

Licensing Sub-Committee

Supplementary Agenda A

Tuesday 21 February 2023 at 6.30 pm

This meeting will be held remotely

Watch the meeting live: [youtube.com/hammersmithandfulham](https://www.youtube.com/hammersmithandfulham)

MEMBERSHIP

Administration:	Opposition:
Councillor Mercy Umeh (Chair) Councillor Florian Chevoppe-Verdier	Councillor Dominic Stanton

CONTACT OFFICER: Debbie Yau
Committee Co-ordinator
Corporate Services
Tel: 07901 517470
E-mail: debbie.yau@lbhf.gov.uk

Public Notice

This meeting will be held remotely. Members of the press and public can watch the meeting live on YouTube: [youtube.com/hammersmithandfulham](https://www.youtube.com/hammersmithandfulham)

Speaking at Licensing meetings is restricted to those who have submitted a representation and registered to speak.

Date Issued: 20 February 2023

Licensing Sub-Committee Supplementary Agenda A

21 February 2023

Item

Pages

5. BROADWAY FOOD & WINE, 51 FULHAM BROADWAY, LONDON SW6 1AE - ADDITIONAL INFORMATION FROM THE OBJECTOR

3 - 18

Agenda Item 5

From: Charlotte Dexter
Sent: 20 February 2023 08:13
To: Mckenna Lorna: H&F <Lorna.Mckenna@lbhf.gov.uk>; Licensing HF: H&F <licensing@lbhf.gov.uk>
Cc: Overton Adrian: H&F <Adrian.Overton@lbhf.gov.uk>
Subject: EMAIL #1 6 questions w/ 51 Fulham Broadway agent 16 Feb 2023 Fwd: Re Broadway Food & Wine

EMAIL #1, 8am Mon Feb 20
6 questions w/ 51 Fulham Broadway agent 16 Feb 2023

Dear Licensing

I am now sending various that I prepared/was required to re-work after the Friday submission from the Agent's Applicant.

Charlotte Dexter
Barclay Road
London SW6 1EJ

Begin forwarded message:

From: GRAHAM HOPKINS <
Subject: Re Broadway Food & Wine
Date: February 16, 2023 at 3:00:11 PM GMT
To: Charlotte Dexter <

Good afternoon Ms Dexter,

Re your last enquiry re Broadway Food & Wine please see the replies from Mr Shanmugaratnam below which are in blue ink.

Kind regards,

Graham Hopkins
GT Licensing Consultants

1 Tx for below regarding Mrs Shanugaratnam is. I've seen her around so I guess she has the place under control and is looking forward to more customers.

Mrs Shanmugaratnam will not be allowed on the premises to conduct licensing activities (as per condition set by LA).

2 We now would like to know if the Applicant could install a 'till prompt' system to remind to check for age of purchase?

Yes - if not already installed.

3 We are confused re the name of the shop. Is it Food & Wine or Cabin Convenience ? I can't find it on Companies House

Fulham Broadway Food & Wine Ltd

4 what happened to the NISA connection? ... [stopped due to commercial reasons](#)

5 How do you survive without a big supplier dealing with all the Distribution issues?
.... [wholesale Cash and Carry Outlets that specialise with small retailers \(Bestway, Abra, Bookers, etc.\)](#)

6 Buying alcohol (trade purchases for resale) is almost impossible now post BREXIT without a franchise or supplier network. How do u plan to deal with this?

Looking forward to hearing from you very soon as deadline is approaching. [See response to 5](#)

From: Charlotte Dexter <
Sent: 20 February 2023 08:52
To: Mckenna Lorna: H&F <>; Licensing HF: H&F <licensing@lbhf.gov.uk>
Cc: Overton Adrian: H&F <>
Subject: EMAIL #2 Who's Who/no to cashless/no to court costs awarded to H&F with Agent Fwd: 51 Fulham Broadway

EMAIL #2 Who's Who/no to card only alcohol purchases/no to court costs awarded to H&F

Main points:

- Leaseholder is Prabakran Shanmugaratnam.

- Prabakran Shanmugaratnam is the son of Mrs Nageswary Shanmugaratnam

- Mrs Nageswary Shanmugaratnam is the sole director of Broadway Food & Wine Limited at 51 Fulham Broadway (Companies House10819647)

- Mrs Nageswary Shanmugaratnam is the mother of Prabakaran Shanmugaratnam

- Mr.Thayalan Ratnam rented the premises from Prabakaran Shanmugaratnam to run a business

- Won't go cashless/card only for alcohol (and or cigarettes)

- Have not paid appeal court costs awarded to H&F, and will not see to it that appeal court costs are paid (by whomever).

.....
Begin forwarded message:

From: GRAHAM HOPKINS <>
Subject: Re: 51 Fulham Broadway
Date: November 22, 2022 at 10:57:38 AM GMT
To: Charlotte Dexter <>

Good morning Ms Dexter,

Our client is fully aware of the neighbourhood in which his shop is located and of the issues arising. We discussed the basis of the operation with him in detail before drafting the application. We asked for the conversation with residents to be in writing so that we have a written record in case the application goes to a Hearing to protect our clients interests.

In our opinion we have answered your questions re "going cashless" & children in uniform etc.The issues were discussed with our client and they made their decisions which are perfectly legal. There is no point in discussing these areas further.

If you have other points please put them in writing so that we can consult our client. We will speak to our client re staffing issues and get back to you.

Kind regards,

Graham Hopkins
GT Licensing Consultants

On Mon, 21 Nov 2022 at 21:59, Charlotte Dexter < > wrote:

Hello again

Your suggested means of communicating via Email only is definitely not a satisfying means of communicating with your client, third hand; too many misunderstandings and no real dialogue. I am sorry that your client understands so little about our neighbourhood.

You have not answered my third point.

Charlotte Dexter Murray
Barclay Rd
London SW6 1EJ Sent from my iPhone

On 21 Nov 2022, at 19:38, GRAHAM HOPKINS < > wrote:

Hi Ms Dexter,

The position has not changed.

As we said earlier

1) The shop will not be cashless. Our clients will let customers make card payments or pay cash as they wish. There are people especially elderly people who do not have or wish to have cards. We regard this aspect as fully answered from our point of view and now closed.

2) We do not propose to refuse children wearing school uniform. If schools or parents wish to enforce that children should not go shopping in school uniform that is up to them. Our client has proposed robust measures to address their legal duty or prevention of harm to children including the Challenge 25 Policy, staff training and CCTV. We now regard this aspect too as fully answered and closed.

Kind regards,

Graham Hopkins
GT Licensing Consultants

On Mon, 21 Nov 2022 at 16:45, Charlotte Dexter < > wrote:

Hello again, there is misunderstanding here:

1) We did not suggest 'banning' children, to be clear. We suggested not selling to children in school uniform to support schools who are trying to keep children out of shops by requiring them to go straight home from school and specifically not to go into shops when wearing their school uniform. Sorry if this was unclear to your client.

2) The point about cashless payment for alcohol only purchases is that it can cut down on those people coming in for a 'needed' drink. Your client will know that many small shops, especially convenience shops are moving to this more secure approach for the shopkeeper (so preventing crime opportunities to raid the till etc) and a better way to handle at least some people in 'need' of alcohol (thus preventing nuisance and upholding public safety).

3) Regarding who is applying, thank you for explaining that it is the leaseholder Prabakran Shanmugaratnam.

Pls could you explain who Mrs Nageswary Shanmugaratnam is. Someone I know met her once in the shop and wrote down her name.

I've copied back in my initial points to make clear what I wrote, as a trail.

" Thank you for contacting me.

We have several concerns. Three that I'll bring up now are below. (I am on the road so will email again)

1) Residents are wondering about you going to cashless payments only, at all times or at certain times. This certainly helps with keeping at bay those who 'need' alcohol but only have spare change, especially around Fulham Broadway (daily problems around here regarding homeless, drunks, begging on the rise). Could also help around football match times. I suppose after school those children allowed to go into shops in uniform (most are not allowed by their schools to go into shops in uniform, fyi) only have small change. Pls could you address this by responding with your thoughts, in the first instance.

2) Could you pls explain who the applicants are. My understanding is that they are related or are associated with the various previous premises, ie the present premises; the leasehold has not changed hands, is my understanding.

3) have the court costs now been paid in full to the Council ie the outstanding ca. £12,500?

Looking forward to hearing from you.

Charlotte Dexter Murray
Barclay Road Neighbourhood Watch
Barclay Rd
London SW6 1EJ

.....
On 21 Nov 2022, at 15:28, GRAHAM HOPKINS < > wrote:

Ms Dexter,

Our client has responded about going cashless, they do not intend to be cashless which is understandable for a convenience shop.

I have asked them further about their childrens policies. They do not intend to ban children as that would be ageist.

The client has proposed measures to address the protection of children including the Challenge 25 proof of age scheme as recommended by HM Government, staff training and CCTV.

Kind regards,

Graham Hopkins

.....
On Mon, 21 Nov 2022 at 14:47, Charlotte Dexter < > wrote:

Thank you. Everything is going cashless. Suggest you offer to go cashless as this has the potential to definitely reduce crime from many/all angles. Reduced crime is a 'convenience' we all need around Fulham Broadway. You did not address our concerns about children so I take it that income from children is no longer a part of your business.

Charlotte Dexter Murray

Barclay Rd
London SW6 1EJ
Sent from my iPhone

.....
On 21 Nov 2022, at 14:08, GRAHAM HOPKINS < > wrote:

Dear Ms Dexter,

Our clients responses to your initial questions as explained to us are below.

Regarding Cashless payments.

We would be like any other retail business in the vicinity, in the sense we aim to provide a positive customer experience. Being a 'convenience' store, one part of that experience is giving the customer a choice regarding how they wish to process a transaction. As long as it's legal / compliant for businesses to accept cash , we will continue to do so.

Regarding leasehold.

The leasehold (ownership rights of a property) has nothing to do with the business / License to Occupy. **The previous license holder (and therefore business) was Mr. Thayalan Ratnam.**

The leaseholder (Prabakaran Shanmugaratnam) has now decided to run a business in the property, providing that a premise license can be obtained.

As per point 2 above, the courts costs were given to **Mr. Thayalan Ratnam (who rented the premise from Prabakaran Shanmugaratnam to run a business,** in this case an Off-License).

The reason Thayalan Ratnam's license was revoked is because he failed to comply to the Licensing Objectives of an Off-License business. As such, the courts also found him negligent and requested he pay the court costs.

My client (Prabakaran Shanmugaratnam) has nothing to do with the courts or mistakes of the previous incumbent.

However, as goodwill and courtesy, my client has communicated with the Council regarding a payment plan, should the premise license be granted.

We will try to answer further questions which we ask are sent to us in writing so that we can ask our client to formally respond. We will ask the same of other residents too.

Kind regards,

Graham Hopkins
GT Licensing Consultants

.....
//end of email trail///

From: Charlotte Dexter

Sent: 20 February 2023 09:11

To: Licensing HF: H&F <licensing@lbhf.gov.uk>

Cc:

Subject: EMAIL #3 recent Scams at 51 Fulham Broadway 4-page PDF 2022/01898/LAPR application for new alcohol Premises licence

[EMAIL #3 4-page PDF recent Scams at 51 Fulham Broadway 2022/01898/LAPR application for new alcohol Premises licence](#)

I attach for the Committee hearing on 21 Feb 0223 18:30 4 pages with screen grabs relating to reviews. I have explained everything at the top of page 1 of 4.

I would like the Committee to know that apparently this is only the tip of the iceberg. They will know from previous hearings about Sainsbury-branded wine bottles being sold in this shop, along with all sort of other 'loose' items discovered by Trading Standards.

Charlotte Dexter
Barclay Road
London SW6 1EJ

Evidence of alleged scams in this shop (and former Licensed Premises). I would like the Committee to be aware of:

1) the 'homeless person needs a pizza scam' (page 2—two different people reported this on two different dates)

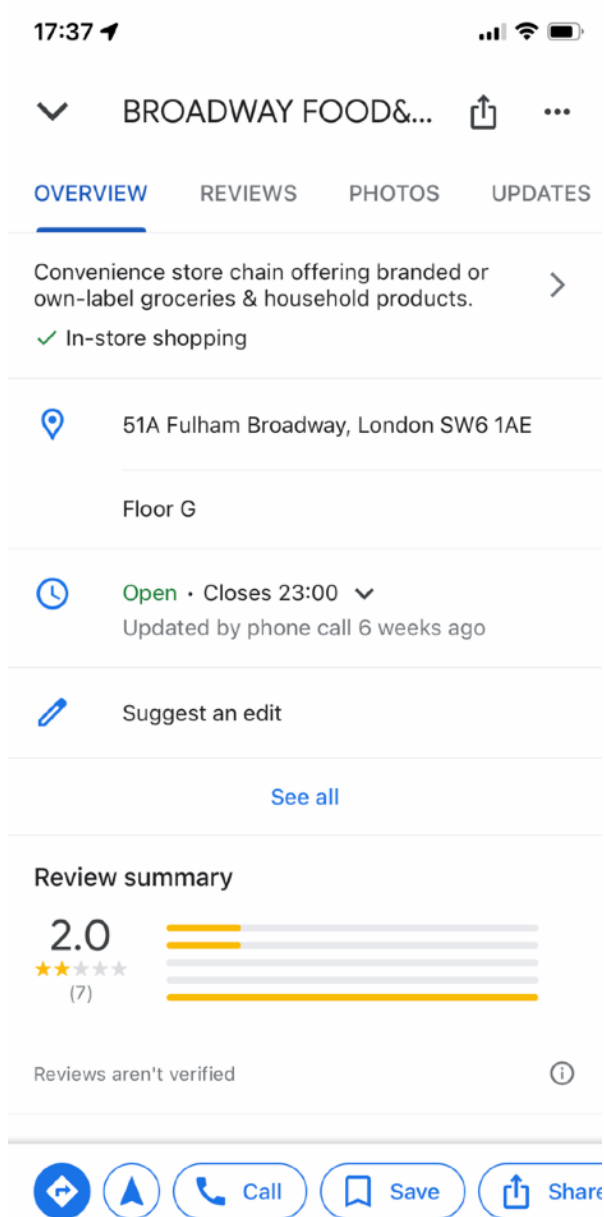
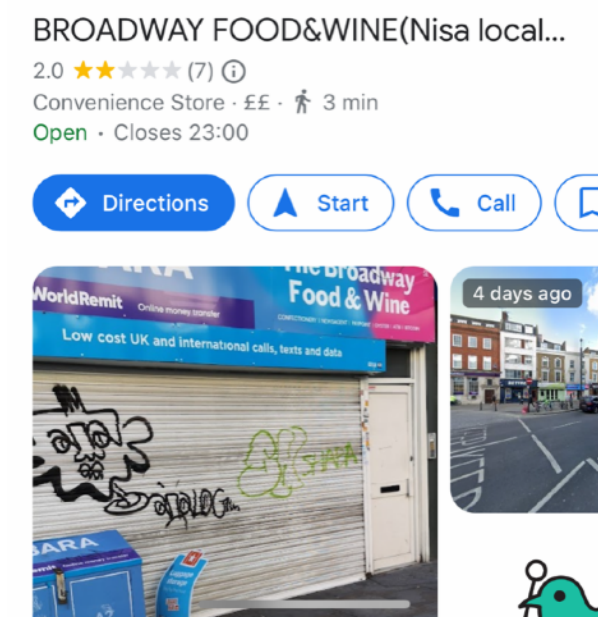
2) the 'luggage storage' scam reported only 4 weeks ago (page 3) on reviews on Google maps.

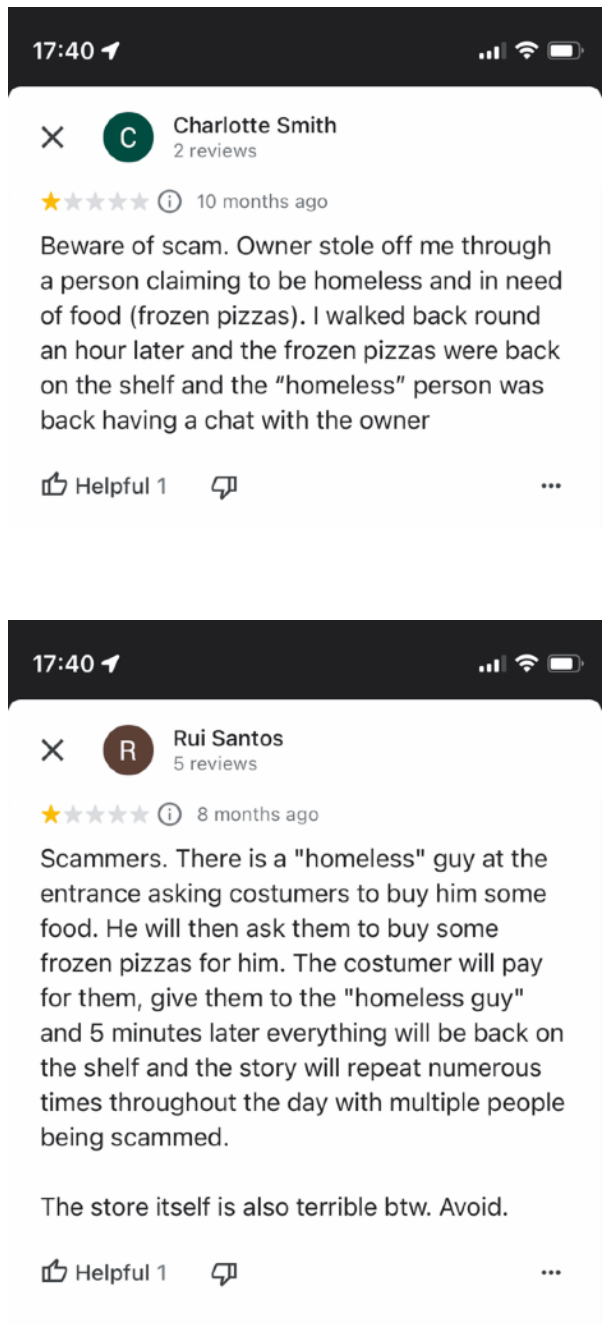
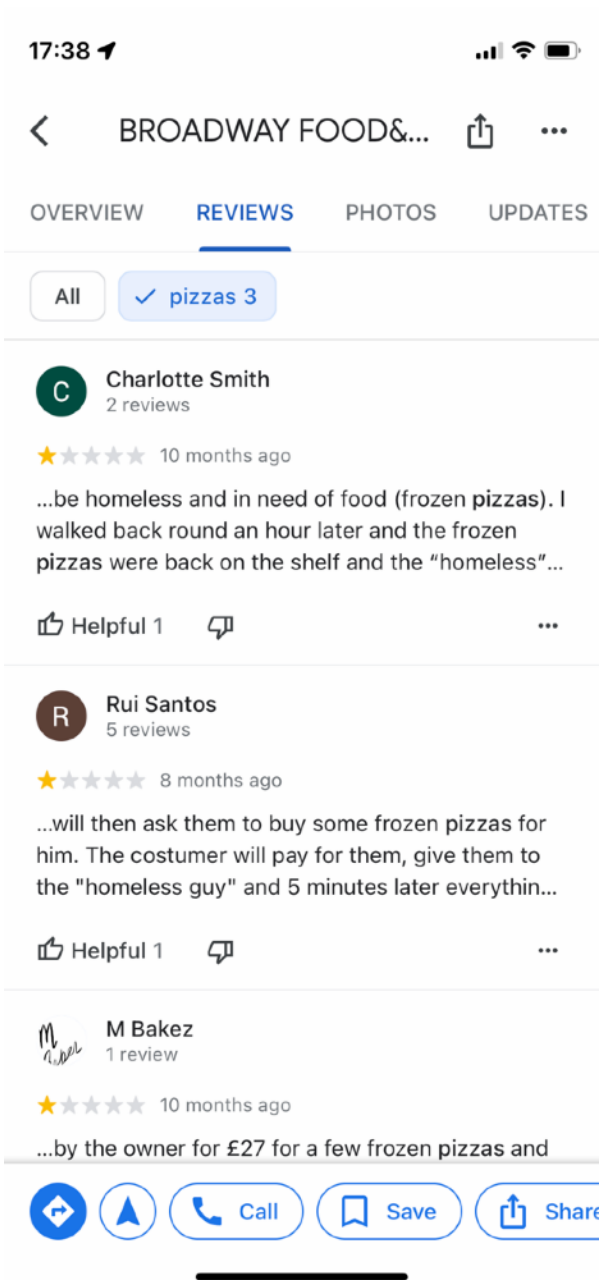
Note: LuggageHero - Luggage storage Stamford bridge advertises on Google maps that you can leave luggage at Broadway Food & Wine, 51 Fulham Broadway SW6 1AE

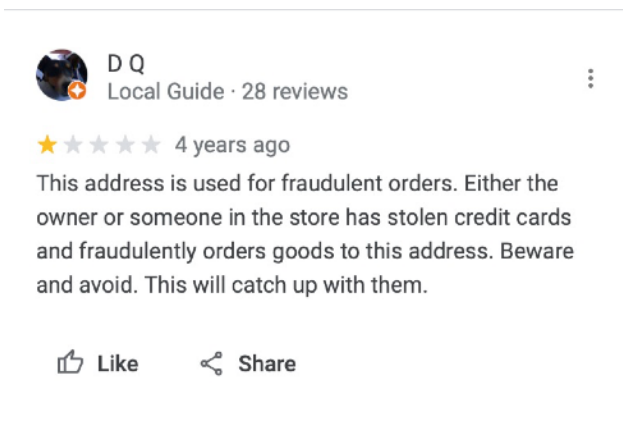
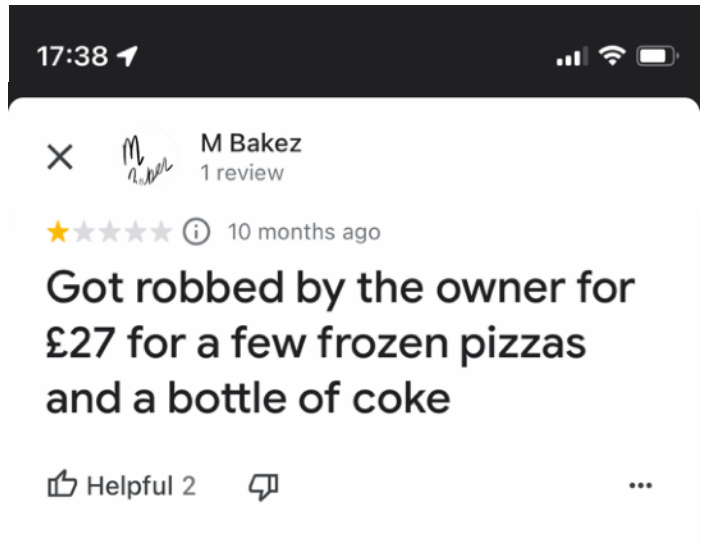
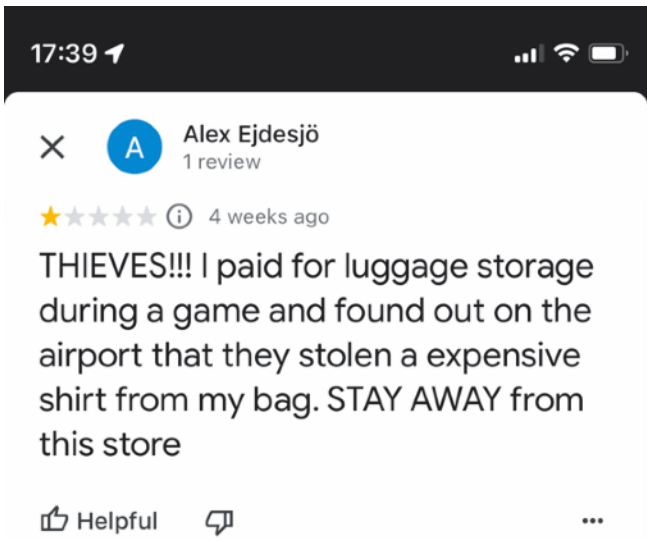
3) Companies House info, screen grabs for easy reference for the Licensing Committee hearing 21 Feb 23


4) Key Nest, Smart Key exchange (key holder for Airbnb type services).


The Committee will see the small green bird at bottom right of the first screen grab (input Broadway Food and Wine 51 Fulham Broadway into Google Maps). KeyNest no longer offers their service at 51 Fulham Broadway. They are willing to give a witness statement as to why, if needed by the Committee, at a de novo Appeal.








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BROADWAY FOOD & WINE LIMITED

Company number **10819647**

1 officer / 0 resignations

SHANMUGARATNAM, Nageswary

Correspondence address

51 Fulham Broadway, London, United Kingdom, SW6 1AE

Role **ACTIVE**
Director

Date of birth
July 1953

Appointed on
15 June 2017

Nationality
British

Country of residence

1 active person with significant control / 0 active statements

Mrs Nageswary Shanmugaratnam **ACTIVE**

Correspondence address

51 Fulham Broadway, London, United Kingdom, SW6 1AE

Notified on
15 June 2017

Date of birth
July 1953

Nationality
British

Country of residence
United Kingdom

Nature of control
Ownership of shares – 75% or more

Ownership of voting rights - 75% or more

Right to appoint and remove directors

From: Charlotte Dexter
Sent: 20 February 2023 10:56
To: Mckenna Lorna: H&F <Licensing HF: H&F <licensing@lbhf.gov.uk>
Cc: Overton Adrian: H&F
Subject: EMAIL #4 Evidence to support my Rep: Redacted statement from major retailer regarding 51 Fulham Broadway

Dear Licensing Sub-Committee

On behalf a major retailer in the Fulham Broadway area, I am submitting this information as anonymously as possible.

Having witnessed much theft first hand in shops around Fulham Broadway, I have taken the initiative to meet directly with managers of the major retailers of food and household goods in the Fulham Broadway area. They have made me acutely aware, in great detail, of the theft gangs who work around here everyday and resell into 51 Fulham Broadway—this is all about stolen goods being resold.

I have witnessed these gangs myself, for instance, a group of five men stealing Champagne, exiting the retailer, running across the road, stashing the bottles in big black carrier/shoulder bags and the ‘runners’ cycling off. They are well known to the retailers and to the Police. I spoke with the Licensing Police about these problems. I was told to provide evidence, which is a bit difficult for residents to do. As I had done the ground work to meet and discuss these problems with the retailers, I asked for witness statements to be taken in respect of this specific Application in front of the Sub-Committee tonight, but that did not happen, unfortunately.

I asked one of the retailers to write to me about the Licensing Application 2022/01898/LAPR, and said that I would redact the email, which I am doing here.

The retailer wrote to me as follows:

"15 Nov 2022: I am writing to you to give my position on the premises licence application for Broadway Food and Wine (BFW), reference code 2022/01898/LAPR.

"I work xxxxxxxxxx which is xxxxxxxxxxxxxxxxxxxx Broadway Food and Wine. My current role is manager for xxxxxxxx. When I first started this position one of our biggest challenges was the high amount of theft of spirits and wine which was then being re-sold illegally by BFW. This has been confirmed by xxxxxx and witnessed it happening first hand. Not only does this practice negatively affect our business but it also has a hugely detrimental effect on the area in general, attracting a large amount of unsavoury characters to frequent the high street. It is for this reason I strongly oppose Broadway Food and Wine having there alcohol license re-instated."

I, Charlotte Dexter, would like the Committee to know that I was told further that these thieves hang out/‘work’ the North End Road, Earls Court and Fulham Broadway. They are seen almost every day by one retailer who walks for exercise to Earls Court every day to catch the tube home. I have seen photos of the thieves, taken by the retailers. There is a ginger haired woman, who apparently the retailers have nick-named ‘Ginger’. I have heard first hand accounts regarding stolen shopping baskets of candy and alcohol being taken around to 51 Fulham Broadway and a manager of the retailer going around to ask for his/her baskets to be returned, with the stolen goods still in the baskets and visible at the end of the counter.

The goods being resold are everything from sweets to other small items that children like, to cheese, washing liquid to alcohol.

I have very strong assurances from the retailers that they would give witness statements to the Police about these retailers' goods being resold in the shop at 51 Fulham Broadway, were these to be needed, for instance, should the Applicant choose to appeal tonight's decision by the Sub-Committee. I am advised that it is therefore important that I submit all this in writing at this time.

Separately, I have submitted four pages of reviews explaining recent scams at this shop that have taken place after the rejection of the last Licensing Application 2021/01448/LAPR Status: Rejected (Decision Letter published 12 Jan 2022).

Charlotte Dexter
Barclay Road
London SW6 1EJ

From: Ward Panel Chair Walham Green < >

Sent: 20 February 2023 00:00

To: Licensing HF: H&F <licensing@lbhf.gov.uk>

Subject: Re: LSC Agenda - 21FEB23 - 2022/01898/LAPR - : Broadway Food And Wine, 51 Fulham Broadway London SW6 1AE

Dear Sirs

Please include the following in the Agenda pack.

The application states that the applicant is a sole trader, and the implication is that he now owns the business. However the business is still registered at Companies House as a Limited Company and has not been dissolved.

Having read the agenda pack I was particularly surprised to see that the applicant maintained he was not in a position to implement any of the new requirements since he has been financially involved in the business for some considerable time.

Annabel Cottrell

Annabel Cottrell and Sarah Chambers
Co-Chairs Walham Green Town Ward Panel.

If you receive this email in error, please delete it.

From: Charlotte Dexter <>
Sent: 20 February 2023 12:36
To: Mckenna Lorna: H&F <>; Licensing HF: H&F <licensing@lbhf.gov.uk>
Cc: Overton Adrian: H&F <Belinda Donovan <>
Subject: Speech for Supplemental Agenda item from Belinda Donovan 2022/01898/LAPR for 21 Feb 18:30

Dear Lorna

Belinda Donovan has asked me to send you this. I'll be touching on some of these points for her as she is just out of hospital and might attend but cannot speak. I will be representing her and she asks that her 5 minutes are given to me or my representative.

1. Please publish as below.
2. Please send her hearing zoom details when you have them.

Thanks. , this so that she can watch live, but not make her speech. She might be able to answer a question during the question time, from a Sub-Committee member, so she'll be prepared for that.

Begin forwarded message:

From:
Date: 14 February 2023 at 14:35:29 GMT
To:
Subject: Speech for tonight
Reply-To:

I have just had an operation under general anesthetic and if I do appear on zoom, resemble someone who has lost in a boxing match - I have therefore asked Charlotte Dexter to kindly read out my speech as I feel very strongly that this License should not be granted.

This area should be part of a cumulative impact zone and should be treated as an extra special case - due to COVID restrictions this has not been able to happen. There are enough local off-licence shops and large retailers in the area; we don't need another off-licence, especially one that has such a bad track record and reputation. I understand that the Applicant is the son of the woman who has been banned previously from any licensing activities and the proposed conditions for this present licencing Application 2022//01898/LAPR 51 Fulham Broadway, would ban his mother from the shop at any time when licensing sales or activities are taking place, which could be any time, so effectively, she would effectively be banned by condition from the shop at any time.

Even if the cumulative impact zone had been kept, this Licence will be a disaster for the community - the local Schools have extra worry of their underage pupils being sold alcohol illegally - they have enough to worry about playing catch up after COVID with online classes and the additional worry of protecting their pupils from harm should not be on their agenda. Sales to drunks have also been noted - we should be proud of Fulham Broadway as a town centre, not worried constantly that children are unable to sleep at night because of the constant noise and the worry of street drinkers being lured to the area because they know that they can get that final drink here, or play a part in the pizza for homeless scam that this shop is know for running (see screen grabs of reviews mentioning this more than once).

I am so relieved that the LBHF head of Safeguarding has written a strong Representation to not grant any licence of any kind for 51 Fulham Broadway. She lays out solid legal arguments for the Committee. Several of us have been working very hard to raise the awareness of LBHF Safeguarding of the danger of some of these rogue licensing applications, especially when there is proof that children have been harmed.

As a Local Councillor until May 2022, I instigated the Shepherds Bush/Askew/Addison cumulative impact zone with the neighbourhood watch community and a resident in a wheel chair who could not

get her wheelchair past a drunk lying on the floor outside her local Sainsburys - Sainsburys was then constantly selling alcohol to drunks and the resident could not buy food.

Please do not allow this proposed license to be granted in any form for 51 Fulham Broadway (neither as a sole trader getting around the same shop name with or without Limited status), especially for the sake of local childrens' continued education.

As a local Ward Councillor for four years around Fulham Broadway I regularly walked every street as all Councillors do, as well as often having coffee with residents - we know our area well - please do not wreck it by granting this rogue trader a licence.

The Applicant promised us at the last hearing in January 2022 that he would pay to the LBHF Council the court costs stipulated by the appeals judge at Westminster Magistrates Court. The Applicant has not paid them nor has he seen fit to get the £12,500.00 paid. He has no plans to resolve this point. Not paying is criminal. Why grant him a licence? How can a proposed Premises Licence Holder promote the prevention of crime when he is skirting the law himself?

Belinda Donovan

Past Cllr for Addison and Town Wards for four terms of Office