

Background

The premises currently operates as a convenience store and was previously known as Broadway Food and Wine. The premises operated under a premises licence (2019/01450/LAPR) which permitted the following: Sale of alcohol for consumption off the premises Monday to Sunday 08:00 until 23:00 hours. Hours the premises are opened to the public: Monday to Sunday 08:00 hours to 23:00 hours. There were twenty-three conditions attached to the licence to promote the licensing objectives.

Based on the Council's database, a new premises licence was applied for on the 11 March 2011 by Convenience Store Retailing Ltd. The application was for the sale of alcohol off the premises between 08:00 hours and 23:00 hours. This application was granted on the 14 April 2011.

On 3 February 2015, Mrs Thurka Jeyakumar submitted an application to transfer the premises licence from Convenience Store Retailing Ltd to Mrs Thurka Jeyakumar. On the 5 February 2015, an application was submitted to vary the Designated Premises Supervisor (DPS) to Mrs Thurka Jeyakumar.

On 28 November 2017 Mr Suganthan Sinnathurai submitted an application to transfer the premises licence from Mrs Thurka Jeyakumar to Mr Suganthan Sinnathurai. Additionally, an application was submitted to vary the DPS to Mr Suganthan Sinnathurai.

On the 12 October 2018, Hammersmith and Fulham Council Licensing Authority submitted an application to review the premises licence on the grounds of the prevention of crime and disorder, the protection of children from harm and public safety. On the 5 December 2018, the Licensing Sub-Committee considered the application and revoked the premises licence.

On 15 February 2019 an Appeal was lodged against the decision to revoke the licence, subsequently discussions were held between all parties. As a result of these discussions, an agreement was made between the Authority and the Appellant. This agreement resulted in the licence remaining active,

however further conditions were attached to the licence to promote the four licensing objectives. A consent order was signed by the District Judge on the 25 September 2019.

On 4 September 2019, Ms Gill Sherratt of Licensing Matters Limited, submitted an application to transfer the premises licence from Mr Suganthan Sinnathurai to Mr Thayalan Ratnam and also submitted an application to vary the Designated Premises Supervisor (DPS) to Mr Thayalan Ratnam. The licence was issued on the 15 October 2019. The licence issued on the 15 October 2019 to Mr Ratnam did not include the new conditions agreed as part of the consent order on the 25 September 2019.

On the 23 January 2020 the licence was reissued to Mr Ratnam with the conditions agreed as part of the consent order.

On the 12 May 2020 a suspension notice was sent to Mr Ratnam. The suspension notice advised Mr Ratnam that the licence will be suspended on the 20 May 2020 for non-payment of annual fee due on the 14 April 2020. Our database shows that the licence was suspended between the 20 May 2020 and the 23 July 2020 when the fee was paid. In accordance with Section 55A of the Licensing Act 2003 if a premises licence is suspended licensable activities should not be carried out. Any activities carried out would be an offence under the Act.

Enforcement History

On the 5 May 2020, the administration team received a copy of the review application which was submitted by Adrian Overton Licensing Enforcement and Policy Manager. Mr Overton applied for a review of the premises licence under Section 51 of the Licensing Act 2003.

The application for a review of the premises licence was made on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm following continuous breaches of licence between January 2020 and March 2020.

On the 6 May 2020, licensing received a representation from the Trading Standards Team of the London Borough of Hammersmith and Fulham in support of the review application.

On the 7 May 2021, licensing received a representation from the Police Licensing Officer on behalf of the Metropolitan Police Service in support of the review application.

On the 22 July 2020, the licensing sub-committee considered the application. The licensing committee considered the application and revoked the premises licence in effect for 51 Fulham Broadway.

On the 17 September 2020 we received a summons and letter of complaint which stated that the premises licence holder had lodged an appeal with the Magistrates' Court against the decision of the Licensing Sub-Committee.

On the 12 November 2021 the Magistrates' Court dismissed the appeal for Broadway Food and Wine on all counts and upheld the Council's decision to revoke the premises licence in July 2020.