

Kirubendran Sithamparanathan
 Woodchurch Filling Station
 242 Church Lane
 London
 NW9 8SL

23 Januray 2020

Licensing Representation to the Application for a review for Woodchurch Filling Station, 242 Church Lane, London, NW9 8SL

I certify that I have considered the application shown above and I wish to make a representation.

An officer of the Licensing Authority, in whose area the premises are situated, who is authroised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made for a review to a premises licence under section 51 of the Act.

The Licensing Authority representations are primarily concerned with the licensing objective;

- the prevention of crime and disorder

Premises History

Date	Notes	Related Document
22nd April 2013	On 22nd April 2013 following a visit, Licensing Inspector Natasha O'Donoghue sent a letter to the LH requesting that a minor variation application be submitted with the correct plan, because the plan of the premises that had been submitted was not a true reflection of the premises. The deadline for this submission was Friday 24th May 2013.	N/a
23rd May 2014	The LH stated that he submitted a minor variation application on 23rd May 2014, this has never been received by Brent Council. There has been no proof of submission provided neither has there been any proof shown that payment for the application was made.	N/a

25th July 2014	Licensing Inspectors attended the above premises to speak to the licence holder regarding failure to submit a variation application. Licensing officers were aware the LH had been previously visited regarding the requirement to submit an application but that these requests had been ignored. The LH was not available. Staff were asked to remove the alcohol on display as there was no correct permission in place in the form of a valid Premises Licence in order to carry out licensable activities. The LH's wife became available when staff were asked to remove alcohol from display. The Licensing officers explained to the staff and the LH's wife that a full variation as opposed to a minor variation was required based on the changes that had been made to the premises layout but in any case the request to submit a minor variation had been ignored	N/a
26th July 2014	Complaint made about Licensing Inspector's visit. During the inspection staff were resistant in removing any of the alcohol from display even after the Licensing inspectors spoke to the LH's wife. There were clear signals of obstruction where the staff were determined to take as long as possible to remove any of the alcohol. As the LH had not met the previous request of being asked to remove the alcohol and apply for a variation, Licensing officers had no other option other than to expedite the process rather than wait for staff to complete it whilst still serving customers. This was done with the intention to help resolve the issue. The remaining alcohol in the sales area was covered.	N/a
5th August 2014	Decision letter regarding complaint made by Licence Holder regarding licensing visit was sent to the LH. The result determined the complaint was unfounded.	sf001
13th August 2014	Full variation application made to update the layout of the premises	N/a
9th September 2014	The representations in relation to the variation application were sent on behalf of the Licensing Police which included a restriction on any beers, lagers and ciders being sold above 6% ABV.	sf002
12th September 2014	The conditions added by the Licensing Police were accepted by the LH but an additional allowance was made to allow for two beers above 6% ABV: - Imported Nigerian Guinness and Draught Guinness	sf003
12th September 2014	Check Visit by Licensing inspectors relating to variation application. Licensing Police agreed that applicant can supply the remaining high strength beers, lagers and ciders within 2 weeks. Thereafter no high strength can be supplied, which is a condition. Owner not present at time of visit. Spoke to staff member Mr Sathasivam Satkunarajah, who pointed out the high strength beers in fridge and store room. He confirmed there is no more high strength alcohol other than what is inside the premise. Approx 10 cases (x24 cans of high strength beers) in the storeroom and 48 cans in fridge. He initially claimed that it will generally take 1 and half months to complete stock. We told him that the Licensing Police have permitted 2 weeks to complete supply - no more sales can take place after. The premises was to close at 23.00hrs. Mr Satkunarajah and staff member behind till stated they both	N/a

	have personal licences but did not have their PL cards. LMJ raised this matter in her previous visit and reminded staff to ensure that their PL cards are kept with them at all times.	
23rd December 2015	Email exchange between Sgt Mike O'Sullivan, the licence holder and Yogini Patel. The licenceholder disputes the conditions on the licence. Mrs Patel then details what has and has not been agreed which includes two named beers that over 6% and may be stocked. These being Imported Nigerian Guinness and Draught Guinness .	sf004
26th July 2016	Complaint made by Licence Holder's agent relating to various matters.	N/a
9th September 2016	Decision letter regarding complaint made by Licence Holder regarding licensing visit. The complaint was determined as unfounded. No compensation was awarded.	sf005
12th April 2018	Compliance visit to premises. Of the 9 conditions, 7 were not being met. This visit took place with a member of staff <ul style="list-style-type: none"> - CCTV not being kept for 31 days - no evidence of challenge 21 policy being adopted - an additional beer above 6% ABV being kept without permission - the incident book had no entries and visits from relevant authorities were not being entered - the summary licence was not displayed as required - there were no lockable grills, screens or cabinet doors to cover the alcohol between 07.00-08.00hrs - no time delay safe 	N/a
30th April 2018	Compliance visit to premises. Of the 9 conditions, 7 were not being met. This visit took place with the LH. The conditions not being met included: - <ul style="list-style-type: none"> - CCTV not being kept for 31 days - no evidence of challenge 21 policy being adopted - an additional beer above 6% ABV being kept without permission - the incident book had no entries and visits from relevant authorities were not being entered - the summary licence was not displayed as required - there were no lockable grills, screens or cabinet doors to cover the alcohol between 07.00-08.00hrs - no time delay safe 	N/a
1st May 2018	Email with letter attachment to LH to detail conditions on the premises licence that were not being met during the visit on 12th & 30th April 2018.	sf006
1st May 2018	Clarification email from Licensing Police to Licensing Officer to state that the agreed beers above 6% are Imported Nigerian Guinness and Draught Guinness. Dragon Stout 7.5% ABV is a beer produced in Jamaica and therefore should not be displayed.	sf007

1st May 2018	Letter to LH to notify the LH that Dragon Stout 7.5% ABV must NOT be stocked as it is not included in the exempted beers. The only ones that should be on display for sale are Imported Nigerian Guinness and Draught Guinness.	sf008
2nd May 2018	Email from LH to Licensing Inspector to state that an agent will be employed to deal with any issues at the premises.	sf009
9th January 2020	<p>Visit by Licensing Inspector in relation to review submitted by Licensing Police. The LH was present on arrival. Out of the 9 conditions, 5 of them were not being met. This included: -</p> <ul style="list-style-type: none"> - no evidence of challenge 21 policy being adopted - a high strength beer Dragon Stout at 7.5% ABV being displayed for sale - an 8-9 month old incident book which has no entries. No previous incident books available - no lockable grills, screens or cabinet doors to cover alcohol between 07.00hrs-08.00hrs - no time delay safe. <p>Whilst at the premises I asked the LH if he could rewind the CCTV footage to show that the recordings could be accessed up to 31 days prior. The LH holder agreed, so I turned my back to the counter to face the CCTV television monitor to see the footage being rewound. After some time I heard 'helllllooooo' in a very stern, aggressive tone but did not pay attention. I then heard the same again a further two times, at which point I turned to find the LH leaning over the counter with his mobile phone held out towards me indicating that I should look at the phone. I turned to the LH to ask if it was me that he had been talking to in that manner to which he replied, yes and that he didn't know my name. I explained that the words 'excuse me' would have been more appropriate than to address me in such a tone using the word 'helllllllooooo'.</p>	N/a

Summary

The Licensing Authority have consider the application by the Licensing Police to revoke the premises licence be proportionate to their findings and therefore support them in this request. It is clear from the above findings and review application submitted by the Licensing Police that Mr Sithampanathan has no regard for the licensing laws and has continuously chosen to ignore requests by the police and council officers.

Further to this, Mr Sithampanathan has chosen to be difficult and confrontational, his position always appearing to be one of defensiveness when there has been no necessity to behave in this way. To date, Mr Sithampanathan has had ample warnings to rectify the few conditions he has on his premises licence but in not doing so suggests that imposing further conditions or restrictions would make no difference as the likelihood is, these would again be ignored. At this point there does not appear to be any other alternative other than to revoke the premises licence.

Should the Licensing sub-committee not consider revocation to be the appropriate measure, the Licensing Authority would ask that the following conditions be considered: -

Premises Licence Conditions to be Added

The Licensing Authority require the following points to be included in the operating schedule or added as conditions on the premises licence:

1. 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.
2. A member of staff shall always be present on the premises whilst they are open who is capable operating the CCTV system and able to facilitate immediate viewing of CCTV footage upon the request of the Police and Authorised Officer of the Licensing Authority.
3. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
4. Regular (every 12 months) documented staff training on licensing legislation and operating procedures shall be given. The training shall be signed and dated and a copy of these training records available for inspection by Police and local authority enforcement officers.
5. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
6. A personal licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

Premises Licence Conditions to Remain on 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.
- 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
- 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.
- A clear and unobstructed view into the premises shall be maintained at all times.
- 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 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.

Premises Licence Conditions to be Modified

A CCTV camera shall be installed to cover the entrance to the premises

Shall be modified to

CCTV cameras shall be installed to cover the entrance of the premises, the ENTIRE servery counter, till, the units behind the counter and the fridges/shelves displaying alcohol.

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 crime reported to the venue
- b) Any complaints received in respect of the sale and consumption of alcohol
- c) Any faults in the CCTV system
- d) Any refusal of the sale of alcohol
- e) Any visit by a relevant authority or emergency service.

Shall be modified to

A single 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 crime reported to the venue
- b) Any complaints received in respect of the sale and consumption of alcohol
- c) Any faults in the CCTV system
- d) Any refusal of the sale of alcohol
- e) Any visit by a relevant authority or emergency service.

A 'Challenge 21' policy shall be adopted and adhered to

Shall be modified to

A 'Challenge 25' policy shall be adopted and adhered to

In order for the Licensing Authority to withdraw this representation, it will be necessary for you to confirm that you accept the above removal and additional conditions in writing. I also await your three suggested high strength alcohols you would like to serve.

Yours sincerely



Susana Figueiredo
Licensing Inspector
Regulatory Services

Ref: [REDACTED]

Dear Mr. Kirubendran

Complaint about Regulatory Services

This letter is my decision on your complaint under the Council's complaints procedure.

You complained about officers not providing written prohibition or reasons in relation to the actions taken to prevent alcohol sales at the below premises at Woodchurch Service Station, 242 Church Lane, NW9 8SL. You state that this did not happen during the visit or when you visited the Council offices.

You also asked why the officer now required a full variation, where previously you had been told a minor variation should be submitted.

As advised when we spoke on Monday 4 August 2014 and in my previous email certain elements of your complaint require a more detailed review around officer conduct that you have complained about. However I am able to advise on the issues around your licence and the sale of alcohol.

The inspection of your premises showed officers that the layout of the premises were not in accordance with the approved plans in your application and current licence. No submission for approve either for a full variation or a minor variation has been submitted to the Council. You advised officers that you have submitted a minor variation but you were unable to provide any evidence or fee payment details. There is no record of any application being received by the Council for the changes. Due to the type of changes undertaken a minor variation would have been likely to be rejected at application stage and you would have been advised to make a full variation submission.

A minor variation can only be made if it concerns minor changes to the structure or layout, small adjustments to licensing hours or removal of out of date conditions. In all cases the Council must consider if the changes would impact adversely on one or more of the four licensing objectives. The officer that made the initial suggestion for a minor variation has now left the Council so I cannot establish how they may have come to that conclusion, however based on what we now know a minor variation would not have been the correct route.

In this case the visiting officer concluded that due to new openings, moving of doors, line of sight to alcohol sales area, the introduction of the 'party shop' and restricted access routes, means that one or more of the objective could significantly be adversely affected. Having reviewed the layout against the original plans I agree that a minor variation would not be appropriate and additional conditions may be required, which cannot be added as part of a minor variation.

As the changes have already occurred you are effectively operating without a licence. You stated that as you have a licence with no expiry date you can continue trading and selling alcohol. This is not the case and once you changed your layout without approval your licence ceased to be valid. However if you reverted to the approved layout you could continue to sell alcohol. You do not need a prohibition notice

to prevent sales of alcohol. However if you continued you could be liable to prosecution for not having a licence, which as explained previously could result in a fine of up to £20,000 or six months imprisonment.

Due to the fact that you were displaying and selling alcohol without a licence officers advised you to remove the items from sale. I understand that some items were removed but it was agreed that the sales area could be covered, which was done before the officers left. It is not common practice for officers to help remove items but in this case they advise they did it to expedite the process rather than wait for staff to complete it whilst still serving customers. It would appear this was done with the intention to help resolve the issue.

I hope that my investigation and this letter have resolved your complaint in relation to the licence issues. If you do have any remaining concerns please feel free to contact me to discuss them. If you remain dissatisfied you can ask for a final review of your complaint to be done on behalf of the Council's Chief Executive. You will need to explain in detail why you consider that my response has not resolved your complaint. You should make your request for a review within 8 weeks of the date of this letter and address it to:

Phillip Mears
Complaints Service Manager,
Brent Civic Centre
Engineers Way
Wembley HA9 0FJ
Or complaints.service@brent.gov.uk.

We welcome your views on how we handled your complaint, because it helps us to know whether we have done well and the areas where we need to improve. We have developed an on-line customer survey that is quick and easy to complete. You won't need to give your personal details. You can access the survey over the internet by going to www.brent.gov.uk/complaints.

Yours sincerely

Darren Hale
Regulatory Services Manager
Regulatory Services
darren.hale@brent.gov.uk



Working together for a safer London



**Brent Borough
Licensing Department**

The Licensing Officer
Safer Streets
Brent Civic Centre
Engineers Way
Wembley
HA9 7FJ

Your re

Our ref: XXXXXXXXXX

Wembley Police Station
603 Harrow Road
Wembley
HA0 2HH
Tel: 020 8733 3206

Email:
nicola.mcdonald@met.police.uk
www.met.police.uk

Date: Tuesday 9th Sept 2014

Police Representation to the application to vary the Premises Licence for 'Woodchurch Filling Station' 242 Church Lane, NW9 8SL.

I certify that I have considered the application shown above and I wish to make **representations** that the likely effect of the grant of the application is detrimental to the Licensing Objectives for the reasons indicated below.

I am of the opinion that the risk to the objectives can be mitigated by removing the requested variations or attaching conditions to the Licence as shown below.

If these conditions were accepted in full I would withdraw my representation.

Officer: Nicola McDonald
PC 157QK Licensing Constable

An officer of the Metropolitan Police, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made to vary the premises licence under section 34 of the act. The Police representations are primarily concerned with crime and disorder.

Police require the following points should be included in the operating schedule or added as conditions on the premises licence.

Personal Licence Holder

The sale of alcohol to drunken people and children is a major cause of concern to police and highlighted in the Governments Alcohol Harm Reduction Strategy. Those who sell alcohol should be fully aware of the legislation and issues around alcohol and should be fully trained to a national standard.

Closed Circuit Television (CCTV)

Good quality CCTV is essential as a deterrent for the prevention of crime and the detection of offenders. It allows for both covert and overt monitoring of the premises. With proper signage, this reassures both staff and clientele, that this is a safe environment where illegal activities are not tolerated.

Closed circuit television cameras and recorders of an agreed image standard will be installed at locations on the premises and in accordance with advice from the Police.

All cameras and recording equipment will be installed and maintained in accordance with Home Office Guidance and the manufacturers instructions and will be fully operational when the premises are open to the public.

Notices shall be displayed at the entrance to the premises, and in prominent positions throughout the premises, advising that CCTV is in operation.

Operating Hours to be displayed on Premises

A notice displaying the opening hours, the type of licensing activity and licence conditions should be clearly displayed and visible to anyone outside the premises. This may be incorporated in the summary of the licence, which must be displayed, or take the form of a separate item.

Likewise the name of the Designated Premises Supervisor (D.P.S.) if required should be similarly displayed.

This will allow the Police and other responsible authorities to readily identify the licence details. Clearly displayed opening hours will also reduce any confusion for customers prior to entering the premises and possible conflict when the premises close/stop selling alcohol.

A Summary of the Premises Licence will be displayed at the public entrance to the premises.

High Strength alcoholic drinks

Street drinkers and drunkenness is a major cause for concern in Brent. Brent Borough is a controlled drinking zone. It is proven that high strength but cheap lagers, beers and cider contribute to the problem. If the premise does not stock these cheap high strength drinks (above 6.0% ABV) then the problem will be lessened or displaced. All Off Licenses in the area will be required to stop stocking these High strength drinks as they vary or come to review.

Security Measures

The following measures are proven to improve the security of your shop premises.

The floor area in front of the counter must be kept clear of any objects that could be used as a step to attack staff. Behind the counter the floor area should be raised 15 centimetres.

The premises must be protected by a monitored Intruder Alarm system including a panic button immediately accessible near the till.

The till/s should be secured from being lifted or moved. There shall be a door where access to the till area begins.

The window of the premises shall be kept clear of signage and advertising.

Spirits, Champagne and other similar valued goods should be displayed behind the counter.

All alcohol within the shop should be displayed within the direct sight of the till operator and not obscured by other shelving etc.

The conditions that Police require to be added to the Premises Licence are listed below:

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.

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

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

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.

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.

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

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 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 handling training shall be given to all staff.

Yours Sincerely

Nicola McDonald PC157QK
Licensing Constable
Brent Police

From: Nicola.McDonald@met.pnn.police.uk <Nicola.McDonald@met.pnn.police.uk>
Sent: 16 September 2014 15:12
To: Patel, Yogini <Yogini.Patel@brent.gov.uk>; [REDACTED]
Subject: Woodchurch Filling Station

Dear Yogini

I have spoken to the applicant for this variation today and although he has accepted my request for conditions he has made an oversight around the high strength condition. He would like to be able to sell bottles of imported (Nigerian) Guinness and draught Guinness. Both of these products are more than 6% ABV, however they are premium beers.

Police are happy for the high strength condition to read as in my reps with the exception of those two bottled beers.

I do understand that this case has been completed as there was only Police representations but I think the applicant had made a genuine error in a rush to maintain his licence to sell alcohol.

I await your response.

Regards

Nicola

From: McDonald Nicola - QK
Sent: 12 September 2014 12:54
To: [REDACTED]; 'Chan, Esther'; 'Figueiredo, Susana'; 'Miller-Johnson, Lavine'
Cc: Patel, Yogini; 'business licence'; 'Liquor Licensing'
Subject: RE: Woodchurch service station

Many thanks for your acceptance email.

Police will not be making any further representation to your application.

Police are happy to allow you a two week period from today to allow you to remove/sell your stock of beers above 6% ABV

This would have to be permitted by the licensing authority.

Regards

Nicola

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

From: [REDACTED]
Sent: 12 September 2014 12:48
To: McDonald Nicola - QK
Cc: yogini.patel@brent.gov.uk
Subject: Re: Woodchurch service station

On Fri 12/09/14 12:27 , Nicola.McDonald@met.pnn.police.uk sent:

>

>

> Dear McDonald Nicola

I write to confirm that I have accepted all of you conditions stated in the representation.

Sithamparanathan Kirubendran

Yours Sincer

>

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>

>

> Dear

> Mr Sithamparanathan KirubendranThe

> sales of high strength beers especially the one you state you would require
> to sell, Super Skol, Tennants Super and Kestrel Super are the ones consumed
> predominantly by problem risk streetdrinkers. These drinkers cause numerous problems with anti
social alcohol
> related crime and disorder. Brent
> Alcohol Harm reduction strategy 2014 outlines the above, Brent has a high
> group of risk drinkers. Police
> will not remove the High Strength Alcohol condition.
> Regards Nicola -----Original Message-----From:
> [REDACTED]
> Sent:
> 09 September 2014 16:38To:
> McDonald Nicola - QKSubject: Re: Woodchurch Filling
> Station Dear
> Madam I
> write to confirm that I have no objection to comply with all of your
> conditions, but
> the High strength alcohol, as I understand that you are
> consider the
> 'reduce the strength' condition to be disproportionate to
> the nature
> of the application that I understand is only to relocate the
> sales counter and realignment the entrance doors. 'Reduce
> the strength' campaigns are
> supposed to be voluntary but on that voluntary basis have found
> little success so we find a voluntary scheme becoming
> arbitrarily imposed onto a premises licence fully. Further I never had any
> police incident or any violation since I have
> been granted. I
> would be grateful if you could reconsider your representation
> for the High
> strength alcohol. Yours
> Faithfully Sithamparanathan
> Kirubendran On Tue
> 09/09/14 11:46 , Nicola.McDonald@met.pnn.police.uk
> sent:>
> Please find attached Police representations to the application
> to>
> vary the premises licence at 242 Church Lane NW9 8SL Nicola
> McDonald PC>
> 157QK Brent Police Licensing Brent Civic Centre Engineers Way Wembley
> HA9>
> 7FJ 020 8733 3206 07824868710 E-mail
> nicola.mcdonald@met.police.uk>
> twitter:@MPSBrent >

From: Patel, Yogini <Yogini.Patel@brent.gov.uk>

Sent: 23 December 2015 09:23

To: [REDACTED]

Cc: Business Licence <business.licence@brent.gov.uk>; michael.j.sullivan <michael.j.sullivan@met.pnn.police.uk>; Legister, Linda <Linda.Legister@brent.gov.uk>; Figueiredo, Susana <Susana.Figueiredo@brent.gov.uk>

Subject: RE: Woodchurch filling station -242 Church Lane NW9 8SL

Dear Mr Kirubendran,

I will clarify the matters for you.

1. There was a conversion application on 13th August 2008. There were no conditions attached to this conversion licence.
2. On 13th August 2014 you applied for a variation to your licence. On 9th September 2014, Nicola McDonald made representations to your application requesting that you agree conditions. Her representation is attached for your reference.
3. On 13th September 2014 you agreed to accept these conditions. The Police also gave you a timeline by which you had to remove high strength alcohol. I have attached your e-mail for your reference.
4. On 16th September 2014 Nicola McDonald sent an e-mail again confirming that you had accepted her conditions but that you be allowed to stock imported (Nigerian) Guinness and draught Guinness. E-mail is attached for your reference.
5. The licence was granted because you accepted the conditions. The conditions you agreed are now part of your licence. You can not ignore these as they are now part of your licence. You can not withdraw this application.
6. On 24th November you applied for a variation to increase your opening hours. The Police have objected to the grant of this licence. You can withdraw this application if you wish.

If you are still unclear about matters then can I suggest that you employ services of the licensing agent or solicitor who can advise you.

Kind regards

Yogini Patel
Senior Regulatory Service Manager
Regulatory Services
(020) 8937 5262
07958 237610
www.brent.gov.uk

From: [REDACTED]

Sent: 22 December 2015 20:42

To: Patel, Yogini; Business Licence; michael.j.sullivan; Legister, Linda

Subject: Re: Woodchurch filling station

Dear Mr Michael Sullivan

Thank you for your email, I would like to inform you that I have sent an email to Yogini today and hopefully she will

get back to you.

Further I have spoken to Mr David Thrall, who is head of Regulatory and has informed me that if the police does not impose any

new conditions to my license during my application for variation can not add any conditions on my old license but the police can review

my license with the committee showing full evidence in order to support their claim and review. If the case succeeds then only can the

police place all the conditions on my license.

However in my case, during the variation, the police officer, Nicola McDonald, only asked me one condition which was remove the high

strength beers - I have highlighted this in the attached file. I also replied, "I write to confirm that I have accepted all of your conditions

stated in the representation".

I hope that my position is clear and for your convenience I have highlighted on the sheet all the necessary points.

Yours Sincerely

Mr S Kirubendran

On 22 December 2015 at 11:15 Michael.J.Sullivan@met.pnn.police.uk wrote:

Dear Mr Sithampanathan

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.

Sfoaf

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



Brent

sf005

**Planning, Transport
& Licensing**

Civic Centre
Engineers Way
Middlesex, HA9 0JF

YOUR REF

OUR REF LC/YP/

TEL020 8937 5262

Regeneration & Environment

Mr Sivashankar

[REDACTED]

5th September 2016

Dear Mr Sivashanka

Re: Complaint regarding the premises licence at Woodchurch Filling Station

I refer to your e-mail dated 26th July 2016 which I have considered carefully. I apologise for not providing a substantive response to your complaint sooner. The complaint concerns various issues spanning a number of years and has therefore taken a considerable amount of time to respond to.

1. You complain that your client's licence was not issued correctly in 2005 as it restricts the hours the premises is open to the public. The licence the council issued was in a form prescribed by the Licensing Act 2003 (the Act) and regulations made under the Act and I would point out that the opening hours of the premises has to be recorded in every premises licence. I am satisfied that the licence was correctly issued in 2005.
2. In any event, I note that no complaint was made by your client at the time and it is too late, 11 years later, for your client to attempt to do so now. Indeed, your client had a statutory right of appeal which he could have exercised but did not do so. In addition, in the intervening period, there have been numerous applications reaffirming the opening hours of the premises. It is clear, therefore, that the restriction on opening hours of the premises is an established feature of the licence and one which your client himself has accepted for all these years.
3. Your client's complaint about events in 2014 have already been dealt with. I would refer you to the Council's response dated 15 August 2014, a copy of which is attached, which clearly stated:

'If you do have any remaining concerns please feel free to contact me to discuss them. If you remain dissatisfied you can ask for a final review of your complaint to be done on behalf of the Council's Chief Executive. You will need to explain in detail why you consider that my response has not resolved your complaint. You should make your request for a review within 8 weeks of the date this letter.....'

4. Your client did not exercise his right of review in 2014 and any attempt to re-argue this complaint now is clearly out of time.
5. You say you are disappointed that the council did not challenge the representation made by the police in response to your client's application to vary his premises in 2014 because it "would have the effect of altering the whole licence" and that "a variation application does not trigger a general review of the licence". (A new entrance door was introduced)
6. The representation made by the police related to one or more of the licensing objectives and also related to the proposed variation of the premises licence. In accordance with the Act, it was a valid 'relevant representation' which the council was required to accept. The council had no basis in law to challenge it and there was no need to do so.
7. The conditions suggested by the police were freely agreed by your client even after I specifically advised him that if he was not happy he could put his case at a hearing and let members decide. The conditions related to the changes introduced by your client and were targeted at promoting the licensing objectives. By the time your client made his retrospective application to vary his premises licence to regularise the unauthorised changes he had made to the layout of his premises, he had also started to sell party items. Although itself not a licensable activity of course, it was lawful and reasonable for the police to request that additional conditions should be added to the premises licence to safeguard against the risks of selling party items in the same shop as alcohol in order to promote the licensing objective of protecting children from harm.
8. The facts clearly demonstrate that the council acted properly, fairly and lawfully in accordance with its powers and obligations under the Act. Besides, I note once again that your client did not raise any of the complaints at the time and it is too late to do so now.
9. Contrary to all the complaints you make about your client's alleged unfair treatment, the facts point in the other direction as outlined above. In addition, on 12 September 2014 your client confirmed in writing his unqualified acceptance of all the conditions set out in the representation submitted by the police. On that agreed basis, the police withdrew their representation and the application, as per the amended operating schedule, was deemed to be granted. Yet, with the support of the police, I subsequently agreed to relax the high strength alcohol condition to allow the sale of (Nigerian) Guinness and Draught Guinness to assist your client.
10. If anything, what my detailed and fact based review of your client's application shows is that his complaint amounts to no more than an attempt to remove conditions which were lawfully and fairly attached to his licence without complying with the requisite statutory process. Namely, a formal application for a full variation of his premises licence which attracts a fee, which has to be advertised, which gives the responsible authorities and other persons the opportunity to make representations and which, if contested, only the council's Licensing Sub-Committee can determine. In the circumstances, I have no hesitation in rejecting such an attempt for all the reasons I have given.
11. For the same reasons, I would reject your claim for compensation and all other claims as they are misconceived and have no basis in law or fact. In any event, I note that the claims you mention are out of time.

Yogini Patel
Snr Regulatory Service Manager
Brent Council

Susana, Figueiredo

From: Chan, Esther
Sent: 01 May 2018 11:38
To: [REDACTED]
Cc: Business Licence
Subject: Woodchurch Filling Station, 242 Church Lane, Kingsbury, London, NW9 8SL 1.5.18
Attachments: Woodchurch Filling Station, 242 Church Lane, Kingsbury, London, NW9 8SL 1.5.18.pdf; Premises Lost or Stolen Application.pdf

Dear Mr Kirubendran,

Please find attached letter following my visit to the above premise yesterday.

Kind Regards
Esther Chan
Licensing Inspector
Planning, Transportation & Licensing
Brent Council

Tel: 0208 937 5303

www.brent.gov.uk

Local Elections will take place on Thursday 3 May, polls open between 7am-10pm. Find your polling station [here](#).

Sfo06

5/006



Brent Civic Centre
Engineers Way
Wembley
Middlesex HA9 0FJ

TEL 020 8937 5303

EMAIL esther.chan@brent.gov.uk

WEB www.brent.gov.uk

Mr Sithamparanathan Kirubendran
Woodchurch Filling Station
242 Church Lane
Kingsbury
London
NW9 8SL

1st May 2018

Our Ref: 162050

Dear Mr Kirubendran,

Licensing Act 2003 – Premises Licence

Re: Woodchurch Filling Station, 242 Church Lane, Kingsbury, London, NW9 8SL

I am writing to confirm my visit to the above premise on Thursday 12th April 2018 at 13:45hrs followed by a re-visit on Monday 30th April 2018 at 12:35hrs. During my inspections it became apparent that the following conditions attached to the current premises licence were not being complied with:

Conditions 1 on your Premise 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.

Action for Conditions 1:

During my visit, you stated that current CCTV records for 28 days. You must ensure CCTV is installed to Home Office Guidance standards and maintained in a good working condition and recordings are kept for 31 days.

Condition 3 on you Premise Licence:

A "Challenge 21" policy shall be adopted and adhered to.

Action for Condition 3:

I am aware that you have adopted the 'Challenge 21' age verification/restriction policy; however, I strongly recommend that you display suitable signage advertising your age verification policy in a prominent position for customers to see at all times.

Please take this opportunity to remind your staff regarding the Licensing Act 2003 and in particular the sale of alcohol to underage persons, proxy purchases and selling to drunken people. You must ensure all staff training documents are kept and maintained.

Condition 4 on your Premise Licence:



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.

Action for Condition 4:

It has been noted that you supply bottles of 'Dragon Stout' which is 7.5% ABV. I will confirm whether you are permitted to supply Dragon Stout once this is verified.

Condition 5 on you Premise Licence:

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.

Action for Condition 5:

During my visit on 30th April 2018, you presented the incident book and confirmed that no records have been documented due to no incidents or refusal of alcohol. In accordance to point (h), you must record any visit by a relevant authority or emergency service. This would include my initial visit on the 12th April 2018.

Condition 6 on the Premise Licence:

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.

Action for Condition 6:

You have not displayed the full summary of Part B of the premise licence at the front entrance and Part A of the current premise licence was not available to see upon request.

You must display the full summary of the licence (Part B) on the front entrance facing outside and ensure the premise licence (Part A) is available for inspection upon request by police officers and authorised officers. *If you require a copy of your licence, you must complete and submit an application for copy of Premises Licence or Summary with a fee of £10.50.*

Condition 8 on the Premise Licence:

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.

Action for Condition 8:

It has been noted that there were no locked grills, locked screens or locked cabinet doors covering the alcohol by the counter. During our discussion, you confirmed the premise is open from 07:00hrs, therefore between 07:00hrs to 08:00hrs, all alcohol must be covered in accordance to the above condition.

Condition 9 on the Premise Licence:

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.



Action for Condition 9:

The safe behind the counter is not a time delay safe with deposit slot and anti fishing mechanisms must be used at the counter till area. You must ensure the above points are complied with.

Failure to comply with the above conditions may result in the review of your premise licence.

Please do not hesitate to contact me quoting the above reference should you require any further advice or information.

Yours faithfully,



Esther Chan
Licensing Inspector
Planning, Transportation & Licensing

Enc: Application for copy of Premises Licence or Summary



Susana, Figueiredo

From: Chan, Esther
Sent: 01 May 2018 13:07
To: 'Licensing-QK@met.pnn.police.uk'
Cc: Patel, Yogini; Business Licence; Figueiredo, Susana
Subject: RE: Woodchurch Filling Station - 242 Church Lane NW9 8SL

Hi Nicola,

Much appreciated for your email.

Kind Regards
Esther Chan
Licensing Inspector
Planning, Transportation & Licensing
Brent Council

Tel: 0208 937 5303

www.brent.gov.uk

From: Nicola.McDonald@met.pnn.police.uk [mailto:Nicola.McDonald@met.pnn.police.uk] **On Behalf Of** Licensing-QK@met.pnn.police.uk
Sent: 01 May 2018 12:15
To: Chan, Esther
Subject: Woodchurch Filling Station - 242 Church Lane NW9 8SL

Hi Esther
Dragon Stout is produced in Jamaica, it is not the same product as draft Guinness or Imported (Nigerian) Guinness.
Nicola

From: Chan, Esther [mailto:Esther.Chan@brent.gov.uk]
Sent: 01 May 2018 10:13
To: Licensing - QK <Licensing-QK@met.police.uk>; Patel, Yogini <Yogini.Patel@brent.gov.uk>
Subject: Woodchurch Filling Station - 242 Church Lane NW9 8SL

Sfo07

Dear Licensing Police/ Yogini,

I conducted a visit to the above premise yesterday and found bottles of 'Dragon Stout 7.5% abv' displayed in chiller cabinet. In light of the below condition embedded on the Premise Licence and the communication below PC McDonald and the PLH in 2014, what are your thoughts with the sale of Dragon Stout ?

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.

Kind Regards
Esther Chan
Licensing Inspector
Planning, Transportation & Licensing
Brent Council

Tel: 0208 937 5303

www.brent.gov.uk

Local Elections will take place on Thursday 3 May, polls open between 7am-10pm. Find your polling station [here](#).

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Brent Civic Centre
Engineers Way
Wembley
Middlesex HA9 0FJ

TEL 020 8937 5303

EMAIL esther.chan@brent.gov.uk

WEB www.brent.gov.uk

Mr Sithamparanathan Kirubendran
Woodchurch Filling Station
242 Church Lane
Kingsbury
London
NW9 8SL

1st May 2018

Our Ref: 162050

Dear Mr Kirubendran,

Licensing Act 2003 – Premises Licence

Re: Woodchurch Filling Station, 242 Church Lane, Kingsbury, London, NW9 8SL

Further to my previous letter dated 1st May 2018, I can confirm that you are **not** permitted to supply **Dragon Stout** as it does not comply with condition 4 on your premise licence, which states:

'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.'

You must remove all alcohol labelled 'Dragon Stout with 7.5% ABV' from display and not supply this at any time.

Please do not hesitate to contact me should you require further clarification.

Yours faithfully,

A handwritten signature in black ink that reads "Esther".

Esther Chan
Licensing Inspector

Susana, Figueiredo

From: [REDACTED]
Sent: 02 May 2018 13:47
To: Chan, Esther
Cc: Patel, Yogini; Licensing Police; Business Licence; [REDACTED]
Subject: Re: Woodchurch Filling Station, 242 Church Lane, Kingsbury, London, NW9 8SL 1.5.18

Dear Ms Chan

I write to inform you that I have instructed Mr. Sivashankar from compliance direct ltd to resolve any license issue of Woodchurch Service Station.

Kind Regards

S Kirubendran

On 01 May 2018 at 14:32 "Chan, Esther" wrote:

Dear Mr Kirubendran,

Please find attached letter regarding the supply of Dragon Stout.

Kind Regards

Sfo09

Esther Chan
Licensing Inspector
Planning, Transportation & Licensing
Brent Council
Tel: 0208 937 5303
www.brent.gov.uk

From: Chan, Esther
Sent: 01 May 2018 11:38
To: [REDACTED]
Cc: Business Licence
Subject: Woodchurch Filling Station, 242 Church Lane, Kingsbury, London, NW9 8SL 1.5.18

Dear Mr Kirubendran,

Please find attached letter following my visit to the above premise yesterday.

Kind Regards
Esther Chan
Licensing Inspector
Planning, Transportation & Licensing
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Tel: 0208 937 5303
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