

London Borough of Hammersmith & Fulham

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To: LBHF Licensing Team

Date: 14/12/21

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Love

LICENSING ACT 2003: REPRESENTATIONS BY RESPONSIBLE AUTHORITY

Fulham Cabin Convenience Store, 51 Fulham Broadway, SW6 1AE
Trading Standards representation to premises licence application

1. This application is made by Prabakaran Shanmugaratnam at the premises that previous traded as Broadway Food and Wine. The Licensing Sub-Committee has twice revoked licences at this premises.
2. On the first occasion in December 2018, the Committee revoked the licence due to persistent breaches of conditions, the presence of illicit alcohol on the premises and an underage sale. The premises licensee at that time was Suganthan Sinnathurai and Mrs Nageswary Shanmugaratnam was involved in managing the business. A consent order was agreed before the appeal was heard, with an attempt to ensure there was a genuine change of management by conditioning against the involvement of Mr Sinnathurai and Mrs Shanmugaratnam
3. On the second occasion, in July 2020, the premises licensee, Thayalan Ratnam, lost the licence after persistent breaches of conditions, including allowing Mrs Shanmugaratnam to work at the business. Mr Ratnam was not seen by officers at the shop and did nothing to suggest he could improve the management of the business when he was called to meet with officers of the responsible bodies. The Council's decision was upheld by City of London Magistrates in November 2021.
4. The applicant attended an online meeting with officers from responsible authorities. He told us that he'd had a financial interest in the business for some years, but had not been involved in the day-to-day management. Mrs Shanmugaratnam is his mother and Mr Slnnuthurai his brother-in-law. His intention, if this application succeeds is, he says, to be involved in the day-to-day management of the business.
5. Mr Shanmugratnam spoke well at the meeting. He appears to understand the previous issues at the business and gave me some confidence that the business may not cause similar concerns in future. Further, it would not be just to consider this application in the light of the actions of his relatives.
6. However, it is a fact that the applicant was financially involved in the business during the period of the issues and can be presumed to have been aware of the issues, at least by the time they became significant enough for applications to review the premises licences to be made. It may be thought strange that the responsible authorities only became aware of the applicant when an application to transfer the licence into his name was received, only days before the appeal against revocation was heard.

7. For this reason, I believe that the application should go before the Licensing Sub-Committee for them to judge whether it should succeed.
8. If it is possible – and my knowledge and understanding of the Licensing Act is fairly limited on this point - I would like the licence, if granted, to be issued for a limited period only, maybe between 6 months and a year. This would enable the responsible bodies to make fully informed representations should a new application be made at the end of that period: if there continue to be problems, these representations could be made with knowledge of the new management; if there are not, it is likely that the application would receive no objections.
9. In any case, I believe the operating schedule on the application needs to be amended, with the following conditions (taken from the current pool of conditions) added:
 - The Licensee shall report to Trading Standards any instance of a caller to the shop attempting to sell alcohol or tobacco products within 24 hours.
 - All staff responsible for selling alcohol shall receive relevant training before making any unsupervised sales. The training shall include:
 - the Licensing Act 2003 in terms of the licensing objectives and offences committed under the Act;
 - the conditions of the Premises Licence;
 - the sale of age-restricted products.

This training will be refreshed at least every six months. Staff shall sign to confirm that they have received and understood the training. Written records of this training shall be retained and made available to the Police or authorised officers of the Licensing Authority upon request.

 - 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; and recording refusals.
10. A similar condition to the first of these was on the revoked licence and, given the previous incidence of illicit alcohol being purchased for the business and the suspicion that stolen alcohol has been purchased for the business (a suspicion which the revoking Committee in 2020 did not find evidence to support), I see no reason why something similar should not be on any new licence. It is reasonable to assume that there will be attempts to sell illicit or stolen goods made by people visiting the shop and it promotes the prevention of crime and disorder if this is reported.
11. The last two conditions on training are more detailed than and should replace the two proposed by the applicant (effectively that training is done and written records of it will be kept and made available). I argue that the detail is necessary to clarify the nature of the training required, but should also be helpful to the licensee to have on the condition as a checklist of what training should cover.

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