

VNG Retails Limited
THIRUMAL Namasivayam & GENGATHARAN Namasivayam
North Wembley News
129 East Lane
HA9 7PB

5 February 2020

Licensing Representation to the Application for a review for Namasivayam Thirumal, North Wembley News, 129 East Lane, HA9 7PB

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 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
- the prevention of children from harm

As a result of the above application for a review received by the Licensing Police, a visit was carried out to the premises on Thursday 9th Januray 2020 at approximately 09.05hrs. I met with a Mr EASAN NAMASIVAYAM, who introduced himself as the licence holders brother. He stated that he worked in the premises on a part-time basis and had done so for the last three to four years.

Mr NAMASIVAYAM, stated that he had two brothers that worked at the premises with him. Their names are Siva NAMASIVAYAM and Thirumal NAMASIVAYAM. I then went through the conditions of the licence and found the following: -

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 licensing officers if requested.

There was no one at the premises that could operate the CCTV to verify whether the recordings were kept for 31 days. Mr NAMASIVAYAM did not know how long the recordings were kept for.

2. A CCTV camera shall be installed to cover the entrance of the premises.
Verified
3. A sign stating “No proof of age, No sale” shall be displayed at the point of sale.
No sign in place
4. A “Challenge 21” policy shall be adopted and adhered to.
A Challenge 25 policy was in place
5. A refusal book shall be kept and maintained.No refusal book in place
There was no refusal book
6. Promotions that encourage irresponsible drinking shall not be permitted.
There were no visible promotions in place
7. No high strength beers, lagers, and ciders above 5.5% ABV shall be stockedwith the exception of premium beers.
There were 4 brands of alcohol over 5.5% which should not have been displayed for sale. These include Perla Miodowa 6%, Perla Pils 6%, Perla Mocna 7.6% and Debowe 7%



8. “Raid Control” crime prevention measures shall be installed and all staff given suitable training.
Mr NAMASIVAYAM stated that he had not received any training
9. The licensee shall keep an incident book which shall be made available to thePolice and Licensing Authority.
There was no incident book kept at the premises
10. Signs alerting customers to theft shall be displayed.
I did not see any such notices in place
11. A clear and unobstructed view into the premises shall be maintained at all times.
From the front of the premises, there wasn't a clear and unobstrctued view into the premises





12. 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.

Verified

13. Suitable intruder alarm complete with panic button shall be fitted and maintained.

There was no alarm or panic buttons in place

14. 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.

During my visit I asked Mr Easan NAMASIVAYAM for his personal licence as he was the only member of staff at the premises and there is a requirement that one be present during the permitted hours for the sale of alcohol. Mr NAMASIVAYAM stated that he did not have it with him. I suggested that he should keep it with him or at least have a copy so that it can be checked when an officer visits the premises especially in light of the review. I asked for Mr NAMASIVAYAM's current address for which he appeared vague and then gave me an address. He then stated that he did not live at that address anymore to which I responded by saying that I asked for his current address. He then gave me another address. I then asked whether Mr Easan NAMASIVAYAM is the name under which he had applied and he responded by saying yes but it transpired that he had not notified Brent Council that he had moved address in order to ensure his personal licence is registered correctly. Failure to notify the licensing authority of a change of name or address of a personal licence holder is an offence under s127 of the Licensing Act 2005 and subject to a £500 fine.

On leaving the premises, checks were made to ascertain Mr NAMASIVAYAM's personal licence but details of his licence could not be found. I then returned to the premises on Thursday 30th January 2020 to re check Mr NAMASIVAYAM's details. Mr NAMASIVAYAM was present but did not have his personal licence with him. It then transpired that the name given to me during my first visit was not his legal name. His name is in fact NAMASIVAYAM Jegatheeswaran. It is still not clear which of those names is his first name and which is his surname because when comparing them to his brother's names, it appears the name I was given as his first name is the same as both of his brother's surnames. It also transpired that his brother's name Siva, is actually GENGATHARAN Namasivayam, but is known as Siva. At the time of writing, an application to change his address was sent to Mr NAMASIVAYAM's new address.

15. On major event days at Wembley Stadium the following shall apply:

- Customers shall not be allowed to congregate outside the premises.
- The DPS shall work in partnership with the Police and if necessary comply with any direction given by the most senior Police Officer on duty at the event.
- No alcohol or "alcopop" type drinks shall be displayed or sold in glass containers with the exception of wines and spirits.

Could not be verified

16. All furniture and soft furnishings shall comply with relevant fire safety standards.

Could not be verified

17. A fire detection and warning system together with suitable and sufficient fire extinguishers shall be installed and maintained.

Could not be verified

18. Suitable and sufficient fire fighting equipment shall be installed and properly maintained.

Could not be verified

19. All deliveries shall take place during the normal working day (i.e. 09:00 to 18:00 daily).

Mr NAMASIVAYAM stated that deliveries take place in the afternoon

20. Advertising, security and access lighting shall be designed, installed and maintained so as not to cause a nuisance to nearby properties.

Could not be verified

21. Adequate illumination shall be provided and maintained to the external areas of the premises.

Could not be verified

22. Suitable receptacles for rubbish shall be made available outside the premises for customers to use and they shall be emptied regularly to prevent overflow or odours.

Mr NAMASIVAYAM stated that bins are kept at the rear of the premises

23. The licensee shall ensure all public areas within 10 metres of the premises are cleared of litter arising from the premises daily.

There was no visible litter surrounding the premises

Summary

All of the breached conditions that the Licensing Police found on their visit on 7th January 2020 were still breached during my visit on 9th January 2020. Baring in mind they had previously been visited by the Licensing Police on 19th December 2019 where all of the same breaches were pointed out, it is clear that the owners are blatantly contravening the law and undermining the licensing objectives. The Licensing Police have made requests and these have been ignored. The Licensing Authority have considered the application made by the Licensing Police to review the premises licence to be proportionate to their findings and therefore support them in their request for revocation.

At this point there does not appear to be any other alternative other than to revoke the premises licence. However, 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. 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.
4. 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.
5. All alcohol stocked and sold shall be labelled with the trading name.

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.
- 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.
- 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.

- A sign stating “No proof of age, No sale” shall be displayed at the point of sale.
- Promotions that encourage irresponsible drinking shall not be permitted.
- “Raid Control” crime prevention measures shall be installed and all staff given suitable training.
- Signs alerting customers to theft shall be displayed.
- Suitable intruder alarm complete with panic button shall be fitted and maintained.
- 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.
- On major event days at Wembley Stadium the following shall apply:
 - Customers shall not be allowed to congregate outside the premises.
 - The DPS shall work in partnership with the Police and if necessary comply with any direction given by the most senior Police Officer on duty at the event.
 - No alcohol or “alcopop” type drinks shall be displayed or sold in glass containers with the exception of wines and spirits.
- All furniture and soft furnishings shall comply with relevant fire safety standards.
- A fire detection and warning system together with suitable and sufficient fire extinguishers shall be installed and maintained.
- Suitable and sufficient fire fighting equipment shall be installed and properly maintained.
- All deliveries shall take place during the normal working day (i.e. 09:00 to 18:00 daily).
- Advertising, security and access lighting shall be designed, installed and maintained so as not to cause a nuisance to nearby properties.
- Adequate illumination shall be provided and maintained to the external areas of the premises.
- Suitable receptacles for rubbish shall be made available outside the premises for customers to use and they shall be emptied regularly to prevent overflow or odours.
- The licensee shall ensure all public areas within 10 metres of the premises are cleared of litter arising from the premises daily.

Premises Licence Conditions to be Modified

No high strength beers, lagers, and ciders above 5.5% ABV shall be stocked with the exception of premium beers.

Shall be modified to

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

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.

The licensee shall keep an incident book which shall be made available to the Police and Licensing Authority.

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A refusal book shall be kept and maintained.

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

Reduction in Hours for Supply of Alcohol

The Licensing sub-committee may also decide that a reduction in hours for the supply of alcohol to be fair and proportionate.

Yours sincerely



Susana Figueiredo
Licensing Inspector
Regulatory Services

