

ANNEX 4

IN THE WESTMINSTER MAGISTRATES' COURT

BETWEEN

SUGANTHAN SINNATHRAI

Appellant

- and -

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Respondent

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CONSENT ORDER

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On the 5<sup>th</sup> December 2018, a hearing was held before the Licensing Sub-Committee of the Respondent to consider a review of the premises licence for 51 Fulham Broadway, SW6 1AE ("the Licence").

The decision of the Licensing Sub-Committee was to revoke the Licence. The Appellant appealed to Westminster Magistrates' Court pursuant to Schedule 5 of the Licensing Act 2003 and a hearing was scheduled to take place on 23 September

Following discussions between the parties an agreement has been reached and the terms of the agreement are set out below. Both parties are of the opinion that the agreement reached meets the licensing objectives and is fair, proportionate and reasonable.

Therefore, BY CONSENT IT IS ORDERED that: -

1. That the appeal against the revocation of the premises licence be allowed.
2. That the Licence shall be transferred from the Appellant to Mr Thayalan Ratnam.
3. That conditions shall be added to the Licence as follows:
  1. *The licensee shall not purchase or take alcoholic goods or tobacco products from persons calling to the shop.*
  2. *The licensee shall immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol or tobacco products.*
  3. *Only alcoholic drinks which are detailed on headed paper invoices will be purchased or accepted as part of a 'free' offer. Invoices for all alcoholic goods on the premises shall be made available to officers from the council, police or HMRC upon request.*
  4. *The licensee shall adopt 'Challenge 25', the Retail of Alcohol Standards Group's advice for off-licences, and promote it through the prominent display of posters.*
  5. *The licensee shall ensure that staff are trained on relevant matters including the conditions on the premises licence; age restricted products; and (if they are ever left in charge of the shop) the operation of the CCTV system and how to deal with visits from authorised officers. The licensee shall keep records of training and instructions given to staff, detailing the areas covered, and make them available for inspection upon request to the Council, police and any authorised officers. Staff shall sign to confirm that they have received and understood and the date of the training.*
  6. *Age-restricted products training shall cover the following steps: the assessment of age; how and when to challenge for proof of age; acceptable proof of age and how to check it; and recording refusals.*
  7. *The licensee shall put arrangements in place to ensure that before serving alcohol or other age-restricted goods to customers they believe to be less than 25, staff ask to see accredited proof of age: that is, proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the customer.*
  8. *The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection upon request by the licensing team, police or trading standards.*
  9. *The premises licence holder shall not permit Mrs Nageswary Shanmugaratnah or Mr Suganthan Sinnathurai to be employed by the business or involved in the management of licensable activities at the premises*

4. That the following conditions numbered 15 & 16 at Annex 2 of the Licence shall be removed.

*15. Any person who looks or appears to be under the age of 21 shall be asked to provide ID to prove that they are over the age of 18.*

*16. Only the UK photo driving licence, passport or Government approved PASS cards will be accepted as suitable identification.*

5. That the Appellant will pay to the Respondent the sum of £4,500.00 (FOUR THOUSAND FIVE HUNDRED POUNDS) within six weeks of the date of the endorsement by the Court of this consent order in respect of the costs incurred with this appeal.

We consent to an Order being made in the above terms.

Appellant

Dated 20 September 2019

Solicitor for the Respondent

Dated 20 September 2019

Upon the above agreement having being produced to the Court on this Appeal

IT IS HEREBY ORDERED THAT:

1. The appeal is compromised as set out above

Signed U-Bth  
District Judge/Magistrate

Dated 25.09.2019