



Supplementary Alcohol and Entertainment Licensing Sub-Committee (C)

Thursday 21 January 2016 at 10.30 am
Members' Suite, Fourth Floor - Brent Civic Centre,
Engineers Way, Wembley, HA9 0FJ

Membership:

Members

Councillors:

Long (Chair)
Hylton
McLeish

Substitute Members

Councillors:

Bradley, Chohan, Harrison,
Hector, Naheerathan and
Shahzad

For further information contact: Joe Kwateng, Democratic Services Officer
(020) 8937 1354; joe.kwateng@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:

democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
3 Application by Sithamparanathan Kirubendran to extend the hours for the sale of alcohol sale from 08:00hrs to 23:00hrs Monday to Saturday and from 10:00hrs to 22:30hrs Sunday to 06:00hrs to 00:00hrs Monday to Sunday at Woodchurch Filling Station (242 Church Lane NW9 8SL), pursuant to the provisions of the Licensing Act 2003.	1 - 20

Conduct of the Hearing:

The hearing shall proceed as follows:

- General introduction by the Regulatory Services Manager
- Case for the Responsible Authority – Police/Regulatory Services
- Questioning of the Responsible Authority by Applicant and Members
- Case for the Applicant
- Questioning of the Applicant by the Responsible Authority and Members
- Summing up by the Responsible Authority
- Summing up by the Applicant

Members' Deliberation

The Chair will then ask the representatives of the Responsible Authority and the Applicant to leave the meeting room whilst the panel goes into close session to deliberate the application. The applicant and the representatives of the responsible authority will be recalled to the meeting room when the Sub-Committee has made its decision. The decision will be confirmed in writing to the applicant within 7 days



Please remember to switch your mobile phone to silent during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.

From: kiruba kiruba [<mailto:kiruba@partyocean.com>]
Sent: 09 January 2016 19:03
To: Business Licence
Cc: Chief Executive; Agha, Councillor Amer
Subject: Fwd: 01/QQK/680/15/368 woodchurch filling station 242 church lane NW9

Dear Sirs

I am Sithamaparanathan Kirubendran of Woodchurch Service station 242 Church lane NW98SL, making the following statement of facts in support of my defence for the police representation ref no 01QK/680/15/3682015; currently have a licence to Monday to Saturday from 8.00am to 11.00pm and Sunday from 10.00am to 10.30pm.

Now I have applied for a variation for Monday to Sunday from 6.00am to 12.00pm, but I have received an objection from the police officer Mr Michael Sullivan. I have no idea for the reasoning behind the officer using a phone to ask various questions such as "Who are your main targets to sell alcohol" and "What are the four licensing objectives". The use of the phone clearly indicates that the officer wanted to catch me off guard and then use it against me as a reason for the objection. Further I knew the answer, the main target of sale are people who have finished work at night and pick up alcohol on their way back home; majority of which drive to my premises and none are street drinkers. The police officer has stated in his representation that "I did not know what are the licensing objectives" but of course I know however I was loading my goods into my van during the time he had called me. I know the answer which are: Prevention of crime and disorder; public safety; prevention of public nuisance and protection of children from harm.

Moreover the responsible officer who was trying to impose on me an invalid document as it did not have a signature, was a draft document and had a different name - the document is attached. He has stated that on the question about promoting the licensing objectives which I replied as "Nothing beyond existing health and safety". The police officer believes I have no knowledge or understanding of what is to be expected of a responsible licensee but the police officer should understand that there is no legal obligation to give this information and that this is purely the licensee's decision. Further I have a small petrol station with limited forecourt even though the police officer parked his car in the middle of my forecourt blocking my customers as a nuisance - a picture is attached.

The police officer stated that my intentions were purely profit making and that I had no consideration for the nuisance caused by the street drinkers. The police officer should know that there are no street drinkers in my area. I must pay the council: business rates, which increase every year, VAT, rent as well as business licencing and other expenses which I must consider when I sell my goods as I to need to make a profit.

The police officer stated that he had visited my premises on the 11th December 2015 and found that I had numerous breaches in the licensing conditions but the officer did not realise that he could not impose any demands using an invalid document which was confirmed by David Thrale. Therefore whatever complaints he made using that document will be invalid. He also had the assumption that I am selling alcohol in plastic cups but in reality I have these cups for my employers to have hot drinks; I did have a kettle in the stock room but now I have a coffee machine in front of the store so they fill their cups using the machine for hot water. The police officer had no valid evidence that I sold the alcohol in cups and the assumptions were inappropriate, I would also like to mention that there many petrol stations in Brent having 24hours sale of alcohol which they were granted.

Finally the police officer has a lack of knowledge of the licensing and I ask the committee to kindly remove his representations and allow my variation to occur.

Yours Faithfully

Mr S Kirubendran

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

From: Michael.J.Sullivan@met.pnn.police.uk

To: yogini.patel@brent.gov.uk, linda.legister@brent.gov.uk,
business.licence@brent.gov.uk, kiruba@partyocean.com

Date: 16 December 2015 at 13:06

Subject: 01/QQK/680/15/368 woodchurch filling station 242 church lane NW9

Dear all

Please find attached representations from Police regarding the above premises

Regards

PC368QK Mike Sullivan
Brent Licensing Team
Tel 07500993897

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

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michael.j.sullivan@met.pnn.police.uk 22/12/2015 11:15

Woodchurch filling station

To kiruba@partyocean.com • yogini.patel@brent.gov.uk • linda.legister@brent.gov.uk •
business.licence@brent.gov.uk

Dear Mr Sithamparanathan

Please find attached a copy of your Licence, along with a warning letter regarding the breaches found on my visit to your shop on the 12/12/2015.

I appreciate that you dispute having these conditions on your licence but this is the current licence that the council have sent me, I have spoken to them and they assure me that this licence is the most current one for your shop.

As you can see from the date on the attached licence these conditions have been in place since 16/02/2015, please can you rectify the breaches by the 01/02/2016

Regards

Michael Sullivan

PC368QK

Brent Licensing Team

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- warning letter - wood church petrol station.doc (53 KB)
- Licence (Premises - Draft) PREMIER-PARTYSHOP Woodchurch Filling Station.pdf (587 KB)

3



Brent

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

TEL: 020 8937 5359
EMAIL: 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.....
Head of Regulatory Services

Date: 16 February 2015

Licence number 162050

Licence start date: 24/11/2005

Part 1 - Premises Details

PREMIER/PARTYSHOP, 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

THIS IS A
DRAFT
DOCUMENT

4

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

DRAFT

Part 2

Details of Holder of Premises Licence:

Name: Kirubendran, Sithamparanathan
 Address: 5 Wood Close, London, NW9 7NR
 Telephone: 020 8905 8327
 Email: kiruba@partyocean.com

Details of Designated Premises Supervisor:

Name: Sithamparanathan Kirubendran
 Address: 242 Church Lane, Kingsbury, London , NW9 8SL
 Personal Licence Number: 148691
 Issuing authority: London Borough of Brent

Annexe 1 - Mandatory Conditions

<p>Age Verification Policy</p> <p>(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.</p> <p>(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.</p> <p>(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—</p> <p>(a) a holographic mark, or (b) an ultraviolet feature.</p>	<p>Applies to all premises licences and club premises certificates which permit the sale or supply of alcohol ON or OFF the premises – In effect</p>
<p>Minimum Price of Alcohol</p> <p>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.</p> <p>2. For the purposes of the condition set out in paragraph 1—</p> <p>(a) —dutyll is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;</p>	<p>Applies to all premises licences and club premises certificates which permit the sale or supply of alcohol ON or OFF the premises – In effect</p>

<p>(b) —permitted price is the price found by applying the formula—</p> $P = D + (D \times V)$ <p>where—</p> <p>(i) P is the permitted price,</p> <p>(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</p> <p>(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;</p> <p>(c) —relevant person means, in relation to premises in respect of which there is in force a premises licence—</p> <p>(i) the holder of the premises licence,</p> <p>(ii) the designated premises supervisor (if any) in respect of such a licence, or</p> <p>(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;</p> <p>(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</p> <p>(e) —value added tax means value added tax charged in accordance with the Value Added Tax Act 1994.</p> <p>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.</p> <p>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.</p> <p>(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.</p>	
<p>Requirement for a DPS</p> <p>(1) No supply of alcohol may be made under the premises licence-</p> <p>(a) at a time when there is no designated premises supervisor in respect of the premises licence, or</p>	<p>Applies to all premises licences which permit the sale of alcohol ON or OFF the premises.</p> <p>Community premises can apply for this condition to be dis-applied) - In effect</p>

<p>(b) at a time when the designated premises supervisor does not hold a personal licence or their personal licence is suspended.</p> <p>(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.</p>	
<p>Door Supervisors and Security Staff to be Licensed by the SIA</p> <p>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:</p> <p>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</p>	<p><i>Any premises licence which requires by way of condition door supervisors or other security staff to be employed. – In effect</i></p>

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.

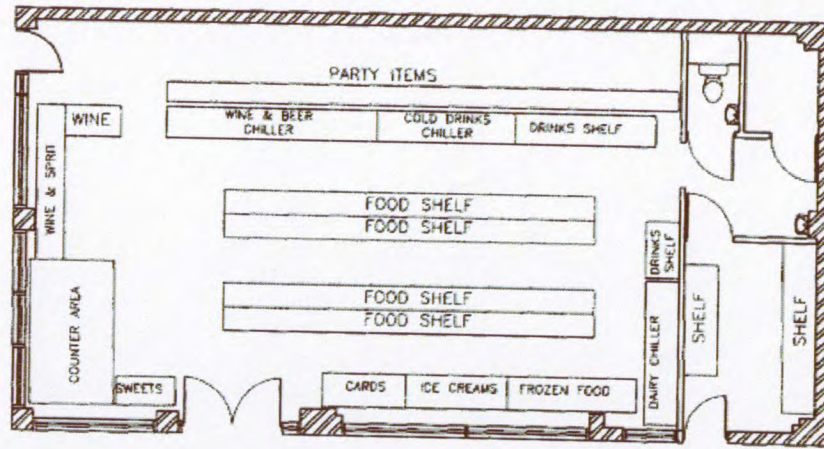
- 4 No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked.
- 5 An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (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
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None

Annexe 4 - Plans

See attached sheet.



SCALE BAR

NOTES:
The general contractor is responsible for the verification of all dimensions on site and shall inform the Contract Administrator 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 : BJ/2014/037/01 DATE : 03/08/2014</p>	<p>SCALE : 1:100 ORG.SIZE : A3</p>

10

David Thrall 06/01/2016 12:34

Woodchurch filling station. Premises Licence 162050

To kiruba kiruba

Dear Mr Kirubendran

Thank you for your telephone call this morning. I have now had the chance to look at, and understand the background to the issue that you raise.

In 2005 when alcohol licensing first became the responsibility of local authorities, you made a premises conversion application. This Premises Licence was granted by the council and a Premises Licence issued to you which contained conditions about standard operating hours conditions plus a small number of other mandatory conditions. No condition was imposed regarding of high strength alcohol.

The 2005 Premises Licence remained in place until you applied for a variation on 13 August 2014, variation application ref 223105928. As part of the statutory consultation with Responsible Authorities, the Police submitted objections to you and the council on 9 September 2014 by way of a letter from PC McDonald – of which you have recently sent me a copy, so I have not attached this again. Our computer system is unambiguous that this letter was received on the date given. Further the metadata from the original PDF document also bears the same date, and a screenshot of this is included below for complete transparency.

I am therefore completely satisfied that this letter was received on 9 September 2014.

The council record then shows an email from you to the police on Fri 12/09/14 at 12:27 hrs in which you say to the Police "I write to confirm that I have accepted all of you conditions stated in the representation".

There is then further email correspondance between you and the Police in which the Police agree to restrict the 'no high strength beer' condition to allow the sale of two named premium high strength beers on 16 September 2014, and the council's Licensing Manager acknowledges this the following day, copying you into that email too.

I enclose a copy of the extant licence for your information and I note that this contains this condition which as far as I can see is in line with the agreement emails that I have seen from the Police and yourself in 2014.

I would observe that the alternative licence that you have enclosed, clearly includes a "DRAFT" watermark on every page and does not bear the signature of an officer approved by the council to grant licences. I therefore consider that this cannot be regarded as being a valid licence.

I hope this clarifies matters. Please do let me know if I can assist further.

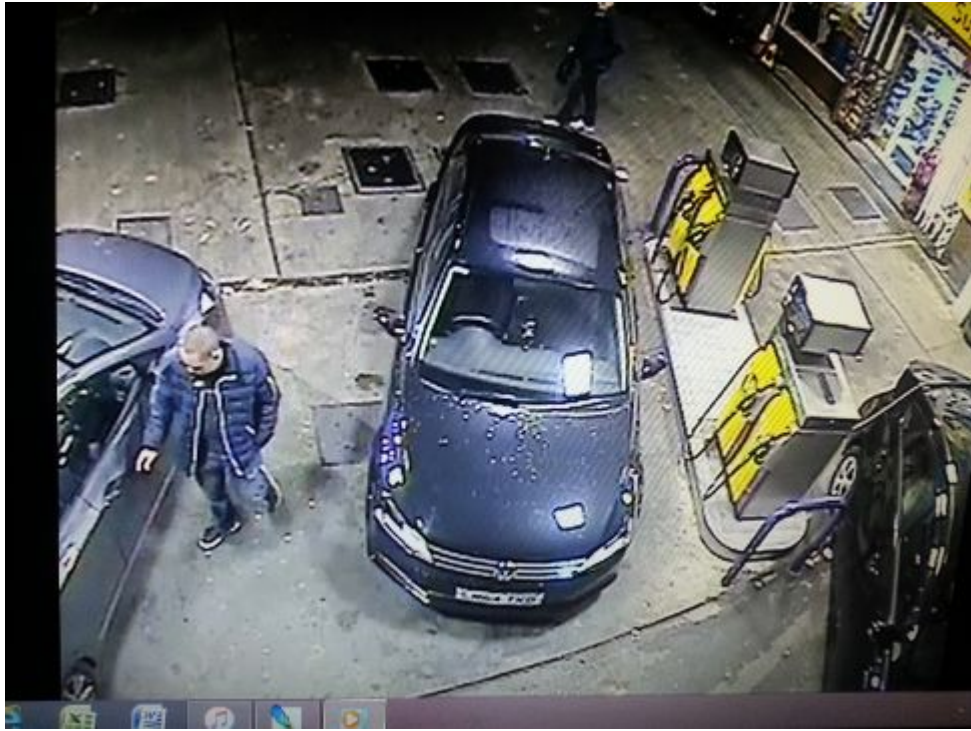
Yours sincerely

David Thrale
Head of Service

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