

**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 The Licensing Authority - Hammersmith and Fulham Council

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Broadway Food and Wine 51 Fulham Broadway	
Post town London	Post code (if known) SW6 1AE

Name of premises licence holder or club holding club premises certificate (if known)
Mr Thayalan Ratnam

Number of premises licence or club premises certificate (if known)
2019/01450/LAPR

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 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 ✓ yes

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

Post Code

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 The Licensing Authority Hammersmith and Fulham Council 45 Beavor Lane, Hammersmith W6 9AR
Telephone number (if any) 0208 753 1081
E-mail address (optional) licensing@lbhf.gov.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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

Background

Broadway Food and Wine, 51 Fulham Broadway is located in the Fulham Broadway Cumulative Impact Area which is one of two special policy areas in the borough. A study which led to the introduction of the policy showed that the area suffers adversely from anti-social behaviour caused by a saturation of licensed premises selling alcohol. Any operators in this area are expected to manage their premises effectively so as not to add to these pre- identified problems such as street drinking and rowdy / intimidating behaviour. The premises is also located within half a mile of Chelsea football stadium and as such has a number of conditions attached to their licence to ensure that alcohol is not sold to football fans directly before and after matches.

In October 2018 the licensing authority submitted a review for this premises asking for revocation of the licence. The review was submitted because of persistent breaches of licence conditions in 2017 and 2018. The breaches continued despite multiple warnings from the licensing authority and a recorded interview under caution. During this period the premises was found to have sold alcohol to a child and was also found with non duty paid alcohol on the premises.

As a result of this review a hearing was arranged for the 5th December 2018. At this hearing the licence was revoked. A copy of the report for this hearing is available as Annex 1 to this report. The decision letter is also available as Annex 2.

In February 2019 the licence holder (Mr Suganthan Sinnathurai) appealed this decision. Before an appeal hearing took place a representative of the licence holder (Ms Gill Sherratt) asked to meet with the licensing authority and other responsible authorities to discuss a proposal to sell the business. The prospective new owner, Mr Ratnam, also attended the meeting along with Ms Sherratt. Ms Sherratt asked if we would consider agreeing to the premises keeping its licence if the premises was sold to Mr Ratnam and if the licence was transferred to the same individual. A number of new conditions which were to be included on the licence, if this arrangement was agreed to, were also suggested. One of these conditions prohibited the current licence holder (Mr Sinnathurai) and his mother in law (Mrs Nageswary Shanmugaratnah – who was present when many of the offences occurred in 2017 /18), being on the premises or being in any other way involved in the operation of the premises.

After carefully considering this proposal the licensing authority agreed to the compromise primarily on the principle that it was giving an opportunity to a completely new operator in borough. The consent order was signed on the 20th September 2019. The amended licence including the agreed additional conditions is included as Annex 3. A copy of the consent order is also included as Annex 4.

On the 21st January 2020 the licensing authority carried out a number of inspections around the Fulham Broadway area with an officer from the Police licensing team. As part of these visits 51 Fulham Broadway was also visited and a full licensing inspection was carried out. During the inspection officers noted that Mrs Nageswary Shanmugaratnah was sat behind the counter at the premises. When asked why she was there she explained that she was helping out with the banking although she later stated that she was no longer involved with the premises. Officers were told that the individual in charge of the premises at the time of the visit was Mr Kirubahapan Murigesu. As such Mr Murigesu was asked to demonstrate that the CCTV system was operational and that he knew how to use it – in accordance with condition 6 of the premises licence. As he was unable to do this an inspection sheet was left at the premises as a warning letter. See Annex 5.

On the 6th February 2020 at 17:00 a further licensing inspection was carried out at the premises by two members of the licensing team. A breach of condition 6 was found as Mr Kirubahapan Murigesu was again left in charge of the premises and was unable to use the CCTV system. On this occasion the officers conducting the inspection asked if they could access the system themselves to check if it was working correctly. Mr Murigesu agreed to this. Whilst reviewing footage dated 21st January 2020, Mrs Nageswary Shanmugaratnah was observed behind the counter and was also seen serving customers. Mr Murigesu confirmed that Mrs Shanmugaratnah worked at the premises and explained that she would be in again on Thursday that week. Most concerningly the footage also showed Mrs Shanmugaratnah purchasing alcohol over the counter from an unknown individual. The Police have subsequently confirmed this person was a known shop lifter in the Fulham area. A copy of this footage was recorded on one of the licensing officers phones and is included as Annex 6. An inspection sheet was also left at the premises as a warning letter. Annex 7.

Breaches of conditions 15, 16, 17 and 23 were subsequently identified as having taken place on the 21st January 2020. These were included in a warning letter sent to licence holder and DPS Mr Thayalan Ratnam on the 20th February 2020. Annex 8.

On the 6th February 2020 Mr Ratman (the new licence holder) was emailed and asked to attend a meeting on the 10th February with officers from the Licensing Authority, Trading Standards and the Police. On the 7th February 2020, as per condition 6 of the premises licence, he was also asked to bring CCTV footage with him from the 14th, 21st and 24th / 25th January 2020.

On the 10th February 2020, prior to the afternoon meeting and as per condition 19 of the premises licence, Mr Ratnam was additionally requested to bring to the meeting all signed and dated records demonstrating staff training outlined in the condition.

On the 10th February 2020 Mr Ratnam attended the afore mentioned meeting, however he failed to bring along the CCTV footage and satisfactory training

documents as requested. This is a breach of conditions 6 and 19 and is outlined in a warning letter sent to Mr Ratnam on the 20th February 2020. Annex 8.

At the meeting Mr Ratnam was asked what was happening with the management of the premises and why Mrs Shanmugaratnah was still working there. Mr Ratnam explained that she only worked there very occasionally and was not paid. It was suggested to Mr Ratnam that it appeared he was the licence holder in name only, and that Mr Suganthan Sinnathurai and Mrs Nageswary Shanmugaratnah were actually managing the premises. Mr Ratnam denied this and agreed to send through further CCTV footage to prove who was working at the premises.

At the meeting Mr Ratnam was also asked generally about the premises licence in place and the conditions attached. Concerningly he was unaware of the conditions attached to the licence and could not name the four licensing objectives.

On the 13th February 2020 Mr Ratnam was emailed to request footage for 17th, 21st, 25th January 2020 and the 6th and 7th February 2020 as per condition 6 of the licence, and as per the meeting on the 10th February 2020.

On the 17th February 2020 Mr Ratnam was emailed again to chase the requested CCTV footage.

On the 20th February 2020, as no response was received, Mr Ratnam was sent a warning letter for a breach of condition 6 of the premises licence. Annex 8.

To date we have not received a reply to this email and the footage has not been provided.

Summary

This premises appears to operate with a complete disregard for the law and the licensing objectives.

It also appears that Mr Suganthan Sinnathurai and Mrs Nageswary Shanmugaratnah are still ultimately in charge of this premises and that Mr Ratnam is the licence holder in name only. This is contrary to the consent order agreed on the 25th September 2019 and specifically contrary to condition 23 of their new licence.

By operating in this way the premises has demonstrated no regard for the objectives and it is the authorities view that the continued operation of this premises is having an adverse impact on the following objectives:

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

Given all of the above we have no hesitation in respectfully requesting that the licence is revoked for a second time.

Please note that this review is sought in line with the Council's statement of licensing policy (section 21.6) which specifies that the licensing authority will regard applications for review of any premises licence particularly seriously where they involve evidence of:

- Underage sales and consumption of alcohol;
- Serious risks to children;
- Use of licensed premises for storing or selling illegal alcohol or tobacco or smuggled goods;
- The use of licensed premises for the sale of stolen goods;

Please provide as much information as possible to support the application (please read guidance note 3)

All information included in the grounds for review section.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

1	2	1	0	2	0	1	8
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If you have made representations before relating to the premises please state what they were and when you made them

Please see grounds for review section. The previous review was submitted because of persistent breaches of licence conditions in 2017 and 2018. The breaches continued despite multiple warnings from the licensing authority and a recorded interview under caution. During this period the premises was found to have sold alcohol to a child and was also found with non duty paid alcohol on the premises.

Please tick ✓

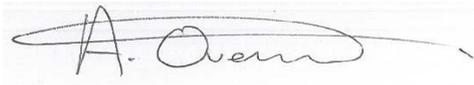
yes

- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**



Signature

Date **5th May 2020**

Capacity **Licensing Policy and Enforcement Manager**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.