

LICENSING CONSULTATION INTERNAL MEMO

To : **Maria Dimitriou**

From : **Adrian Overton**

Date : **11th January 2022**

Premises : **Fulham Cabin Convenience Store, 51 Fulham Broadway, SW6 1AE**

CAPS Ref : **2021/01448/LAPR**

Application : **New premises licence**

I am the Licensing Policy and Enforcement manager for the London Borough of Hammersmith and Fulham. I am also able to act as the responsible authority for the Licensing Authority of the London Borough of Hammersmith and Fulham.

I have considered the above application and wish to make a representation on the basis of past adverse enforcement history at this premises which has been outlined below.

The application

On 13 September 2021 Prabakaran Shanmugaratnam applied for a new premises licence in respect of Fulham Cabin Convenience Store, located at 51 Fulham Broadway London SW6 1AE.

The following activities were included on the application:

- Monday to Sunday : 08:00 - 23:00
- Hours open to public: Monday to Sunday 08:00 - 23:00

Supporting information – Enforcement summary

This premises has been the subject of previous adverse enforcement history for over 2 years with some of the original offences taking place in 2017.

The licence was originally reviewed asking for revocation in October 2018 after multiple licensing breaches and the sale of alcohol to a child; this revocation was granted by the Sub-Committee in December 2018.

The decision was then appealed early in 2019 and in July 2019 a consent order was agreed on the basis that the two individuals who managed the premises previously should not be involved in any licensable activities at the premises – these two people Mr Sinnathurai and Mrs Nageswary Shanmugaratnah.were specifically named in a condition which was then added to the licence.

In January 2020 during an inspection one of the individuals (Mrs Nageswary Shanmugaratnah) was found selling alcohol behind the counter. This person was also seen on CCTV purchasing alcohol from someone who the Police later identified as a known shoplifter. The licence was reviewed again in May 2020 (asking for revocation) but the hearing did not take place until July 2020 due to Covid.

The licence was revoked for the second time in July 2020 and subsequently appealed again. Further Licensing and Trading Standards breaches were found in August 2021 which were also used in evidence for the case.

Conclusion

Whilst appreciating that this application is being made by a different person, and is an entirely new licence, I still have concerns that the previous owners will have some form of involvement with the business in the future. This concern is compounded by the fact that the new licence holder (Prabakaran Shanmugaratnam) is a close family contact of Mr Sinnathurai (the previous licence holder) and Mrs Nageswary Shanmugaratnah.

For this reason I think the committee should consider refusing this application as there is not a clear and obvious break from the previous management of the premises.

If the committee does decide to grant this application I would ask that the conditions attached at Appendix 1 of this representation are added to any new licence granted, to minimise any impact on the four licensing objectives.

A handwritten signature in black ink, appearing to read 'A. Overton', with a long horizontal flourish extending to the right.

Adrian Overton
Licensing Policy and Enforcement Manager
London Borough of Hammersmith and Fulham

APPENDIX 1

Suggested conditions

1. High Definition CCTV shall be installed, operated and maintained, at all times that the premises are open for licensable activities or customers are on the premises and;
 - shall be checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to the Police or authorised Council officers on request.
 - at least one camera will show a close-up of the entrance/entrances to the premises, to capture a clear, full length image of anyone entering.
 - shall cover any internal or external area of the premises where licensable activities take place.
 - recordings shall be in real time and stored for a minimum period of 31 days with date and time stamping.
 - footage shall be provided free of charge to the Police or authorised Council officer within 24 hours of a request.
 - a staff member from the premises that is conversant with the operation of the CCTV system shall be on the premises at all times. This staff member will be able to show Police or authorised officers of the Licensing Authority recent data footage with the minimum of delay when requested. This data or footage reproduction shall be almost instantaneous.
2. Appropriate signage shall be displayed in prominent positions, informing customers they are being recorded on CCTV.
3. The premises license holder shall not permit Mrs Nageswary Shanmugaratnah, Mr Suganthan Sinnathurai or Mr Thayalam Ratnam to be employed by the business, involved in the management of licensable activities at the premises, or allowed onto the premises other than as a customer.
4. No single cans or bottles of beer or cider shall be sold.
5. All alcoholic drinks shall be clearly labelled or marked with the name of the premises.
6. Strong beer, lager, cider or stout above 5.5% ABV shall not be displayed or sold.

7. On any day that Chelsea Football Club are playing a home fixture, on any day that Chelsea Football Club play in any Cup Final, including European Cup Finals and on any day that a Chelsea Football Club Victory Parade takes place, the premises shall stop the sale of alcohol three hours before the advertised kick off time until two hours after the match has been completed. During this time frame, all alcohol shall be locked behind shutters and not displayed.
8. A notice shall be prominently displayed at the exit from the premises asking patrons to dispose of any litter in waste bins.
9. A responsible member of staff shall carry out proactive litter patrols outside the premises at least twice throughout the premises' opening hours and specifically at the end of trading hours to ensure that there is no litter associated with the premises in the immediate vicinity and any such litter found shall be collected and returned to the premises for disposal with the premises' normal waste / refuse collection.
10. A written record of proactive external litter patrols shall be kept for a minimum of 31 days from the date of the last entry in the record and this record shall be available for inspection on request by authorised officers of the Licensing Authority at all times the premises are open.
11. A notice shall be prominently displayed at the exit from the premises asking patrons not to loiter immediately outside the premises and to respect the neighbours when moving away.
12. The Licence Holder shall require staff to note any refusals in a refusals log. The refusals log shall record the date and time of the refusal; the name of the staff member refusing; and the reason for refusal. It must 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.
13. Only alcoholic drinks which are detailed on headed paper invoices shall be purchased or accepted as part of a 'free' offer. Invoices for all alcoholic goods on the premises shall be made available to officers of the council, police or HMRC upon request.
14. 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.
15. 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.
16. 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.

17. 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.

18. 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.

19. A daily incident log (electric or paper based) shall be kept at the Premises and made available on request to an authorised officer of the Council or the Police or the Fire Service which shall record the following:

- (a) all crimes reported to the venue
- (b) all ejection of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system
- (g) any visit by a relevant authority or emergency service.

The incident record shall be kept on the premises and be available for inspection by the Police or authorised officers of the Licensing Authority at all times the premises is open.

20. Signs shall be prominently displayed at the exit from the premises asking customers to leave quietly.