



APPLICATION FOR A REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

Application for the 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 Nicola McDonald on behalf of the Commissioner of the Metropolitan Police
Service

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

Part 1 – Premises or club premises details

Name and postal address of premises or, if none, ordnance survey map reference or description Sudbury Supermarket 773 Harrow Road	
Post Town Wembley	Post Code (if known) HA0 2LW
Name of premises licence holder or club holding club premises certificate (if known) Mr Gunasingam Rasitharan	
Number of premises licence or club premises certificate (if known) 163858	

Part 2 - Applicant details

I am

Please tick ✓ Yes

- 1) an interested party (please 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) x
- 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

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

Postcode

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 PC Nicola McDonald 157QK Brent Police Licensing Wembley Police Station 603 Harrow Road Wembley HA0 2HH
Telephone number (if any) 0208 733 3206
E-mail address (optional) Nicola.mcdonald@met.police.uk

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

Please tick one or more boxes

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

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

Sudbury Supermarket is currently authorised to supply alcohol for consumption OFF of the premises. The venue has an old converted premises licence from 2005 with traditional 'Off' licence permitted hours Monday - Saturday 0800 - 2300 hours and Sunday 1000 - 2230 hours. Subsequently there are no conditions attached to this licence.

The premises licence holder and designated premises supervisor are one and the same; Mr Gunasingam Rasitharan

Sudbury Supermarket is failing to promote three of the licensing objectives, namely the prevention of crime and disorder, public safety and prevention of public nuisance. Police are concerned with:

Unauthorised licensable activities

Failure to display the premises licence

Sales of high strength to known street drinkers

No written delegated authority to sell alcohol

Lack of staff training, licensing knowledge

Public nuisance and anti social behaviour generated from customers who purchase alcohol and consume it in the street.

The vicinity suffers from alcohol fueled anti social behaviour committed by local male residents who drink alcohol in the street and use neighbouring betting shop premises as gathering social hubs. There is a determined pro active residents association in Sudbury that continue to work tirelessly to make the area a secure and habitable. However Mr Gunasingam Rasitharan is not supporting their efforts, recent events at this shop have highlighted a lack responsibility. Below is a chronological list of incidents that have triggered this review application:

Throughout **Summer 2016** Police were aware of allegations that Sudbury supermarket was opening around the clock and selling alcohol outside the authorised hours.

On **14th September 2016** Police received a premises licence variation application from Mr Gunasingham RASITHARAN. The nature of the proposed variation was to extend the licensable hours until 0300 hours daily.

On **Tuesday 27th September 2016** around lunchtime PC McDonald in company of Brent Licensing Officers' Chan and Miller-Johnson attended the shop. Mr Gunasingham RASITHARAN was working at the shop in company of one female member of staff. It became apparent that the shop has been split in to two separate retail premises and that the current layout of the shop did not coincide with plans submitted with the premises licence variation application.

Although there are no conditions attached to the premises Licence Mr Gunasingham RASITHARAN has nevertheless installed a CCTV system. Unfortunately he could not operate the CCTV system stating an issue with the memory. Mr Rasitharan said he kept the shop open in to the early hours of the morning. It was suggested to Mr Rasitharan that he had been selling and displaying alcohol outside the authorized hours something he denied. Police did notice that there was a vast display of alcohol all along the back wall of the shop, in addition to fridges (two with doors and others fully displaying the products). Police recognized and pointed out to Mr Rasitharan that there was no visible means to cover alcohol from display to the public if he was opening out of the authorized hours. Police made a verbal request for CCTV footage to be provided from the shop from Friday 23rd September 2016 at 2300 hours to Saturday 24th September 2016 at 0130 hours. From the beers on display available to purchase, a large amount were above 6% ABV, what Police would recognize as 'high strength' beers from experience consumed by street drinkers. Police discovered five knives of varying sizes positioned on or under the staff side of the counter. Mr Rasitharan said they were for cutting vegetables. Police could accept one knife retained in the staff room or stock room for this purpose but highlighted to Mr Rasitharan it was unacceptable to have them unattended on the shop floor. Police also saw a golf club propped up next to the cash register Mr Rasitharan said a customer had left it in the shop and he was keeping it there in case the customer came back to collect it. Police were doubtful of this explanation and recommend it should be kept in the stock room. Finally Police saw unused clear plastic cups stacked (not in packaging) next to the cash register. From experience these plastic cups are either handed to or sold for 5p to street drinkers who purchase small bottles of spirits to be mixed with soft drinks. Mr Rasitharan could not give an explanation for them being situated on the counter next to the till.

Exhibit NM1 photo taken by PC McDonald of the knives

Exhibit NM2 Photo taken by PC McDonald of the plastic cups

At **Saturday 1st October 2017** at 0010hrs PC McDonald visited Sudbury Supermarket, at that time the premises were open to the public, fruit and vegetables were on display outside, alcohol was on display for sale. Mr Rasitharan was working behind the counter and in the process of serving an Asian male. The customer smelt strongly of intoxicating liquor, his speech was slurred; he was unsteady on his feet. The customer placed a can of '1664' beer on the counter with a piece of fruit. Mr Rasitharan placed the can and fruit in to a small plastic bag and monies were exchanged. The suspect also attempted to buy chewing tobacco but he was refused the sale of that. This male then left the shop. There was one other Asian male standing in the shop talking to the DPS however denied being a member of staff. Mr Rasitharan recognised PC McDonald. PC McDonald pointed out the time and asked why he was still selling alcohol and why alcohol was displayed for sale? Mr Rasitharan said the reason for the shop still being open and selling alcohol was that he has a sore back and was waiting for a friend to attend the shop and assist him pushing the external displays inside the premises and locking up. Police explained that was no excuse, the premises could remain open but alcohol must not be sold or displayed after 2300 hours. He was informed that he had **committed the offence of unauthorized licensable activity contrary to Section 136 Licensing 2003. PC McDonald also pointed out that he had sold alcohol to a drunk contrary to Section 141 licensing Act 2003.** Mr Gunasingham RASITHARAN's response was that the male 'only lives upstairs'. PC McDonald asked if he had the footage requested during the previous visit on 27th September 2017. He claimed that he was having difficulties downloading the CCTV footage.

As PC McDonald left the premise the Asian male was standing in the street, talking to the door supervisors at Maya Lounge drinking from the can of beer.

On **Tuesday 4th October 2016** PC McDonald wrote a letter to Mr Gunasingham RASITHARAN formally requesting CCTV footage to be downloaded to view from Friday 23rd September and Friday 1st October 2016. This letter was posted to the shop, Mr Gunasingham RASITHARAN's home address and electronically to kannang@hotmail.co.uk.

Exhibit NM3 Formal CCTV request letter

Also on **4th October 2016** PC McDonald received an email from Mr Suresh Kanapathi a licensing consultant from Arka Licensing. Mr Kanapathi requested a meeting with Police to discuss Sudbury Supermarket and the issue of Mr Rasitharan selling alcohol outside the permitted hours on 1st October 2016. Mr Kanapathi also explained that Mr Rasitharan was trying to get the CCTV fixed and would be unable to download footage from 23rd September and 1st October as requested. Police were assured Mr Rasitharan would update Police with the progress of the CCTV system.

Exhibit NM4 Email chain with Mr Kanapathi

On **Wednesday 12th October 2016** PC's McDonald and Whitcomb had the requested meeting with Mr Kanapathi and Mr Rasitharan at Brent Civic Centre. Both the premises licence variation application to extend the authorized hours to 0300 hours and the offences under section 136 and 141 Licensing Act were discussed. It was made clear to Mr Rasitharan by both Police and his agent that alcohol could not be sold or displayed for sale from 2300 hours to 0800 hours Monday to Saturday and 2230 hours to 1000 hours on Sundays. Mr Rasitharan also guaranteed he would not sell alcohol to with or without the plastic cups to persons he knows are regular street drinkers or drunk. Mr Kanapathi agreed to arrange for new plans to be drawn up of the premises and produce a list of conditions that he considered would improve the operating of the shop and this would all be comprised of a premises licence variation application.

Exhibit NM5 the suggested conditions proposed by the licensing agent

On **Saturday 15th October 2016** at 0025 hours PC's McDonald and Whitcomb were on patrol in an unmarked Police vehicle driving along Harrow Road, Sudbury when their attention was drawn to Sudbury Supermarket. The shop was open to the public and through the open doors alcohol could be clearly seen on display. Mr Rasitharan was seen working behind the cash register. As PC McDonald approached the front of the shop on foot she saw a white male with a red and grey coat standing at the counter putting cans in to a rucksack. PC McDonald then briefly had to deal with another issue, however the white male was seen to cross the road and stand near the bus stop. PC McDonald was able to speak to this male and ask what he had bought in Sudbury Supermarket. This male unzipped his rucksack to show a bottle of water and four cans of Eastern European beer.

Once again Mr Rasitharan was committing **an offence of unauthorised licensable activity contrary to section 136 Licensing Act 2003.**

On **Tuesday 18th October 2016** PC McDonald sent another formal CCTV request to Mr Rasitharan asking for footage from the shop from 2300 hours on 14th October to 0130 hours on 15th October 2016. This was sent to the shop his home address and electronically to his licensing agent.

Exhibit NM6 formal CCTV request letter

Exhibit NM7 Email chain with licensing agent and copy of the above letter

On **Saturday 5th November 2016** at 2115 hours there was a serious stabbing that occurred outside Sudbury Supermarket. Detective Constable Murray made contact with Mr Rasitharan in order to view the shop CCTV and ascertain if the incident had been captured.

On **21st November 2016** DC Murray contacted the Police licensing team asking if it was a condition of the premises licence at 733 Harrow Road to have and produce CCTV recordings. Since initial contact with Mr Rasitharan she had not been able to progress the request. PC McDonald eventually managed to obtain two USB memory sticks from Mr Rasitharan that should have contained footage from 5th November and 14th November as requested.

Unfortunately both USB sticks were empty and displayed as corrupt files. Mr Rasitharan was informed over the telephone of the problems.

CRIS 1928407/16 refers to the stabbing

Exhibit NM8 Email trail with DC Murray regarding CCTV footage retrieval

On **17th November 2016** Brent Police were one of a number of departments to be contacted by the

Deputy Chair of the Sudbury Town Residents Association with regard to alcohol fuelled anti social behavior in the Parade of Shops along Harrow Road where Sudbury Supermarket is situated.

Exhibit NM9 Email from the Deputy Chair of the STRA

On **Friday 2nd December 2016** at approximately 0930 hours PC McDonald attended Sudbury Supermarket to return the USB memory stick to Mr Rasitharan. He was not in the shop. There was one Asian female member of staff who said she was his sister and gave her name as Jeevanathan Chithira. She does not hold a personal licence. The shop was open to the public alcohol was on display for sale. Whilst in the shop PC McDonald saw a middle aged white male enter, he had a rugged disheveled appearance, although he wasn't drunk he smelt strongly of stale alcohol. He walked passed the serving counter and put a £1 coin down next to the cash register. He walked to the fridge on the side wall (same side as the counter) he selected a black and gold can of beer and then turned and walked out of the shop. PC McDonald went over to the fridge and saw that the male had taken a 500ml can of Karpackie beer 9%ABV. PC McDonald observed that none of the alcohol on the bottom shelf of the fridges were labeled or priced. When PC McDonald asked the female how she knows the prices of the individual cans she said 'they are all £1 except for Holsten Pills that is £1.20'. When asked why she did not challenge the male she laughed and said 'he is ok my darling'. PC McDonald explained the correct procedure for selling alcohol, he should bring it to the counter so she can assess the customer to prevent committing offences like selling to someone under age or drunk. This lack of confrontation is allowing street drinkers to buy their alcohol from Sudbury Supermarket. PC McDonald telephoned Mr Rasitharan and informed him what had happened and that the faulty USB memory sticks had been returned.

Exhibit NM/10,11, 12, 13 and 14 Photos of the alcohol

On **1st January 2017** at approximately 0010hours PC's Whicomb and Sullivan were on duty in plain clothes in Harrow Road Sudbury when they noticed Sudbury Supermarket open to the public and alcohol on display for sale. PC Sullivan entered the shop and saw Mr Rasitharan working behind the serving counter. PC Sullivan went to the display selected a can of K cider, he placed it on the counter with the money. Mr Rasitharan accepted the payment and placed the can in a carrier bag. PC Sullivan left the shop. Once again Mr Rasitharan had committed an **offence contrary to section 136**

Licensing Act 2003

Exhibit NM/15 PC Sullivan's statement of this event

Police could have made this review application sooner however were relying on the assurance of the licence holder and his agent to make the premises licence variation application to incorporate the plans and similar conditions as to what Police propose on this application. However what happened was on 15th December 2016 Mr Rasitharan made an application for a minor variation of the premises licence to change the plans/layout of the shop. This type of application does not allow representations to be made by responsible authorities; therefore Police have no choice then to ask for the review of this premises licence.

How can this shop be promoting the licensing objectives when it sells a 500ml can of 9%ABV beer for £1. This can contains 4.5 Units of alcohol. Parliament is currently suggesting the price per unit of alcohol should be between 40p – 45p, the Scottish Government is suggesting 50p. That means this can of beer would double in price.

Police understand and recognise this is a family business nevertheless believe if allowed to continue to operate in the current state, with disregard to the licensing objectives, it will have further detrimental effects on the local area. Therefore Police wish to bring the matter before the sub-committee for consideration. Police consider the approach as appropriate and considering 'human rights' Police propose the following cause of action in order to promote the licensing objectives lawfully.

Police have limited faith in the ability of the management at present. It is difficult without any conditions attached to the licence for the licensee to operate the premises responsibly in what is becoming a more challenging area of the Borough especially involving late night commercial venues. Police consider the only means to be assured that legislation is adhered to at this premise is to add numerous conditions to the premises licence.

Police request the following conditions be attached to the premises licence:

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.

A CCTV camera shall be installed to cover the entrance of the premises and further cameras installed to cover the entrance of the shop.

A sign stating "No proof of age – No sale" shall be displayed at the point of sale.

A "Challenge 25" policy shall be adopted and adhered to.

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

No single cans or bottles of beer, larger or cider shall be sold.

No miniature bottles of wine or spirits in units less than 35cl shall be stocked or sold

Alcohol cans and bottles shall be labeled with pricing stickers bearing the premises licence trading name

The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises.

Any staff directly involved in selling alcohol for retail to consumers, staff who provide training and all managers will undergo regular training of Licensing Act 2003 legislation. This will be documented and signed for by the DPS and the member of staff receiving the training. This training log shall be kept on the premises and made available for inspection by police and relevant authorities upon request.

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

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.

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.

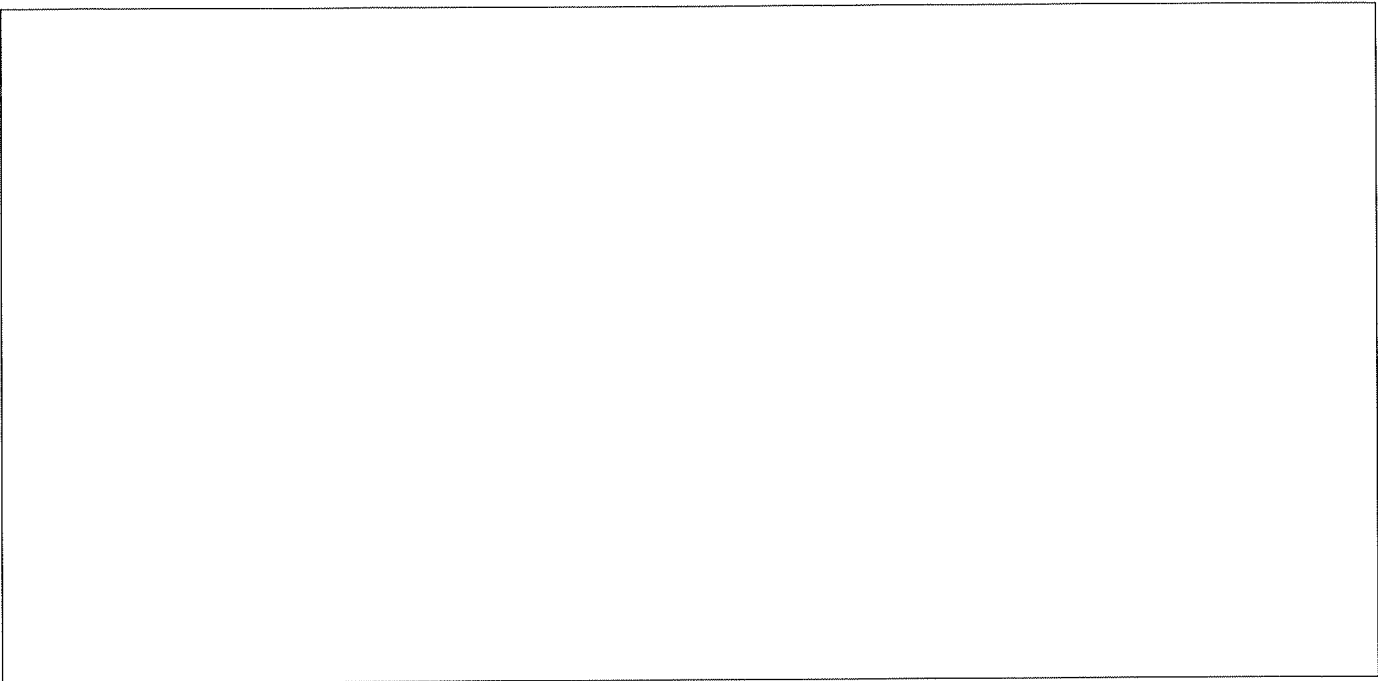
The following crime prevention measures be implemented:

A time delay safe with deposit slot and anti fishing mechanisms must be used in line with a cash minimization policy.

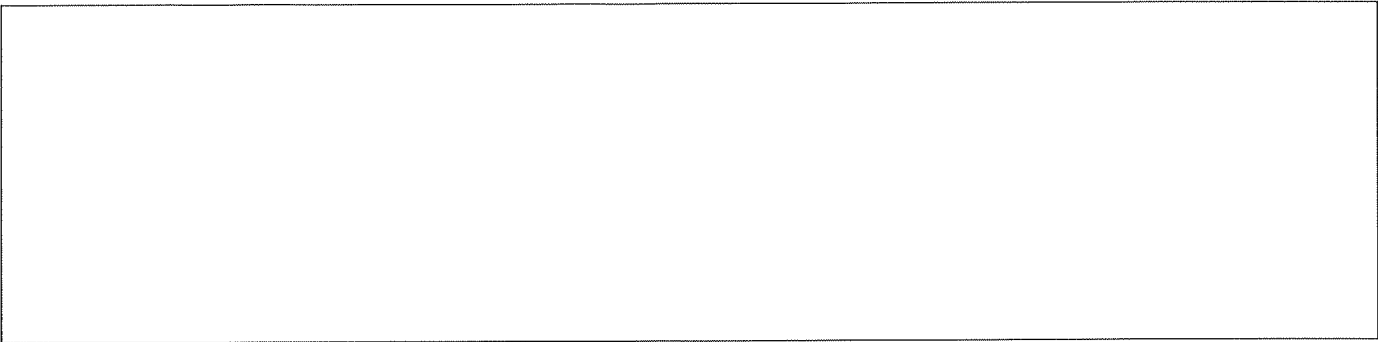
Regular robbery awareness and cash minimization training given to all staff

Cris reports 1903479 &18/16, 1902776/17 and 200804/17 refer to recent violent behaviour within late night commercial premises that

Police reserve the right to give evidence on any further incidents where the licensing objectives have not been promoted 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.



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



Have you made an application for review relating to this premises before? Please tick ✓ **Yes**

☐

If yes, please state the date of that application

Day

Month

Year

--	--	--	--	--	--	--	--

If you have made representations relating to this premises before, please state what they were and when you made them

Checklist

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 (see guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 

Capacity Police Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post code

Telephone number

If you would prefer us to correspond with you by e-mail 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.

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Please return the completed form and any accompanying documents to the following address with a copy to the premises licence holder / Club that the application relates to:-

Safer Streets
Brent Council
Brent House
3rd Floor West, 349-357 High Road
Wembley,
Middlesex
HA9 6BZ

☎ 020 8937 5359

Fax: 020 8937 5357

Email: environmentandprotection@brent.gov.uk

Please send copies of your application and any supporting documents to the responsible authorities. Contact details shown below:

Chief Officer of Police
Brent Licensing Department
Wembley Police Station
603 Harrow Road
Wembley
Middlesex
HA0 2HH

Tel: 020 8733 3206

North West Area 1
London Fire Brigade
169 Union Street
London
SE1 0LL

Tel: 020 7587 2778

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

Tel: 020 8937 5555

Environmental Health Department
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5252

Children's Services
Brent Council
Chesterfield House
9 Park Lane
Wembley
HA9 7RJ

Tel: 020 8937 4175

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

Tel: 020 8937 5359

Area Planning Service
Brent Council
Brent House
349-357 High Road
Wembley
Middlesex
HA9 6BZ

Tel: 020 8937 5210

Public Safety Team
Brent Council
Brent House
3rd Floor East
349-357 High Road
Wembley, Middlesex
HA9 6BZ

Tel: 020 8937 5359

DAAT
Public Health Directorate
Wembley Centre for Health
and Care
116 Chaplin Road
Wembley
HA0 4UZ

