

Taste of Ceylon
32 Ealing Road
Wembley
HA0 4TL

4 October 2019

Licensing Representation to the Application for a new Premises Licence for Taste of Ceylon, 32 Ealing Road, Wembley, HA0 4TL

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 authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made for a variation to an existing premises licence under section 34 of the Act.

The Licensing Authority representations are primarily concerned with the four licensing objectives;

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Plan

Thank you for the updated plan, this has been submitted to the business licence team.

Inspection One

I originally visited the premises on Thursday 12th September 2019. As you are aware during my inspection I spoke with a male, who stated he is the owner of the business in the front section of the premises (This is the area separated by a stud wall). He was quite clear that his business is completely separate to the bar area located in the middle section of the plan layout.

Inspection Two

I carried out a further inspection on Tuesday 1st October 2019. During this inspection I met with the licence holder Mr Keseven Prathupkumar and his wife. During the inspection I was with my colleague Chris Pearce who asked Mr Prathupkumar a number of questions in relation to: -

- risk assessments
- fire exits
- maintaining a safe premises
- the premises licence

The responses were extremely vague and Mr Prathupkumar demonstrated a lack of knowledge on how to run a business.

I then went on to ask Mr Prathupkumar questions about the premises licence variation application: -

- When asked about the age verification policy, Mr Prathupkumar had no idea what I was talking about. I then explained this literally to which he replied he would check if they were 21. Mr Prathupkumar's wife then laughed and corrected him by saying it should be 18, to which he appeared bemused. I then offered the Challenge 25 policy which is the most current being used.
- I asked what the tills were for. Mr Prathupkumar explained that the one at the front was for taking food payments and then one in the middle section was for taking alcohol payments. When asked why there were two separate tills if it was one business, Mr Prathupkumar stated that this was for account purposes.
- When asked by Mr Pearce why a stud wall is required in the premises separating the front from the middle section where alcohol is consumed, Mr Prathupkumar explained that the males that drink in the establishment need to hide the fact that they are drinking from their families and therefore require an area that is screened off.
- When asked what high strength, beers, lagers and ciders above 6% they sell in the premises, Mr Prathupkumar had no idea what I was asking and responded by saying that they only sell UK beers.
- When asked about the CCTV, Mr Prathupkumar stated that the CCTV was working but that the screen was broken. He stated the CCTV records for 30 days. The current requirement is 31 days, therefore not meeting the current requirement.
- The impression I got from Mr Prathupkumar is that he is not aware of what has been applied for on the variation application form.

Clarified Points

- The application suggests that the applicant is applying for supply of alcohol until 02.00hrs but this permission already exists on the premises licence. – *You have clarified that the premises do not wish to modify the hours on the premises licence.*
- The application requests: - 'Removal of condition 9 to allow the rear of the premises to be used for the consumption of alcohol without the purchase of food if customers require (no vertical drinking)'. Condition 9 currently states 'The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal'. Are you stating the premises will mainly be used as a bar now and not a restaurant? When you state 'no vertical drinking', are you stating that there will be no vertical drinking or you are asking for the premises to have vertical drinking? - *I have understood that your client would like to permit drinking in the middle section without the requirement to eat food.*
- By removing condition 9 in relation to vertical drinking there is no indication in the application as to what the business is being changed to. Section M of the application simply asks that the current conditions on the premises licence be applied. Please clarify. The plan however does not reflect that the business is separate as it includes the area at the front and the kitchen at the rear of the premises where licensable activities will take place. - *You have now clarified that the area at the front will only serve food. The area in the middle will serve alcohol and food if required.*

- Condition 12 states 'An acoustic lobby shall be installed to the front door to facilitate the ingress and egress of patrons when regulated entertainment is in operation'. I also note that during the initial application for a premises licence, you wrote to the noise team to state that Mr Marshall will not be carrying out any regulated entertainment, but should he, a lobbied entrance would be installed. Is this still the case? Should it still be the case and Mr Marshall then decides to have regulated entertainment, he would need to add the lobbied entrance and make a minor variation application to update the plan. – *You have confirmed that a lobby will be added if regulated entertainment is introduced.*

Points that still require clarification

- Condition 8 of the premises states 'Substantial food and non-intoxicating beverages shall be available during the whole of licensed hours in all parts of the premises where intoxicants are provided'. What substantial food will be provided? Will this food be provided throughout all of the licensable hours? - *As per my representation dated 16.09.2019 this has not been clarified.*
- There is currently no difference in time between the end of licensable activities and the closing of the premises. The Licensing Authority would require a 30 minute period between both. - *As per my representation dated 16.09.2019 this has not been clarified.*

Further Issues

Business Ownership

Despite reassurance from the applicants agent that the change from two businesses to one is legitimate, with ownership now being both Mr Prathupkumar and Mr Marshal, I still disagree that this is the case. In terms of business ownership, this would normally have no bearing on how the business is run but the fact that there are potentially two business owners, running two separate businesses with no clear premises separation, using shared services is extremely likely to undermine the licensing objectives.

Current Licence Holder

Although a licence holder does not have to be present at the business, Mr Prathupkumar has chosen to be present on a daily basis throughout the permitted hours together with Mr Marshal who will join him in the evenings.

As it stands, I have no confidence in Mr Prathupkumar running a business which includes a premises licence, specifically that he will be the person responsible at the premises on a daily basis. He appears to have very limited knowledge on what this might entail which would also undermine the licensing objectives.

Moving Forward

- Please demonstrate in the form of a lease or other relevant document that there is solely one business at the address.
- Please provide me with evidence to the contrary that the premises will be able to uphold the licensing objectives. I have no confidence in Mr Prathupkumar.

At this point, I am unable to make an informed decision on this application and will therefore have to refuse it on this basis. I will need further information from the applicant in order to consider this application any further.

Yours sincerely



Susana Figueiredo
Licensing Inspector
Regulatory Services