



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	
Sidneys Off Licence 216 Ealing Road	
Post Town Wembley	Post Code (if known) HA0 4QG
Name of premises licence holder or club holding club premises certificate (if known)	
Mr Nadarajah SIVAPALAN	
Number of premises licence or club premises certificate (if known)	
156261	

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)
- 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 | <input type="checkbox"/> |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | X |

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

Sidney's is currently authorised to supply alcohol for consumption OFF of the premises. The venue has a 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 Nadarajah SIVAPLAN.

Police are primarily concerned with:

Under age sales. One offence under section 146 of the Licensing Act 2003 witnessed by Police.

Failure to display the premises licence.

No written delegated authority to sell alcohol

Lack of staff training, licensing knowledge

Lack of supervision by a personal licence holder

Public nuisance and anti social behaviour generated from customers who insist on drinking in the street and nearby park

Sidney's is failing to promote three of the licensing objectives, namely the protection of children from harm, prevention of crime and disorder and prevention of public nuisance. 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 a challenging area of the Borough. The vicinity suffers from alcohol fueled anti social behaviour committed by local male residents. The area

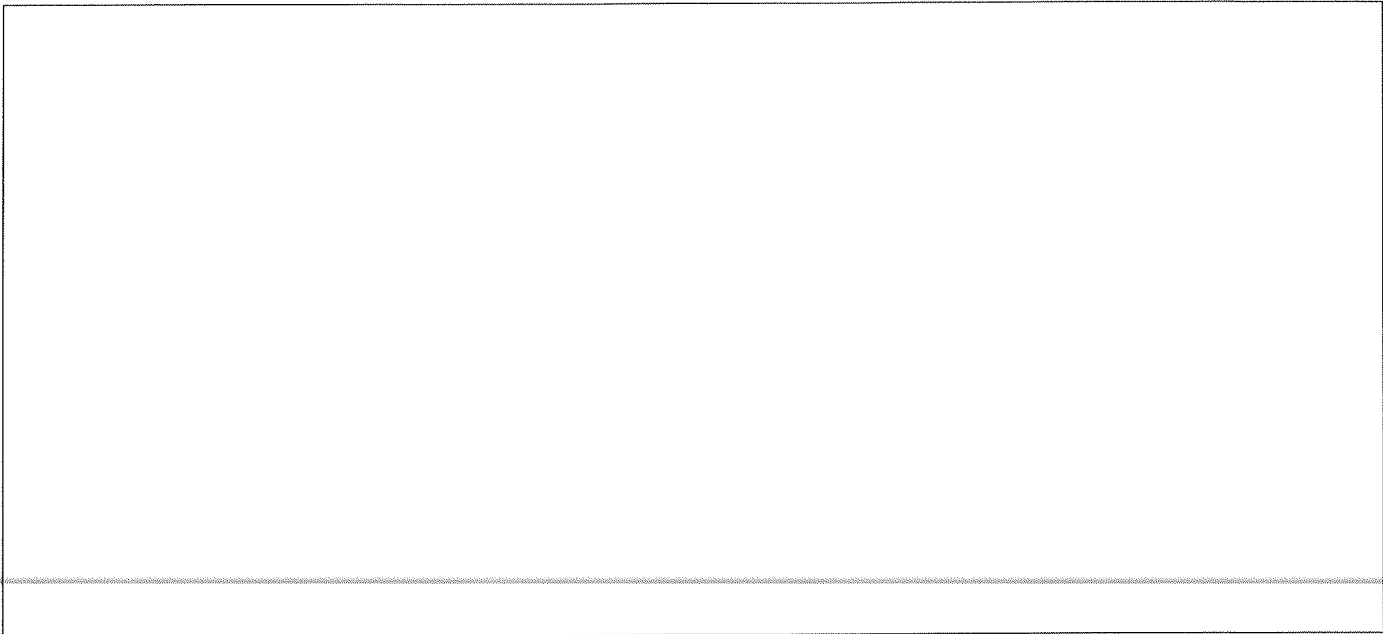
around the shop and nearby residential roads, Bowrons and Braemar Avenue's are littered with disused alcoholic drinking containers. Within three hundred metres from the shop is the entrance to One Tree Hill recreation ground which is also littered with the same. Anytime of the day you can visit the area and witness persons consuming alcohol and urinating in the park. Recent events at this shop have highlighted a lack responsibility, Police understand and recognise this is a family business however believe if allowed to continue to operate in the current state, with disregard to the licensing objectives, it will have further disadvantageous effect 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 request the following conditions be attached to the premises licence:

1. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council.
2. A CCTV camera shall be installed to cover the entrance of the premises and further cameras installed to cover the entrance of the shop.
3. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
4. A "Challenge 25" policy shall be adopted and adhered to.
5. No high strength beers, lagers, and ciders above 6.0% ABV shall be stocked.
6. A clear and unobstructed view into the premises shall be maintained at all times.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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
12. No miniature bottles of wine or spirits in units of less than 35cl should be sold at the premise.
13. No single cans or bottles of beer, lager or cider shall be sold.



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

For several years Police and local authority departments have received complaints in relation to street drink, urinating and alcohol fuelled anti social behaviour in the vicinity of this shop and allegations that sales of alcohol from Sidney's has added to the issue. This has over the year generated visits by Police and other responsible authorities where operational improvements have been advised. However with no enforceable conditions attached to the licence it would appear, apart from installing CCTV, Mr SIVAPLAN has failed to heed this advice. Photographs attached to this review application were taken at different times by licensing officers visiting the Ealing Road area during 2015.

Recent incidents that have triggered the review application:

30th October 2015 1300 hours

A thirteen year old female purchased alcohol at the shop during an underage test purchase operation with Police.

Fixed Penalty noticed was issued by Police Officers to Mr Tivan RAMGI for the offence of selling alcohol to a person under the age of 18 years old Section 146 Licensing Act 2003. Mr Nadarajah SIVAPLAN. Was not present at the shop. Mr Muthukumarasamy BALASUBRAMANIA claimed to be in charge of the premises.

31st October 2015 1640 hours

In response to the offence the previous day and concerns from Police Officers during that visit that no-one appeared to have any control in the shop, licensing Officers PC McDonald and Pc O'Sullivan visited the shop. It was full of Asian males purchasing lottery scratch cards. It was like a social centre, one after another scratching the card, throwing it on the floor or putting it to one side if not a winning card and then purchasing another. Alcohol was being sold. Part B of the premises licence was on display. One member of staff serving customers, he gave his name as Muthukumarasamy BALASUBRAMANIA, he does not hold a personal licence. The Premises licence holder and designated premises supervisor, Mr Nadarajah Sivapalan was not at the shop. Apparently he was out of the country. Mr BALASUBRAMANIA could not provide a written delegated authority to sell alcohol; Police could not see one on display. Mr BALASUBRAMANIA had very poor English skills and no licensing knowledge. Another younger male in the shop who gave his name as Suresh VINASITHAMBY a family friend but not an employee translated for me. Mr Tivan RAMGI was also in the shop and was working behind the counter when Police entered the shop, however after identifying ourselves he claimed not to be working and disappeared. There was one other male who claimed not to be working but had clearly been seen by Police selling the lottery scratch cards. Muthukumarasamy BALASUBRAMANIA had no control over the shop. I telephoned Mr Nadarajah Sivapalan mobile number, there was no reply. Police could not prove there was a current designated premises supervisor and as there was no delegated authority, offences were being committed. Mr BALASUBRAMANIA he was told to cease alcohol sales and either remove alcohol from display or cover it all from display. Police details were left for Mr or Mrs Nadarajah Sivapalan to contact me immediately to discuss the authority.

After leaving the shop Officers went down along Braemar Avenue and witnessed several Street Drinkers and litter made up of alcohol containers. At the entrance to one Tree Recreation Ground Officers saw carrier bags full of empty alcoholic containers as if someone had been attempting to clean up. Males standing drinking alcohol at the entrance giving a feeling of intimidation. Police saw males standing urinating on the garden fences backing on to the park.

3rd November 2015

Telephone call received from Mr Nadarajah Sivapalan, he was back in the country.

Appointment made to discuss the premises.

4th November 2015

Formal letter sent to Mr Nadarajah Sivapalan requesting CCTV footage from both Police visits to the shop on 30th and 31st October 2015.

6th November 2015

Meeting held at Brent Civic Centre with Mr Nadarajah Sivapalan and Licensing Police. Confirmation he had been informed that staff at his shop had sold alcohol to a young child. Discussed that lack of supervision, poor staff knowledge of licensing legislation and requirement for conditions to be attached to the licence to assist running a successful shop that upholds the licensing objections positively for the neighbourhood. Although Mr Nadarajah Sivapalan expressed regret about what had happened, Police from experience, consider without the addition of conditions to a premises licence the negligence will continue.



Please tick ✓ **Yes**

Have you made an application for review relating to this premises before?

If yes, please state the date of that application

Day

Month

Year

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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 *Will Pisk*

Date *16-12-2015*

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

