



Brent

**APPLICATION FOR A REVIEW OF A
PREMISES LICENCE OR CLUB PREMISES CERTIFICATE
Under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in **block capitals**. In all cases ensure that your answers are inside the boxes and written in **black ink**. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Police Constable Michael Sullivan

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description
ALRIC FOOD & WINE 1a ALRIC AVENUE

Post town LONDON

Post code NW10 8RB

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

Mr Ganesalingam Ramanathan

Number of premises licence or club premises certificate

485533

Part 2 - Applicant details

I am Police Constable Michael Sullivan

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

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

Please tick ✓ yes

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

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Police Constable Michael Sullivan 368QK Wembley Police Station 603 Harrow Road Wembley HA0 2HH
Telephone number (if any) 07500993897
E-mail address (optional) Michael.sullivan3@met.police.uk

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

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

Please tick one or more boxes ✓

- X
-
- X
- X

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

Alric Food & Wine 1a Alric Avenue, London, NW10 8RB, currently has a Premises Licence which allows it to sell alcohol between 11:00 hours to 22:00 hours Monday to Saturday and 11:00 hours to 21:00 hours on Sunday.

The Premises Licence Holder, (PLH) and Designated Premises Supervisor, (DPS) are one and the same, a Mr Ganesalingam Ramanathan.

Police have no faith in Mr Ganesalingam Ramanathan to operate the Premises responsibly and therefore wish to bring the matter before the Sub-Committee for consideration.

On the 4th March 2016, officers from Brent Licensing Police Team conducted a licensing visit at the premises, the shops licence has a total of Eighteen (18) conditions, which all but a few were being breached.

On the 22/10/2014, Brent Licensing Police Team submitted a summary Review against the premise after numerous breaches were found; this was also in conjunction with the finding of a large quantity of counterfeit and non duty paid alcohol, which was seized by HMRC officers. The PLH at the time of the hearing was Mr Thiyagarajah Thurvarakeswaran

A hearing was held on the 19/11/2014 and the Committee determined that the premises licence continue in full force and effect, subject to amendments to the hours of the supply of alcohol, amendments to existing conditions, additional conditions and an informative.

(i) that the hours during which the supply of alcohol are permitted be amended to :

Monday to Saturday - 11:00 to 22:00

Sunday - 11:00 to 21:00

(ii) that the following amendments be made to the existing conditions as numbered below on annexe 2 of the premises licence read:

4. A Challenge 25 policy shall be adopted and adhered to at all times.

6. No high strength beers, lagers and ciders above 6.0% AVB shall be stocked.

(iii) That the following conditions be added to the premises licence.

1. All high strength beers, lagers, and ciders above 6.0 % AVB currently stocked on the premises to be removed with immediate effect.

2. A new designated Premises supervisor must be appointed and for the avoidance of doubt this cannot be the present premises licence holder (as of 19 November 2014)

3. The following crime prevention measures shall be implemented within seven days:

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.

4. All aisles within the premises shall be kept free of obstruction at all times

5. There shall be no sale of single cans of alcohol at any time.

6. All staff employed for the sale of alcohol must be personal licence holders and be

trained by a home office approved provider every two years and training records must be made available for inspection to the police and the licensing authority upon demand.

On the 26/11/2014, one week after the hearing, an application was received for a transfer of the Premise Licence Holder, and a transfer of the Designated Premises Supervisor, both into the same person Mr Ganesalingam Ramanathan, this was to partly comply with the new conditions, (2) added by the committee which reads - A new designated Premises supervisor must be appointed and for the avoidance of doubt this cannot be the present premises licence holder (as of 19 November 2014).

The Stonebridge Safe Neighbourhoods team have also had reports of Anti-Social Behaviour linked with the shop; reports suggest that the front of the shop is used by drug dealers, and users which is making life a misery for local residents.

One of the officers for the ward PC190 Grimsdale has been dealing with the issues of drug dealing in the area, and has outlined in her statement that the shop has been unhelpful in assisting her with dealing with the issues.

There is also suspicion that the shop sells alcohol to street drinkers, who then sit around outside the shop drinking. It is evident from PC Grimsdale's statement that the shop attracts drug dealers, users and drunks to an area that is predominantly residential, and the owners appear to be reluctant to deal, or assist the police in dealing with the issues.

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

Visit - 04/03/2016 a licensing visit was conducted by Brent Licensing Police

On entering the shop there was one male behind the counter, officers identified themselves to the male, he gave his name as Mr Umaharan Navaratham, There was one other male in the shop who said he was a friend of Mr Navaratham but that he was not working in the shop, this male stood around for a short period of time before leaving.

It was explained to Mr Navaratham that a licensing inspection was going to be carried out. He was asked if he was the Designated Premises Supervisor (DPS) for the shop, he did not know what this meant. His English was poor. He was then asked if he held a personal Licence, he stated that he did not, he was asked how long he had work at the shop, but was unable to give officers an answer.

Mr Navaratham was asked for the shops Premises Licence, he produced this from a folder, I then went through the conditions on the licence.

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 licensing officers if Required.

I asked Mr Navaratham if the CCTV was working and kept for 31 days, he seemed unsure, and did not know, he was asked if he could show officers the CCTV from the previous day, he stated that he did not know how to work the system.

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

There was a camera covering the entrance of the premises, but it was unclear if it was working correctly.

3. A sign stating 'No proof of age no Sale' shall be displayed at the point of sale.

Mr Navaratham was asked if there was a sign saying these words, he did not know, a search of the area showed no sign at the point of sale, or anywhere else in the shop.

4. A challenge 25 policy shall be adopted and adhered to.

Mr Navaratham was asked what the shops age verification policy was, he did not know. During the inspection another male came into the shop, he said that he sometimes worked at the shop, he gave his name as Mr Hilton Emmanuel, he was asked if he knew what the shops age verification policy was, he eventually said 'under 18'

5. A refusal book shall be kept and maintained

Mr Navaratham was asked for the refusal book, but could not find it, Mr Emmanuel eventually found one, it was clear that neither knew of its existence and had not been told or trained in using it, and it was evident that he had not been used for some time. (Picture attached)

6. No high strength beers, lagers, ciders above 5.5% AVB shall be stocked.

Numerous high strength beers on sale, however it has become apparent that the licence is wrong, and should read No high strength beers, lagers, ciders above 6.0% AVB shall be stocked, as decided by the committee and documented in the determination notice.

There were still a number of beers that breached this condition, namely Guinness Foreign Extra 7.5 %, AVB, Dragon Stout 7.5% AVB Perla Mocna 7.6% AVB, and Debowe 7.0% AVB (Pictures attached)

7. Raid control crime prevention measures shall be installed and all staff given suitable training.

The counter area is raised off the floor, however the safe is not being used and no training has been given to staff.

8. The licensee shall keep an incident book which shall be made available to the police and Licensing Authority.

An incident book was found, but again it appeared not to have been used for a while.

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

The windows are covered in posters and the outside has grills on them, the lower half of the inside of the windows has been covered with black bin liners, clearly breaching this condition. (Pictures attached)

10. A suitable intruder alarm complete with panic button shall be fitted and maintained.

Mr Navaratham pointed to a panic button under the counter.

11. A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

As previously stated, when officers first entered the premises the only person working inside the shop was Mr Navaratham, he was asked if he held a personal licence, which he stated that he didn't and his English is not fluent.

Mr Navaratham made several phone calls, and eventually Mr Emmanuel came running into the shop, out of breath, he stated that he was a personal licence holder, but went on to say that he didn't have his licence on him, and that he had left it in his other jacket, it was pointed out to him that he must have his licence with him whilst working.

12. The premises shall be staffed by a minimum of 2 persons after 18:00 hours.

Officers entered the shop at 19:50 hours and found Mr Navaratham working in the shop on his own.

13. All deliveries shall take place during the normal working day (ie 09:00 to 18:00 daily)

N/A

14. All high strength beers, lagers, and ciders above 6.0 % AVB currently stocked on the premises to be removed with immediate effect.

This clearly had not been done.

15. 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.

Mr Navaratham, and Mr Emmanuel both stated that they didn't use the safe, and that it had a key but they didn't know where it was.

I was shown a safe that was on its side and clearly not being used, this was situated under the counter.

Mr Navaratham stated that he not been given any training within the last year.

16. All aisles within the premises shall be kept free of obstructions at all times.

The aisles were relatively clear

17. There shall be no sale of single cans of alcohol at any times.

Whilst carrying out the visit a male came into the shop selected one bottle of beer from the fridge, paid for just the one bottle and left the shop.

Mr Navaratham was asked if he was aware that the shop could not sell single alcohol drinks, 'he said oh yeah, sorry I forgot'. (Picture attached of sign)

18. All staff employed for the sale of alcohol must be personal licence holders and be trained by a Home Office approved provider every two years and training records must be made available for inspection to the police and the licensing authority upon demand.

Again Mr Navaratham and Mr Emmanuel were asked if they had been trained, and if they could produce the training records, they said no they hadn't had training and there were no training records.

Due to Mr Navaratham not having a Personal Licence, and Mr Emmanuel being unable to produce his Personal Licence, I informed them that they would have to stop selling alcohol and that all the alcohol in the shop needed to either be removed or covered up, Mr Emmanuel decided that he was going to close the shop whilst they covered up the alcohol.

On the 05/03/2015 I phoned the PLH, DPS, Mr Ganesalingam Ramanathan to discuss the breaches I had found at his premises, he was already aware of my visit and of the problems, I asked him why there was no Personal Licence Holder in the shop when I arrived, he was unable to explain this or the fact that there was only one member of staff in the shop past 18.00 hours.

He did not know what a DPS was and seemed unfazed by what I was telling him, I asked him if he had removed the high strength beers from the fridge and shelves, he said, no I will do it later, when I pointed out that this should have been done immediately, he then said yes it's done, I have real concerns that Mr Ganesalingam Ramanathan has no interest in resolving these problems, and more interested in making a profit than upholding the licensing objections. The remainder of the conversation was drawn towards his concerns that I might visit the shop again and find more breaches.

Mr Ganesalingam Ramanathan, has no regard for his staff's safety. He has a duty of care for his staff. The shop has suffered from several serious crimes involving firearms over the years. The absence of documented training and raid control measures in addition to obstruction of visibility through the shop windows highlights his reckless approach to operating a licensed premise. Furthermore it indicates his lack of consideration for the licensing objective, namely The Prevention of Crime and Disorder. Further lack of staff training in regards to the shops age verification policy shows a negligent attitude towards 'The protection of Children from Harm' objective.

On the 09/03/2016 Mr Ganesalingam Ramanathan attended Brent Civic Centre for a meeting with officers from Brent Licensing team, he was asked about his involvement in the shop and how long he had an interest in it, he said about 1 year and 4 months since he took over the shop, but went on to say that he had worked at the shop since about September 2014 to see if it was financially viable, he has owned 2 previous shops, 1 in Ruislip and 1 in Barnet and has been in this type of business since 2003. He went on to say that Mrs Niraimathy Ganeswaran is still the lease holder, and that he

pays her £1000 a month to sub-lease the shop, the final sale still hasn't happened as she is now asking for more money.

Mr Ganesalingam Ramanathan went on to say that Mrs Niraimathy Ganeswaran is still the person that pays the business rates for the shop which leads me to believe that she is still in overall charge of the business and Mr Ganesalingam Ramanathan is just the PLH, and DPS in name only.

He was nervous during the meeting and kept changing his story over who owned the business and how long he had been involved. I asked him why Mrs Niraimathy Ganeswaran was still paying the rates on the shop if he was now leasing the shop, he was unable to answer. He was then asked about the running of the shop and in particular why on the 04/03/2016 when officers attended to conduct a licensing visit, he was asked why there was only one member of staff on duty and why that member of staff was working in the shop selling alcohol when he did not hold a personal licence, he said that he had left the shop as his daughter was unwell and that the member of staff Mr Umaharan Navaratatham did hold a Personal Licence as he had checked it when he started working for him.

He was asked why there were no training records in the shop, he replied all staff had been trained, and he had the training records, he then said two of the staff haven't been trained as they have only been working for him for two months.

Moreover the shop has suffered serious incidents over the past few years, there have been incidents of staff being threatened, which resulted in a member of staff leaving his job, this goes to show that proper raid control measures need to be in place, this has clearly not been happening, staff are not being trained, and controls are not being put in place to protect staff and members of the public from these risks.

On the 11/03/2016 I conducted checks on the Companies House web page for Alric Food and Wine limited. This showed the current director of the registered company as being Mrs Niraimathy Ganeswaran, and as being appointed as the director of the company on the 11/10/2011. With a correspondence address of ** ***** *****, Twickenham, Middlesex, England, ****.

A voter's check was conducted and Shows Mrs Niraimathy Ganeswaran, and Thiyagarajah Ganeswaran as both residing at the same address.

It appears that Mr Thiyagarajah Thurvarakeswaran is the same person as Mr Thiyagarajah Ganeswaran, and uses a mixture of surnames for different business arrangements.

From these findings I believe it is clear that Mr Thiyagarajah Thurvarakeswaran who was the Premises Licence holder at the time of the first review on the 22/10/2014, and Mrs Niraimathy Ganeswaran who was, and is still the director of Alric Food and Wine Limited, are still very much the owners of the premises, and have placed the current named PLH, and DPS Mr Ganesalingam Ramanathan on the licence as a way of not having their names linked to the shop.

It is clear that all the people that are currently involved in the business were aware of the review in 2014 and have done little to address the issues raised by the officer submitting the review application at the time, the committee heard the evidence and deemed it necessary to add conditions to the licence for the shop to comply with the licensing objectives, one of these conditions was the removal of the then DPS, and went on to say that the new DPS could not be the current Premises Licence holder, who at the time was Mr Thiyagarajah Thurvarakeswaran.

Police reserve the right to give evidence on any further incidents which may take place at, or in the vicinity of the premises, between the service of this application and the hearing and/or during the time allowed for any appeal proceedings.

Summary

It is clear that this shop is being run extremely badly and this has been going on for many years, the current Premise Licence holder, and Designated Premises Supervisor Mr Ramanathan is there in no more than name, and has little to no influence on the day to day running of the shop.

There is clearly no staff training, and staffs clearly have no knowledge of the shops age verification policy, or of the licensing objectives.

The owners have no regard for the conditions that have been placed on the licence at the previous hearing, and have tried to distance themselves from the shop, however it is clear that Mr Thiyagarajah Thurvarakeswaran has still got an interest in the shop as up until December 2015 he was in the process of appealing the Committees review decision, which would appear very strange if he had washed his hands of the business when Mr Ganesalingam Ramanathan, became the PLH, and DPS, also it is apparent that Mrs Niraimathy Gnaneswaran is still the Director of Alric Food and Wine Limited, and is still shown as the person who is responsible for paying the Business rates on the premises. I believe all this name changing is an attempt to fool the authorities in to believing that both Mrs Niraimathy Gnaneswaran and Mr Thiyagarajah Thurvarakeswaran, no longer have any involvement in the shop, when in reality they are fully in control of the running of the business and reaping the rewards without having any consideration for their staff or if the shop is being run correctly.

The shop has a total of 18 conditions, which are nearly all being breached, I fell adding more conditions would not help in promoting the licensing objectives and have come to the conclusion, that the only way to stop these breaches is to have the shops licence revoked.

No attached documents are to be scanned and published on to a public web site, to restrict personal data being disclosed.

Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

2	2	1	0	2	0	1	4
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If you have made representations before relating to the premises please state what they were and when you made them

Officers from Brent Police Licensing Team submitted a Summary review on the 22/10/2014 after a joint operation between Trading Standards, HMRC, and Licensing officers, all attended the premises and found large quantities of counterfeit and non duty paid alcohol, along with numerous breaches of the shops licence.

Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

Mund Suth

Date

21ST MARCH 2016

Capacity

LICENSING CONSTABLE on behalf of the Chief Officer of Police

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

Post town

Post Code

Telephone number (if any)

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

Data Protection: The London Borough of Brent will use this information for the purposes of The Licensing Act 2003 and related purposes. Any member of the public may examine the application form on request. In addition, this information may be disclosed to the Police, The London Fire and Emergency Planning Authority, relevant ward Councillors and other Council departments.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with law enforcement agencies and other bodies responsible for auditing or administering public funds for these purposes