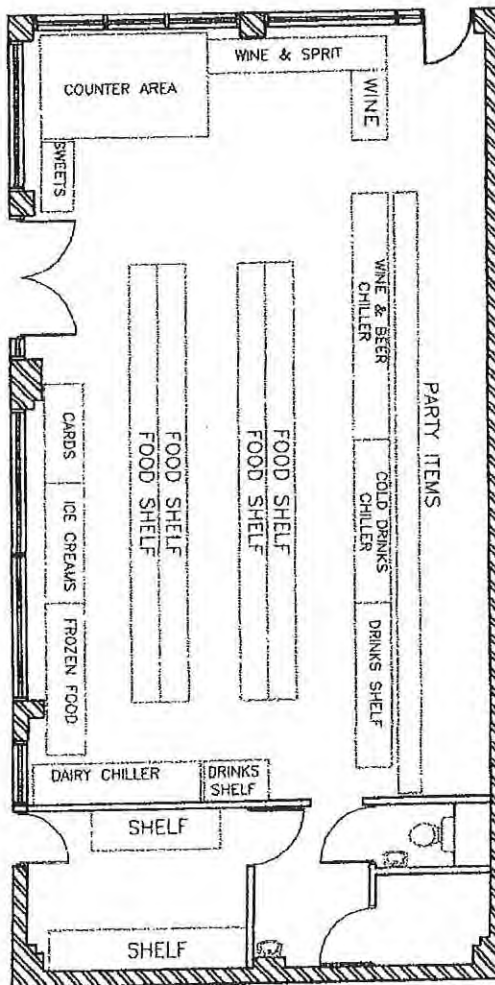
- A time delay safe with deposit slot and anti fishing mechanisms must be used at the counter till area
- Regular robbery awareness and cash minimisation training shall be given to all staff.

### **Annexe 3 - Conditions Attached After a Hearing by the Licensing Authority**

None

### **Annexe 4 - Plans**

See attached sheet.



NOTES:  
The general contractor is responsible for the verification of all dimensions on site and shall inform the Contractor immediately of any discrepancy.

<p>CLIENT : Mr.S.KIRUBENRAN WOODCHURCH SERVICE STATION 242 Church Lane NW9 8SL</p>	<p>DRAWN BY : B.J DESIGNED BY : B.J</p>	<p>REVISION :</p>
<p>TITLE : EXISTING SHOP FLOOR (GROUND FLOOR)</p>	<p>DRAWING NO : BU/2014/037/01 DATE : 03/08/2014</p>	<p>SCALE : 1:100 ORG.SIZE : A3</p>



Brent Civic Centre  
Engineers Way  
Wembley  
Middlesex HA9 0FJ  
TEL 020 8937 1007  
FAX 020 8937 1003  
EMAIL: [chief.executive@brent.gov.uk](mailto:chief.executive@brent.gov.uk)  
WEB: [www.brent.gov.uk](http://www.brent.gov.uk)

Mr S Sivashankar  
Compliance Direct

By email only to: [office@compliancedirectltd.com](mailto:office@compliancedirectltd.com)

Our Ref: CD/MS/IC1731064

16 November 2016

Dear Mr Sivashankar

I write in response to your request for a final review of your complaint on behalf of Mr S Kirubendran, the premises licence holder for Woodchurch Service Station, 242 Church Lane, London NW9 8SL. Your complaint concerns the Council's administration of Mr Kirubendran's licence.

Martin Stollery, Principal Complaints Service Officer, has reviewed the available information on your complaint, and discussed the complaint with relevant managers within Regulatory Services. Mr Stollery also corresponded with you by email about your complaint.

I will begin by outlining a chronology of key events.

•25 July 2014

Council licensing officers visited Woodchurch Service Station and asked Mr Kirubendran to remove alcohol from sale. This was because the layout of the premises was not in accordance with the approved plans relating to Mr Kirubendran's licence at that time. The changed layout deviated from the previously approved plan by incorporating a 'party shop' which would attract younger customers.

•5 August 2014

Darren Hale, Regulatory Services Manager, responded to Mr Kirubendran's initial complaint. Mr Hale said Mr Kirubendran would need to apply for a full rather than a minor variation of his licence to regularise the new layout.

•13 August 2014

Mr Kirubendran applied for a full variation to his licence in relation to the new layout.

•9 September 2014

A Licensing Constable from the Metropolitan Police emailed Mr Kirubendran a letter outlining her representation. The letter recommended that a number of conditions should be attached to the licence, including the implementation of a lockable alcohol screen, a time delay safe, an incident log book, and a prohibition on the sale of cheap high strength alcoholic drinks. The letter stated: 'If these conditions were accepted in full I would withdraw my representation'.

Mr Kirubendran emailed his reply to the police officer on the same day. Mr Kirubendran said 'I have no objection to comply with all of your conditions', apart from the one relating to the sale of high strength alcoholic drinks.



•12 September 2014

Mr Kirubendran emailed the police officer again. He wrote: 'I have accepted all of you[r] conditions stated in the representation'.

The police officer emailed Mr Kirubendran on the same day to say: 'Many thanks for your acceptance email. Police will not be making any further representation to your application'.

Yogini Patel, Senior Regulatory Service Manager, also emailed Mr Kirubendran and the police officer on the same day. Ms Patel wrote: 'The police have now withdrawn their representation. As there are no other outstanding representations, your licence is deemed to be granted'.

•16 September 2014

The police officer emailed Ms Patel and Mr Kirubendran to explain that Mr Kirubendran had contacted her that day. The officer said that although Mr Kirubendran 'has accepted my request for conditions he has made an oversight around the high strength condition'. The officer proposed a partial exception to the condition regarding the sale of high strength alcohol.

•17 September 2014

Ms Patel emailed the police officer and Mr Kirubendran to confirm that she would amend the condition regarding the sale of high strength alcohol.

•24 November 2015

Mr Kirubendran applied for a variation to his licence, in order to extend his opening hours.

•11 December 2015

The police visited Mr Kirubendran's premises and found him in breach of a number of the conditions to which he agreed in September 2014.

•22 December 2015

The police emailed Mr Kirubendran a warning letter.

•23 December 2015

Further to Mr Kirubendran's contact with Regulatory Services, including a visit to Brent Civic Centre, officers issued him with a full copy of the licence whose conditions he agreed in September 2014.

•21 January 2016

The Alcohol and Entertainment Licensing Sub-Committee (C) decided to grant Mr Kirubendran an extension of opening hours, up to midnight, Monday to Sunday, but not an extension to enable him to sell alcohol earlier in the morning, which formed the other part of his request.

#### *Delay in pursuing certain complaint issues*

Mr Hale addressed two issues, in his response to Mr Kirubendran's initial complaint, dated 5 August 2014, to which you return in your current complaint. The first issue is that Susana Figueiredo, Licensing Inspector, should not have removed some alcohol from the shelves of the Woodchurch Service Station, placing it in another location within the premises, in order to prevent it from being sold, during her visit on 25 July 2014. The second issue is that Regulatory Services officers should have advised Mr Kirubendran to apply for a minor rather than a full variation of his licence at that time. Senior Regulatory Services managers addressed the issue of Ms Figueiredo's conduct with her after Mr Kirubendran made his initial complaint.



Regarding minor and full variations, the Home Office's Revised Guidance issued under section 182 of the Licensing Act 2003 states, at section 8.46: 'Variations to premises licences...that could not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process'. Regulatory Services officers did not consider the minor variation process applicable to the changed layout of Woodchurch Service Station, because it might impact adversely on one of the four licensing objectives. The objective in question, due to the proximity of the 'party shop', was the protection of children from harm.

Ms Figuelredo's conducts, and the minor variations issue, are issues that Mr Kirubendran could reasonably have been expected to further pursue at the time. Mr Kirubendran emailed the Council's Complaints Service, during August 2014, to say he would make contact again to outline his reasons for wishing to escalate his complaint. There is no record of Mr Kirubendran having made contact with the Complaints Service again at this time.

The Council's complaints policy states: 'We will not normally accept a complaint where the customer delayed raising the complaint with the Council by more than twelve months from the time they first became aware of the problem which led to them making the complaint'. There is no record of Mr Kirubendran escalating his concerns about these two issues between September 2014 and November 2015. I therefore do not consider it appropriate to now revisit these two issues now.

#### *Outstanding complaint issues*

You said Mr Kirubendran had suffered financial loss, as a result of Regulatory Services officers closing his premises, after the visit on 25 July 2014. You said at one point that the closure lasted for eight months but it is unclear how this period was calculated.

It is important to be precise here. Regulatory Services officers did not close Mr Kirubendran's premises. Mr Hale clarified, in his response to Mr Kirubendran's initial complaint, that Mr Kirubendran changed the layout of his shop without prior approval, and therefore rendered his licence invalid. Mr Hale said that enforcement action could be taken on that basis. Mr Hale explained that if Mr Kirubendran reverted to the approved layout he could continue to sell alcohol.

Mr Hale's advice was reasonable under the circumstances. There is no record of Mr Kirubendran making contact with Regulatory Services officers after the email exchanges, in September 2014, in which Ms Patel told him his licence was granted. I therefore have not seen evidence of any failings by Regulatory Services officers that resulted in Mr Kirubendran losing income during this period.

You said Mr Kirubendran's reputation was damaged as a result of the police issuing him with a warning letter on 22 December 2015. My understanding is that you consider this caused Mr Kirubendran injustice because Regulatory Services officers had not issued him with a full copy of the licence, granted by email in September 2014, by the time of the police's 11 December 2015 visit.

There was a failing, insofar as Regulatory Services officers should have issued Mr Kirubendran with a new, updated licence within a reasonable period of time after Ms Patel confirmed the licence had been granted in September 2014. There was a significant backlog in processing licences during that period, which has since largely been addressed. As an additional measure, I will ask Regulatory Services to review their procedure for managing any backlogs that may emerge in future, and for informing applicants if this occurs.

There has been some confusion regarding when a full licence was eventually issued to Mr Kirubendran. The full licence carries the date 16 February 2015. This refers to the formal grant date of the licence, not the date it was actually issued to Mr Kirubendran. As I mentioned above, the full licence was first issued to Mr Kirubendran, in response to his request for a copy, on 23 December 2015.

The question that arises from this is whether Mr Kirubendran could reasonably have been expected to be aware of all the conditions attached to his licence prior to the police visit on 11 December and the warning letter sent to him on 22 December 2015. You said that Mr Kirubendran was unaware of any conditions imposed in September 2014, apart from the partial restriction on the sale of high strength alcohol.

My view is that the available evidence suggests Mr Kirubendran could reasonably have been expected to be aware of all the conditions attached to his licence from September 2014 onwards. As I understand it, Mr Kirubendran has said he did not receive the police officer's letter, dated 9 September 2014, outlining her representations, and proposing a number of conditions to be attached to his licence. My understanding of Mr Kirubendran's position is that he considers he was only made aware in September 2014 of the condition relating to high strength alcohol.

If Mr Kirubendran considers he did not receive the police officer's letter, dated 9 September 2014, this is a matter you or he would have to raise directly with the police. However, I note that Mr Kirubendran's emails dated 9 and 12 September 2014, after the police officer's letter was sent to him, used the plural term 'conditions'. It was reasonable of Ms Patel to conclude on this basis that Mr Kirubendran was aware of all the conditions proposed by the police, not just the one condition relating to high strength alcoholic drinks, and to consider his statement of acceptance as an acceptance of all of those conditions.

Mr Kirubendran considers the police warning letter sent to him, on 22 December 2015, for breaching licence conditions, of which he states he was unaware, damaged his reputation. I assume this is because the warning letter was included as part of the evidence considered by the Alcohol and Entertainment Licensing Sub-Committee (C) meeting on 21 January 2016.

The minutes of this meeting indicate that Mr Kirubendran's concerns in this respect were noted and considered by the sub-committee members. The minutes state:

'Mr Kirubendran disputed the evidence in the paperwork from the police as regards breaches to conditions on his licence on the basis that on the day of their visit in December 2015 they only had a draft version of the licence. At the time the police inspected the premises, because of a backlog, the [Council's] licensing team had not been able to issue the licence premises document.'

The other pertinent factors within this context are: the minutes indicate that the sub-committee considered Mr Kirubendran's application for an extension of opening hours primarily in relation to the licensing objective relating to prevention of public nuisance, rather than in relation to the issues noted in the police's warning letter; the sub-committee considered the police representation, which requested no extension to opening hours, and decided to partially meet Mr Kirubendran's request. The sub-committee therefore did not wholly accede to the police representation in this case, but exercised its proper function by forming an independent view.

Finally, the minutes state that Mr Kirubendran attended the Alcohol and Entertainment Licensing Sub-Committee (C) meeting on 21 January 2016, and was informed of his right to appeal within twenty-one days from the day on which he was formally notified of the decision. Mr Kirubendran could have opted to appeal if he considered that the sub-committee had not fully considered his concerns regarding the police warning letter. There is no record of Mr Kirubendran having lodged an appeal.

Another issue you raised is that Ms Figueiredo, the officer who removed some alcohol from the shelves of Woodchurch Service Station, on 25 July 2014, was sitting in the police vehicle, providing advice to police officers, during their inspection of Woodchurch Service Station on 11 December 2015. Ms Figueiredo has been asked about this and has said that she was not present on this occasion. I cannot now reconcile these conflicting recollections.

My understanding is that Mr Kirubendran was concerned about this issue because he considered Christine Gilbert, the Council's former Chief Executive, had banned Ms Figueiredo from visiting Woodchurch Service Station. However, the final review investigation of your complaint has not discovered any evidence of Ms Gilbert previously being personally involved in or issuing any instructions in relation to this issue.

#### *Complaint handling*

Mr Kirubendran raised some of the issues I have addressed in this letter in an email exchange with David Thrall, Head of Service, Regulatory Services, on 4 January 2016. Mr Kirubendran then complained to me, on 10 January 2016, because he was dissatisfied with what Mr Thrall had told him.



Mr Kirubendran sent me a further email, on 21 January 2016, stating that he had not yet received a reply to his complaint. I asked the relevant officers to expedite this and assumed that it had been done.

The available evidence suggests there was a misunderstanding between Mr Thrall and an officer within my office regarding who should reply. However, I cannot establish exactly what happened because Mr Thrall and the officer within my office have both since left the Council.

### *My conclusion*

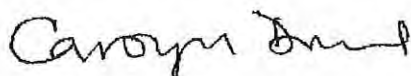
I would like to apologise on behalf of the Council regarding the considerable delay in issuing Mr Kirubendran's full licence, and for any confusion that arose in relation to the date this licence was issued to him, and for the oversight in relation to complaint handling.

However, for reasons that I have explained above, I do not consider that Regulatory Services caused Mr Kirubendran significant injustice as a result of these issues, as far as financial loss relating to his business, or reputational damage is concerned. If Mr Kirubendran wishes to submit a late appeal to Brent Magistrates' Court regarding any of the conditions currently attached to his licence, he is at liberty to do so.

However, I accept that Mr Kirubendran was put to some unnecessary time and trouble obtaining a copy of his full licence, which became an issue for him after the police visit on 22 December 2015, and in pursuing his complaint, as a result of the lack of response to his letter dated 10 January 2016. I will therefore arrange for £100 compensation to be paid to Mr Kirubendran as a remedy for the unnecessary time and trouble he expended as a result of these delays and oversights.

I hope you feel your key concerns have been carefully and fairly investigated. If you are dissatisfied with the outcome of the investigation, you have the option of referring your complaint back to the Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH (online complaint form available at: [www.lgo.org.uk/making-a-complaint](http://www.lgo.org.uk/making-a-complaint), telephone: 0300 061 0614).

Yours sincerely



**Carolyn Downs**  
**Chief Executive**

Copy:

Amar Dave – Strategic Director, Regeneration and Environment  
Aktar Choudhury – Operational Director, Regeneration  
Martin Stollery – Principal Complaints Service Officer



# FORECOURT TRAINING RECORD

for (Name) Ranier

Nature of Training	Trained by	Date	Date	Date	Date
<b>PRACTICAL</b>					
Operation of Forecourt Equipment and Emergency procedures	<u>4/7/16</u>	<u>12/5/17</u>	<u>19/9/18</u>	<u>3/10/19</u>	
Operation of L.P.G Equipment and Emergency procedures	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
Operation of Customer Communication System	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
Location of Firefighting Equipment & Fire Precautions	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
Accident, Injury & Emergency policy & procedures	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
Forecourt Opening & Closing procedures	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
Site Housekeeping procedures	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
Use of Extinguishers	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
(Competent Persons)					
Arrangements for Receipt & Storage of Fuel	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
Tank Meter Gauges /Dips	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
Vapour Recovery	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
<b>SKILLS MODULES</b>					
Equipment Operation (Self-Service & manual)	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
Control Point Operation	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
Forecourt Safety procedures	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
Receipt of Fuel Products	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
Site Housekeeping	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
Site Security	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
Personal Safety & Hygiene	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
Food Hygiene	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	
COSHH <u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	

COMPLETE THIS FORM FOR ALL TRAINING AND RETRAINING

I agree I have received the above training [Signature]

I confirm this is a true record [Signature] (Pet. Licensee)



# FORECOURT TRAINING RECORD

for (Name) Thayerni H

Nature of Training	Trained by	Date	Date	Date	Date
PRACTICAL	Kivuli	13/2/17	30/5/18	21/6/19	
Operation of Forecourt Equipment and Emergency procedures	BL	BL	BL		
Operation of L.P.G Equipment and Emergency procedures	BL	BL	BL		
Operation of Customer Communication System	BL	BL	BL		
Location of Firefighting Equipment & Fire Precautions	BL	BL	BL		
Accident, Injury & Emergency policy & procedures	BL	BL	BL		
Forecourt Opening & Closing procedures	BL	BL	BL		
Site Housekeeping procedures	BL	BL	BL		
Use of Extinguishers	BL	BL	BL		
(Competent Persons)					
Arrangements for Receipt & Storage of Fuel	BL	BL	BL		
Tank Meter Gauges /Dips	BL	BL	BL		
Vapour Recovery	BL	BL	BL		
SKILLS MODULES					
Equipment Operation (Self-Service & manual)	BL	BL	BL		
Control Point Operation	BL	BL	BL		
Forecourt Safety procedures	BL	BL	BL		
Receipt of Fuel Products	BL	BL	BL		
Site Housekeeping	BL	BL	BL		
Site Security	BL	BL	BL		
Personal Safety & Hygiene	BL	BL	BL		
Food Hygiene	BL	BL	BL		
GOSHH <u>Epcg</u>	BL	BL	BL		

COMPLETE THIS FORM FOR ALL TRAINING AND RETRAINING

I agree I have received the above training Thayerni H

I confirm this is a true record Thayerni H (Pet. Licensee)

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Rev. 7 23/05/03



# FORECOURT TRAINING RECORD

for (Name)..... Kuthe

Nature of Training	Trained by	Date	Date	Date	Date
<b>PRACTICAL</b>	<u>Kuthe</u>	<u>10/7/17</u>	<u>22/5/18</u>	<u>3/6/19</u>	
Operation of Forecourt Equipment and Emergency procedures	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
Operation of L.P.G Equipment and Emergency procedures	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
Operation of Customer Communication System	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
Location of Firefighting Equipment & Fire Precautions	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
Accident, Injury & Emergency policy & procedures	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
Forecourt Opening & Closing procedures	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
Site Housekeeping procedures	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
Use of Extinguishers	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
<b>(Competent Persons)</b>					
Arrangements for Receipt & Storage of Fuel	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
Tank Meter Gauges /Dips	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
Vapour Recovery	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
<b>SKILLS MODULES</b>					
Equipment Operation (Self-Service & manual)	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
Control Point Operation	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
Forecourt Safety procedures	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
Receipt of Fuel Products	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
Site Housekeeping	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
Site Security	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
Personal Safety & Hygiene	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
Food Hygiene	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		
COSHH <u>EPOs</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>		

COMPLETE THIS FORM FOR ALL TRAINING AND RETRAINING

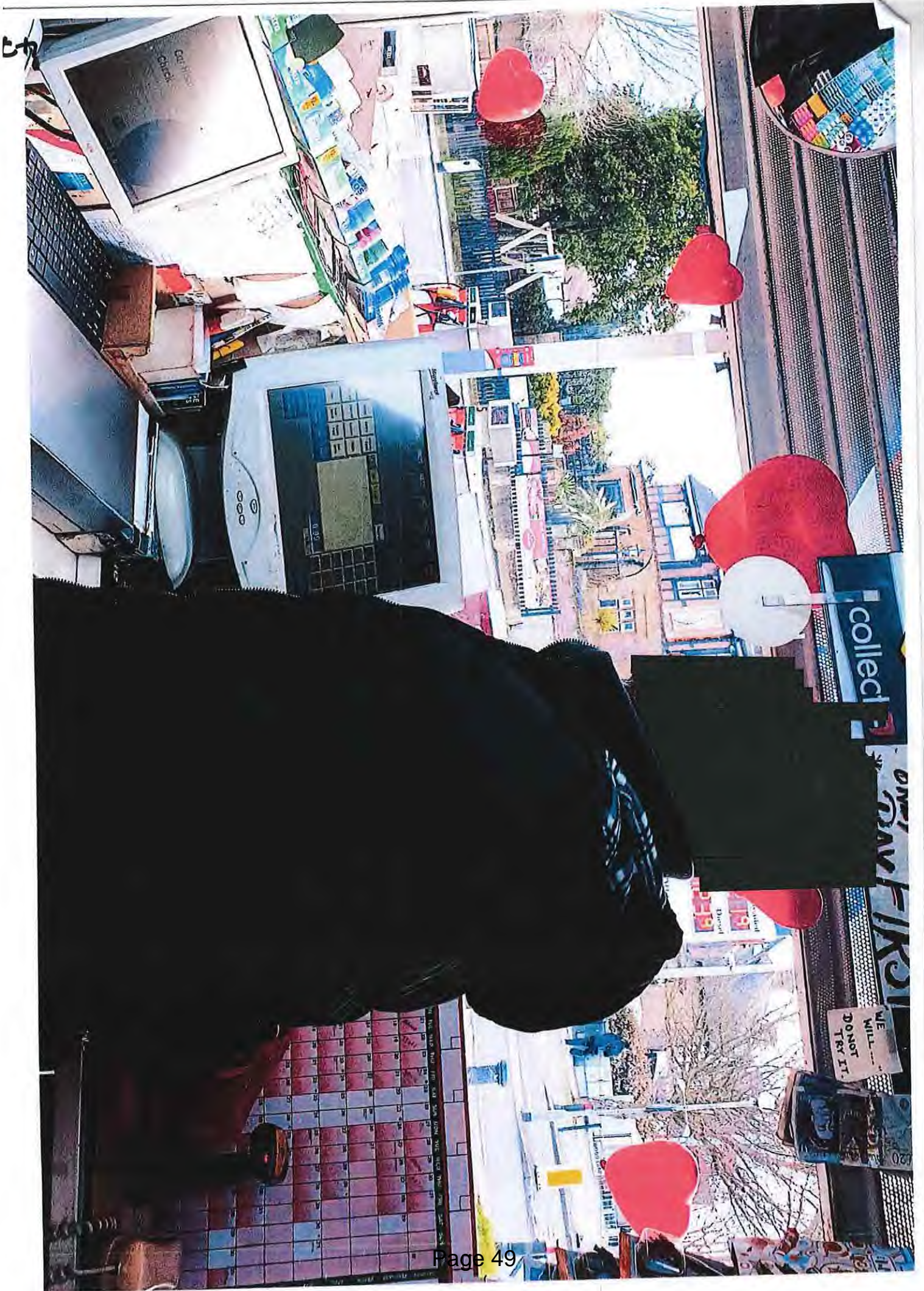
I agree I have received the above training S. Lal

I confirm this is a true record [Signature] (Pot. Licensee)

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Rev. 7 23/05/03











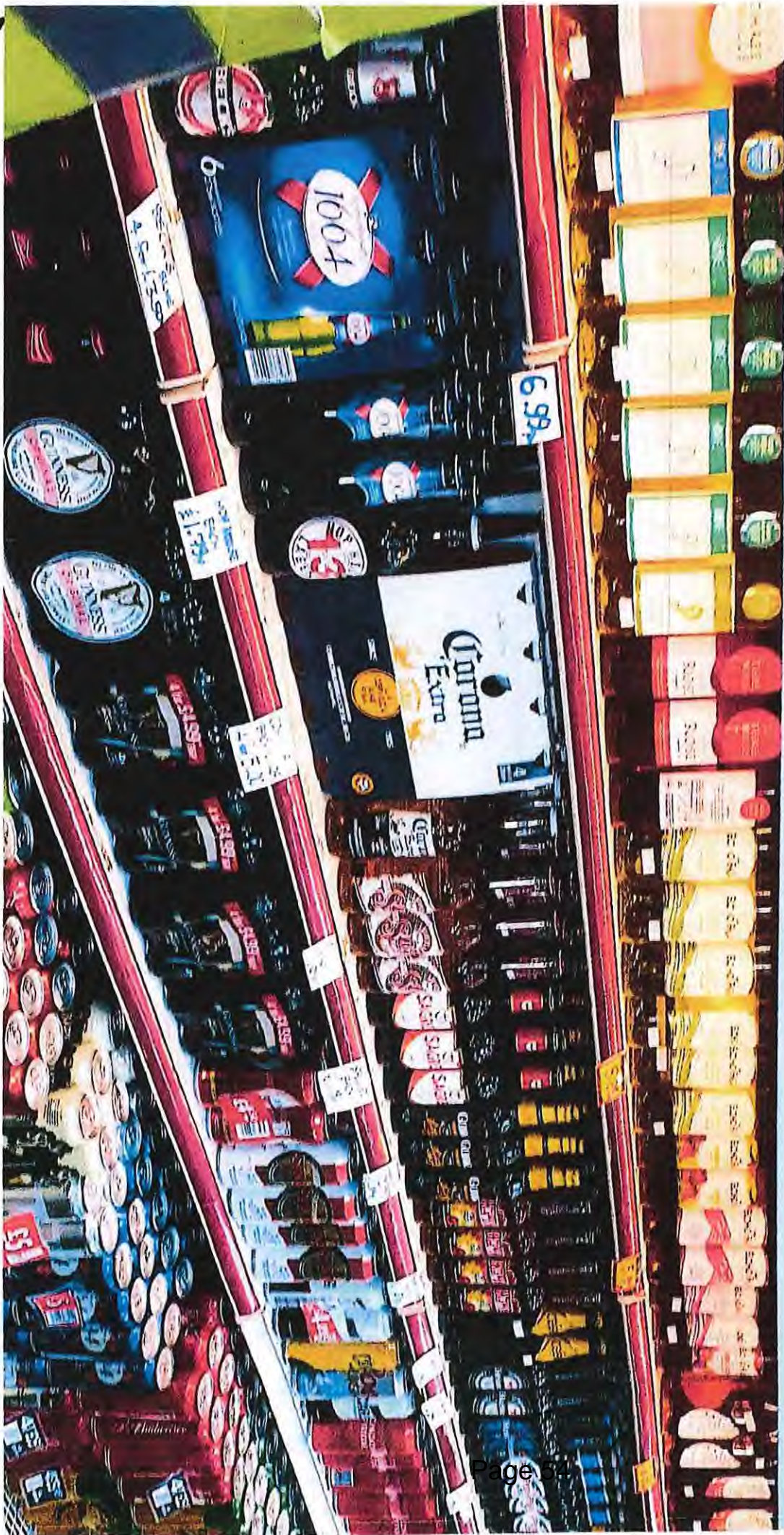














































13  
7:00

Supermarket

Displayed & Outside  
Front Camera

Michael Sullivan was entering  
into the shop at 13:17:59







Video footage will be available in the review













Video footage will be available in the review





**From:** [Vicky.Johnson@met.pnn.police.uk](mailto:Vicky.Johnson@met.pnn.police.uk) <[Vicky.Johnson@met.pnn.police.uk](mailto:Vicky.Johnson@met.pnn.police.uk)>  
**Sent:** 18 April 2017 08:13  
**To:** [office@complianceirectltd.com](mailto:office@complianceirectltd.com)  
**Subject:** RE: ~~Shankar's Licence~~ New licence application

Shankar,

Technichally Guinness is a Stout, so I do not believe it would fall within this remit, but we could reword to enable the sale of premium brands which have a higher cost and would not be the ideal choice for a street drinker.

The premises will not sell any beer, lager or cider that exceeds the strength of 6.5% abv or higher unless 3 or more bottles/cans are purchased together. This condition will not apply to stout and Premium brands in bottles.

It's a difficult balance we are trying to maintain in light of the anti-social behaviour issues that this area has suffered. We are aware that it's unfair to be overly restrictive, but we believe that this condition is working. By not attracting the street drinkers in to the shops, it allows the rest of the locals to feel more comfortable going in to buy goods.

Regards

Vicky

---

Licensing Officer (SX)  
020 8733 4195



