



Brent

## MINUTES OF THE ALCOHOL AND ENTERTAINMENT LICENSING SUB-COMMITTEE (C)

Tuesday 17 May 2016 at 10.30 am

PRESENT: Councillor Long (Chair), Councillor and Councillors Hylton and McLeish

### 1. **Declarations of personal and prejudicial interests**

None.

### 2. **Application by the Metropolitan Police for the review of a premises licence held by Mr Ganesalingam Ramanathan for the premises known as Alric Food & Wine (1a Alric Avenue London NW10 8RB) pursuant to the Licensing Act 2003.**

Responsible Authority

Michael Sullivan

Nicola McDonald

Brent Licensing Police

Brent Licensing Police

Applicants

Panchal

Ganesalingam Ramanathan

Applicant's agent

Premises Licence Holder and DPS

Decision:

The Sub-Committee decided that the application by the Metropolitan Police for the review of a premises licence held by Mr Ganesalingam Ramanathan for the premises known as Alric Food & Wine (1a Alric Avenue London NW10 8RB) pursuant to the Licensing Act 2003 be upheld and therefore, revoke the premises licence.

The full record of the Sub-Committee's decision and the reasons are as set out in the decision letter, set out below.

#### **The application**

The Sub-Committee has given careful consideration to an application by the police, under section 51 of the Licensing Act 2003, to review the premises licence relating to Alric Food & Wine, 1a Alric Avenue, London. Mr Ganesalingam Ramanathan is the premises licence holder and the designated premises supervisor.

The premises are licensed for the sale of alcohol (for consumption off the premises) from 11.00 hours to 22.00 hours Monday to Saturday and 11.00 hours to 21.00 hours on Sunday.

The grounds for review are the prevention of crime and disorder and public nuisance, and the protection of children from harm. More specifically, the police complained about the following: numerous breaches of the conditions attached to the premises licence as revealed by a visit to the premises on 4 March 2016; anti-social behaviour linked with the premises; alcohol and drug related issues in the

area and a reluctance to assist the police. The application stated that the premises is badly run and that the police have no faith in Mr Ramanathan.

These complaints are made, the police said, against the backdrop of an application by the police in October 2014 for the summary review of the premises licence because of numerous breaches of licensing conditions and the finding of a large quantity of counterfeit and non-duty paid alcohol on the premises. This, however, was before the premises licence was transferred to Mr Ramanathan and before he assumed the role of designated premises supervisor.

For these reasons the police asked for the premises licence to be revoked.

The application details and supporting documents considered by us are published on the Council's website and are not repeated in this decision notice.

Mr Ramanathan did not respond to the application prior to the hearing.

### **The hearing**

PC Michael Sullivan and PC Nicola McDonald attended the hearing in support of the police application.

Mr Ramanathan also attended the hearing and was represented by his agent, Mr Panchal.

During the course of the hearing, the parties discussed the complaints and issues the review application made by the police was based upon and answered questions.

### **The decision**

We have listened to all the representations and have read all the material.

We have had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy.

We have taken into account our duty under section 17 of the Crime and Disorder Act 1998 to have due regard to the likely effect of the exercise of our discretion on, and the need to do all we reasonably can, to prevent crime and disorder in our area and the misuse of alcohol.

We confirm that in making our decision we have sought to promote the licensing objectives.

We also confirm that the decision we have taken is what we were satisfied was necessary, proportionate and appropriate in order to promote the licensing objectives and justified on the facts of this particular case.

On the facts of this application, it is particularly noteworthy that, according to statutory guidance, we should accept all reasonable and proportionate representations made by the police unless we have evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

We start by setting out our findings.

On 4 March 2016, PC Sullivan visited the premises with another colleague at about 19.50 hours and made a number of observations and enquiries to establish whether the conditions of licence were being complied with.

He found one member of staff on duty. He gave his name to PC Sullivan and when asked stated that he was not a personal licence holder. This is despite the fact that a personal licence holder is required to be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol and that the premises have to be staffed by a minimum of 2 persons after 18.00 hours. During the visit, however, the member of staff made several phone calls and a man came running into the premises who informed the police that he worked at the

premises sometimes and was a personal licence holder but had left his licence in his other jacket.

When PC Sullivan discussed his visit with Mr Ramanathan by telephone on 5 March 2016 he was unable to explain why there was no personal licence holder on duty during his visit or why only one person was working.

On 9 March 2016, when the police met with Mr Ramanathan he informed the police that he had to leave the premises as his daughter was unwell and that the member of staff was a personal licence holder – something he had previously checked.

On 16 March 2016, PC Sullivan wrote to Mr Ramanathan and requested a copy of the personal licence he had previously stated he had personally inspected.

At the hearing, Mr Panchal told us that the member of staff had been dismissed.

We were left unconvinced by Mr Ramanathan's (in part inconsistent) version of events. He was unable to satisfy us that the member of staff was a personal licence holder and should have been in a position to do so given all the opportunities he had and the importance of this condition.

PC Sullivan found numerous high strength alcohol on sale exceeding 6.0% AVB. Mr Ramanathan told us that he orders the alcohol personally and that he goes personally to the cash & carry to buy it. He told us that he made a mistake and that "I thought I could buy high strength bottles". We found this shocking.

As the DPS and the premises licence holder, Mr Ramanathan should clearly have known that his premises cannot stock and sell high strength beers, lagers and ciders above 6.0 % AVB and taken much more care about compliance with what we consider to be a very important condition. Once again we were left unimpressed with Mr Ramanathan's lax attitude to the conditions of his licence and poor management of his premises.

PC Sullivan looked for and could not find a sign displayed at the point of sale stating: 'No proof of age – No sale'.

The member of staff did not know about the premises' age verification policy or refusal book.

During the course of the hearing PC Sullivan informed us that in the last few years there had been two armed robberies at the premises and that when he visited the premises he was told that the safe was not being used. Mr Ramanathan and PC Sullivan argued about whether there was a safe at the premises which complied with the licence conditions but in any event Mr Ramanathan admitted that the "new safe" as he referred to it was not actually in use.

The member of staff also told PC Sullivan that he had not been given any robbery awareness and cash minimisation training in the last year.

There was no clear and unobstructed view into the premises.

The police enquiries about the CCTV system on 4 March 2016 were frustrated by the fact that the member of staff did not know how to work the system.

We also noted that many of the conditions PC Sullivan found were not being complied with during his visit had been imposed to address the problems and issues raised by the responsible authorities when the premises was the subject of a summary review in 2014.

We were unable to come to any firm conclusions on whether the previous premises licence holder is still involved in the management of the premises. The police argued that the circumstantial evidence supported their suspicions. Whereas, at the hearing, Mr Panchal relied upon a solicitors letter and a management agreement to counter the claims being made by the police. In the end, we decided that we would accept at face value that Mr Ramanathan was himself managing the premises and focus on how the premises had in fact been managed and its future prospects.

There was no evidence to associate the premises with the drug related issues in the area but there are anti-social behaviour issues – some of them alcohol related – in the area.

A test purchase carried out by Trading Standards on 9 May 2016 at 9.30am, at the request of the police, resulted in the purchase of a single can of beer and evidenced further breaches of licensing conditions even after the police had made their application to review the premises licence and only a week before the hearing. Our overall conclusions were that the breaches were numerous, persistent and serious and critical in ensuring the responsible and lawful sale of alcohol in accordance with the conditions of licence and the licensing objectives. We agree with the police that Mr Ramanathan has shown little or no interest in making improvements. The police told us that, if the premises was serious or even capable of making the improvements required by the council following the summary review of the premises, that would have been apparent when the police visited the premises on 4 March 2016 or certainly when the test purchase was carried out on 9 May 2016. We agree. We felt that the test purchase was yet again another clear example of the poor management of the premises, a disregard for the licensing objectives and a failure to learn lessons. This was a serious aggravating factor.

The police complained about Mr Ramanathan's unhelpful attitude following the 4 March 2016 visit and his unwillingness to work with the police constructively. We also found during the course of the hearing that Mr Ramanathan was at times evasive and provided us with conflicting accounts of the facts. In the end, we had no faith or confidence in the answers he provided.

In all the circumstances, therefore, we decided to revoke the premises licence. Having considered this case in its factual and historical context and taken into account all our findings and, in particular, Mr Ramanathan's dual role as premises licence holder and DPS, the other options available to us were neither appropriate nor sufficient. We considered that revocation, in the circumstances of this case, is an appropriate and proportionate means of promoting the licensing objectives.

#### **The effective date of this decision**

This decision does not take effect until the end of the period for appealing this decision or, if appropriate, the outcome of the appeal.

**Right of Appeal**

Mr Ramanathan has a right of appeal to Brent Magistrates' Court against this decision.

If you wish to appeal you must notify Brent Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.

The meeting closed at 1.55 pm

J LONG  
Chair