

Licensing Sub-Committee

Monday 12 November 2018

11.45 am

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Adele Morris
Councillor Margy Newens

Reserves

Councillor Sunil Chopra

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact: Gerald Gohler on 020 7525 7420 or email: gerald.gohler@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 2 November 2018



Licensing Sub-Committee

Monday 12 November 2018
11.45 am

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
PART A - OPEN BUSINESS		
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: PASAJE PRIMAVERA - ARCH 146, EAGLE YARD, HAMPTON STREET, LONDON SE1 6SP	1 - 36
6.	LICENSING ACT 2003: KG2P CONVENIENCE STORE - 2 NORTHCHURCH, DAWES STREET, LONDON SE17 2AQ	37 - 118

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: 2 November 2018

Item No. 5.	Classification: Open	Date: 12 November 2018	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Pasaje Primavera – Arch 146, Eagle Yard, Hampton Street, London SE1 6SP	
Ward(s) or groups affected:		North Walworth	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Pasaje Primavera Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: Pasaje Primavera – Arch 146, Eagle Yard, Hampton Street, London SE1 6SP.
2. Notes:
 - a. The application seeks to vary the premises licence held under current legislation in respect of the premises known as: Pasaje Primavera – Arch 146, Eagle Yard, Hampton Street, London, SE1 6SP, under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to outstanding representations submitted by local residents and is therefore referred to the sub-committee for determination.
 - b. Paragraph 7 of this report provides a summary of the existing premises licence. A copy of the existing premises licence is attached at Appendix A.
 - c. Paragraphs 9 to 10 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B. A map showing the location of the premises is attached as Appendix D.
 - d. Paragraphs 13 to 18 of this report deal with the representations submitted in respect of the application (copies of the representations for the Responsible Authorities are attached in Appendix C), including one that has been conciliated.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a new licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.

Within Southwark, this council wholly administers the licensing responsibility.

4. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.

5. In carrying out its licensing functions, a licensing authority must also have regard to:
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.

6. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The current premises licence

7. The current premises licence issued in respect of the premises known as the Pasaje Primavera – Arch 146, Eagle Yard, Hampton Street, London SE1 6SP was issued on 1 August 2011 and allows the following licensable activities:
 - The sale of alcohol to be consumed on the premises:
 - Monday to Sunday from 11:00 to 00:00
 - The provision of late night refreshment (indoors):
 - Monday to Sunday from 23:00 to 00:00
 - The provision of regulated entertainment in the form of recorded music and facilities for making music (both indoors)
 - Monday to Sunday from 06:00 to 00:00
 - Opening hours:
 - Monday to Sunday from 06:00 to 01:00

8. A copy of the existing premises licence is attached as Appendix A.

The variation application

9. On 14 September 2018 Pasaje Primavera Limited applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as Pasaje Primavera – Arch 146, Eagle Yard, Hampton Street, London SE1 6SP.

10. The application for variation is described as follows:

*'...Variation of hours for Late Night Refreshment;
Existing hours - Mondays to Sundays, 23:00-00:00*

*Proposed Hours - Mondays to Thursdays, 23:00-02:00;
Fridays and Saturdays 23:00-04:00, Sundays 23:00-01:00*

*Variation of hours for Sale of alcohol to be served on premises
Existing hours - Mondays to Sundays, 11:00-00:00*

*Proposed Hours - Mondays to Thursdays, 23:00-02:00;
Fridays and Saturdays 23:00-04:00, Sundays 23:00-01:00 ...'*

The application is to extend the weekend hours of the operation for sale of late night refreshment and alcohol (Members should note that the hours for regulated entertainment are unaffected):

- The supply of alcohol for consumption on the premises:
 - Monday to Thursday from 11:00 to 02:00
 - Friday and Saturday from 11:00 to 04:00
 - Sunday from 11:00 to 01:00
- The provision of late night refreshment (indoors):
 - Monday to Thursday from 23:00 to 02:00
 - Friday and Saturday from 23:00 to 04:00
 - Sunday from 23:00 to 01:00
- The opening hours:
 - Monday to Thursday from 06:00 to 02:00
 - Friday and Saturday from 06:00 to 04:00
 - Sunday from 06:00 to 01:00

11. A copy of the application is attached to this report as Appendix B.

Designated premises supervisor

12. The designated premises supervisor (DPS) under the existing premises licence is Segundo Vicente Gualavisi Carlosama holding a personal licence with the London Borough of Lambeth.

Representations from responsible authorities

13. The Metropolitan Police service have made representations with concerns that the hours sought are a substantial increase and lie well outside of the Southwark Licensing Policy hours. The operating schedule is also deemed to be insufficient in light of this increase.
14. Southwark environmental protection team (EPT) have made representations. The concerns are raised in relation to the extended hours and the use of the premises. There is also a history of noise complaints in the immediate vicinity. The operating schedule is again believed to be lacking in content to sufficiently mitigate the potential for a negative impact on the locality.

15. The council's public health department have also made representations in relation to the concerns around extended hours and the potential for public nuisance and crime and disorder in the vicinity if granted.
16. A representation was initially made by health and safety, in relation to the storage of liquid petroleum gas. This matter has now been resolved and the representation withdrawn.
17. Copies of all the representations made by responsible authorities are available in Appendix C.

Representations from other persons

18. No representations have been received from other persons.

Conciliation

19. Copies of representations were provided to the applicant's agent on 17 October 2018. At the point of publication of this report, the applicant had not responded to the concerns of the responsible authorities, with the exception of the resolution by the applicant to the concerns of health and safety.

Operating history

20. There is no history of temporary events notices (TENs) at the premises.
21. There is no history of complaints received by the licensing authority in relation to this premises. However, as noted by EPT in their representation, the licensing authority has dealt with regular complaints in relation to Eagle Yard. There are a number of similarly licensed premises in a row. Complaints have consisted of noise from patrons on egress, year round; and the seepage of loud music noise from premises during summer months, when doors and windows are left open during regulated entertainment. Further complaints have arisen in relation to the children of patrons playing noisily and unaccompanied late at night within the yard.
22. As a result of receiving no complaints about this premises directly, there is no history of visits to this premises, with the exception of a full licensing inspection conducted during the consultation period on 5 October 2018. The premises was found to be operating in full compliance with the conditions of the operating schedule and a letter was sent to the licence holder to that effect.

Map

23. A map of the area is attached to this report as Appendix D. There are many licensed premises in the immediate vicinity:

Ivory Arch – 80-82 Walworth Road, SE1 6SW

The sale by retail of alcohol (both on and off sales)

- Monday to Sunday from 11:00 to 00:00 (midnight)

The provision of late night refreshment (both indoors and outdoors)

- Monday to Sunday from 23:00 to 00:00 (midnight)

The provision of regulated entertainment in the form of live music, recorded music, films and plays

- Monday to Sunday from 11:00 to 00:00 (midnight)

Mamuska – 16 Elephant and Castle, SE1 6TH

The sale by retail of alcohol (both on and off sales)

- Monday to Saturday from 10:00 to 02:00 (the following day)
- Sunday from 12:00 (midday) to 23:00

The provision of late night refreshment (both indoors and outdoors)

- Monday to Saturday from 23:00 to 02:30 (the following day)
- Sunday from 23:00 to 23:30

The provision of regulated entertainment in the form of live music, recorded music, and performances of dance

- Monday to Saturday from 09:00 to 02:00 (the following day)
- Sunday from 09:00 to 23:00

Chatkhara Restaurant – 84 Walworth Road, SE1 6SQ

The provision of late night refreshment (indoors)

- Monday to Sunday from 23:00 to 02:00 (the following day)

Corporation Ponce – Arch 144, Eagle Yard, Hampton Street, SE1 6SP

The sale by retail of alcohol (on sales)

- Sunday to Monday from 14:00 to 22:30
- Friday and Saturday from 14:00 to 23:30

The provision of late night refreshment (indoors)

- Friday and Saturday from 23:00 to 23:30

The provision of regulated entertainment in the form of live music and recorded music

- Friday to Saturday from 14:00 to 23:30
- Sunday from 14:00 to 22:30

La Barra (Downstairs) – Arch 147, Eagle Yard, Hampton Street, SE1 6SP

The sale by retail of alcohol (on sales)

- Sunday to Thursday from 10:00 to 23:30
- Saturday and Sunday from 10:00 to 00:00

The provision of late night refreshment (indoors)

- Sunday to Thursday from 23:00 to 23:30
- Saturday and Sunday from 23:00 to 00:00

Rincon Tropical (Upstairs) – Arch 147, Eagle Yard, Hampton Street, SE1 6SP

The sale by retail of alcohol (on sales)

- Sunday to Thursday from 10:00 to 23:30
- Saturday and Sunday from 10:00 to 00:00

The provision of late night refreshment (indoors)

- Sunday to Thursday from 23:00 to 23:30
- Saturday and Sunday from 23:00 to 00:00

Southwark council statement of licensing policy

24. Council assembly approved Southwark's Statement of Licensing Policy 2016-2020 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
- Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
- Section 6 – Local cumulative impact policies. This sets out this Authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
- Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
- Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective
- Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective
- Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective
- Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.

25. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

Cumulative impact zone (CIZ)

26. The premises sits outside of any of Southwark's CIZs. The premises is situated in the Elephant and Castle Major Town Centre area.

27. Under the Southwark Statement of Licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for these categories of premises:

Closing time for Restaurants and Cafes:

- Sunday to Monday to 00:00 (midnight)
- Friday and Saturday to 01:00 (the following day)

Closing time for Public Houses Wine bars or other drinking establishments:

- Sunday to Monday to 23:00
- Friday and Saturday to 00:00 (midnight)

Closing time for Night Clubs (with sui generis planning classification)

- Monday to Thursday to 01:00 (the following day)
- Friday and Saturday to 03:00 (the following day)

Resource implications

28. A fee of £190.00 being the statutory fee payable for premises within non-domestic rateable value band B has been paid by the applicant company in respect of this application.

Consultations

29. Consultation has been carried out in respect of this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper twice (there was an error on the initial advert; however, this was republished within the specified time period to the satisfaction of the Licensing Authority). A similar notice exhibited at the premises for a period of 28 consecutive days. This was inspected by a Licensing Officer during the consultation period and found to be compliant.

Community impact statement

30. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

31. The sub-committee is asked to determine the application to vary the premises licence under Section 34 of the Licensing Act 2003.
32. The principles which sub-committee members must apply are set out below.

Principles for making the determination

33. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.
34. The general principle is that applications for variation must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

35. Relevant representations are those which
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an other party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
36. If relevant representations are received then the Sub-Committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to
- Add to, omit, and/or alter the conditions of the licence or,
 - Reject the whole or part of the application for variation.

Conditions

37. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
38. The four licensing objectives are
- a. The prevention of crime and disorder;
 - b. Public safety;
 - c. The prevention of nuisance; and
 - d. The protection of children from harm.
39. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
40. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
41. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced 3 new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional 2 conditions will come into force – age verification policy and smaller measures for alcoholic drinks.
42. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

Reasons

43. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for to vary the premises licence, it must give reasons for its decision.

Hearing procedures

44. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
45. This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

The council's multiple roles and the role of the licensing sub-committee

46. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
47. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the Licensing Law, Guidance and the council's Statement of Licensing Policy.

48. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
49. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
50. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The Code applies to Members when considering licensing applications. In addition, as a quasi-judicial body, Members are required to avoid both actual bias, and the appearance of bias.
51. Under the Human Rights Act 1998 the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.
52. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

53. Members are required to have regard to the Home Office guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

Strategic Director of Finance and Governance

54. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the application
Appendix C	Copies of representations from responsible authorities: <ul style="list-style-type: none"> o The Metropolitan Police o Southwark Environmental Protection o Southwark Public Health o Southwark Health and Safety (conciliated)
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	30 October 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Date final report sent to Constitutional Team		30 October 2018

Licensing Act 2003 Premises Licence



Environmental Health & Trading Standards
Licensing Unit
Chaplin Centre
Thurlow Street
London SE17 2DG

Premises licence number

834660

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Pasaje Primavera Arch 146 Eagle Yard Walworth Road London SE1 6SP	
Ordnance survey map reference (if applicable), 178752532037	
Post town London	Post code SE1 6SP
Telephone number	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Recorded Music - Indoors
Facilities for Making Music - Indoors
Late Night Refreshment - Indoors
Sale by retail of alcohol to be consumed on premises

The opening hours of the premises

For any non standard timings see **Annex 2**

Monday	06:00 - 01:00
Tuesday	06:00 - 01:00
Wednesday	06:00 - 01:00
Thursday	06:00 - 01:00
Friday	06:00 - 01:00
Saturday	06:00 - 01:00
Sunday	06:00 - 01:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Sale by retail of alcohol to be consumed on premises

The times the licence authorises the carrying out of licensable activities

For any non standard timings see Annex 2 of the full premises licence

Recorded Music - Indoors

Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	06:00 - 00:00
Friday	06:00 - 00:00
Saturday	06:00 - 00:00
Sunday	06:00 - 00:00

Facilities for Making Music - Indoors

Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	06:00 - 00:00
Friday	06:00 - 00:00
Saturday	06:00 - 00:00
Sunday	06:00 - 00:00

Late Night Refreshment - Indoors

Monday	23:00 - 00:00
Tuesday	23:00 - 00:00
Wednesday	23:00 - 00:00
Thursday	23:00 - 00:00
Friday	23:00 - 00:00
Saturday	23:00 - 00:00
Sunday	23:00 - 00:00

Sale by retail of alcohol to be consumed on premises

Monday	11:00 - 00:00
Tuesday	11:00 - 00:00
Wednesday	11:00 - 00:00
Thursday	11:00 - 00:00
Friday	11:00 - 00:00
Saturday	11:00 - 00:00
Sunday	11:00 - 00:00

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Pasaje Primavera Ltd
7 Dartford Street
London
SE17 3UQ

Registered number of holder, for example company number, charity number (where applicable)

07128803

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Segundo Vicente Gualavisi Carlosama



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol


Authority L.B Lambeth

Licence Issue date 01/08/2011

.....
Community Safety Enforcement
Business Unit Manger
Chaplin Centre
Thurlow Street
London SE17 2DG
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -

a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or

b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended

101 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence

485 (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process; or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters

or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

486 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

487 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

488 (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2). The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

489 The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) Beer or cider: ½ pint;

(ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) Still wine in a glass: 125 ml; and

(b) Customers are made aware of the availability of these measures

Annex 2 - Conditions consistent with the operating Schedule

4AA The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

255 That fire extinguishers shall be kept at the premises and located in unobstructed and easily accessible locations.

288 That a CCTV system shall be installed at the premises and shall be maintained in full working order and be continually recording at all times that the premises is in use under this licence. The CCTV system must be capable of capturing an image of every person who enters the premises.

289 That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to officers of the police or council on request.

293 That staff shall be trained in regards to all aspects of public safety at the premises.

298 That clearly legible signs shall be prominently displayed to the satisfaction of the council stating "Drug Free Zone".

309 That no electronically amplified instruments shall be played in the premises.

310 That after 21:00 hours the front entrance doors shall be kept closed when regulated entertainment is taking place.

311 That clearly legible signs shall be prominently displayed to the satisfaction of the council requesting that customers leave the premises in a quiet and orderly manner.

332 That all persons under 18 years old attending the premises must be accompanied by a parent, guardian or responsible adult at all times.

340 That a fire alarm system shall be installed at the premises and shall be maintained in full working order and be in operation at all times that the premises is in use under this licence.

Annex 3 - Conditions attached after a hearing by the licensing authority

Annex 4 - Plans - Attached

Licence No. 834660
Plan No. 2112(LIC)01
Plan Date May 2011

11/09/2018

Business - Application to vary a premises licence under the Licensing Act 2003

Ref No. 1091949

Please enter the name(s) of the premises licence holders who is applying to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

	Pasaje Primavera Ltd
Premises licence number	834660

Non-domestic rateable value of premises in order to see your rateable value click here (opens in new window)

£	10,500
---	--------

Postal address of premises or, if none, ordnance survey map reference or description

Address Line 1	ARCH 146
Address Line 2	EAGLE YARD HAMPTON STREET
Town	LONDON
County	
Post code	SE1 6SP
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Part 2 - Applicant details

Daytime contact telephone number	██████████
Email address	████████████████████
Postal Address if different from premises address	██████████
Town / City	██████
Postcode	████████

Do you want the premises licence to have effect as soon as possible?

Please tick	Yes
-------------	-----

If not from what date do you want the variation to take effect?

(DD/MM/YYYY)	16/07/2018
--------------	------------

Please describe briefly the nature of the proposed variation (see guidance note 2)

	variation of hours for Late Night Refreshment; Existing hours - Mondays to Sundays, 23:00-00:00 Proposed Hours - Mondays to Thursdays, 23:00-02:00; Fridays and Saturdays 23:00-04:00, Sundays 23:00-01:00 variation of hours for Sale of alcohol to be served on premises Existing hours - Mondays to Sundays, 11:00-00:00 Proposed Hours - Mondays to Thursdays, 23:00-02:00; Fridays and Saturdays 23:00-04:00, Sundays 23:00-01:00
--	---

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number

Please select number from range	Less than 5000
---------------------------------	----------------

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

Provision of late night refreshment (if ticking fill in box I)

	i) Late night refreshment
--	---------------------------

Supply of alcohol (if ticking fill in box J)

	j) Supply of alcohol
--	----------------------

Will the provision of late night refreshment take place indoors or outdoors or both? (Please read guidance note 4)

	Indoors
--	---------

Please give further details here (Please read guidance note 5)

	Sale of alcohol to be served on premises
--	--

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 8)

Day	Start	Finish
Mon	23:00	02:00
Tues	23:00	02:00
Wed	23:00	02:00
Thur	23:00	02:00
Fri	23:00	04:00
Sat	23:00	04:00
Sun	23:00	01:00

State any seasonal variations for the provision of late night refreshment (Please read guidance note 6)

--	--

Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed. Please list, (Please read guidance note 7)

--	--

Will the supply of alcohol be for consumption (Please read guidance note 9)

	On the premises
--	-----------------

Standard days and timings for Supply of alcohol (Please read guidance note 8)

Day	Start	Finish
Mon	11:00	02:00
Tues	11:00	02:00
Wed	11:00	02:00
Thur	11:00	02:00
Fri	11:00	04:00
Sat	11:00	04:00
Sun	11:00	01:00

State any seasonal variations for the supply of alcohol (Please read guidance 6)

--	--

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, (Please read guidance note 7)

--	--

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (Please read guidance note 10)

	N/A
--	-----

Hours premises are open to the public (standard timings Please read guidance note 8)

Day	Start	Finish
Mon	06:00	02:00
Tues	06:00	02:00
Wed	06:00	02:00
Thur	06:00	02:00
Fri	06:00	04:00
Sat	06:00	04:00
Sun	06:00	01:00

State any seasonal variations (Please read guidance note 6)

--	--

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, (Please read guidance note 7)

--	--

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

	None
--	------

I have uploaded relevant part of the previous premises licence (Please send a hard copy in the post)

	Arch-Licence.pdf

Reason for not uploading the premises licence

--	--

a) General - all four licensing objectives (b,c,d,e) (Please read guidance note 11)

	<p>Persons to be allowed at any one time including staff to be at an acceptable/minimum level for the business to operate efficiently and safely, and the safe capacity levels to be maintained (80 persons at any one time including staff).</p> <p>Surveillance and constant monitoring by staff and management to prevent any crime and disorder before it occurs.</p> <p>The layout of the premises has been designed with a view in enabling staff and the management to scan the premises from any area in order to monitor any incident that may occur.</p> <p>No binge drink promotions will take place. any person who appears to be drunk/aggressive will not be permitted on the premises.</p> <p>Notices to be placed in prominent positions to ask patrons to leave the premises quietly.</p> <p>A fire risk assessment and a evacuation plan will be implemented in case of fire or other emergencies.</p> <p>Free drinking water will be available at all times.</p> <p>The management will ensure that all staff receive appropriate training and development to carry out their job in an effective manner - to ensure that all the policies including health & safety are consistently maintained.</p> <p>The premises will have an effective and well managed cctv system, which must be maintained to ensure that it is always fully operational. The system must be in working condition, in use and recording at all times that licensable activities are taking place (and whilst people remain on the premises). It must be able to record in all lighting conditions and the images recorded must be of a good evidential standard. These images must be kept securely and be capable of being downloaded onto removable media. a member of staff must be present who can both operate the system and supply copies of these images on request to a police, council or other authorised officer. The recordings shall be kept for a minimum of 31 days</p>
--	---

b) the prevention of crime and disorder

	<p>The premises will have an effective and well managed cctv system, which must be maintained to ensure that it is always fully operational. The system must be in working condition, in use and recording at all times that licensable activities are taking place (and whilst people remain on the premises). It must be able to record in all lighting conditions and the images recorded must be of a good evidential standard. These images must be kept securely and be capable of being downloaded onto removable media. A member of staff must be present who can both operate the system and supply copies of these images on request to a police, council or other authorised officer. the recordings shall be kept for a minimum of 31 days</p> <p>To ensure effective and reponsible management of the premises staff will be trained and supervised. - especially in identifying intoxicated patrons and preventing them from entering the premises.</p> <p>No binge drink promotions will take place. any person who appears to be drunk/aggressive will not be permitted on the premises and /or asked to leave.</p> <p>No bottles or glasses shall be taken off the premises.</p> <p>Registration with crime prevention initiatives run by the police. proof of age schemes (no proof, no sale, no entry).</p> <p>No irresponsible promotions will take place that may lead to the excessive consumption of alcohol.</p> <p>A specified time between last sales and the close of the premises shall be displayed.</p>
--	---

	<p>A display will set out conditions of entry to the premises in the vicinity of any entrance to the premises. a secure deposit box will be kept on the premises for the retention of confiscated items and ensure that the police are informed of any item which require safe disposal.</p>
--	--

c) public safety

	<p>Maximum persons to be allowed at any one time including staff to be 80.</p> <p>Provision of fire extinguishers, fire blankets, exit signs, emergency lighting, smoke detectors, surveillance, and fire safety risk assessment by management.</p> <p>Sound and fire insulation to building control requirements have been fully implemented.</p> <p>Maintenance of full risk assessments - regular electrical safety and gas safety checks by a competent person or corgi registered engineer.</p> <p>Make sure that fire exits are kept clear at all times for access to patrons and staff, and the fire exit doors to be kept locked open during operating hours.</p> <p>CCTV cameras kept on at all times and surveillance maintained including a high level of surveillance by security staff.</p> <p>Staff to be fully trained and be aware of licensing laws.</p> <p>Prompt clearing of empty glasses throughout operating times.</p> <p>Alcohol to be sold for consumption solely on the premises.</p> <p>No smoking and drug use policy to be implemented.</p>
--	--

d) the prevention of public nuisance

	<p>The premises has already been implemented with noise mitigation measures and has recently received approval by building control to this effect.</p> <p>Management will ensure that noise and disturbance is minimised to neighbours and the wider public by the operation of the business</p> <p>Windows and doors will always be kept closed. acoustically treated ventilation/air conditioning will be utilised.</p> <p>Management will ensure that staff, DJs and artists understand the noise control requirements, and regularly monitor noise levels during operating hours.</p> <p>Prominent clear and legible notices are to be displayed on all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.</p> <p>A complaints book would be held on the premises to record details of any complaints received from neighbours for inspection by council officers.</p>
--	---

e) the protection of children from harm

	<p>All staff will receive documented training in relation to the licensing act 2003, and the 'challenge 21' policy and the training shall be repeated every six months. Records of this training and written policies relating to it will be kept and made available to police or council officers on request.</p> <p>That the premises adopts the 'challenge 21 scheme' whereby any person that appears</p>
--	--

	<p>under 21 year of age has to prove they are 18 or over by providing identification bearing their photograph, date of birth and a holographic mark and/or ultraviolet feature. examples of appropriate identification include passport, photo card driving licence, military id and proof of age card bearing the pass hologram. In addition a Refusals log be kept and maintained. this log must be available to police or council officers on request.</p> <p>A refusal register will be recorded and all staff will be aware of this. It will be available for inspection by local authority enforcement officers and the police at all times during the operation hours.</p> <p>A log for all incidents is to be kept and maintained. This log must be available to police or council officers on request.</p> <p>No bottles or glassess shall be taken off the premises.</p>
--	--

If the plan of the premises are varying please upload a plan of the premises,

Upload proposed plans	
Upload existing plans	

Checklist

	<p>I understand that I must now advertise my application. I understand that if I do not comply with the above requirements my application will be rejected.</p>
--	---

I agree to the above statement

	I agree
PaymentDescription	10090751138, ,
AuthCode	966513
LicenceReference	ks102 94212
PaymentContactEmail	

Please provide name of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If completing on behalf of the applicant, please state in what capacity.

Full name	Pasaje Primavera Ltd
Date (DD/MM/YYYY)	25/07/2018
Capacity	Site Owners

Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 14). If completing on behalf of the applicant state in what capacity

Full name	
-----------	--

Date (DD/MM/YYYY)	
Capacity	

Contact name (where not previously given) an address for correspondence associated with this application (please read guidance note 15)

Contact name and address for correspondence	Mr Jeremy Stillman [REDACTED]
Telephone No.	[REDACTED]
If you prefer us to correspond with you by e-mail, your email address (optional)	[REDACTED]

Please tick to indicate agreement

<input type="checkbox"/>	I am not a company or limited liability partnership
--------------------------	---

Please upload proof of entitlement to work in the UK

<input type="checkbox"/>	DPS-Proof-of-eligibity-to-work-in-UK.pdf
--------------------------	--

I agree to the above statement

<input type="checkbox"/>	Yes
--------------------------	-----

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

**POLICE**

The Licensing Unit
 Floor 3
 160 Tooley Street
 London
 SE1 2QH

Metropolitan Police Service
Licensing Office
 Southwark Police Station,
 323 Borough High Street,
 LONDON,
 SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/3231/18

Date: 4th October 2018

Dear Sir/Madam

Re:- Pasaja Primavera Arch 146 Eagle Yard, 147 Walworth Road SE1 6SP

Police are in possession of an application from the above for a variation to their current premises licence 864815.

The operating schedule is as follows.

Late night refreshment	Mon - Thu	2300 to 0200
	Fri – Sat	2300 to 0400
	Sun	2300 to 0100

Sale of alcohol (on)	Mon – Thu	1100 to 0200
	Fri – Sat	1100 to 0400
	Sun	1100 to 0100

Hours open to the public	Mon – Thu	0600 to 0200
	Fri – Sat	0600 to 0400
	Sun	0600 to 0100

This is a substantial increase to the current permitted hours as per licence 864815. The premises is located within the Elephant and Castle Major town centre according to Southwark's statement of licensing policy 2016 to 2020. The closing time for bars as per the policy is midnight on at the weekend at 11pm for the remainder.

The current licence allows for a generous increase in the policy hours already. Although this venue is in a designated major town centre it is also in very close

proximity to a large number of dwellings. Historically this location has been subject of a number of noise and ASB complaints from local residents.

Despite being a major variation and a substantial increase in permitted hours, the applicant has not addressed sufficiently the possible impact this increase in hours could have on the licensing objectives, in particular the prevention of crime and disorder.

The applicant has not given any consideration to Southwark's licensing policy, they do not appear to have carried out any risk assessments as to the potential impact on the licensing objectives before submitting their operating schedule.

The operating schedule does not contain any additional control measures above and beyond what they already have on the current licence. They have not provided any additional evidence or exceptional reasons as to why the licensing sub committee should consider moving away from their Policy.

The applicant has not evidenced how they intend to promote the licensing objectives, in particular the prevention of crime and disorder, it is for these reasons this application should be refused.

Yours Faithfully

PC Ian Clements 362

Licensing Officer

Southwark Police Licensing Unit

ENVIRONMENTAL PROTECTION**Heron, Andrew**

From: Prickett, Mark
Sent: 04 October 2018 17:42
To: Regen, Licensing
Cc: Heron, Andrew; 'e [REDACTED]
Subject: EPT rep - Major variation Arch 146 Eagle Yard
Attachments: Application.pdf

Dear Licensing,

Southwark Council's Environmental Protection Team have reviewed the major variation for Pasaje Primavera Ltd, Arch 146, Eagle Yard, SE1 6SP.

The variation is requesting;

- Late Night Refreshment (indoors)

Existing hours - Mondays to Sundays, 23:00-00:00

Proposed Hours - Mondays to Thursdays 23:00-02:00, Fridays and Saturdays 23:00-04:00, Sundays 23:00-01:00

- Sale of alcohol (on premises)

Existing hours - Mondays to Sundays, 11:00-00:00

Proposed Hours - Mondays to Thursdays 23:00-02:00, Fridays and Saturdays 23:00-04:00, Sundays 23:00-01:00

Hours open the public: Mondays to Thursdays 06:00-02:00, Fridays and Saturdays 06:00-04:00, Sundays 06:00-01:00

The existing licence can be found here:

<http://app.southwark.gov.uk/Licensing/LicPremisesGrantedDetails.asp?systemkey=834660>

Section d) part M of the application has been reviewed with the following 6 measures put forward to prevent public nuisance;

- The premises has already been implemented with noise mitigation measures and has recently received approval by building control to this effect.
- Management will ensure that noise and disturbance is minimised to neighbours and the wider public by the operation of the business
- Windows and doors will always be kept closed. acoustically treated ventilation/air conditioning will be utilised.
- Management will ensure that staff, DJs and artists understand the noise control requirements, and regularly monitor noise levels during operating hours.
- Prominent clear and legible notices are to be displayed on all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- A complaints book would be held on the premises to record details of any complaints received from neighbours for inspection by council officers.

EPT STANCE

The application form does not advise what type of the use this premises is, for instance a food led restaurant, a drink led bar, a restaurant until a certain time then turns into a drink led bar after a certain hour?

Considering live or recorded music are not sought for the extended hours, it may be assumed the premises to be a restaurant. As per table 2 in section 7 of Southwark's Licensing Policy, restaurants in Elephant & Castle are suggested to have closing hours of midnight Sunday to Thursday, 01:00 on Fridays and Saturdays. The current hours of the existing licence therefore closely mirror the policy hours.

EPT raise some concern over the stated measures to prevent public nuisance:

- The premises has already been implemented with noise mitigation measures and has recently received approval by building control to this effect. What noise mitigation measures?

- Management will ensure that noise and disturbance is minimised to neighbours and the wider public by the operation of the business. **How will management ensure that noise is minimised?**
- Management will ensure that staff, DJs and artists understand the noise control requirements, and regularly monitor noise levels during operating hours. **“DJs and artists” are stated. Therefore this premises may be used as a late night bar/club use? “Noise control requirements”, what are the noise control requirements? “Regularly monitor noise levels”, how will this be done?**

EPT are also aware of previous noise complaints from loud patrons when in external areas, from loud music and from late night use from the existing licenced premises in Eagle Arch.

EPT have strong concerns over the proposed extended late night opening until 2am on weeknights and 4am on weekends. Whilst no live or recorded music is proposed, the applicant has stated that ‘DJs and artists will know the noise control requirements’ which is somewhat contrary?

The measures outlined in section M part d) also require further explanation and are not considered adequate to prevent public nuisance until the late night hours proposed.

EPT therefore **raise objection** against this major variation application to extend hours at the premises. EPT consider the current hours for the arch use are appropriate and already slightly exceed the Licensing Policy’s hours for restaurants in the Elephant and Castle area.

Kind regards,

Mark Prickett
Principal Enforcement Officer
 Environmental Protection Team
 Tel: 020 7525 0023

PLEASE BE ADVISED I AM NOT IN THE OFFICE MONDAY AFTERNOONS & ALL DAY WEDNESDAYS

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX
 Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH

Air Quality web pages: <http://www.southwark.gov.uk/air-quality>
 Construction web pages: <http://www.southwark.gov.uk/construction>
 London Low Emission Construction Partnership - <http://www.llecp.org.uk/>



Please consider the environment - do you really need to print this email?

PUBLIC HEALTH**Heron, Andrew**

From: Stanley, Matthew
Sent: 11 October 2018 17:07
To: Regen, Licensing; Heron, Andrew
Cc: Shapo, Leidon
Subject: Final Representation - Public Health: Pasaje Primavera, Arch 146, SE1 6SP

Dear licensing team,

Attached is an updated version of my representation for Pasaje Primavera, due today, 9th October. Please take the below copy of this representation as my final version, taking precedent over the copy sent to you on the 7th October. I have made some minor adjustments.

To whom it may concern:

Re: Pasaje Primavera, Arch 146, Eagle Yard, 147 Walworth Road, London, SE1 6SP

On behalf of the Director of Health and Wellbeing (incorporating the role of Director of Public Health) for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

This representation is made in respect of the following licensing objective(s):

- ☒ Prevention of public nuisance
- ☒ The prevention of crime and disorder

General Comments

This premises is located outside the Borough Bankside Cumulative Impact Policy area. It is located within the Elephant and Castle Major Town Centre Area. The location of the property is directly next to a large residential building, from which there are already suggestions of a number of complaints about noise and disturbance coming from this street and premise.

Under the Southwark Statement of Licensing policy 2016-2020, closing time for drinking establishments is 23:00 Sunday – Thursday, 00:00 Friday – Saturday.

The application makes the requested to extend opening hours for sale of alcohol until 0200 from Monday – Thursday, until 0400 Friday and Saturday, and until 0100 on Sundays. The premises already has permitted opening hours of 1am daily currently.

As a late night establishment serving alcohol opening past the recommended opening hours of Southwark Council's Statement of Licensing policy, this premises risks causing an increase in alcohol-related violence, crime and disorder, due to:

- The cumulative impact of alcohol consumption
- Large congregations of intoxicated individuals in and around the premises large congregations of intoxicated individuals in and around the venue.
- In addition, drinking establishments past these hours can encourage increases in public nuisance, due to congregations of intoxicated individuals. Accordingly, this would not be viewed to be appropriate in a residential area.

Recommendations

✍ I recommend that this request for an extension of the license is rejected in order to prevent public nuisance and crime and disorder due to drunken individuals surrounding the premises late at night. The premises already has opening hours that exceed the recommended hours as outlined in the Southwark Statement of Licensing Policy – these hours should not be exceeded any further.

If you have any further questions, please do not hesitate to contact me.

Yours sincerely,

Matthew Stanley

on behalf of Professor Kevin Fenton, Director of Place and Wellbeing (incorporating the role of Director of Public Health)

Dr Matthew Stanley

Senior House Officer | Public Health Division
Place and Wellbeing Department | London Borough of Southwark
160 Tooley Street | London SE1P 5LX
(T): 07511 947730 |(E): Matthew.Stanley@Southwark.gov.uk
www.southwark.gov.uk

Dr Matthew Stanley

Senior House Officer | Public Health Division
Place and Wellbeing Department | London Borough of Southwark
160 Tooley Street | London SE1P 5LX
(T): 07511 947730 |(E): Matthew.Stanley@Southwark.gov.uk
www.southwark.gov.uk

HEALTH AND SAFETY (WITHDRAWN)**Heron, Andrew**

From: Pickard, Roy
Sent: 17 October 2018 11:25
To: Heron, Andrew
Subject: FW: Representation for Pasaje Primavera Arch 146, Eagle Yard

Hi Andrew,

I received a satisfactory gas safety certificate this week for the LPG gas appliances. Works have been completed to make the installation safe. I would like to withdraw my representation. There is no need to condition the licence.

Best wishes,

Roy Pickard
Principal Environmental Health Officer
Southwark Council
160 Tooley Street, Southwark, London SE1 2QH
Office 0207 5254702
Mobile 07711 777840

Chartered Institute of
Environmental Health



**Chartered Environmental
Health Practitioner**

From: Pickard, Roy
Sent: Wednesday, October 10, 2018 10:17 AM
To: Heron, Andrew
Subject: Representation for Pasaje Primavera

Hi Andrew,

I have a representations for:

Pasaje Primavera
Arch 146, Eagle Yard
147 Walworth Road
London
SE1 6SP

I served a prohibition notice under the health and safety at work act 1974 on a gas cooker appliance their yesterday as a gas engineer had reported that the appliance was not safe. The appliance uses LPG (stored in bottles outside) and the premises is directly above a main commuter railway line.

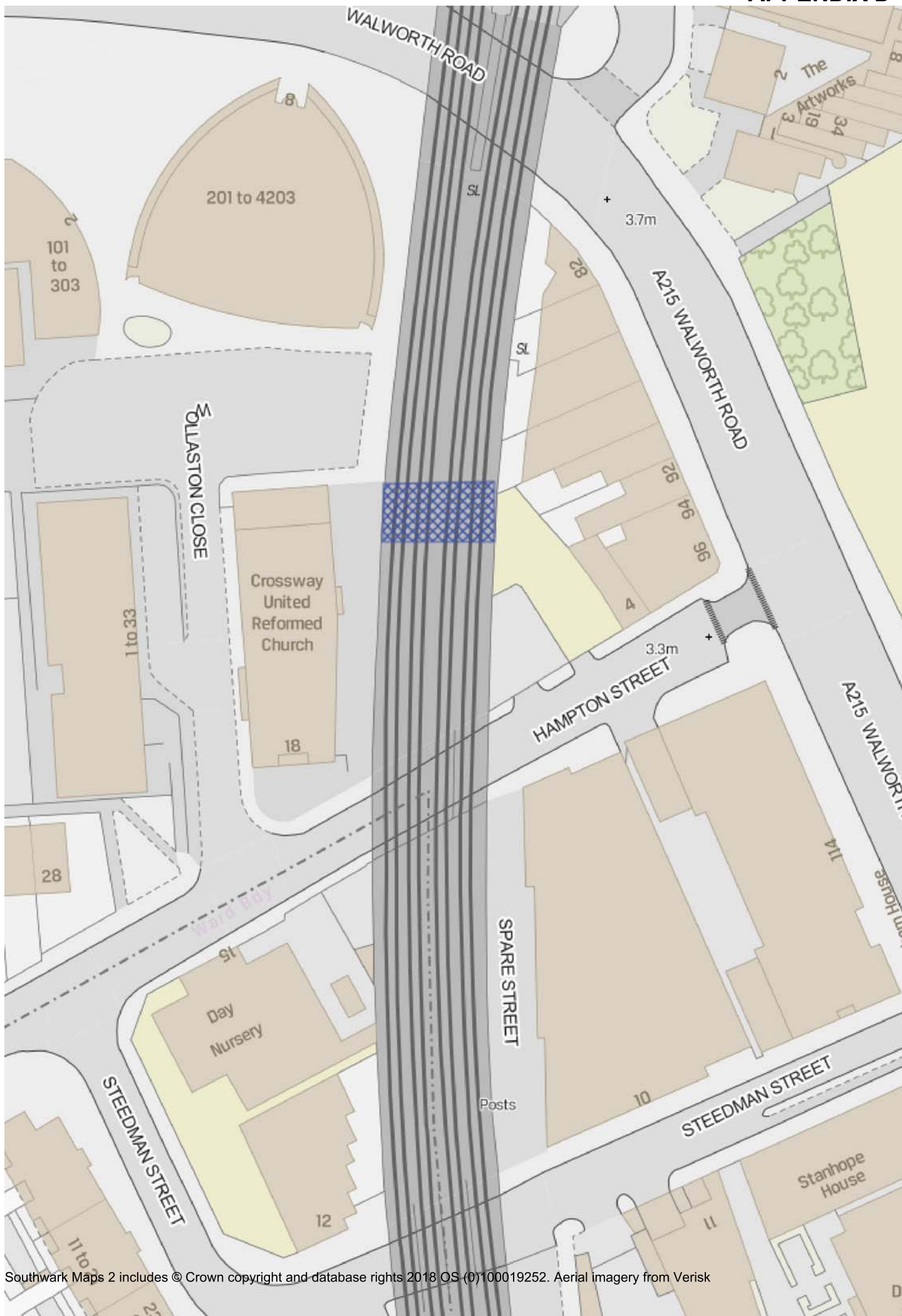
I would like the licence conditioned; that works are carried out by a competence gas safety engineer (registered with Gas Safe)to make the appliance safe before the licence is granted.

Roy Pickard
Principal Environmental Health Officer
Southwark Council
160 Tooley Street, Southwark, London SE1 2QH
Office 0207 5254702
Mobile 07711 777840

Chartered Institute of
Environmental Health



**Chartered Environmental
Health Practitioner**



Item No. 6.	Classification: Open	Date: 12 November 2018	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: KG2P Convenience Store – 2 Northchurch, Dawes Street, London SE17 2AQ	
Ward(s) of group(s) affected		Faraday ward	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Murugesu Sundarapalan for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as KG2P Convenience Store – 2 Northchurch, Dawes Street, London SE17 2AQ.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 12 to 17 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted by the responsible authorities are attached to this report in Appendix B. A map showing the location of the premises is attached to this report as Appendix G.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.
7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 24 August 2018 Murugesu Sundarapalan applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as KG2P Convenience Store – 2 Northchurch, Dawes Street, London SE17 2AQ. The premises are described in the application as being:

“Front left hand side of the store is the counter. Behind the counter there is alcohol and cigarettes. Left hand side middle of the shelf there is wine. Left hand side back corner there are beer fridges and beers.”

9. The hours applied for are summarised as follows:

The sale by retail of alcohol (off sales only)

- Monday to Sunday 08:00 to 23:00

Opening hours

- Monday to Sunday 08:00 to 23:00

10. The designated premises supervisor is to be Murugesu Sundarapalan, who holds a personal licence with the London Borough of Kingston and Sutton.
11. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, H, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application and premises plan is attached to this report in Appendix A.

Representations from responsible authorities

12. A representation has been received from the Metropolitan Police service (Licensing Division) which raises concerns regarding the recent premises licence review in which the licence was revoked by the Southwark licensing sub-committee. There is concern that there is no real change of ownership since that time. There are further concerns that unlicensed alcohol was sold at the premises

13. A representation has been provided by this council's public health team with concerns regarding high-strength alcohol.
14. A representation has been submitted by the licensing department in their role as responsible authority with concerns regarding the previous review and provides a copy of the notice of decision from that hearing.
15. A representation has been received from the council's trading standards department with concerns that the previous premises licence had been revoked and that the same business owner is effectively applying for the current licence.
16. The representations from responsible authorities are all available in Appendix B.

Representations from other persons

17. There are no representations from other persons.

Conciliation

18. All representations were sent to the applicant; however, at the point this report was submitted no attempt had been made by the applicant to contact the responsible authorities.

Premises history

19. A premises licence was issued in respect of the premises on 5 October 2005, it was then known as 'Lee's Newsagents'. Murugesu Kunapalan was the premises licence holder and DPS.
20. In October 2010, a vary DPS application was received and subsequently granted into the name of Noris Nagarajah.
21. In November 2017, a new vary DPS application was received and granted back into the name of Murugesu Kunapalan. A copy of the previous premises licence is available in Appendix C.
22. On 27 February 2018, an application was submitted by this council's Trading Standards service, for the review of the premises licence. The premises licence was revoked at a hearing held on 23 April 2018. A copy of the notice of decision is appended with the representation from the licensing authority in Appendix B.
23. On 17 May 2018, Mr Kunapalan appealed this decision at Camberwell Green Magistrates Court.
24. On 8 June 2018, a vary DPS application was received in the name of Sundarapalan Murugesu with immediate effect and was granted in light of the appeal.
25. On 11 July, a transfer application was received from Murugesu Kunapalan to Murugesu Sundarapalan. The Metropolitan Police service made representation to this transfer and it was due to be heard by the Southwark licensing sub-committee on 22 August 2018.
26. The appeal to the revocation was withdrawn on 26 July 2018. As a result, the revocation of the licence was upheld and the application to transfer fell away.
27. On 24 August 2018 Murugesu Sundarapalan applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as KG2P Convenience Store – 2 Northchurch, Dawes Street, London, SE17 2AQ.

28. At 20:05 on Friday 24 August 2018 a test purchase was carried out at the premises. A bottle of Nigerian Guinness was sold at a cost of £1.69. The seller gave his name as Mr S. R. and advised that Mr Murugesu Kunapalan was the premises owner and produced addressed mail to that effect.
29. On 28 August 2018, a Land Registry Search was carried out against the premises which showed that the Title Absolute remains in the names of Murugesu Kunapalan (and Gowri Kunapalan) since September 2006.
30. On 11 September 2018 at 12:46 police officers from Southwark Licensing attended; Mr Kunapalan was working in the store and advised the officer that he was in charge. He was found displaying alcohol within the store.
31. A letter dated 13 September 2018 was received by the Licensing Authority from the seller, Mr S R, admitting the offence of an unlicensed sale of alcohol. A copy of this is available in Appendix D.
32. Both Mr Murugesu Kunapalan and the new applicant, Mr Murugesu Sundarapalan were invited to attend interviews under caution at the Council Offices on 11 September 2018, to which they both attended and were interviewed separately. The following points were taken from the interviews. Transcripts of those interviews are available in Appendix E.
 - Mr Kunapalan and Mr Murugesu Sundarapalan are brothers
 - Mr Kunapalan remains the owner and in charge of the business
 - Mr Kunapalan admits that the unlicensed sale of alcohol did take place by his paid employee, but without his explicit consent
 - Mr Kunapalan admits that if his brother does not get the licence, he will need to look for another buyer for the shop as his brother would not take over.

 - Mr Sundarapalan is not involved with the running of the business has no intention of running the business in the future, even if the application is successful; in fact he cannot work due to long-term ill health and as a result claims certain benefits
 - The intention would be to have a third party to run the shop for him, but has no business plan at present, the premises is too far away for him to attend
 - Mr Sundarapalan has only been to the shop twice since 2003
 - Mr Sundarapalan did not complete the application for the premises licence himself and states that Mr Kunapalan asked him to apply for the licence and further paid for the application
 - Mr Kunapalan would remain part of the business in the event of a grant by taking profits from the business.
33. Further to the interviews, it was decided to issue warnings to both Mr Murugesu Kunapalan and the new applicant, Mr Murugesu Sundarapalan and to offer a Simple Caution to the seller, Mr R. This has been signed and returned to the Authority on 23 October 2018.
34. During the consultation for the new premises licence, the applicant, Mr Murugesu Sundarapalan, was written to on 3 September, 12 September and 25 September 2018 to which no responses were received. The case officer had been asking for a copy of the newspaper advert and confirmation that the blue notices had gone up at the premise. Further to the interviews under caution, Mr Kunapalan, the previous licence holder, was copied in. A response from the previous licence holder was received on 25 September 2018. A copy is available in Appendix F.
35. No TENs have been submitted in regards to the premises.

Map

36. A map of the local area is attached as Appendix G. There is only one similarly licensed premises in the immediate vicinity, namely:

- **Chris Convenience Store – 100 Dawes Street, SE17 2EB:**
The sale of alcohol to be consumed off the premises -
Monday to Saturday from 08:00 to 23:00
Sunday from 10:00 to 22:30

Southwark council statement of licensing policy

37. Council assembly approved Southwark's Statement of Licensing Policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016.

38. Further sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and Scope of the Policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
- Section 5 – Determining Applications for Premises Licences and Club Premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting
- Section 6 – Local Cumulative Impact Policies. This sets out this Authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
- Section 7 – Hours of Operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
- Section 8 – The Prevention of Crime and Disorder. This provides general guidance on the promotion of the first licensing objective
- Section 9 – Public Safety. This Which provides general guidance on the promotion of the second licensing objective
- Section 10 – The Prevention of Nuisance. This provides general guidance on the promotion of the third licensing objective
- Section 11 – The Protection of Children from Harm . This provides general guidance on the promotion of the fourth licensing objective.

39. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

40. Within Southwark's Statement of Licensing Policy 2016 - 2020, the premises are identified as being outside of a CIP area and within a residential area. Under the Southwark Statement of Licensing Policy 2016 - 2020 the Local CIP applies to night clubs, public houses and bars, off licences, supermarkets and grocers. The closing time recommended

in the Statement of Licensing Policy for off licences, and grocers or supermarkets with off sales of alcohol in this area is 23:00 daily.

Resource implications

41. A fee of £190.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value.

Consultations

42. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and similar notices were exhibited outside of the premises for a period of 28 consecutive days.

Community impact statement

43. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

44. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.
45. The principles which sub-committee members must apply are set out below.

Principles for making the determination

46. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
47. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
48. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- to grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence
 - to exclude from the scope of the licence any of the licensable activities to which the application relates
 - to refuse to specify a person in the licence as the premises supervisor
 - to reject the application.

Conditions

49. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
50. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
51. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
52. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
53. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

54. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for a premises licence application, it must give reasons for its decision.

Hearing procedures

55. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.

- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

56. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

Council's multiple roles and the role of the licensing sub-committee

57. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.

58. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.

59. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.

60. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

61. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.

The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Other persons must live in the vicinity of the premises. This will be decided on a case to case basis.

62. Under the Human Rights Act 1998. The sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.

63. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

64. Members are required to have regard to the Home Office guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark statement of licensing Policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations submitted by responsible authorities
Appendix C	Previous premises licence
Appendix D	Copy of letter from Mr R. admitting sale
Appendix E	PACE Transcripts from 11 September 2018 of Murugesu Kunapalan and Murugesu Sundarapalan
Appendix F	Email dated 25 September from Mr Kunapalan
Appendix G	Map of the locality

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	30 October 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
Date final report sent to Constitutional Team		30 October 2018

Business - Application for a premises licence to be granted under the Licensing Act 2003

22/08/2018

Business - Application for a premises licence to be granted under the Licensing Act 2003

Ref No. 1080326

Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

	Murugesu Sundarapalan
--	-----------------------

Premises Details

Non-domestic rateable value of premises in order to see your rateable value click here (opens in new window)

£	10600
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	Yes

Premises trading name

	KG2P Convenience store
--	------------------------

Postal address of premises or, if none, ordnance survey map reference or description

Address Line 1	Unit 1 and 2
Address Line 2	Northchurch Dawes Street
Town	London
County	
Post code	se17 2aq
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Applicant Details

Please select whether you are applying for a premises licence as

	An individual or individuals
--	------------------------------

Business - Application for a premises licence to be granted under the Licensing Act 2003

If you are applying as an individual or non-individual please select one of the following:-

	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
--	--

Details of Individual Applicant

Personal Details

Title	Mr
If other, please specify	
Surname	Murugesu
Forenames	Sundarapalan
I am 18 years old or over	Yes
Nationality	

Current Address

Street number or Building name	█
Street Description	██████████
Town	██████████
County	
Post code	██████

Contact Details

Daytime contact telephone number	██████████
Email Address	████████████████████

Do you wish to add a second individual applicant?

	No
--	----

Operating Schedule

When do you want the premises licence to start?

	22/08/2018
--	------------

If you wish the licence to be valid only for a limited period, when do you want it to end?

Business - Application for a premises licence to be granted under the Licensing Act 2003

	22/08/2021
--	------------

General description of premises (see guidance note 1)

	Front left hand side of the store is the counter. Behind the counter there is alcohol and cigarettes. Left hand side middle of the shelf there is wine. Left hand side back corner there are beer fridges and beers.
--	---

If 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number.

	Less than 5000
--	----------------

Operating Schedule part 2

What licensable activities do you intend to carry on from the premises?

	(Please see sections 1 and 14 of the Licensing Act 2003 and schedule 1 and 2 of the Licensing Act 2003)
--	---

Provision of regulated entertainment (Please read guidance note 2)

Provision of late night refreshment

--	--

Supply of alcohol

	j) Supply of alcohol
--	----------------------

J - Supply of Alcohol

Will the supply of alcohol be for consumption (Please read guidance note 8)

Business - Application for a premises licence to be granted under the Licensing Act 2003

	Off the premises
--	------------------

Standard days and timings for Supply of alcohol (Please read guidance note 7)

Day	Start	Finish
Mon	08:00	23:00
	08:00	23:00
Tues	08:00	23:00
	08:00	23:00
Wed	08:00	23:00
	08:00	23:00
Thur	08:00	23:00
	08:00	23:00
Fri	08:00	23:00
	08:00	23:00
Sat	08:00	23:00
	08:00	23:00
Sun	08:00	23:00
	08:00	23:00

State any seasonal variations for the supply of alcohol (Please read guidance 5)

	none
--	------

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, (Please read guidance note 6)

	none
--	------

Please download and then upload the consent form completed by the designated proposed premises supervisor

	Schedule-15-6-3-17-Consent-of-individual-to-being-specified-as-premise.docx
--	---

Premises Supervisor

Full name of proposed designated premises supervisor

First names	Murugesu
Surname	Sundarapalan

DOB

Business - Application for a premises licence to be granted under the Licensing Act 2003

Date Of Birth	██████████
---------------	------------

Address of proposed designated premises supervisor

Street number or Building name	█
Street Description	██████████
Town	██████████
County	
Post code	██████

Personal licence number of proposed designated premises supervisor, if any,

Personal licence number (if known)	██████████
Issuing authority (if known)	Kingston and Sutton Shared Environment Service

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (Please read guidance note 9)

	Not allowed to sell alcohol to anyone under 18
--	--

L - Hours premises are open to public

Hours premises are open to the public (standard timings Please read guidance note 7)

Day	Start	Finish
Mon	08:00	23:00
	08:00	23:00
Tues	08:00	23:00
	08:00	23:00
Wed	08:00	23:00
	08:00	23:00
Thur	08:00	23:00
	08:00	23:00
Fri	08:00	23:00
	08:00	23:00
Sat	08:00	23:00
	08:00	23:00
Sun	08:00	23:00
	08:00	23:00

Business - Application for a premises licence to be granted under the Licensing Act 2003

State any seasonal variations (Please read guidance note 5)

	only permit hours
--	-------------------

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, (Please read guidance note 6)

	only permitted hours
--	----------------------

M - Steps to promote four licencing objectives

a) General - all four licensing objectives (b,c,d,e) (Please read guidance note 10)

	N/A
--	-----

b) the prevention of crime and disorder

	N/A
--	-----

c) public safety

	N/A
--	-----

d) the prevention of public nuisance

	N/A
--	-----

e) the protection of children from harm

	N/A
--	-----

Please upload a plan of the premises

	shop.rtf
--	----------

Please upload any additional information i.e. risk assessments

--	--

Checklist

Business - Application for a premises licence to be granted under the Licensing Act 2003

	I have enclosed the plan of the premises. I understand that if I do not comply with the above requirements my application will be rejected. I understand that I must now advertise my application (In the local paper within 14 days of applying
--	--

Home Office Declaration

Please tick to indicate agreement

	I am not a company or limited liability partnership
--	---

Proof of Entitlement to work in the UK

Please upload proof of entitlement to work in the UK

	WP-20180822-17-41-33-Pro.jpg
--	------------------------------

Declaration

I agree to the above statement

	Yes
PaymentDescription	
AuthCode	594035
LicenceReference	ks102 94212
PaymentContactEmail	

Please provide name of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If completing on behalf of the applicant, please state in what capacity.

Full name	Murugesu Sundarapalan
Date (DD/MM/YYYY)	
Capacity	100%

Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 13). If completing on behalf of the applicant state in what capacity

Full name	
Date (DD/MM/YYYY)	
Capacity	

Business - Application for a premises licence to be granted under the Licensing Act 2003

Contact name (where not previously given) an address for correspondence associated with this application (please read guidance note 14)

Contact name and address for correspondence	
Telephone No.	
If you prefer us to correspond with you by e-mail, your email address (optional)	

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

Consent of individual to being specified as premises supervisor

Murugesu Sundarapalan

I _____
[full name of prospective premises supervisor]

of

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises licence

[type of application]

by

Murugesu Sundarapalan

[name of applicant]

relating to a premises licence _____

[number of existing licence, if any]

for

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Murugesu Sundarapalan

[name of applicant]

concerning the supply of alcohol at

KG2P Convenience Store, Unit 1 –
2 Northchurch Dawes Street,
London, SE17 2AQ

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number



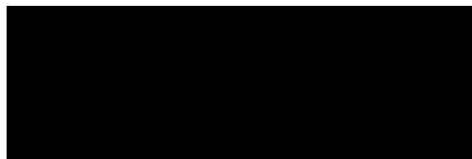
[insert personal licence number, if any]

Personal licence issuing authority

Kingston and Sutton Shared Environment Service, Guildhall 2, Kingston Upon Thames. 02085475080

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print) Murugesu Sundarapalan

Date 22/8/2018

Only one entrance which is the front entrance.

There is no kitchen.

There is no stairs.

Not connected to any other premise.

No back exit.

One corner shop.

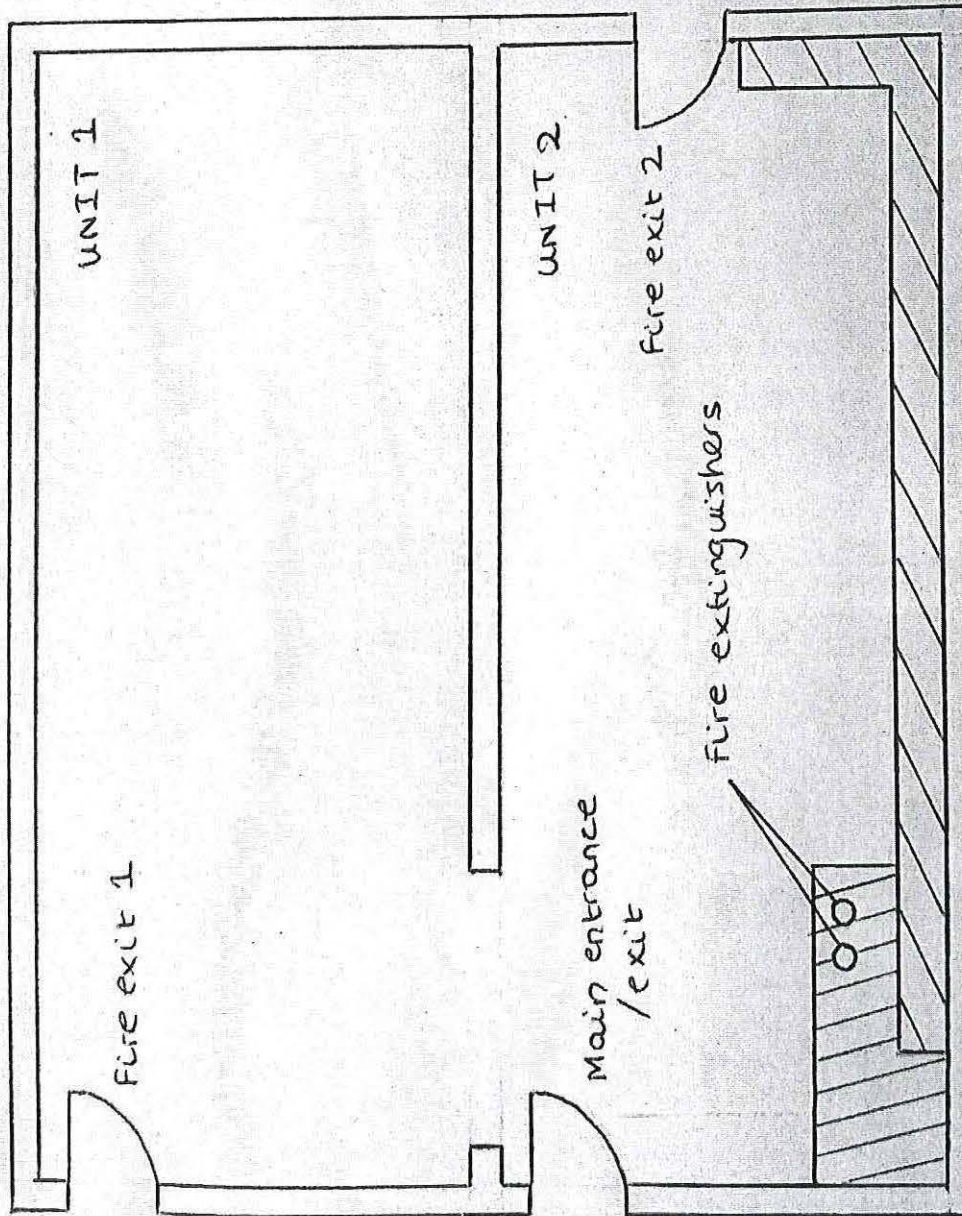
Front left hand side is the counter.

Behind the counter there is a cigarette shelf and an alcohol shelf.

In the middle of the left hand shelf is wine.

Left hand side back corner is beer fridge and beers.

On the right hand side there is groceries(household food items).



Alcohol displays

Elevated from ground
by 0.15m

scale 1:100

**POLICE**

The Licensing Unit
 Floor 3
 160 Tooley Street
 London
 SE1 2QH

Metropolitan Police Service
Licensing Office
 Southwark Police Station,
 323 Borough High Street,
 LONDON,
 SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/3220/18

Date: 23rd September 2018

Dear Sir/Madam

Re: KG2P Convenience Store, Dawes Street SE17 2AQ

Police are in possession of an application from the above for a new premises licence. The application fails to describe the nature of the operation only the internal layout. It appears from previous history that it will trade as an off licence.

The above premises was subject of a review of the premises licence under the licensing act 2003, which was submitted by Southwark Trading standards. Following the review hearing and considering all the facts, the licensing subcommittee decided it was appropriate to revoke the premises licence.

This is now subject of an appeal by the premises licence holders, due to heard at the magistrate's court.

On the 11th July 2018, Sundarapalen Murugesu submitted an application to transfer the premises licence, this transfer was to take effect immediately, so effectively as of the 11th July 2018, Sundarapalen Murugesu was claiming to be the new premises licence holder.

Enquiries have been made with Southwark trading standards who submitted the review and they have supplied the following information:-

The licensing subcommittee has already revoked the license and that there is no real change in the ownership and operation of the business and that both parties are not fit and proper People to hold a premises license. Both parties have failed to comply with the licensing objective relating to "the prevention of crime and disorder" in relation to illicit and counterfeit alcohol.

The applicant, Mr Sudarapalan MURUGESU gave his postal address at the end of the application to transfer the licence as [REDACTED],

██████████ and open source internet searches would appear to confirm this as his home address. This address is also the home of Mr Murugesu KUNAPALAN who was the subject of the licensing review when the premises license was revoked by the licensing subcommittee.

Mr Sudarapalan MURUGESU was prosecuted by Surrey Trading Standards in 2009 at Staines Magistrates Court for counterfeit Spar Imperial vodka that he was selling for his stores "Esher Wines" on Esher High Street in Esher. He was the sole director of the company running the business "Esher Wines Ltd". It was discovered that the counterfeit vodka contained potentially lethal amounts of methanol.

Furthermore, the property from which the Southwark based business is run is owned by the original Premises License holder, Mr Murugesu KUNAPALAN. Land registry documents show that there has been no change of ownership.

On the 24th August 2018 at 20.05hrs, officers from NTE did a test purchase and were sold alcohol by staff. No licence was in place at the time and the current application had been submitted that day, indicating the applicant was in control of the venue. The applicant has subsequently attended a PACE interview on 18th September 2018 and admitted not being involved with the business and that it was previous licence holder who still runs the business who is his brother Mr Kunapalan.

On the 11th September 2018 at 12.46hrs police officers from Southwark Licensing team attended and Mr Kunapalan was working in the store and advised officer he was in charge. He was found displaying alcohol within the store that could easily be selected by customers. They were issued a notice of offences form by PC Lynch. Section 137(1) exposing alcohol for retail without authorisation.

Considering the previous history of the premises, the Metropolitan Police we would expect a comprehensive application including a number of control measures offered within the operating schedule. Nothing has been offered under any of the licensing objectives and they have indicated that they are not applicable.

We are also of the view that the transfer and this application are a tactic to circumvent the provisions and objectives of the Licensing Act and the revocation of the previous licence.

No documentation has been supplied to indicate the business is now under new management control and the Police continue to be seriously concerned over the operation of the premises, and that it is designed to try to get around the revocation of the license by the licensing subcommittee.

It is for this reason that the police object to the granting of this premises licence as it would undermine all four licensing objectives.

Submitted for consideration

PC Graham White 288MD
Licensing Officer

Southwark Police Licensing Unit



**METROPOLITAN
POLICE**

Licensing Authority Copy

Notification of alleged offences under the Licensing Act 2003

Venue Name: KGZP CONVENIENCE STORE REF: (CAD/CRIS etc.)

Address: 2 NORTHCHURCH DAWES ROAD
S17 2AQ Date: 11/07/18 Time: 1246

Details of person in charge at the relevant time: MR KUNAPALAN
SUNDARAPALAN DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

ALCOHOL DISPLAYED ON SHELVING, PARTIALLY
COVERED BY SHEET BUT CAN BE CLEARLY SEEN
TO DISPLAY ALCOHOL FOR RETAIL. SIGN STATING
NO ALCOHOL SALES DISPLAYED ALSO ALCOHOL IN
REFRIGERATOR

Issuing officer: LYNCH Print: LYNCH

I acknowledge receipt of this form: (venue)

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

PUBLIC HEALTH**Heron, Andrew**

From: Regen, Licensing
Sent: 21 September 2018 13:48
To: O'Gorman, Sinead
Cc: Heron, Andrew
Subject: FW: Consultation - New Premises Licence , Unit 1-2 Northchurch Dawes Street

From: Public Health Licensing
Sent: Friday, September 21, 2018 1:34 PM
To: Regen, Licensing
Cc: Shapo, Leidon; Public Health Licensing
Subject: RE: Consultation - New Premises Licence , Unit 1-2 Northchurch Dawes Street

To Whom it may concern:

RE: KG2P Convenience Store, 2 Northchurch Dawes Street, SE17 2AQ

On behalf of the Director of Health and Wellbeing (incorporating the role of Director of Public Health) for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

This representation is made in respect of the following licensing objective(s):

- **The prevention of crime and disorder**
- **Prevention of public nuisance**
- **Public safety**
- **Protection of Children from harm**

General Comments

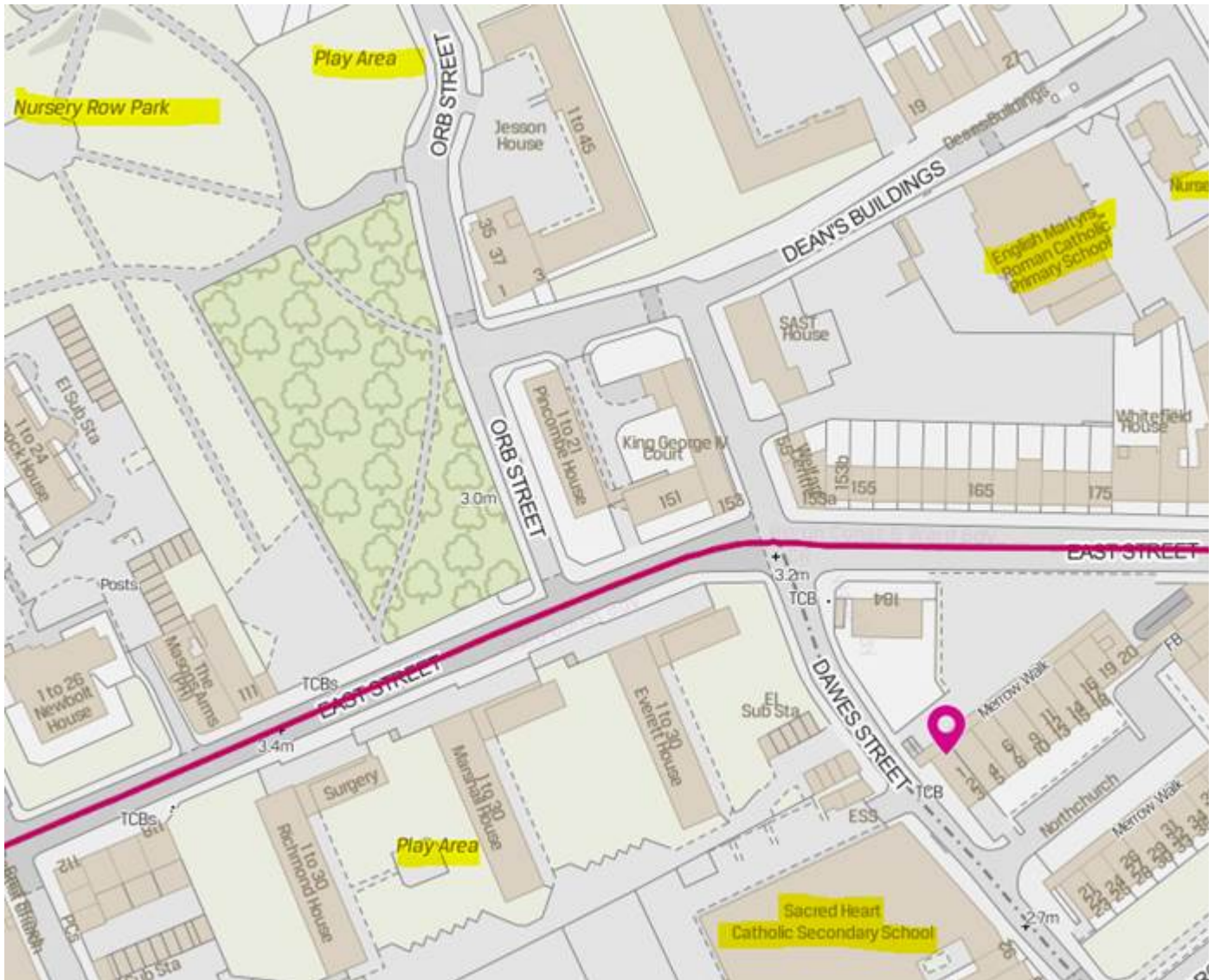
The applicant requests a new application for the supply of alcohol off the premises.

Requested hours of operation	Opening hours	Supply of Alcohol off the premises
Monday - Sunday	08:00 – 23:00	08:00 – 23:00

Concerns relating to this application

This premises is located in the Faraday ward. Within walking distance of this premises are: 1 nursery, 1 primary school, 1 secondary school, 1 park, and 2 play areas (Figure 1). As a result of this, children are likely to come in contact with individuals buying alcohol from the premises. Early morning alcohol purchasers are more likely to be alcohol misusers and thus, harm may end up coming to the children nearby (e.g. from inebriated individuals).

Figure 1 – Map excerpt showing the location of various points of interests (highlighted in yellow) within a walking distance from the premises



Recommendations

I recommend that the hours for alcohol sales be amended to:

Requested hours of operation	Opening hours	Supply of Alcohol off the premises
Monday - Sunday	08:00 – 23:00	11:00 – 23:00

Also, I recommend that no beers, lagers, ciders or similar alcohols to be sold in cans with an Alcohol By Volume (ABV) in excess of 6.5% or in bottles larger than 750ml with an ABV in excess of 6.5%.

If you have any further questions, please do not hesitate to contact me.

Yours sincerely,

Aakulan Kangatharan

on behalf of Professor Kevin Fenton, Director of Health and Wellbeing (incorporating the role of Director of Public Health)

LICENSING**MEMO: Licensing Unit**

To	Licensing Unit	Date	25 September 2018
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Copies

From	Jayne Tear	Telephone	020 7525 0396
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Email	jayne.tear@southwark.gov.uk		
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Subject Re: KG2P Convenience Store, Unit 1 & 2 Northchurch, Dawes Street, London, SE17 2AQ – Application for a premises licence

I write with regards to the above application for a premises licence submitted by Murugesu Sundarapalan under the Licensing Act 2003, which seeks the following licensable activities:

- Supply of alcohol (off the premises) on Monday to Sunday from 08:00 to 23:00
- Overall opening times shall be on Monday to Sunday from 08:00 to 23:00

In premises described within the application as *'Front left hand side of the store is a counter. Behind the counter there is alcohol and cigarettes. Left hand side middle of the shelf there is wine. Left hand side back corner there are beer fridges and beers'*.

The premises is situated in a residential area and under the Southwark Statement of Licensing policy 2016 - 2020 the appropriate closing times Off-Licences and alcohol sales in grocers and supermarkets is 23:00 hours daily

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance and the protection of children from harm.

This premises has previously held a licence which was subject to a review submitted by Trading Standards. At the hearing for the review on 23 April 2018 the licensing sub-committee revoked the premises in order to promote the licensing objectives. I attach a copy of the notice of decision from the LSC hearing on 23 April 2018 to this representation.

The applicant Mr Murugesu Sundarapalan was the licensee and the DPS of the premises licence at the time of the revocation.

Mr Sundarapalan appealed the LSC decision on 25 June 2018 the appeal was subsequently withdrawn on 25 July 2018.

This application has failed to address any of the licensing objectives within the operating schedule. Furthermore considering the past history and the way that the premises was operating under the control of Mr Murugesu Sundarapalan, which prompted the review

submitted, I have no faith that he will be able to promote any of the licensing objectives and therefore recommend that the application is refused.

I may submit further supporting information to this representation.

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:
<http://lbs-mapweb-01:9080/connect/Includes/APPIMA/SSOLP1620.pdf>

Jayne Tear
Principal Licensing officer
In the capacity of Licensing Authority as a Responsible Authority

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 23 APRIL 2018

SECTION 51 LICENSING ACT 2003: KG2P CONVENIENCE STORE, UNIT 2, NORTHCHURCH, DAWES STREET, LONDON SE17 2AQ

1. Decision

That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by Trading Standards for the review of the premises licence issued in respect of the premises known as KG2P Convenience Store, Unit 2, Northchurch, Dawes Street, London SE17 2AQ having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

- Revoke the premises licence.

2 Reasons for the decision

The reasons for this decision are as follows:

The licensing sub-committee heard from trading standards, the applicant to the review who advised that on 22 November 2017 trading standards with officers from Southwark's night time economy team carried out a routine visit to the premises and found that the designated premises supervisor (DPS) on the premises licence no longer had any involvement with the premises. A transfer of the DPS was completed later that day into the name the current DPS.

Displayed for sale in the premises for £10 a bottle was 75cl bottles of Alomo "bitter" (40% ABV). Duty including VAT is £10.35; 75cl bottles of Joy Dodi "bitter" (42% ABV). Duty including VAT is £10.86 and 75cl bottles of Agya Appiah "bitter" (35% ABV). Duty including VAT is £9.05.

Under the Duty Stamps Regulations 2006 the retail bottles of alcohol with an ABV of 30% or higher, packaged in sizes of 35cl and larger are obliged to carry a duty stamp. None of the drinks carried the duty stamps nor had details of any importer, indicating they had been smuggled in to the UK, which in itself, is an offence under Section 144 the Licensing Act 2003. The lack of duty stamps is also an offence under the Alcoholic Liquor Duties Act 1979 (as amended). Furthermore, offering these drinks for sale is an offence under the Consumer Protection from Unfair Trading Regulations 2008 for creating the impression by displaying the articles for sale that these drinks could be legally sold when they could not. These bottles were subsequently seized. Furthermore, the Alomo and Joy Dodi bitters, being sold below the duty plus VAT is a breach of the mandatory condition 491 of the premises licence.

Whilst in the premises, officers witnessed a customer seeking to buy a single can of Karpackie and another customer a single can of Oranjeboom. Both were told they were £2.00 per can and both customers challenged the sale price, saying, the correct price was £1.20. Because of this, trading standards officers carried out test purchases at the premises on 25 November 2017, when the premises licence holder and DPS was working behind the counter and sold a can of Karpackie for £1.20 when the duty plus VAT was £1.34. The Officer asked what other beers were £1.20 and was told Oranjeboom (which had an inclusive duty price of £1.27) and Kestrel Super an inclusive price of £1.34. As a result, the officer seized 31 cans of Karpackie, 30 cans of Oranjeboom and 76 cans of Kestrel Super.

When asked for the invoices for these drinks, the premises licence holder stated that he didn't have the invoices there and wouldn't be able to produce them, stating he got the Karpackie from a "Beer Shop" in East London and paid £19 for 24 cans, which equated to 79-pence per can; 55-pence below duty.

In advance of the meeting, he provided an invoice relating to the "African Bitters" headed JAP EXOTIC PRODUCTS, address 32 East Street, North Church SE17 2SV, dated 19 November 2017. William Hill bookmakers is located at this address. The Wholesaling of Controlled Liquor Regulations 2015 introduced the Alcohol Wholesaler Registration Scheme to tackle alcohol fraud. From 1 April 2017 all retailers are required to purchase alcohol from HMRC approved wholesalers.

The premises licence holder/DPS was interviewed under caution on 1 December 2017 during which he accepted that he had run the shop since 2005. He advised that customers had requested the sale of Alomo bitter, which was not available from any cash and carry and he did not carry out any checks on the seller that sold him it. He also knew that the purchase of £19 per tray for the beer was wrong, that the invoice for the African bitters was not genuine and also the sale of high strength beers it perpetuated the problem and made it more difficult for people stop their alcohol dependency problems.

The licensing sub-committee then heard from the officer for public health who raised concern over the obvious mismanagement and alleged criminal offences at the premises which undermined the prevention of crime and disorder licensing objective. The officer advised that super strength beers and ciders are almost exclusively consumed by those with severe alcohol dependency problems. A key part of the public health strategy is to reduce consumption, like tobacco, through pricing. Selling the super strength beers and ciders significantly below the duty plus "on costs" completely undermines this strategy as well as making it unfair on other traders which run a legitimate business. Drinks such as Omo, Joy Dodi and Agya Appiah "bitters" often contain surrogate alcohol which carry extreme health risks. The officer informed the sub-committee that the premises was located in the top 6th percentile of deprivation in the country and located to a large alcohol recovery hostel housing extremely vulnerable people with alcohol misuse problems.

The premises licence holder/DPS was not present at the meeting and the licensing sub-committee was informed that he was due to attend court. He had not requested an adjournment of the meeting and despite the court hearing, it was unlikely he would have attended in any event.

The sub-committee were troubled that there was explanation offered to them by the premises licence holder/DPS concerning the management of the premises. From the evidence presented, the premises had operated for approximately 13 years with a DPS. He admitted that drinks such as Alomo bitter were illegal, as it was unavailable in any cash and carry. He was aware that the purchase of cheap beer was wrong and he accepted that the invoice for the African bitters was counterfeit/forgery. A significant number of offences had been committed and the licensing sub-committee was informed that a prosecution file was being prepared. In all the circumstances, there was no other option available to sub-committee to promote the licensing objections but to revoke this premises licence.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

3 **Appeal Rights**

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application.

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

Issued by the Constitutional Team on behalf of the Director of Legal Services.

Date: 23 April 2018

TRADING STANDARDS**Heron, Andrew**

Subject: FW: Reps with respect to the application for a premises licence in respect of KG2P, Units 1 & 2 Northchurch, Dawes Street, SE17 2AQ: Application Reference Number 1080326

Attachments: 882845b.pdf; 882845a.pdf

From: Regen, Licensing
Sent: Thursday, September 13, 2018 9:26 AM
To: O'Gorman, Sinead
Subject: FW: Reps with respect to the application for a premises licence in respect of KG2P, Units 1 & 2 Northchurch, Dawes Street, SE17 2AQ: Application Reference Number 1080326

Kirty Read

Processing Manager
 Southwark Council | Licensing | Regulatory Services
Tel: 0207 525 5748 | **Fax:** 020 7525 5705
EHTS Helpline: 020 7525 4261 | **Call Centre:** 020 7525 2000
Email: licensing@southwark.gov.uk

In future if you wish to submit an application, a quicker way would be to [apply online](#)

Postal Address:

Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

Visitor's Address:

160 Tooley Street | London | SE1 2QH

From: Moore, Ray
Sent: Wednesday, September 12, 2018 5:57 PM
To: Regen, Licensing
Cc: Tear, Jayne; 'Graham.S.White@met.pnn.police.uk'; 'Ian.Clements@met.pnn.police.uk'; Gander, Paul; Bourne, Matt
Subject: Reps with respect to the application for a premises licence in respect of KG2P, Units 1 & 2 Northchurch, Dawes Street, SE17 2AQ: Application Reference Number 1080326

As a responsible authority under the Licensing Act 2003, Trading Standards are in receipt of an application from Murugesu SUDARAPALAN for a new premises licence in respect of the above address and respond accordingly with representations made under the Licensing Objectives.

Trading Standards are objecting to this new application on the basis of the licensing objectives "the prevention of crime and disorder".

It should be noted that trading standards originally brought a review for this premises that was heard at the licensing panel on 23rd April 2018. The panel revoked the license and this revocation was appealed by the then Premises license Holder Mr Murugesu KUNAPALAN. There was an attempt to transfer the license in an application made by the premises license holders brother, the current applicant, Mr Murugesu SUDARAPALAN dated 11th July 2018. The police put in objections to this attempt to transfer the license and the application to transfer the license was withdrawn prior to any hearing on the matter. Police objections to the transfer attached pdf. In a letter dated 26th July 2018 the appeal put in by the solicitors of Mr Murugesu KUNAPALAN (Hartley Bain Solicitors) formally withdrew the appeal. See attached pdf.

On 28th August 2018 this authority received an application for a new premises license from Murugesu SUDARAPALAN. This is the brother of the previous premises license holder who holds a personal license with Kingston and Sutton shared Environmental Service, personal license number 18/00588/LAPERK. It should be noted that this individual has a spent previous conviction for selling counterfeit vodka that was injurious to health from an off license trading as "Esher Wines" on Esher High Street, Esher, Surrey. I produce a press article relating to this prosecution from 2009 taken by Surrey Trading Standards.

<https://www.getsurrey.co.uk/news/local-news/esher-wines-owner-fined-selling-4823570>

Mr Ray MOORE from the Trading Standards Team visited the premises on Tuesday 11th September 2018 accompanied by a licensing officer, Mr Justin WILLIAMS, and two police officers from the Night Time Economy Team, PC Mark LYNCH MD 296 and PC Jonathan DUCKER MD491. The premises is now split into two separate business but the one trading as KG2P takes up the right hand side of the store as you enter. One man was behind the counter in this section with no one else working there. This is the person that Ray MOORE recognised as the previous premises license holder and owner of the business, Mr Murugesu KUNAPALAN. The alcohol was still on the shelves; behind the counter and in the chiller units but covered with sheets, although clearly visible in gaps. Mr MOORE took pictures of this and took details from Murugesu KUNAPALAN. He confirmed that he was Mr Murugesu KUNAPALAN, that he was the owner of the business and that it was his brother that had applied for a new premises license for the business. He also confirmed that he leased the premises from the London Borough of Southwark. Mr MOORE took pictures of the set up in the business and gave Mr KUNAPALAN a notice to get the alcohol removed from the shop within the next 24 hours as it did not have a premises license and that the previous license ceased to apply when the appeal against revocation was dropped on 26th July 2018.

It is therefore intended to refer the matter to the licensing sub committee who have already decided upon and revoked the premises license as it is clear the business is still under the same controlling mind as it was at the time of revocation. In support of this are the agenda; papers and minutes from the panel meeting held on 23rd April 2018 when the license was revoked.

<http://moderngov.southwark.gov.uk/mgAi.aspx?ID=49808>

<http://moderngov.southwark.gov.uk/ieListDocuments.aspx?MIId=6106>

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Social Regeneration| Regulatory Services

Post: 3rd Floor Hub 2, PO Box 64529 | London SE1P 5LX

Direct line 020 7525 0816 | Fax 020 7525 5735 | Call Centre 020 7525 2000

www.southwark.gov.uk/TradingStandards

Need proof of age? Visit www.southwark.gov.uk/pal

Need advice on consumer issues? Visit Citizens Advice via www.direct.gov.uk/consumer



<http://www.southwark.gov.uk/business/trading-standards-and-food-safety/illegal-tobacco-e-cigarettes-and-shisha>

Please consider the environment - do you really need to print this email?

Debra Allday
London Borough of Southwark – Legal
Services
160 Tooley Street
PO Box 64529
London, SE1P 5LX

Please contact Mr. Cabeer Ahmed

Direct email: [REDACTED]

Our Ref: CA/531/Kunapalan
Your Ref: LEG/LIT/RU070/132510

Date: 26th July 2018

Dear Ms. Allday,

RE: Our Client: Mr. Murugesu Kunapalan
KG2P Convenience Store, Unit 2 Northchurch, Dawes Street, SE17 2AQ
Licencing Appeal
Camberwell Magistrates Court

We apologise for the delay in responding the matter. We have managed to obtain instructions from our client who has confirmed that he is no longer able to pursue the appeal in the licencing matter due to personal reasons and therefore wishes to withdraw the appeal.

A copy of the letter has also been sent to the Court.

Should you have any queries please do not hesitate to contact us.

Yours sincerely

[REDACTED]
Hartley Bain Solicitors

cc. By email: [REDACTED]
[REDACTED]





The Licensing Unit
 Floor 3
 160 Tooley Street
 London
 SE1 2QH

Metropolitan Police Service
Licensing Office
 Southwark Police Station,
 323 Borough High Street,
 LONDON,
 SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/3169/18

Date: 18th July 2018

Dear Sir/Madam

Re: KG2P Convenience Store Street SE5 8QU

Police are in possession of an application from the above to transfer the premises licence ref 861157 on application 863970 on council website.

The above premises was subject of an application for a review of the premises licence under the licensing act 2003 submitted by Southwark Trading standards. Following the review hearing and considering all the facts, the licensing subcommittee decided it was appropriate to revoke the premises licence.

This is now subject of an appeal by the premises licence holders, due to heard at the magistrate's court.

On the 11th July 2018, Sundarapalen Murugesu submitted an application to transfer the premises licence, this transfer was to take effect immediately, so effectively as of the 11th July 2018, Sundarapalen Murugesu was claiming to be the new premises licence holder.

Enquiries were made with trading standards who submitted the review and they have supplied the following information.

The licensing subcommittee has already revoked the license and that there is no real change in the ownership and operation of the business and that both parties are not fit and proper People to hold a premises license. Both parties have failed to comply with the licensing objective relating to "the prevention of crime and disorder" in relation to illicit and counterfeit alcohol.

The applicant, Mr Sudarapalan MURUGESU gives his postal address at the end of the application as [REDACTED] and open source internet searches would appear to confirm this as his home address. This address is also the home of Mr Murugesu KUNAPALAN who was the subject of the

licensing review when the premises license was revoked by the licensing subcommittee.

Mr Sudarapalan MURUGESU was prosecuted by Surrey Trading Standards in 2013 at Staines Magistrates Court for counterfeit Spar Imperial vodka that he was selling for his stores "Esher Wines" on Esher High Street in Esher. He was the sole director of the company running the business "Esher Wines Ltd". It was discovered that the counterfeit vodka contained potentially lethal amounts of methanol.

Furthermore, the property from which the Southwark based business is run is owned by the original Premises License holder, Mr Murugesu KUNAPALAN. Land registry documents show that there has been no change of ownership.

The Metropolitan Police are of the view that this transfer is another tactic used to circumvent the provisions and objectives of the Licensing Act and one Southwark's Licensing Policy seeks to address. I refer to paragraphs 89 and 90

Applications for transfer of a premises licence following application for a review

89. This authority is concerned over the frequently observed practice of an application for a transfer of a premises licence being made immediately following an application for a review of that same licence being lodged.

90. Where, such applications are made, this authority will require documented proof of transfer of the business / lawful occupancy of the premises, to the new proposed licence holder to support the contention that the business is now under new management control.

No documentation has been supplied to indicate the business is now under new management control and the Police continue to be seriously concerned over the operation of the premises, it is therefore claimed that this is a sham transfer that is designed to try to get around the revocation of the license by the licensing subcommittee. Effectively there is no real change of management of the business and, in fact, the person putting their name forward to run it has already been proved beyond all reasonable doubt to be a fit person to hold a premises license.

It is for this reason that the police are of the opinion that there are exceptional circumstances on this occasion to object to the transfer of this premises licence.

Submitted for consideration

PC Graham White 288MD
Licensing Officer

Southwark Police Licensing Unit

Licensing Act 2003 Premises Licence



Regulatory Services
Licensing Unit
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

861157

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
KG2P Convenience Store Unit 2, Northchurch Dawes Street London SE17 2AQ Ordnance survey map reference (if applicable), 178418532808	
Post town London	Post code SE17 2AQ
Telephone number [REDACTED]	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Sale by retail of alcohol to be consumed off premises

The opening hours of the premises

For any non standard timings see **Annex 2**

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities


For any non standard timings see Annex 2 of the full premises licence

Sale by retail of alcohol to be consumed off premises

Monday	08:00 - 23:00
Tuesday	08:00 - 23:00
Wednesday	08:00 - 23:00
Thursday	08:00 - 23:00
Friday	08:00 - 23:00
Saturday	08:00 - 23:00
Sunday	10:00 - 22:30


Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Murugesu Kunapalan


Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Murugesu Kunapalan


Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol


Authority L.B of Bexley

Licence Issue date 23/11/2017


Head of Regulatory Services
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -

- a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

101 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

488 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

491 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence:

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually

given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax; (2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

124 Alcohol shall not be sold or supplied except during the permitted hours. In this condition the permitted hours means:

- a. On weekdays, other than Christmas Day, 8.00.a.m. to 11.00.p.m.
- b. On Sundays, other than Christmas Day, 10.00.a.m. to 10.30.p.m.
- c. On Christmas day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.
- d. On Good Friday, 8.00.a.m. to 10.30.p.m.

The above restrictions do not prohibit:

- i) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- ii) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- iii) The sale of alcohol to a trader or club for the purposes of the trade or club ;
- iv) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

125 Alcohol shall not be sold in an open container or be consumed in the licensed premises.

127 Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- c. To a canteen or mess.

Annex 3 - Conditions attached after a hearing by the licensing authority

Annex 4 - Plans - Attached

Licence No. 861157

Plan No. N/A

Plan Date August 2005



13 September 2018

Dear Whom It May Concern

RE: THE LICENSING ACT 2003 – KG2P Convenience Store – Unit 2, North church, Dawes Street, London, SE17 2AQ

I, S [REDACTED] am writing to confirm that the sale of the alcohol on Friday 24 August 2018 was my sole error. Mr Kunapalan did not authorise nor permit such sale and there was a misunderstanding on my part.

I have also enclosed a copy of my identification to confirm my identity.

Please do not hesitate to contact me if you have any questions.

Yours sincerely



Mr [REDACTED]



1 **PACE INTERVIEW TRANSCRIPT**
2 **OF: MURUGESU KUNAPALAN**
3 **Re KGPT Convenience Store**
4
5
6
7
8

9 **Date of Interview** : **18th September 2018**
10 **Commencement Time** : **15.21 hours**
11 **Termination Time** : **16.03 hours**
12
13
14

15 **Person**
16 **Speaking** **Commentary**
17

18 AH This interview is being recorded, my name is **ANDREW HERON ["AH"]** Principal
19 Licensing Officer at the London Borough of Southwark. The other officer present
20 is?

21 JW **JUSTIN WILLIAMS ["JW"]** Licensing Officer.

22 AH And today we are interviewing Mr Murugesu Kunapalan, of KGPT Convenience
23 Store, 2 Northchurch, Dawes Street, London SE17 2AQ. For the benefit of the
24 recording can you state your full name.

25 MK **MURUGESU KUNAPALAN ["MK"]**

26 AH What's your date of birth?

27 MK 

28 AH What's your home address.

29 MK 

30 AH You don't have a legal representative here today.

31 MK Yes.

32 AH Are you happy for the interview to continue without a legal representative?

33 MK Yes.

34 AH Are you happy that this interview is done in English?

35 MK Yes.

**Person
Speaking**

Commentary

- 1 AH As you know, this interview is being recorded. The location of this interview is
2 Interview Room GO4 at the Southwark Council offices at 160 Tooley Street,
3 London SE1 2QH. The time now is 15.21 on the 18th September 2018. This
4 interview will be conducted in accordance with the Police & Criminal Evidence
5 Act 1984. You'll be given a notice at the end of the interview about what will
6 happen to the recording media used in this interview once it is finished. The
7 reason for recording this interview is to give a clear and undisputed account of
8 the interview which is in everybody's interest. In any case the person that's being
9 interviewed, yourself, you don't have to say anything if you do not wish to. The
10 council is investigating alleged offences under Section 136 of the Licensing Act
11 2003 and therefore before asking you any questions in relation to these offences
12 I need to caution you. You do not have to say anything but it may harm your
13 defence if you do not mention when questioned anything you later rely on in
14 court, anything you do say may be given in evidence. You are not under arrest,
15 you are not obliged to stay with me and you have the right to obtain a solicitor
16 on the telephone or to seek legal aid. Do you understand the caution. Can you
17 verbalise that?
- 18 MK Yes.
- 19 AH Can you tell me a little bit about what that caution means, if we break it down,
20 so you do not have to say anything, what does that mean to you? Can you tell
21 me what that means?
- 22 MK *inaudible*
- 23 AH I'm talking about the caution I've just given you, I need to break that caution
24 down to make sure that you understand it, so I want you to tell me your
25 understanding. I said to you "You do not have to say anything" what do you
26 understand by that?
- 27 MK I don't need to ...
- 28 AH You don't need to do what?
- 29 MK Say ...
- 30 AH Anything. It may harm your defence if you do not mention when questioned
31 anything you later rely on in court. What does that mean to you?
- 32 MK *No Response*
- 33 AH Do you agree that it could mean that if you fail to tell us something today which,
34 if this did end up in court, then came up, that you might not be believed. Would
35 you say that?
- 36 MK Yes, if I don't say something here and its told in the court, it doesn't work out or
37 something like that.

	Person Speaking	Commentary
1	AH	I think you've understood that bit. Finally, anything you say may be given in
2		evidence. What does that mean to you?
3	MK	You can take it to the court as evidence.
4	AH	We can take it to court, but anything that you discuss with us in this room while
5		its being recorded could form a part of that case. Do you understand?
6	MK	Yes.
7	AH	I'm going to start with some very basic questions. Can you tell me about your
8		involvement with the business at KGPT Convenience Store?
9	MK	At the moment I'm the owner of the business.
10	AH	So you're the owner of the business?
11	MK	Yes.
12	AH	How long have you held that position for?
13	MK	I think about 15 years with a 2 years break.
14	AH	Are you involved now in the day to day running of the business?
15	MK	Yes, mostly, because I have only got one staff, I stay in the shop because I don't
16		have staff.
17	AH	So you have one member of staff?
18	MK	Yes.
19	AH	Who is that member of staff?
20	MK	He is the one who was involved in the incident, selling the alcohol, his name is
21		K [REDACTED] ...
22	AH	Mr R [REDACTED]. How do you know him, what name do you call him?
23	MK	His surname is R [REDACTED], his name is S [REDACTED], we call him S [REDACTED] or
24		K [REDACTED]
25	AH	So there's only you and him?
26	MK	Yes.
27	AH	Are you at the shop every day?
28	MK	Most of the time.
29	AH	You're at the shop most of the time?

	Person Speaking	Commentary
1	MK	Yes, if he opens in the morning, I go to the shop in the evening, he stays there all
2		day. I worked this morning, he released me to come here.
3	AH	So you only ever have one member of staff on.
4	MK	Yes, because I couldn't find the right staff.
5	AH	So you're still also the leaseholder for the premises, that's correct?
6	MK	Yes.
7	AH	The premises uses to have an alcohol licence for off sales of alcohol and you
8		were the licence holder and DPS.
9	MK	At that time, the DPS I changed it, my brother <i>inaudible</i>
10	AH	For the benefit of the recording I've got a copy of the last licence that the
11		premises had. This was issued in November 2017, can you confirm that this is
12		you as the licence holder and you as the DPS.
13	MK	Yes.
14	AH	Because the premises licence was reviewed in February 2018 by Trading
15		Standards and that was for a number of breaches under the Licensing Act and
16		other Consumer Protection legislation. Do you recall the review?
17	MK	Yes.
18	AH	So we had a hearing here on the 23 rd April.
19	MK	I couldn't attend that because I had another court case in Central London.
20	AH	So you had another court case that day.
21	MK	Yes, but I couldn't change the date because the previous week I knew that date
22		was ... so I couldn't go and change the date.
23	AH	Which court was that at?
24	MK	Its Central London, Temple.
25	AH	Was that court case in relation to your business?
26	MK	Two years I was on a break and at that time I tried to sell the shop to another
27		person, I've got a job as well, I just wanted to give up the business at that time.
28		He took the shop and done the shop, he gave me all the money for the stock and
29		some money for the goodwill and fixtures and fittings and kept on running, he
30		didn't show interest in transferring the shop to his name, because his solicitor
31		never responded to my solicitor. Then he took the stock, because he got the
32		papers and I didn't transfer it to his name, because he gave some money

Person Speaking	Commentary
1	<i>inaudible</i> he took about £28,000 in one week in Paypoint money because
2	Paypoint was in my name, he kept on running it. I didn't give that money that
3	he had because he took that. After that I took the shop and there is no Paypoint
4	so my business went down.
5	AH So effectively he was your business partner?
6	MK Not business partner.
7	AH He was someone who was buying the business?
8	MK He was buying the business and he didn't do that and that case came to ... he
9	wants all the money back.
10	AH So he was suing you?
11	MK Yes. So I had to go that day, I lost the licence because I didn't come.
12	AH You lost the licence, well I think you probably lost the licence because there were
13	a number of issues, there were breaches.
14	MK The policeman said that if you come to that, they will consider this and that. He
15	wrote it to me as well. I've got the letter as well, he wrote to me, they will
16	consider the offer of selling four cans together <i>inaudible</i> that's when I lost the
17	licence. You may consider it a different way <i>inaudible</i>
18	AH I think there's multiple reasons why the committee came to the decision to
19	revoke your licence.
20	MK The policeman came and previously he came to my shop and asked my
21	colleague, the person who worked in the shop, he asked me "Is he coming
22	tomorrow" <i>inaudible</i> I told him all these happened. It happened, I can't do
23	anything about that.
24	AH I would certainly suggest that it won't have helped your case that you weren't
25	here.
26	MK Yes.
27	AH So you actually decided to appeal that revocation at the magistrates court, you
28	put that appeal in on the 17 th May 2018.
29	MK Yes, my solicitor advised me to appeal it and <i>inaudible</i> to somebody's name and
30	you can run it.
31	JW That was the advice of your solicitor?
32	MK Yes.
33	JW Interesting.

	Person Speaking	Commentary
1	MK	It was a waste of money, I paid the courts and to him over £2,000.
2	AH	Is that's Hartley Baines Solicitors?
3	MK	Yes, £2,000, I lost it. <i>inaudible</i> I could have saved that £2,000. <i>inaudible</i> I
4		could have done it at that time.
5	AH	The original hearing for the court case was listed for the 30 th August but we then
6		received a letter from Hartley Baines solicitors dated the 26 th July with you
7		withdrawing that appeal.
8	MK	Yes, he was telling me you can't go against the council in the case. That's what
9		he told me when I went the first time to see him. You can appeal it <i>inaudible</i> by
10		that time you can change the premises licence to somebody's name. It was a
11		waste anyway, he didn't help much.
12	AH	On the 26 th July after receiving that letter from your solicitors, I sent an email to
13		them which confirmed that you no longer had a licence in place?
14	MK	Yes, we covered up the alcohol and we removed as much as possible at that
15		time. Your people came and you were satisfied at that time <i>inaudible</i>
16	AH	So you did get a copy of that email that stated you can't sell alcohol?
17	MK	<i>inaudible</i> we can't just take it away straightaway, <i>inaudible</i> we were hoping that
18		we would get the licence in my brother's name and then we would be able to sell
19		it. We don't intend to sell it without a licence, we would get a heavy fine.
20	AH	So who is your brother?
21	MK	Sundarapalan Murugesu.
22	AH	██
23	MK	Yes, ██████████
24	AH	██
25	MK	<i>inaudible</i>
26	AH	You mean brother.
27	MK	Yes, blood relation.
28	AH	Because we obviously received a vary DPS application on the 8 th June and a
29		transfer application on the 11 th July in your brother's name Sundarapalan
30		Murugesu. As a result of you withdrawing that appeal, the revocation then
31		stepped in and the transfer fell away, so there's no licence in place.

	Person Speaking	Commentary
1	MK	Yes, but I applied early, enough time they give you but you delay it, may be
2		deliberately.
3	AH	We had to delay it, it was a deliberate delay because at that time the licence
4		itself was in dispute, there was no licence so we are in the position where we
5		don't understand why you want to transfer a revoked licence.
6	MK	You allow us to sell alcohol <i>inaudible</i> that means I have the licence.
7	AH	You're allowed to continue selling during your appeal period.
8	MK	You say I didn't have a licence to transfer it at that time?
9	AH	What has happened with the transfer is that the transfer was then objected to by
10		the police because of these outstanding issues. It then went to a hearing and got
11		refused, then that refusal can be appealed during that time but what happened
12		here was that the licence during this time, because you had dropped your
13		appeal, the licence then didn't exist any more.
14	MK	I came here and I realised you can't transfer the licence.
15	AH	So after that date when you stopped your appeal, you understand there was no
16		licence in place and you could not sell alcohol?
17	MK	Yes.
18	AH	On the 24 th August this year, we received an application for a new premises
19		licence for the same shop and this is again in your brother's name Sundarapalan
20		Murugesu and this was for him to be both the licence holder and DPS. So on
21		that day he then made a new application for a licence. Are you still going to be
22		the business owner but he is going to be the licence holder?
23	MK	No, he is going to take over the business, I can't do it overnight, if we get the
24		licence he is going to ... because I'm ████ I can't work like that, he is younger than
25		me so he can work.
26	AH	So down to the reason why you're here today, on the 24 th August which is the
27		same day as that application was made, at 20.05 alcohol was sold to a test
28		purchaser of the council.
29	MK	I never authorised him to sell the alcohol, it was his own initiation. He took his
30		own initiation to sell it. After I lost the licence, after I appealed it, I told him "You
31		can't sell alcohol", that's why we covered up all these things. He sold it,
32		<i>inaudible</i> I don't know why, I told him we will get a fine if we sell single bottles
33		or any amount, but he wasn't listening to me, he just sold it. He told the test
34		purchaser "We don't have a licence, you can't sell it to you", he asked him "Only
35		one". He induced him to sell to the test purchaser because he's a decent person,
36		"You're a decent person, I can't sell alcohol", he just walks away, he forced him
37		to sell only one bottle.

	Person Speaking	Commentary
1	AH	When you say forced, was there violence involved?
2	MK	He doesn't know because may be if he doesn't sell it he might throw something.
3	AH	My question was, was there violence?
4	MK	There wasn't any violence.
5	AH	There wasn't any violence, so our test purchaser didn't physically force him to
6		sell alcohol.
7	MK	Not physically force, but if you tell a decent customer, when I was in the shop I
8		told the decent customers "I can't sell alcohol", he asked for alcohol and I can't
9		sell it because we don't have a licence, they just walk away. When he asked for
10		only one bottle, something ... he just walked away, he's a decent customer, that's
11		what I can tell you.
12	AH	He is not an indecent customer, he's a test purchaser for the council, he is doing
13		his job.
14	MK	Yes, but he told him <i>inaudible</i> definitely you buy one or something like that.
15	AH	What we're talking about, just for the recording, it was one bottle of Nigerian
16		Guinness at £1.69.
17	MK	Yes he sold it but I never permitted him to do that, he did it because he was
18		telling me he said the customer "We don't have a licence, we can't sell it" but he
19		asked for one bottle, he is working for the council, he's not a normal customer.
20		He tried to put us in trouble.
21	AH	But you admit that this sale definitely took place?
22	MK	Yes.
23	AH	The seller, Mr R [REDACTED], who is he, is he a relation to you?
24	MK	No, he is from my country.
25	AH	Which country is that?
26	MK	[REDACTED]
27	AH	And you employ him, you are his boss?
28	MK	Yes.
29	AH	How much do you pay him to work in that shop?
30	MK	We pay him minimum wages, he only does part time not full time.

	Person Speaking	Commentary
1	AH	So he is paid minimum wage part time. When you realised you don't have a
2		licence, what instructions did you give to Mr R [REDACTED], what did you tell
3		him?
4	MK	I told him we can't sell alcohol, you shouldn't sell it. If you sell it we get a heavy
5		fine, that's what I told him, its not worth selling it to pay the fine. You sell one
6		bottle and you only get 20-30p, you might pay £30,000 <i>inaudible</i> that's what I
7		told him.
8	AH	So you made it very clear to him that he wasn't ...
9	MK	Yes.
10	AH	He is a member of your staff, this is you giving him training?
11	MK	Yes.
12	AH	Obviously this is very important, as you've just said.
13	MK	When he opens the shop in the morning I call him and tell him not to sell, every
14		day when he opens. Today I came here so before I handed over, I told him don't
15		sell alcohol to anybody.
16	AH	As he is your member of staff, do you keep any record of staff training in that
17		circumstance?
18	MK	He was working somewhere before, in a service station, they sell alcohol and
19		everything.
20	AH	I'm asking about you and him. You don't have written staff training?
21	MK	No.
22	AH	Because when you said to me just now this is very important because for 30p
23		profit you could get a £30,000 fine. Did you get him to write anything down to
24		say that he understood?
25	MK	No, not really. He took the staff or the register last time when you got that
26		alcohol, that time they took it, they didn't return the papers.
27	AH	Sorry?
28	MK	<i>inaudible</i> took it away, they didn't give it back.
29	AH	A refusal register?
30	MK	Yes I think.
31	AH	Who took it away?

	Person Speaking	Commentary
1 2	MK	The council took it away about a year ago after that. The staff training book, I don't have any staff training book.
3 4 5 6 7 8 9	AH	You don't have any staff training book. He was trained, he was working before for 6 or 7 years in an off-licence. What I'm trying to establish is because as you agree, it was such an important thing for him not to sell alcohol, I'm trying to work out what you put in place to stop him from doing that, because if one test purchaser has come in and said "Oh go on one bottle please" and he has gone "There you go", it sounds like he hasn't taken you very seriously or understood what <i>inaudible</i>
10 11	MK	I don't know if he misunderstood or some sort of ... I don't know what he told them. He didn't listen or ... I don't know why he sold it.
12	AH	Is he still working for you?
13	MK	Because I can't find any other staff, so he's still working with me.
14	AK	But you're still in charge of the business at the moment?
15	MK	Yes.
16 17	AH	Your brother Mr [Murugesu], what's his involvement with the business at this time?
18 19 20 21 22 23 24	MK	Because I don't have a premises licence, there is no point in keeping the store with me because I can't pay the rent or wages or rates, we close a little bit early to save some money with the wages. Sales are very bad, its gone down because people come for milk and alcohol, they don't choose my shop. We sell milk, they don't choose my shop because there's no alcohol. People want to buy cigarettes and alcohol, I've got cigarettes, they don't come to my shop, they go to one shop and get everything, everybody goes to the supermarkets!
25 26	AH	But looking at the event on the 24 th August, you've already agreed that there was no premises licence in place.
27	MK	Yes.
28 29	AH	And that an offence did take place under the Licensing Act in that alcohol was sold, you do admit that.
30	MK	Yes.
31 32 33 34 35 36	AH	I got this through email yesterday, for the benefit of the recording, this is a short note from Mr R [REDACTED] with a copy of his identification who is the gentleman who I recognised that was working behind the counter that night. It states here "I'm writing to confirm the sale of alcohol on Friday the 24 th August 2018 was my sole error. Mr Kunapalan did not authorise nor permit such sale and there was a misunderstanding on my part. I've also enclosed a copy of my

Person Speaking	Commentary
1	identification to confirm my identity.” This has actually come from your
2	daughter to me.
3	MK Yes.
4	AH So you're daughter has sent this, did your daughter write this?
5	MK Yes.
6	AH So you're daughter wrote this, so why is Mr R [REDACTED] saying that he has
7	written this, if your daughter has written this?
8	MK He wrote it, he explained it. He does not write good English, another person
9	explained it to him. He sent this letter to his wife, his wife is more educated
10	than him, she said you can sign it. He copied it and sent it to his wife before he
11	signed, his wife also read it.AH My concern with that would be that if, as you
12	say, his English isn't very good, how does he know what he was signing?
13	MK His wife read it and told him he could sign it.
14	AH Mr R [REDACTED]'s wife told him to sign it.
15	MK Yes, because you did it, you can sign it. He understand that, because I explained
16	and he gave the letter to another person and they read it and explained it to him.
17	AH So the way this is worded is that this has come from him under his own volition,
18	that he has decided to write this letter to us and actually that isn't the case
19	because your daughter wrote it and his wife explained it to him and then he just
20	simply signed it. Is that correct?
21	MK Yes.
22	AH On Friday 7 th September, that's two weeks after this happened, I returned to the
23	premises to hand deliver this PACE invitation to you. When I arrived the shutters
24	were half down.
25	MK Because he closes every day at 8 o'clock.
26	AH Were you working in the shop that night?
27	MK He and me was there.
28	AH Because I had turned up, your shutters have small holes in and I saw you behind
29	there. Do you remember what I said to you?
30	MK You said open the shutters, I thought you were a customer.
31	AH No I said ...
32	MK After that you said you were from Southwark Council.

	Person Speaking	Commentary
1	AH	What did you say to me?
2	MK	I said to you we are closed because even if open up, someone will come inside.
3	AH	Do you remember what words you used to me?
4	MK	I can't remember. I said whoever it is we can't open because we're closed.
5	AH	I said I'm from the council and I asked you to let me in, you said to me "I don't
6		care, go away".
7	MK	I didn't say go away, I don't care whoever it is, I can't open the shutter.
8	AH	You said "I don't care, go away".
9	MK	No I didn't say go away, we open tomorrow at 8 o'clock if you want ...
10	AH	So you agree that you said "I don't care".
11	MK	No I didn't say I don't care, I can't open for anybody.
12	AH	It was me and I wrote down at the time what you were saying and I wrote down
13		that you said "I don't care, go away".
14	MK	I didn't say go away.
15	AH	You're now saying that you didn't say ...
16	MK	I didn't say go away, I said I don't care, I can't open it.
17	AH	You said "I don't care, I can't open it".
18	MK	Open it, its 8 o'clock, we are shut, I don't want ... because if you open somebody
19		will come inside. We finished counting the till, we had shut down everything, I
20		don't want that ... you just threw the letter and you said something else to me.
21	AH	I put the letter <i>inaudible</i> I put the letters in and you picked them up.
22	MK	You said something bad to me! "You won't get the licence" or something like
23		that.
24	AH	I'll come back to that, firstly I just want to say ... so you're suggesting that you
25		said "I don't care, I can't open it".
26	MK	Yes.
27	AH	Do you think that's an appropriate way to speak to an officer of the Council?
28	MK	I said we're shut, we always shut at 8 o'clock but that day it was 5 past 8 because
29		I was away, he didn't shut it, if he had shut at 8 o'clock ...

	Person Speaking	Commentary
1	AH	My question was, do you think that is an appropriate way ...
2	MK	No, okay I'll say sorry!!
3	AH	So you're apologising, well thank you for that. What I went on to explain to you
4		was that there was a current application at the premises and that there should
5		have been a notice outside on blue paper.
6	MK	Yes, because <i>inaudible</i> normally told us to put that, we've never done it before,
7		this application. You didn't tell me you from the council or anybody advised me
8		you had to put that up for 10 days. If you put it on the shutter, when you move
9		the shutter up it will come off.
10	AH	No, you could have one on the shutter and one on the inside of the window and
11		replace the shutter one every day. It has to be there for 24 hours, its still not
12		there now.
13	MK	We don't know what to do. You normally advise me. <i>inaudible</i>
14	AH	Firstly you are not the applicant in this situation, your brother is the applicant.
15		Its his duty to find out what he must do with the application. Secondly, ...
16	MK	He did it online.
17	AH	He did it online and he gave an email address.
18	MK	Yes, but have they sent that thing on the email?
19	AH	Yes I wrote an email to him the day the application was received or the day after,
20		that said that there needs to be a blue notice. I've written to him twice more
21		since then and he has not responded to me. Obviously that's not your
22		application but at this time that application is invalid and that is what I was trying
23		to explain to you, not that you're not going to get your licence although I would
24		have some concerns that you've got an outstanding sale of alcohol during the
25		time that you're making an application and its going to affect your brother's
26		application for sure.
27	MK	Why, he is different from me.
28	AH	But you're the business owner so he is not different from you, you've told me all
29		the way through a number of times now you are still in control of that business
30		now.
31	MK	Yes.
32	AH	So its your responsibility, that sale of alcohol took place while you're the business
33		owner. Your brother is simply the applicant for a new licence but at this time
34		nothing has changed to show that he is the new business owner.

	Person Speaking	Commentary
1	MK	So does that mean he can't apply again?
2	AH	No, what I've said is that his application at the moment will only become valid
3		once he puts the blue notice outside the premises for 24 hours a day for 28
4		consecutive days. When he does that, then we can start the consultation. If he
5		doesn't do that, I will reject the application.
6	MK	So he can't apply again?
7	AH	Yes, he can apply as many times as he likes but he just needs to apply properly.
8		He still has some time at the moment for the original consultation period during
9		which he can put that blue notice up and then we will start the consultation
10		period.
11	MK	Okay, the same application or a different application?
12	AH	It's the same application that he has got at the moment.
13	MK	I don't know about that, <i>inaudible</i> he is not coming all the time to the shop.
14	AH	Its on our website, if you go to our website a copy of the blue notice is available
15		for you to download and print.
16	MK	What is the website address?
17	AH	Its Southwark Council, if you google Southwark Licensing, it's the first bit that
18		comes up.
19	MK	Okay.
20	AH	So what are your future plans with the business?
21	MK	Now, I don't have the money to pay the guy's wages, we have to pay the rent
22		and rates and all these things. Sales are down so we can't afford to pay anything,
23		in 2 or 3 months either I can sell it to him, if he gets the licence, or I'll find
24		another buyer because I can't sell the stock to another shop owner, or even give
25		the stock away.
26	AH	Where is that stock now?
27	MK	Its away from there?
28	AH	Is it still behind the counter?
29	MK	No.
30	AH	Because the police visited you on the 11 th September?
31	MK	We've moved everything, its not on display on the counter, its all in sealed boxes
32		and we've put it away.

	Person Speaking	Commentary
1	AH	So before you sell your business, what are you doing to do to make sure that
2		alcohol isn't sold?
3	MK	I'm in the shop most of the time, I won't to sell it, I'll tell him again and again
4		every day "Don't sell it", I can do that.
5	AH	So you're going to tell Mr R [REDACTED] every day not to sell alcohol?
6	MK	Yes, when he works I'll tell him every time.
7	AH	Do you have any questions that you would like to ask?
8	JW	No.
9	AH	Do you have any questions you would like to ask us?
10	MK	No, I want to find out about the test buyer, is he working here?
11	AH	Yes, he is an employee of the council.
12	MK	What happened to the bottle?
13	AH	We've retained that for evidence.
14	MK	I thought if you found it on the road and sell it to the thing ... find a person.
15		There are people looking for free alcohol, can you buy a bottle of alcohol and just
16		give it ... and they take the alcohol or something like that!! <i>inaudible</i>
17	AH	The test purchaser is an employee of the council.
18	MK	Why did he force ... I asked him <i>inaudible</i> that's not the right thing. <i>inaudible</i>
19		you are not a decent customer.
20	AH	He actually works in the Environmental Health Team.
21	MK	We initially told him we don't have it, we can't sell it, did he tell you anything
22		about that purchase?
23	AH	I've got a copy of his witness statement here and his statement doesn't talk
24		about any conversation that's gone on between the seller and himself. If this
25		goes to court that might be something that you would want to bring up again.
26		My fear is the relevance of what that conversation said because you're
27		suggesting that our council employee behaved in a manner that made your
28		employee sell him alcohol, simply by using words?
29	MK	Yes.
30	AH	But he didn't threaten him ...

	Person Speaking	Commentary
1	MK	No, I've seen a lot of customers, I've told them, they just walk away, they don't
2		ask "Give me one bottle" or something like that. That's not the right thing, that's
3		why he changed his mind and gave it to them or something like that, I don't
4		know.
5	AH	So you're suggesting that your employee felt threatened ...
6	MK	No, not threatened, just one bottle he asked, even a decent person I've seen it, I
7		just tell them and they just walk away, they don't ask for one <i>inaudible</i> please
8		sell to me or things like that. Its not the right thing, if I say to a customer "I can't
9		sell it, we don't have a licence" they just walk away. If a customer says "Nobody
10		will see, I'll just put in my back and go", its not the right thing, the customer is
11		not behaving nice, that's how I feel.
12	AH	Do you have anything else that you wish to say to us before we finish this
13		interview?
14	MK	Financially I'm bad, if you give me the licence I can run it for one or two months
15		and then sell it to him or somebody else.
16	AH	I'm concerned that you've said if we give you the licence, your not the applicant.
17	MK	No, if you give him the licence.
18	AH	Can you understand why it might appear to me that he has simply applied on
19		your behalf?
20	MK	No, he is going to take over the business.
21	AH	Have you got any evidence to show that he is going to take over?
22	MK	If he doesn't get the licence, he won't take it over, I'll have to find another buyer.
23	JW	You need to find another buyer?
24	MK	Another buyer, normally he would buy a going business, simple as that.
25	AH	I have invited him to join us for an interview as well.
26	MK	Yes, we came together.
27	AH	So that's the gentleman waiting outside?
28	MK	Yes.
29	AH	If no one else has got anything else to add, then I'm going to terminate the
30		recording.
31	MK	Not at the moment.

	Person Speaking	Commentary
1	AH	Okay, the time is now 16.03 and I'm terminating this interview.
2	END OF INTERVIEW	

1 **PACE INTERVIEW TRANSCRIPT**
2 **OF: SUNDARAPALAN MURUGESU**
3 **Re KGPT Convenience Store**
4
5

6 **Date of Interview** : **18th September 2018**
7 **Commencement Time** : **16.23 hours**
8 **Termination Time** : **16.51 hours**
9
10
11

12 **Person**
13 **Speaking** **Commentary**
14

15 AH This interview is being recorded, my name is **ANDREW HERON ["AH"]** and I'm
16 the Principal Licensing Officer at the London Borough of Southwark. The other
17 officer present is?

18 JW **JUSTIN WILLIAMS ["JW"]** Licensing Officer.

19 AH And today we are interviewing Mr Sundarapalan Murugesu, we are interviewing
20 you in relation to KGPT Convenience Store, 2 Northchurch, Dawes Street, London
21 SE17 2AQ. For the benefit of the recording can you state your full name.

22 SM My name is **SUNDARAPALAN MURUGESU ["SM"]**.

23 AH What's your date of birth?

24 SM 

25 AH What's your home address.

26 SM 

27 AH You don't have a legal representative here today, are you happy to continue
28 without one?

29 SM Yes, thank you.

30 AH Are you happy that this interview is conducted in English?

31 SM Yes, that's okay.

32 AH As you know, this interview is being recorded. The location of this interview is
33 Interview Room GO4 at the Southwark Council offices at 160 Tooley Street,
34 London SE1 2QH. The time is now 16.23 on the 18th September 2018. This
35 interview will be conducted in accordance with the Police & Criminal Evidence
36 Act 1984. You'll be given a notice about what will happen to the recording media
37 used in this interview once the interview is over. You don't have a legal adviser

Person Speaking	Commentary
1 2 3 4 5 6 7 8 9	with you today, but the reason you're here is to give a full undisputed account for the offences that we're investigating. The council is investigating offences under Section 136 of the Licensing Act and therefore before asking you questions in relation to these offences I need to caution you. You do not have to say anything but it may harm your defence if you do not mention when questioned anything you later rely on in court, anything you do say may be given in evidence. You are not under arrest, you are not obliged to stay with me and you have a right to obtain a solicitor on the telephone or to seek legal aid. Do you understand the caution that I've given to you.
10 SM	I received a letter but I know this happened.
11 AH 12	Can we just talk about the caution briefly, I've said to you you are not under arrest, so you don't have to say anything, what does that mean to you?
13 SM	I don't need to say anything.
14 AH	You don't need to respond.
15 SM	Yes.
16 AH 17	But it may harm your defence if you do not mention when questioned anything you later rely on in court. What does that mean to you?
18 SM	Can you explain that.
19 AH 20 21 22	I'm trying to get you to explain to me what the caution means so that I know that you've understood it. The second bit we've got is that it may harm your defence if you do not mention when questioned anything you later rely on in court. What does that mean.
23 SM	I'll answer everything today.
24 JW	Do you understand the implications as well.
25 AH 26 27	Because the implication would be that if you didn't give me an answer today, that you then later used in court, that the court might not believe what you're saying. Anything you do say may be given in evidence. What does that mean?
28 SM 29	I came here about this letter I received at my home address, I paid for the premises licence.
30 AH 31	I just want you to explain what I mean by anything you do say may be given in evidence. What does that mean to you?
32 SM	I don't have any evidence.
33 AH 34	What we're saying is that anything you tell me today may be used if this went further to court.

	Person Speaking	Commentary
1	SM	<i>inaudible</i>
2	AH	Do you understand that bit of the caution, that anything you tell me today can be
3		used as evidence if this case goes to court.
4	SM	Yes.
5	AH	You understand that?
6	SM	Yes.
7	AH	Can you tell me about your involvement with the business at KGPT Convenience
8		Store at 2 Northchurch, Dawe Street, London SE17 2AQ.
9	SM	I'm not involved in the business but I applied for the premises licence.
10	AH	So you just applied for the premises licence?
11	SM	Yes.
12	AH	Are you involved in the day to day running of the store?
13	SM	No, [REDACTED]
14		[REDACTED]. I've been long time unemployed for nearly nine years <i>inaudible</i> they
15		asked me to go and look for work, then I started the business like that, that's
16		how I applied for the premises licence.
17	AH	And you have your own personal licence?
18	SM	I have a personal licence.
19	AH	Because you've applied to be the DPS as well as the licence holder.
20	SM	Yes.
21	AH	So you don't work at the premises, but the gentleman that was here before,
22		Mr Murugesu Kunapalan, who is he to you?
23	SM	He is my brother.
24	AH	What's his relation to that shop?
25	SM	He is doing the business, I don't know anything about the business, I only applied
26		online for the premises licence, that's all I know.
27	AH	So he's the owner of the business?
28	SM	Yes.

	Person Speaking	Commentary
1	AH	The premises was previously licensed and that was in your brother's name as
2		licence holder and DPS, for the benefit of the recording I'm showing a copy of the
3		previous licence. Can you confirm that's your brother's name as both licence
4		holder and DPS and that this is the address of the shop, that's licence No.
5		861157.
6	SM	Yes.
7	AH	That licence was reviewed by Trading Standards and it was revoked. Following
8		the revocation your brother then appealed that decision. During that appeal a
9		varied DPS application was made to put the premises into your name. Is that
10		correct?
11	SM	Yes.
12	AH	That was made on the 8 th June 2018. A transfer application was then received
13		on the 11 th July 2018, also to put it into your name. Is that correct?
14	SM	Yes.
15	AH	That transfer fell down because the appeal was withdrawn so there was no
16		longer a licence in place and do you understand that there's no licence in place at
17		this point?
18	SM	Yes.
19	AH	On the 24 th August you then made another application to us for the premises
20		licence and that was to have you as the licence holder and as the DPS. On that
21		same day at 5 past 8 in the evening, 20.05, there was a test purchase that took
22		place where an employee of the council came and bought one bottle of Nigerian
23		Guinness for £1.69. Do you know anything about what happened that day?
24	SM	No I don't know anything.
25	AH	Why don't you know anything about that?
26	SM	I let him, I'm not living local, I live far away. Its not my business as him, I paid for
27		the premises licence, when I got the premises licence then I'm not involved in
28		the business.
29	AH	So you're not involved in the running of the business?
30	SM	Yes, until I got the premises licence. I got the premises licence <i>inaudible</i> I'm
31		waiting ...
32	AH	So you're waiting to get the premises licence and then once you got that you
33		would then become involved in the business.
34	SM	Yes.

	Person Speaking	Commentary
1	AH	Are you involved in anything to do with the accounts?
2	SM	No, <i>inaudible</i> benefits allowance, I'm not allowed to work. When I get the
3		premises licence then I'll start the business, but till then I'm not involved.
4	AH	So you haven't been involved and you don't want to be involved until you get the
5		premises licence.
6	SM	Yes.
7	AH	The gentleman who works in the shop who sold the alcohol is a Mr S [REDACTED]
8		R [REDACTED].
9	SM	I don't know anything about him.
10	AH	Have you ever met him?
11	SM	<i>inaudible</i>
12	AH	So you've met him once?
13	SM	Yes I only met him once.
14	AH	When was that?
15	SM	In the shop.
16	AH	When?
17	SM	I came before on the 22 nd August, something about the licence, my brother take
18		it from me here and then I went back <i>inaudible</i>
19	AH	Had you seen the shop before then?
20	SM	I know there was a shop there a long time ago, its been running for a long time,
21		since 2003 or something.
22	AH	So your brother has been running the shop since 2003?
23	SM	Yes.
24	AH	But this was the first time you had ever seen the shop?
25	SM	Yes, its a long time since I've seen it, I never normally come here, <i>inaudible</i> only
26		on the 22 nd August I came there about the premises licence <i>inaudible</i> then I
27		went to see the shop and then I went back home.
28	AH	So had you put in the application before you had seen the shop?
29	SM	Yes.

	Person Speaking	Commentary
1	AH	Yes?
2	SM	Yes.
3	AH	Just to confirm, so you applied for the premises licence without ever having been
4		to that shop before?
5	SM	Yes, a long time ago, nearly 8 or 10 years ago I've seen the shop.
6	AH	You've been there 8 or 10 years ago?
7	SM	Yes. I run a business before, so I didn't need to go there.
8	AH	What was that business?
9	SM	An off-licence, I had two off-licences.
10	AH	So you have no working relationship with Mr S [REDACTED] R [REDACTED] ?
11	SM	No.
12	AH	And your brother, Mr Murugesu Kunapalan is in charge of the business now?
13	AH	Yes. <i>inaudible</i>
14	AH	Where my confusion comes is that you have made an application for a premises
15		licence.
16	SM	Yes, when I get the premises licence and then I would be involved in the
17		business, if I can't get the premises licence there is no point in coming here.
18	AH	But why would you take on a business that you have no idea about?
19	SM	I've been on Job Seekers for over 8 years, <i>inaudible</i> do some work or start a
20		business, <i>inaudible</i> he was going to lose the business, start the business like
21		that. If I get the premises licence I'll get involved, but otherwise I won't worry
22		and I'll go back to getting Job Seekers Allowance.
23	AH	So you're currently on Job Seekers Allowance?
24	SM	Yes and [REDACTED]
25	AH	What does that stand for?
26	SM	[REDACTED]
		[REDACTED] sick pay.
28	AH	What's the illness?

	Person Speaking	Commentary
1	SM	I am [REDACTED], I can't work longer [REDACTED]
2		[REDACTED]n, I've worked for over 30 years in two off
3		licences. I got ill and then my business collapsed, [REDACTED].
4	AH	So KGPT is going to be an off-licence if you get the licence.
5	SM	If I get the premises licence okay, otherwise if I don't get it I won't bother.
6	AH	Are you going to work there?
7	SM	No, I want to employ someone.
8	AH	You want to employ someone to work there for you?
9	SM	Yes.
10	AH	So what involvement would you have in the business?
11	SM	I was involved in a similar business.
12	AH	No, if you get the licence for KGPT, how will you be involved.
13	SM	I have a management contract.
14	AH	So you would simply have someone to manage it for you, run it for you.
15	SM	Yes.
16	AH	You would just take the profits.
17	SM	Yes.
18	AH	Have you done any sort of business plan for this?
19	SM	If I get the premises licence I will plan it, otherwise I won't worry about it.
20	AH	You're simply putting in the licence application.
21	SM	When I get the licence, okay, otherwise I won't worry about it, I'll forget about
22		this area, I don't want to come.
23	AH	I am slightly confused by this because you would normally expect someone to
24		have a greater involvement in the business or a commitment to that business
25		before they put in the licence application.
26	SM	Yes, if I get the licence okay then I will just do the business, if I don't get the
27		licence I have no point in coming here and waste my time. If I don't get the
28		premises licence why waste my time, so there's no point in coming to this area. I
29		live too far, I live in [REDACTED]

	Person Speaking	Commentary
1	AH	If you're living in [REDACTED] why would you buy a business in Southwark?
2	SM	He needs a licence, he'll lose the business, I want to build up the business.
3		When I get the premises licence I want to build up the business, otherwise I
4		won't worry about it.
5	JW	That's not exactly the question though.
6	AH	I'm still trying to work out why you would put your name on a premises licence
7		application for a business that you've had no involvement with and don't plan to
8		have any involvement with.
9	SM	When I get the premises licence then I'll be interested, until I get the premises
10		licence I'm okay, I think about it. If I don't get the premises licence I don't think
11		about anything here. That's my idea, otherwise I'll go back to my ...
12	AH	If that was the case with every business then it would be really easy for anybody
13		to set up business, they'll say "Well I'll have that shop please".
14	SM	If I get a premises licence then I work there, but if I don't get the licence, I won't
15		get involved here. If I don't get the premises licence why would I come here,
16		there's no point. I won't be involved with this area, if I don't have the premises
17		licence ...
18	AH	There are issues with your current premises licence application.
19	SM	Yes I haven't received anything.
20	AH	I've got your email address and I've written to you three times and you haven't
21		responded to me.
22	SM	I don't check the email. When did you send it?
23	AH	I sent you three emails, one was on the day of or after the application.
24	SM	They asked me for my passport, I sent the passport, I emailed everything.
25	AH	No, that wasn't from me, that would be from our admin team, but I have sent
26		you three emails asking you about the blue notice outside the premises because
27		there is no ...
28	SM	I don't know anything about this, I run two off licences in [REDACTED] I don't know
29		about the premises licence <i>inaudible</i> I think it was a normal one like in [REDACTED]
30	AH	When you make an application you have to advertise your application, you put
31		an advert in the newspaper and you put a blue notice ...
32	SM	That's for a new licence?
33	AH	For a new licence.

	Person Speaking	Commentary
1	SM	I think about when I was running the business <i>inaudible</i> that's what I think
2		about.
3	AH	What application do you think you got?
4	SM	<i>inaudible</i> the previous owner, he lost the licence for doing something wrong, the
5		customers <i>inaudible</i> I have never put in a new application before, I run two
6		other off-licences, someone else run the business and then I took over.
7	AH	So did you think the old licence was being transferred?
8	SM	Something similar thing.
9	AH	That isn't the application that you have completed, did you fill out that
10		application or did someone else.
11	SM	<i>inaudible</i>
12	AH	Who completed that application?
13	SM	My sister - my daughter.
14	AH	Your sister's daughter?
15	SM	No, my daughter.
16	AH	What's her name?
17	SM	[REDACTED]
18	AH	[REDACTED]
19	SM	No, Murugesu is the family name. We don't have family names, we are not
20		[REDACTED], we call each other that name, we don't have a family
21		name.
22	AH	That I understand, I'm just trying to make sure I've got this correct, so she filled
23		out the application form for you?
24	SM	Yes.
25	AH	What did you think you were applying for?
26	SM	<i>inaudible</i>
27	AH	I need you to slow down, I can't understand you.
28	SM	<i>inaudible</i> you write this one, this one, she is only [REDACTED]
29	AH	[REDACTED]

	Person Speaking	Commentary
1	SM	Yes, she writes everything for me.
2	AH	And you got her to fill out your licence application for you?
3	SM	Yes, she doesn't know anything about this. I don't know much about this new
4		application.
5	JW	How do you start a business and you don't understand and you can't familiarise
6		yourself <i>inaudible</i>
7	SM	Because I used to run two off-licences but I transferred my licence, it's the same
8		thing. I've been to court for the premises licence transfer, I did that before, I did
9		it a long time ago, nearly 20 years ago.
10	AH	My concern is that your brother Mr Kunapalan, he has now lost his licence and
11		that he may be using you and your name to apply for a new licence.
12	SM	He asked me to get the premises licence, <i>inaudible</i>
13	AH	He asked you to do it.
14	SM	He asked me to get the licence and run the business.
15	AH	Did he ask you to apply?
16	SM	Yes.
17	AH	He specifically said to you "I want you to apply for this licence"?
18	SM	Yes.
19	AH	So just to confirm one more time, he has said to you "I want you to apply for this
20		licence".
21	SM	Yes, and when I get the licence you start the business <i>inaudible</i>
22	AH	You didn't ask him "Can I apply for that licence?", he asked you to apply?
23	SM	He asked me.
24	JW	When did he ask you to apply?
25	SM	After this happened.
26	AH	The review?
27	SM	Yes.
28	AH	Because you did put in the varied DPS and transfer into your name previously?
29	SM	Yes.

	Person Speaking	Commentary
1	AH	That concerns me more, that he has asked you rather than you say you want to
2		take this on as a business, it seems to me that you know very little about running
3		a business. It certainly seems to me you know very little about the licensing side
4		of it, even though you say you ran two off licences for a number of years.
5	SM	Yes.
6	AH	The reason you were invited here today was because we had an illegal sale of
7		alcohol at that premises, your name is on application that came in, so I'm trying
8		to establish who was in charge of that business on that day. You have said that it
9		definitely wasn't you, that you simply applied for this and you've applied for it
10		because your brother, Mr Kunapalan, asked you to apply for it. Is that correct?
11	SM	Yes.
12	AH	And you're saying that you will be involved with the business only if the licence
13		gets granted?
14	SM	Yes.
15	AH	But apart from that you've got nothing to show that you have been interested in
16		the business. You've got no business plan, no lease in your name, nothing.
17	SM	Yes, nothing.
18	AH	This is just an idea that you've got.
19	SM	Yes.
20	AH	Again, you're not involved with the day to day running of the premises at all at
21		the moment.
22	SM	Yes.
23	AH	And you've been once on the 22 nd August.
24	SM	Yes.
25	AH	And prior to that you had only been there once eight or ten years earlier. I've
26		got to ask, do you really want to take this business?
27	SM	When I get the premises licence, if I don't get the premises licence, because he
28		needs the premises licence, sometimes the council doesn't give the premises
29		licence, I won't worry about it, its not my money but he paid the money.
30	AH	So did Mr Kunupalan pay for the application?
31	SM	Yes.

	Person Speaking	Commentary
1	AH	That would suggest to me that this is his application and everything you're telling
2		me tells me that its his application, not your application.
3	SM	He gave me the money to apply for the premises licence and then he does the
4		business for me, otherwise I don't worry about it.
5	AH	So he'll just give you the business?
6	SM	Yes.
7	AH	What involvement would he have after he has given you the business?
8	SM	He will get some money from me, some of the profit or something.
9	AH	So he would still be very much involved with getting profit for it?
10	SM	Yes, I'll have a management contract.
11	AH	This interview has gone very differently from how I thought it was going to go
12		today because we were here to talk about an incident of an illegal sale of alcohol.
13	SM	That's not down to me.
14	AH	We have probably established that you weren't involved in that but what we've
15		gone onto establish is that Mr Kunapalan was in charge of the business at that
16		time.
17	SM	Yes.
18	AH	That the application that's been made has been made in your name but he has
19		actually asked you to do that application and paid for that application and that
20		even if that were to be granted, he would still be benefiting from profit from the
21		business. You agree with all of that?
22	SM	Yes.
23	AH	Do you think, now that we know this, what do you think your chances are of
24		getting that licence granted?
25	SM	I'll do it properly otherwise <i>inaudible</i>
26	AH	From everything you've told me, this isn't your application, this is your brother's
27		application, he is reapplying for his old licence in your name.
28	SM	Yes.
29	AH	And you admit that?
30	SM	<i>inaudible</i> the previous off licence, <i>inaudible</i> transfer <i>inaudible</i> run the business
31		already, they lost the licence, then I get the licence, I run the business like that.

Person Speaking	Commentary
1	That's what I know, I don't know about the story, whatever he is doing there we
2	had a normal licence there, then there is the new application. I don't think about
3	that. If I don't get the premises licence I don't want to come here, <i>inaudible</i>
4	new shop, new application, I don't want to be involved.
5	AH I think after this interview, because I think we've established everything we need
6	to now, I'll give you some verbal advice about your current application because
7	its invalid at the moment and if you do want to continue with it, then I need to
8	give you some advice on how to make it valid, because you've got no notices
9	outside and you haven't advertised it in the newspaper. Do you have anything
10	that you want to ask us while here?
11	SM If I get the premises licence <i>inaudible</i> I don't want to waste my time coming
12	here, I'll keep to my Job Seekers Allowance if I don't get the licence.
13	AH The decision as to whether or not you get your licence isn't up to us.
14	SM <i>inaudible</i> I won't worry about it, <i>inaudible</i> if they don't give me the licence then
15	I'll say okay, goodbye then they can't ask any questions of me. Its only that I got
16	a letter from you <i>inaudible</i> because I've already got a personal licence from
17	Kingston Council and Southwark Council <i>inaudible</i> but I can't get any off-licence
18	there but only for this because he'll lose the business <i>inaudible</i>
19	AH So why can't you get an off licence in [REDACTED] ?
20	SM They are very expensive now, but its only if get it cheaper from him because he
21	lost the licence, that's why I come here. <i>inaudible</i> off licence in Kingston.
22	AH But you've also said that you would have absolutely no involvement in the day to
23	day running of KGPT because its too far away.
24	SM <i>inaudible</i> only manage.
25	AH What we would also expect that as the DPS of an application, that you would
26	have day to day running.
27	SM No, I'm 20 miles from here, I've got [REDACTED] children, I can't come here.
28	JW I think its 3 or 4 but ...
29	SM <i>inaudible</i> Job Centre Plus, that's easy for me.
30	AH I think it would be difficult to agree that you are an ideal licence holder in the
31	circumstances, if you intend to have absolutely no involvement in the business
32	whatsoever.
33	SM Even if I get the licence I can't come full time, I'm only looking at part time
34	<i>inaudible</i>

	Person Speaking	Commentary
1	AH	It sounds like this isn't your application, its Mr Kunapalan's application and that if
2		it were granted, that it would be him that would continue to run the business.
3	SM	Yes.
4	AH	Do you also realise that if the licence is in your name and there are other ...
5	SM	I am responsible. <i>inaudible</i> I won't be responsible otherwise, its in my name.
6	AH	So if we had other breaches in the future, if your licence was granted, if breaches
7		of the licence were found, because your brother had done them, it would be you
8		that would be prosecuted for it. Do you understand that?
9	SM	Yes, <i>inaudible</i> I can't come every day from here.
10	AH	And you don't mind ...
11	SM	<i>inaudible</i>
12	JW	Have you understood what he has just said?
13	SM	Yes, I know you think I can't run the business like that, my situation, I've got
14		██████ children.
15	JW	That's the point, if you're running this business and there's breaches and there's
16		issues with the premises, its going to be you that's liable, its you that's going to
17		be prosecuted.
18	SM	No, I don't want that. I live in Kingston, I can't come here every day.
19	AH	I've asked if you have any more questions, do you have anything else to add
20		before we end this interview?
21	SM	<i>inaudible</i> today I come here no problem, but the problem <i>inaudible</i>
22	AH	Can you say that again?
23	SM	<i>inaudible</i> the business owner, the other guy sells alcohol, I don't know anything
24		about this one, but you're enquiring from me <i>inaudible</i> for the premises licence,
25		I have to come here, <i>inaudible</i> experience for me. I run two off licences for 20
26		years <i>inaudible</i> I got ill and lost the business.
27	AH	Do you have anything further to add? Okay, the time is now 16.51 and I'm going
28		to terminate the interview.
29	END OF INTERVIEW	

Heron, Andrew

From: Heron, Andrew
Sent: 25 September 2018 17:21
To: 'Murugesu Kunapalan'
Subject: RE: THE LICENSING ACT 2003 - PACE INTERVIEW INVITE (KG2P Convenience Store - Unit 2, North church, Dawes Street, London, SE17 2AQ)

Categories: Egress Switch: Unprotected

Dear Mr Kunapalan,

Thank you for your email confirming when the notices were in place, please note that the consultation will run until 17th October 2018. Please make sure that the notices remain there until after that date.

Regards,

Andrew Heron
Principal Licensing Officer
London Borough of Southwark
Regulatory Services – Environment & Leisure
020 7525 5767

Address: Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>



From: Murugesu Kunapalan [REDACTED]
Sent: Tuesday, September 25, 2018 4:25 PM
To: Heron, Andrew
Subject: Re: THE LICENSING ACT 2003 - PACE INTERVIEW INVITE (KG2P Convenience Store - Unit 2, North church, Dawes Street, London, SE17 2AQ)

Hi Andrew Heron

The light blue notices were hanged at the shopfronts and the shutters on 20th Sept 18. The notice for newspaper will come in the Southwark News on 27th Sept 18.

M Kunapalan & M Sundarapalan.

On Tue, 25 Sep 2018, 15:52 Heron, Andrew, <Andrew.Heron@southwark.gov.uk> wrote:

Dear Sirs,

As you will be aware, there is a current premises licence application. Previously, there had been no blue notices advertising the application. Both you and the Applicant (your brother) attended an interview under caution on 18th September and confirmed that the notices were not in place. I am now aware that the notices have gone up, but can you please advise which date they were put in place as this will note the first day of the consultation. I have tried repeatedly emailing the Applicant, but receive no response.

Please note that a newspaper advisement will also have to be made, with a copy sent to me.

Regards,

Andrew Heron

Principal Licensing Officer

London Borough of Southwark

Regulatory Services – Environment & Leisure

020 7525 5767

Address: Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>



From: Prahashini Kunapalan [mailto:████████████████████]
Sent: Friday, September 14, 2018 5:25 PM
To: 'Kunapalan, Prahashini (UK)'; Heron, Andrew
Cc: ████████████████████
Subject: Re: THE LICENSING ACT 2003 - PACE INTERVIEW INVITE (KG2P Convenience Store - Unit 2, North church, Dawes Street, London, SE17 2AQ)

Dear Mr Heron

We understand the offence, we are stating that this was not authorised by Mr Kunapalan. Regardless, we will attend the interview to clarify the situation as far in as possible.

We also have correspondence to confirm the above and the contents of my email yesterday.

Regards

Prahashini Kunapalan

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From: Heron, Andrew <Andrew.Heron@southwark.gov.uk>

Sent: Friday, September 14, 2018 2:44:45 PM

To: 'Kunapalan, Prahashini (UK)'

Cc: [REDACTED]

Subject: RE: THE LICENSING ACT 2003 - PACE INTERVIEW INVITE (KG2P Convenience Store - Unit 2, North church, Dawes Street, London, SE17 2AQ)

Dear Mr Kunapalan,

Thank you for your email, the contents of which are noted.

Unfortunately, you do not appear to understand the method that is used to establish if a criminal offence has taken place. Unlicensed alcohol was sold and the seller advised us that Mr Kunapalan was in charge of the business. The Lang Registry is also still in Mr Kunapalan's name, therefore this would suggest that he is still fundamentally involved in running the business. The interview under caution will be Mr Kunapalan's opportunity to give his side of the story. If he does not attend, we will likely have no other option other than to proceed with a prosecution at which point Mr Kunapalan will have to convince the Court that he has no genuine connection to the business.

Mr Kunapalan is not under arrest and does not need to attend the interview under duress. Please therefore confirm if he does intend to attend on Tuesday afternoon.

Finally, you state "I would be extremely grateful if Southwark Council would take an alternative course of action and rescind the lease of KG2P Convenience Store" – I am uncertain what you are referring to. It is

not for the Council to rescind a lease; Mr Kunaplan would have need to seek formal legal advice on how to proceed, should he no longer wish to have the lease for the premises.

Regards,

Andrew Heron

Principal Licensing Officer

London Borough of Southwark

Regulatory Services – Environment & Leisure

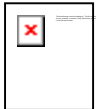
020 7525 5767

Address: Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>



From: Kunapalan, Prahashini (UK) [REDACTED]
Sent: Wednesday, September 12, 2018 3:10 PM
To: Heron, Andrew
Cc: [REDACTED]
Subject: RE: THE LICENSING ACT 2003 - PACE INTERVIEW INVITE (KG2P Convenience Store - Unit 2, North church, Dawes Street, London, SE17 2AQ)
Importance: High

Dear Mr Heron

I write further to the above matter on behalf of Mr Kunapalan. Thank you for your letter dated 7 August 2018 and apologies for the delay in responding to you.

Mr Kunapalan did not authorise the sale of the Nigerian Guinness on Friday 24 August 2018, prior to obtaining approval of a new premises licence application. He has been a long standing lessee of good character of KG2P Convenience Store and it is clear that there has been some form of miscommunication between Mr Kunapalan and Mr R [REDACTED]. Mr Kunapalan is not vicariously liable for the incident as there is an insufficient connection between him and the incident that took place. In other words, there is no connection between him and the wrong carried out as he did not permit/nor authorise the sale of this alcohol. I would like to take this opportunity to add that Mr Kunapalan is also of old age and deteriorating health.

In order to settle this matter and avoid further stress on Mr Kunapalan's poor health whilst also avoiding wasting Southwark Council's resources, I would be extremely grateful if Southwark Council would take an alternative course of action and rescind the lease of KG2P Convenience Store. This would prevent any further incidents.

Again, I apologise for the delay in responding to you but I have been away and Mr Kunapalan has been extremely worried and stressed about the situation, which has only added to the deterioration of his health. I have also attempted calling you but unable to get through. I would be grateful if you could 'reply all' (my personal email address and Mr Kunapalan's email address are cc'd in) in order to progress the outcome of this matter.

I look forward to hearing from you as soon as possible.

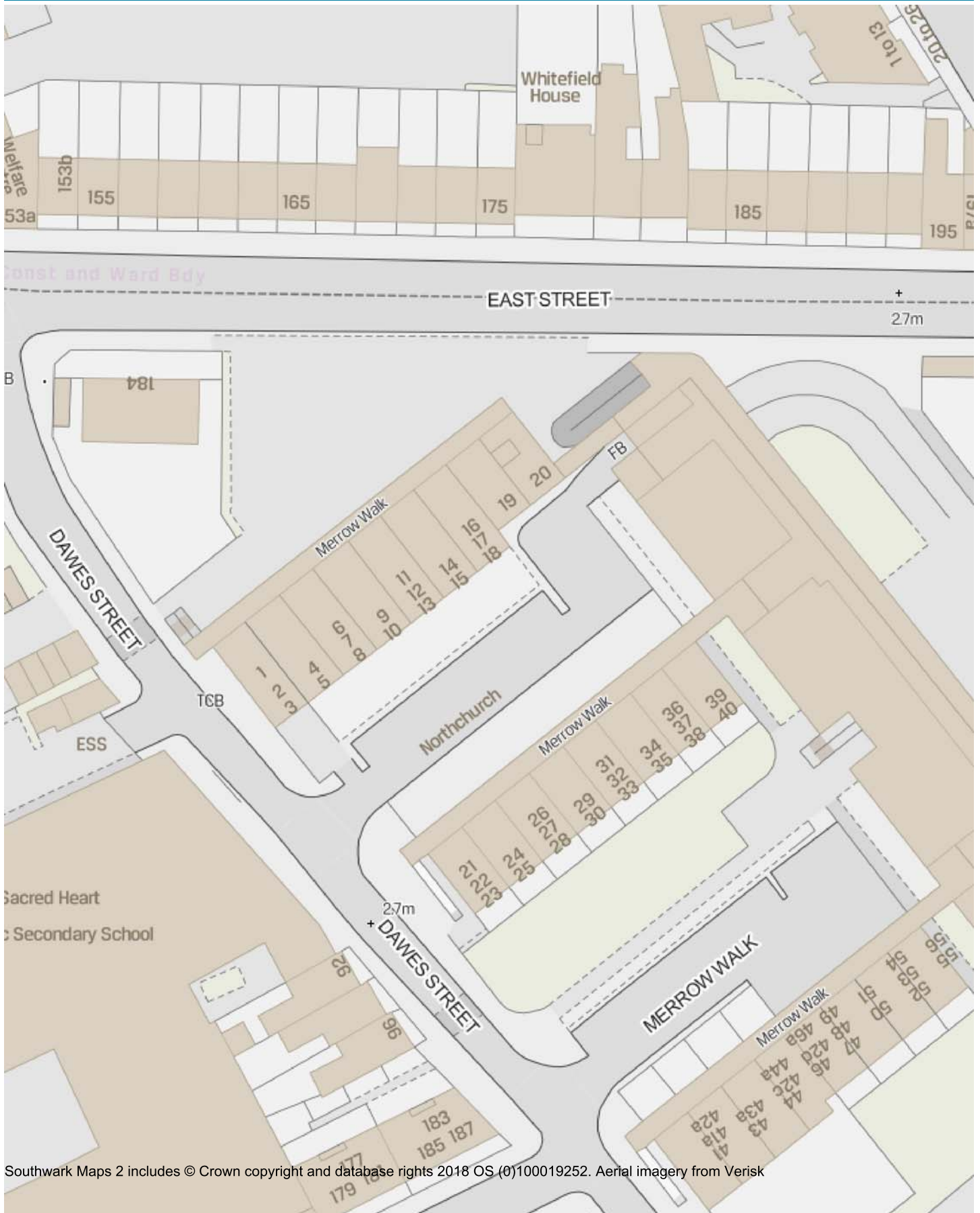
Yours sincerely,

Prahashini Kunapalan

(Legal & Compliance Manager)

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