



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 Sergeant Michael Sullivan 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.

Part 1 – Premises or club premises details

Name and postal address of premises or, if none, ordnance survey map reference or description Premier Party Shop Woodchurch Filling Station 242 Church Lane Kingsbury London	
Post Town Kingsbury	Post Code NW9 8SL

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

Number of premises licence or club premises certificate (if known) 162050

Part 2 - Applicant details

- I am
- 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)
- 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 Michael Sullivan PS 238NW Brent Police Licensing Unit Harrow Police Station 74 Northolt Road Harrow HA2 ODN
Telephone number 0208 733 5008
E-mail address Michael.sullivan3@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
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

Premier/Party shop also known as Woodchurch Filling Station is a petrol station interconnected with a party shop, this petrol station is located on Church Lane, Kingsbury which is surrounded by residential dwellings and within close proximity to an industrial area.

The Premises Licence Holder, (PLH) is recorded on the Licence as Mr Kiruendran SITHAMPARANATHAN, and has provided a residential address. The Designated Premise Supervisor (DPS) is recorded on the licence as Sithamptaranathan KIRUENDRAN, and given his address as Woodchurch Filling Station.

It appears that Mr Kiruendran SITHAMPARANATHAN swaps his first and surname around for different situations, I will refer to him as Mr Kiruendran SITHAMPARANATHAN during my review.

The current premises licence, has nine conditions imbedded in Annex 2, namely:

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.

The premises have been continually breaching the majority of the above conditions after being advised and warned by responsible authorities to comply.

Please provide as much information as possible to support the application

In November 2015, an application was made by Mr Kiruendran SITHAMPARANATHAN to vary the premises licence. The application was to extend the supply/sales of alcohol from 0600 to 2400 hours daily. This generated a compliance visit to the premises by the police on the 11th December 2015. During the visit it became apparent that a number of the conditions on the licence were not being complied with, which included the following:

Condition 4 - No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked.

Numerous high strength beers found on display for sale, you were asked to remove them.

Condition 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.

There was no incident book.

Condition 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.

There was no lockable grill, screen or cabinet covering the fridge or shelves where alcohol was being stored. This condition was explained to him.

Condition 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.

No lockable grills, screens, or cabinet

Condition 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.

At the time of my visit there was a key safe located under the floor behind the counter. Mr Kiruendran SITHAMPARANATHAN was informed that this safe did not meet the condition and advised to replace it.

On the 12th December 2015, a formal letter outlining the breaches was served to Mr Kiruendran SITHAMPARANATHAN.

I exhibit this letter as MJS/01

On the 21st January 2016, a hearing was held at Brent Civic Centre for the variation application to be heard. As mention the application was for the opening hours of the premises to be extended from 06:00hrs to 24:00hrs Monday to Sunday and the sale of alcohol to be from 06:00 to 24:00 Monday to Sunday.

The Police objected to the application raising concerns about the following licensing objective: prevention of public nuisance. The Police informed the Sub Committee that the reason why Mr Kiruendran SITHAMPARANATHAN wishes to extend his operating hours is to 'catch the passing trade of Eastern Europeans' that are either going to or leaving work at the nearby industrial estate, on the basis that he is losing out to other local shops who sell alcohol to these males, which demonstrated a total lack of awareness that Brent is a controlled drinking zone. The Police stated that Mr Kirubendran has not considered the potential implications to the local community of street drinkers that will congregate to consume beers at the end of their shifts or even more worryingly males drinking alcohol before the start of their working day.

The Police told the Sub Committee that there is a problem with street drinkers in the area and that if the application is granted there is a risk that this would promote street drinking. The Police were of the view that the application had not been well thought out, was purely profit driven and that there was no evidence before the Sub Committee as to how Mr Kiruendran SITHAMPARANATHAN intended to promote the licensing objectives.

The Police further informed the Sub Committee that upon visiting the premises on 11th December 2015, there were a number of breaches to the licence conditions, namely: alcohol screen not lockable, no time delay safe, no incident book and a number of high strength beers were on display which Mr Kirubendran subsequently removed from the fridge.

The Sub-Committee decided to grant the application in part. They did not agree to extend the opening hours from 6am.but did agree to extend the terminal hour for the sale of alcohol to midnight Monday to Sunday and that the change of hours be incorporated into the new licence. All the mandatory conditions relating to off sales still apply together with all the Operating conditions in Annexe 2. The terminal hour for the sale of alcohol in the embedded conditions be extended to midnight.

I exhibit the determination notice as MJS/02 and a copy of the updated premise licence as MJS/03

On the 12th April 2018, Miss Esther Chan, Licensing Inspector from Brent Council conducted a licensing visit at the premises, which was followed up by revisit on the 30th April 2018. On both occasions, Miss Chan found numerous breaches to the licence, this indicated that Mr Kiruendran SITHAMPARANATHAN disregarded the warnings issued by the police back in December 2015.

Moreover, a further breach was found, amongst other none compliances that were found in 2015 this condition was that the shops CCTV was not meeting the condition as set out in the operating schedule, the condition reads - 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.

During the visit Mr Kirubendran stated to Miss Chan that the CCTV only recorded for 28 days. Following this visit Miss Chan issued a warning letter to Mr Kiruendran SITHAMPARANATHAN

I exhibit Miss Chan's warning letter dated 1st May 2018 as MJS/04

On the 1st May 2018, Mr Kiruendran SITHAMPARANATHAN was sent a further letter from Miss Esther Chan, regarding the sales of high strength beers, namely Dragon Stout. The letter clearly states that:

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. As a result Mr Kiruendran SITHAMPARANATHAN was instructed to remove all alcohol labelled 'Dragon Stout with 7.5% ABV' from display and not supply this at any time.

I exhibit Miss Chan's letter dated 1st May 2018 as MJS/05

On the 19th December 2019, sergeant Damien Smith and I conducted a licensing visit at the premises. Mr Kiruendran SITHAMPARANATHAN was present. during our inspection a number of breaches were found:

1. Condition 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.

Alcohol above 6.0% AVB namely Dragon Stout was being displayed for sale, in the fridge

2. Condition 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

An empty incident book was produced, no incidents recorded.

Mr Kiruendran SITHAMPARANATHAN stated that there had been no incidents at the premises, I asked for the previous incident book, he was not able to provide a copy.

Picture of blank Incident book which I exhibit as MJS/06

3. Condition 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.

There was no part B licence summary being displayed

Condition 7 - a clear and unobstructed view into the premises shall be maintained.

The window had posters covering the lower half of the window, breaching this condition.

Picture of window with posters I exhibit this as MJS/07

4. A check of the fridge and shelves where alcohol was being stored for display for sale was conducted, Condition 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.

It was noted that there were no locked grills, locked screens, or locked cabinets when I checked the fridge and shelves where alcohol was being exposed for sale.

Picture of shelves storing alcohol with no lockable shutter, grill, or cabinet, I exhibit this as MJS/08 and MJS/09

5. Condition 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.

There was no time delay safe fitted.

Picture of key safe, I exhibit as MJS/10

The above breaches were pointed out to Mr Kiruendran SITHAMPARANATHAN, who was dismissive and stated that last time someone tried to implement the conditions he was given compensation.

I asked Mr Kiruendran SITHAMPARANATHAN why there was no incidents recorded in the incident book, he stated that there had been no incidents at the premises. I later checked the police systems to see if this information provided was correct, and found numerous calls for police to the premises. Police records also showed visits by the council licensing team which had not been recorded in the incident book.

Regarding condition 8 which stipulates that 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. Mr Kiruendran SITHAMPARANATHAN believed that he was complying this condition and pulled down a chiller blind to show me. I pointed out that this was not sufficient, as it was not lockable. I reminded him that he had been warned in the past about failing to comply with this condition.

Mr Kiruendran SITHAMPARANATHAN was asked why the premise licence summary (part B) was not being displayed at the entrance. His explanation was that it had been taken down when a new door was fitted. He was asked when the new door had been fitted. He replied a few years ago.

In accordance with Condition 4 which stipulates that 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, this condition originally caused some confusion as the first draft of the licence did not have the words with the exception of bottles of imported (Nigerian) Guinness and draft Guinness on it. However this was clarified by Miss Chan on the 1st of May 2018 where she informs Mr Kiruendran SITHAMPARANATHAN in a letter that Dragon Stout must be removed as it breaches his licence condition. I observed Dragon Stout in the fridge along with the (Nigerian) Guinness and draft Guinness, but was unaware at that stage that the matter had been resolved and clarified.

I asked to see the time delay safe with deposit slot and anti-fishing mechanisms which must be used at the counter till area. Mr Kiruendran SITHAMPARANATHAN lifted up a hatch behind the counter floor and showed me a key safe. This was the same one that was there during my previous visit back in November 2015. I again explained to him that this did not satisfy the condition on the licence.

I pointed out the condition that reads a clear and unobstructed view into the premises shall be maintained. I then pointed to posters that were covering the front window facing the forecourt and explained that the reason for the condition was that if a robbery was occurring inside the shop, having a clear and unobstructed view might give a passer-by the opportunity to witness what was going on and call police. Mr Kiruendran SITHAMPARANATHAN said he had it to cover the till area.

A notification of alleged offences under the Licensing Act 2003 form was completed outlining the breaches found. Mr Kiruendran SITHAMPARANATHAN was served with a copy of the notice which he refused to sign. This is a Police notice which informs that failure to comply with Licensing Act 2003 is an offence and may result in Police initiating criminal proceedings against the DPS and/or the Premises Licence Holder or be used as evidence to support a review of the premises licence, or to support a closure order under section 20 Criminal Justice and Police Act 2001.

I exhibit a copy of the notice that was served on Mr Kiruendran SITHAMPARANATHAN as MJS/11

On the 3rd January 2020, a follow up visit was conducted by the Police officers to ensure the premises was operating in accordance to the conditions stipulated on the premises.. Regrettably officers identified all the breaches that were identified on the 19th December 2019. During their visit Mr Kiruendran SITHAMPARANATHAN was present and again was dismissive to Police Officers. He stated that he had contacted his agent and was in the process of having the conditions removed from the licence.

To date there has been no application submitted requesting the conditions to be removed.

A statement from PC3302NW Paul SCOTT, outlining the breaches found is attached to the review.

SUMMARY

In November 2015, the DPS/PLH applied to vary the premises licence to extend the hours for the supply and sale of alcohol. During a consultation visit a number of breaches were identified and Mr Kiruendran SITHAMPARANATHAN was advised to address the breaches and comply with his licence conditions. In January 2016 the Sub Committee at a hearing agreed to extend the terminal hour for the sale of alcohol to midnight Monday to Sunday, but also stated that the conditions on the licence would remain in full.

In April 2018 a licensing visit was conducted and it became apparent that none of the previous breaches identified at the beginning of 2016 had been addressed.

Miss Chan again warned the PLH/DPS about the breaches and the consequences if he did not comply.

Further visits in December 2019 and January 2020 have shown that nothing has changed and the premises continue to breach the conditions set out in the licence.

Mr Kiruendran SITHAMPARANATHAN has shown a complete disregard for the conditions on the licence. He has previously stated that he wanted to sell alcohol to Eastern Europeans in the early hours of the morning as they start or finish work, it is clear from that statement that he has no regard for upholding the licensing objectives and sees profit before anything else. He also claims that no incidents have happened at the premises when asked why his incident book has no entries, clearly this is untrue.

He has been warned numerous times about not complying with the conditions on his licence and appears to think he is above the law by dismissing the advice and warnings given to him by both the Police and Licensing Inspector..

It is evident Mr Kiruendran SITHAMPARANATHAN has no intention of adhering to the conditions on his licence and sees them as an inconvenience.

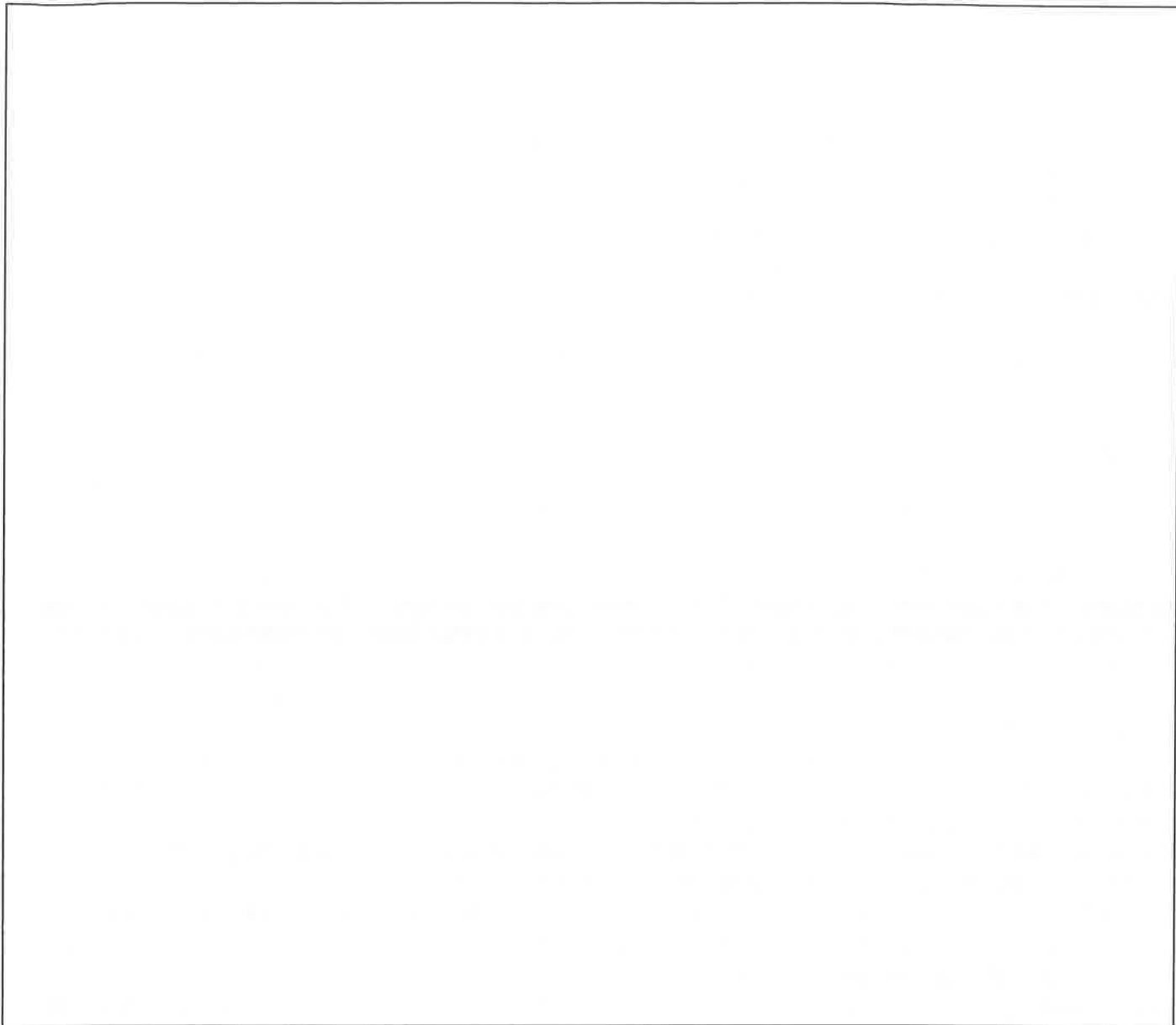
He is not upholding the licensing objectives the Police and licensing authority have exhausted every avenue to help Mr Kiruendran SITHAMPARANATHAN promote the licensing objectives. He has demonstrated that he is not a responsible DPS and PLH.

I have carefully considered the options that are available under this review, I do not believe that a suspension will benefit Mr Kiruendran SITHAMPARANATHAN given the fact that he has had four years to achieve compliance, and demonstrate that he is a fit and proper person to hold a premises licence.

I do not believe that adding any more conditions will benefit Mr Kiruendran SITHAMPARANATHAN, or help upholding the licensing objectives.

I therefore ask the Sub – Committee to consider **revocation** of the licence.

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.



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 x
- I understand that if I do not comply with the above requirements my application will be rejected x

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature *Michael Sullivan PS 238NW*

Date 8th January 2020.....

Capacity Licensing Sergeant 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 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. Further information can be found at www.brent.gov.uk/privacy

You are providing your information to Brent Council, contact details business.licence@brent.gov.uk. The Council's Data Protection Officer can be contacted via dpo@brent.gov.uk, or 020 8937 1402.
Your information is collected for the purpose of processing your licence application as required to fulfil the council's duties under the following legislation, statutory or contractual requirement or obligation.

Legislation Licensing Act 2003	Context For the processing of licensing applications and the prevention of fraud
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The information may be shared with the Metropolitan Police, London Fire Brigade and teams within Brent Council, as statutory consultees, the Home Office to ascertain the right to work and HM Revenue and Customs, at their request, to identify potential fraud. The information shall be retained until the licence is surrendered and shall be processed in adherence to your legal rights, including but not limited to the right to withdraw consent, right to copies of your information and right to be forgotten. You have a right to lodge a complaint with the Information Commissioner's Office

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. 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:-

Licensing Department
Brent Council
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

☎ 020 8937 5359

Email: business.licence@brent.gov.uk

Cheques should be crossed and made payable to London Borough of Brent.

Please follow the instructions in the checklist to submit the relevant copies to the responsible authorities. Contact details shown below:

Chief Officer of Police
Brent Licensing Department
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8733 3206

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

Tel: 020 8555 1200 x38778

Trading Standards
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5555

Environmental Health
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5252

Children's Services
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Licensing Authority
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ
Tel: 020 8937 5359

Area Planning Service
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5210

Public Safety Team
Fifth Floor
Brent Civic Centre
Engineers Way
Wembley
HA9 0FJ

Tel: 020 8937 5359

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

Home Office Immigration Enforcement
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

