



LONDON BOROUGH OF BRENT

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

Friday 24 October 2014 at 2.30 pm

PRESENT: Councillor Hector (Chair) and Councillors Long and Mahmood

Apologies for absence were received from: Councillors BM Patel

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

None.

2. **Application by the Metropolitan Police to review the premises licence held by Mr Thiyagarajah Thuvarakeswaran for the premises known as Alric Food & Wine, 1A Alric Avenue London NW10 8RB pursuant to the provisions of the Licensing Act 2003**

RESOLVED:

that having considered the application by Brent Police to review the premises licence held by Mr Thiyagarajah Thuvarakeswaran for 'Alric Food & Wine' (1A Alric Avenue, London, NW10 8RB) pursuant to the provisions of the Licensing Act 2003, the Sub-Committee agreed that the **premises licence be suspended pending a full review.**

Before the chair opened the meeting, the legal representative briefed members on the options open to them as set out in the Sub-Committee's report and referred to the Home Office guidance.

The Committee heard from the Licensing Officer, who explained the rationale behind the Police application and reasons for seeking an expedited review pending a full hearing within 28 days.

The Committee then heard from the PC Sam Lewis-Evans in respect of the Police recommendations for a suspension of the premises licence held by Mr Thiyagarajah Thuvarakeswaran. She presented the case as outlined in the papers before the sub-committee following her visit to the premises with Trading standards officers from London Borough of Brent and HM Revenue and Customs (HMRC) Officers. She continued that during the inspection there were several breaches of existing licence conditions that came to her attention, namely:

5. *A refusal book shall be kept and maintained.* Mr Sivasothinathan, the only person present at the premises had no knowledge of this and there was not one visible behind the counter.

6. *No high strength beers, lagers and ciders above 5.5%ABV shall be stocked with the exception of premium beers.* There were large amounts of high strength beer and cider (as photographed).
8. *The licensee shall keep an incident book which shall be made available to the Police and licensing Authority.* Again Mr Sivasothinathan had no knowledge of this and there was not one visible behind the counter.
9. *A clear and unobstructed view into the premises shall be maintained at all times.* There was no view into the premise due to various grills and posters.
11. *A personal licence holder fluent in English shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.* Mr Sivasothinathan was not a personal licence holder and spoke broken English only and there were no other members of staff present at the time.

Trading standards officers found a quantity of non duty paid cigarettes behind the counter as well as open boxes of cigarettes that from previous experience indicated that they are selling single cigarettes. HMRC officers discovered a large amount of suspected counterfeit and non duty paid alcohol as set out below which they seized for further examination:

189 Litres of wine

2496.38 Litres of Beer

250.095 Litres of spirits

PC Lewis-Evans indicated that a proportionate response to these was to suspend the premises licence.

Members of the sub-committee questioned the Police on aspects relating to the operation of the premises.

Members then heard evidence from a gentleman who gave his name as Mr Sharnum Presharnt, a friend and business adviser on behalf of Mr Thiyagarajah Thuvarakeswaran, the designated premises licence holder (DPS). He clarified that he had previously worked with the DPS in the past, left for approximately one year but had returned to assist him as a business adviser. Mr Presharnt stated that the stock of alcohol was purchased from Imperial Cash and Carry, a reputable firm based in Edmonton, London N18. He stated that the stock seized by HMRC Officers were bought in good faith, VAT had been paid on all the goods and that none were counterfeit. Mr Presharnt continued that an excessive order was placed for 2 main reasons; bereavement in the family which would require Mr Thiyagarajah Thuvarakeswaran to travel to Sri Lanka for several weeks and the forthcoming Diwali celebrations which would result in high demand. He could not entrust the responsibility for placing orders for drinks to his staff whilst he was away from the country. In his view, despite the amount of drinks on the shop floor rather than the store room, customers were able to move freely within the shop.

In response to questions, Mr Presharnt stated that all staff that worked for the DPS had received formal training on licensing however he was unable to provide details of the agency that delivered the training. He added that whilst the DPS understood the suspicion of criminal activity, they required at least one week to consider the evidence submitted by the Police. Mr Presharnt added that the DPS was conversant with the licensing conditions as they had been explained to him by his solicitor.

The Alcohol and Entertainment Licensing Sub-Committee (B), having carefully considered the application, felt that there was overwhelming evidence in the Police's representation that there had been significant breaches of the licensing objectives (prevention of crime and disorder, ensuring public safety, prevention of public nuisance and protection of children from harm) and the premises licence. In addition to the breach of various conditions on the premises licence, the apparent lack of licensing knowledge and day to day management of the premises were further material considerations.

3. **Application by the Metropolitan Police to review the premises licence held by Mr Thiyagarajah Thuvarakeswaran for the premises known as Rains Newsagents, 2 Mordaunt Road London NW10 4UA pursuant to the provisions of the Licensing Act 2003**

RESOLVED:

that having considered the application by Brent Police to review the premises licence held by Mr Thiyagarajah Thuvarakeswaran for premises known as 'Rains Newsagents' (2 Mordaunt Road, London, NW10 4UA) pursuant to the provisions of the Licensing Act 2003, the Sub-Committee agreed that the **premises licence be suspended pending a full review.**

The Committee heard from the Licensing Officer, who explained the rationale behind the Police application and reasons for seeking an expedited review pending a full hearing within 28 days.

The Committee then heard from the PC Sam Lewis-Evans in respect of the Police recommendations for a suspension of the premises licence held by Mr Thiyagarajah Thuvarakeswaran. She presented the case as outlined in the papers before the sub-committee following her visit to the premises with Trading standards officers from London Borough of Brent and HM Revenue and Customs (HMRC) Officers. She continued that during her inspection on 10 October 2014, there were several breaches of existing licence conditions that came to her attention, namely:

5. *No high strength beers, lagers and ciders above 5.5%ABV shall be stocked with the exception of premium brands.* There were several brands of cheap high strength cider and lager on display, these brands are predominately purchased by street drinkers.
1. *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.* No licence premises holder was present.
6. *"Raid Control" crime prevention measures shall be installed and all staff given suitable training.* Although a safe with an anti-fishing mechanism in place but it clearly wasn't being used as there were large quantities of loose cash in the draw below the till.

Total amount of stock seized were as follows;
75.9 litres of spirits
7,697.60 litres of beer

Members of the sub-committee questioned the Police on aspects relating to the operation of the premises. Members heard that only one member of staff was at the premises when the Police visited and that the person refused to give his name when asked to do so. The Police confirmed that although no counterfeit wines were found at the premises, the applicant stocked high strength beers which itself constituted a breach.

The applicant then alleged that he had been granted licence to sell high strength beers by a minor variation to his licence and produced a document which purported to support his claim. Upon examination, the Police and the Licensing Officer cast doubt on the validity of the document adding that a variation to sell high strength beer would have required a major variation to the licence and the re-issue of a new licence within a fortnight.

In giving evidence to the Sub-Committee, Mr Sharnum Presharnt, a friend and business adviser on behalf of Mr Thiyagarajah Thuvarakeswaran, stated that the representations he had made for the Alric Avenue hearing applied here and he therefore did not wish to add to it. The legal representative advised Mr Presharnt about the importance of making a separate case for Mordaunt Road hearing but he reiterated his stance.

The Alcohol and Entertainment Licensing Sub-Committee (B), having carefully considered the application, felt that there was overwhelming evidence in the Police's representation that there had been significant breaches of the licensing objectives (prevention of crime and disorder, ensuring public safety, prevention of public nuisance and protection of children from harm) and the premises licence. In addition, the breaching of various conditions on the premises licence and the apparent lack of licensing knowledge and day to day management of the premises were further material considerations.

The hearing ended at 6.45pm

The meeting closed at 6.45 pm

C HECTOR
Chair