

To: LBHF Licensing Team

Date: 06/05/20

Please ask for: Doug Love

LICENSING ACT 2003: REPRESENTATIONS BY RESPONSIBLE AUTHORITY

Broadway Food & Wine, 51 Fulham Broadway, SW5 1AE
Trading Standards representation to review application

Statement of facts

1. Following the application to review the licence made by the Licensing Authority, I wish to make the following representation on behalf of Trading Standards.
2. After becoming aware of information that suggested the business was selling shoplifted goods, I undertook a check of their alcohol stock on 28th January 2020. I did not find anything that was clearly incorrect, but there were several types of wine that I recognised as supermarket own brands, which I photographed. I attach these photos as Appendix TS 1.
3. At the meeting with the Premises Licence Holder Mr Overton refers to on 10th February, where Mr Ratnam exhibited very little knowledge of the business, the conditions on the licence, or the objectives of the Licensing Act, I handed him a letter requiring invoices to be produced for the 'own brand' wines that I had seen. I have included a copy of this letter as Appendix TS 2.
4. I have received no invoices or other contact from Mr Ratnam since this time – a breach of condition 17.

Summary and Recommendation

5. It appears that either Mr Ratnam is just a 'front' to allow the previous management to continue operating the business, or that he is dishonest, incompetent and totally unfit to be a premises licensee. Either way, Trading Standards request unequivocally that the licenced is revoked.
6. The fact that he has not provided invoices to show legitimate purchase of the own-label brands of wine I asked about, taken with the CCTV footage Mr Overton produces suggest that these were shoplifted items that the business had purchased to sell themselves.
7. There would be no way to tell, from a visual inspection such as the one that I carried out, whether other goods were shoplifted products, but it is unlikely that only 'own brand' products were targeted and reasonable to assume that much more of the stock consisted of stolen goods.

I believe this representation is consistent with the LBHF Statement of Licensing Policy and the promotion of the Licensing Objectives,

Doug Love
Senior Trading Standards Officer

Appendix 1 – photographs of ‘own-brand’ wines

Tesco ‘Wine Route’ line



Lidl's own brand 'Deluxe' Triple Sec



Finca Las Moras Shiraz
from Co-op



Hereford Tempranillo
from Co-op



London Borough of Hammersmith & Fulham

Trading Standards
Hammersmith Town Hall, W6

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Thayalan Ratnam
Broadway Food & Wine Ltd
51 Fulham Broadway
London
SW6 1AE

Date: 10/02/20

Dear Mr Ratnam,

Invoices required

I am writing to request that you provide invoices or other proof of purchase for the following brands of wine, which all appear to be supermarket own label. It is unusual, in my experience, for off licences to stock supermarket wine and while it is not illegal I would like to satisfy myself that they were legally sourced.

Wine Route – Chardonnay and Colombard Chenin Blanc (Tesco)

Finca Las Moras - Shiraz (Co-op)

Hereford – Tempranillo (Co-op)

Deluxe – Triple Sec (Lidl)

Please provide these invoices within 14 days.

Kind regards,

Doug Love
Trading Standards



The Licensing Authority
Hammersmith and Fulham Council
Clockwork Building
45 Beavor Lane
Hammersmith
W6 9AR

Date: 7th May 2020

TOTAL POLICING

The Licensing Authority
Hammersmith and Fulham Council
Clockwork Building
45 Beavor Lane
Hammersmith
W6 9AR

Date: 7th May 2020

Re: Broadway Food and Wine, 51 Fulham

Broadway SW6 1AE

Dear Licensing Team,

1. I write this representation on behalf of the Commissioner of the Metropolitan Police Service (MPS) in support of the review application submitted by the Licensing Authority regarding the premises known as Broadway Food and Wine, 51 Fulham Broadway SW6 1AE. The MPS supports the recommendation of the licensing authority to revoke the premises license.

2. The premises licence was previously revoked by the Licensing Sub-Committee following a review hearing on the 5th December 2018. This review was submitted by the Licensing Authority on the grounds of the prevention of crime disorder, the prevention of public nuisance, and the protection of children from harm licensing objectives. The MPS supported this review and submitted a supporting representation to the Licensing Sub-Committee recommending revocation of the license due to numerous breaches of conditions witnessed both by the Licensing Authority and local Police Licensing Officers.

3. The decision to revoke the premises licence was appealed by the Licence Holder and subsequently a consent order was agreed between all parties involved. This consent order included the agreement that the Premises

Licence would be transferred to another operator, that the DPS would be varied to another person who had no previous relationship with the previous Licence Holder or DPS and additional conditions to be added to the Premises Licence including:

TOTAL POLICING

- Condition 23 - 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. On the 21st January 2020 Pc Tom Stewart and LBHF Licensing Officer Cristina Perez visited the premises at approximately 18:00 hrs. Chelsea Football Club were playing a home match against Arsenal Football Club at Stamford Bridge Stadium, which is located a short distance from the premises. Observations were made by Pc Tom Stewart that Ms Shanmugaratnah was stood behind the counter, serving customers. This was in breach of condition 23 (see above). Ms should not have been working at the premises in any capacity. Pc Stewart asked Ms Shanmugaratnah why she was at the premises, to which she replied that she wasn't working there and then she subsequently walked to the rear of the shop, in an attempt to look inconspicuous.

5. During the visit, officers spoke to a male who was standing behind the counter. This male gave his name as Mr Kirubahapan Murigesu. Officers requested to view the CCTV in order to establish how long Ms Shansmugaratnah had been behind the counter and how many people she had served. Mr Kirubahapan Murigesu stated that he was unable to operate the CCTV system. This was a breach of condition 19:

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times that the premises is open to the public. This staff member will be able to show police recent data footage with the minimum of delay when requested. This data or footage reproduction shall be almost instantaneous.

6. On the 6th February 2020 Cristina Perez attended the premises and viewed the CCTV for the 21st January 2020. As the person in charge of the premises was not able to work the CCTV system, Ms Perez had to navigate it herself. Ms Perez noted on the footage a male enter the premises and appear to sell several bottles of

alcohol to Ms Shanmugaratnah, who was stood behind the counter. Ms Perez sent a copy of the footage to Pc Tom Stewart who subsequently identified the male via PCSO David Miller (see Appendix 1 for identification statement) as a regular shoplifter.

TOTAL POLICING

It is the submission of the MPS that the alcohol was likely to have been stolen and that Ms Shanmugaratnah would have been aware of this fact by the nature of the transaction.

7. This one incident involves numerous breaches of the premises licence as well as a clear disregard for the law. This incident is indicative of the operation of the premises over the last two years. Further to this incident, Dedicated Ward Officers Pc Alex Kalisz and Pc Day-Smith attended the premises on 4th March 2020 following reports from security staff at a Wilko store located in Fulham Broadway Shopping Centre, stating that they believed that items were being stolen from their store and were subsequently being sold at Broadway Food and Wine, 51 Fulham Broadway.

8. During the visit to the premises, officers noted several products on the shelves that had security stickers attached to them. These included washing tablets/powders and fabric softener. The premises do not have security barriers and therefore there is no logical reason for the premises to stock products with security tags. The location of the tags also matched the same location that Wilko place the security tags on the same products. A statement completed by Pc Alex Kalisz can be seen in Appendix 2 detailing this further.

9. In conclusion, it is the submission of the MPS that this premises is undermining the licensing objectives to such a degree that the Premises License should be revoked.

Appendices:

Appendix 1 – Viewing and identification statement (Redacted) – PCSO David Miller

Appendix 2 – Statement from Pc Alex Kalisz (Redacted)

Yours sincerely

Pc Tom Stewart 4230AW

Hammersmith and Fulham Police Licensing Team
(Central West Basic Command Unit)