

Licensing Sub-Committee

Tuesday 21 January 2020

12.30 pm

(or at the rise of the reconvened meeting from 10 January 2020, whichever is later)

Room G06 - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunny Lambe
Councillor Adele Morris

Reserves

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact

Andrew Weir on 020 7525 72222 or email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 13 January 2020



Licensing Sub-Committee

Tuesday 21 January 2020
12.30 pm
Room G06 - 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: STAR ONE SUPERMARKET, UNITS 1 & 2 NORTHCHURCH, DAWES STREET, LONDON SE17 2AQ	1 - 68
	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: 13 January 2020

Item No. 5.	Classification: Open	Date: 21 January 2020	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Star One Supermarket, Units 1 & 2 Northchurch, Dawes Street, London SE17 2AQ	
Ward(s) of group(s) affected		Faraday	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Rajenthiran Pratheepan and Janani Pratheepan for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Star One Supermarket (formally Dawes News), Unit 1 & 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 15 of this report deal with the representations submitted in respect of the application. Copies of the representation submitted by the responsible authorities and attached to this report in Appendix B. A map showing the location of the premises is attached to this report as Appendix E.
 - 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 1 November 2019 Rajenthiran Pratheepan and Janani Pratheepan applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as One Star Supermarket Unit 1 & 2 Northchurch, Dawes Street, London SE17 2AQ.
9. The premises are described in the application as being:
- "Sale of general groceries and alcohol."
10. The hours applied for are summarised as follows:
- Sale of alcohol (off sales only)
 - Monday to Sunday from 06:00 to 23:00
 - Opening hours
 - Monday to Sunday from 06:00 to 23:00
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 is attached to this report in Appendix A.

Representations from responsible authorities

12. Representations have been received from three Responsible Authorities which are detailed in Appendix B.

13. A representation had been received from the Metropolitan Police Service (licensing division) which states that there is a history with the premises which has led to a previous licence being revoked and that they believe that there is no material change in the ownership of the premises since that time.
14. A representation has been received from the council's trading standards who confirm that the property has not had a change of lease on the Land Register since the previous licence was revoked, which had been initiated by them. A number of supporting documents are provided, including the Land Registry search and the notice of decision from 12 November 2018 at which point the last application to make it to the sub-committee stage was refused.
15. A representation has been made by the licensing authority in their role as responsible authority which mirrors that of trading standards, drawing on the history of the premises and the lack of change of ownership.

Representations from other persons

16. There were no representations from other persons.

Planning

17. It may be noted that for this address, the authorised hours of use of the premises for a hot food takeaway (A5) use are Monday to Thursday from 12:00 to 22:00, Friday and Saturday from 12:00 to 23:00 and Sunday and bank holidays from 12:00 to 18:00, as per planning permission ref 0000685. Operation outside of these hours requires planning permission, and may be subject to a planning enforcement investigation if carried out without planning permission.

Conciliation

18. All representations received by the licensing authority have been sent to the applicant. At the time this report was written the applicant has not conciliated with any of the responsible authorities who have made representation to this application.

Premises history

19. A premises licence was issued in respect of the premises on 5 October 2005 when it was then known as 'Lee's Newsagents'. Murugesu Kunapalan was the premises licence holder and designated premises supervisor (DPS).
20. In October 2010, an application to vary the DPS was received and subsequently granted into the name of Noris Nagarajah and in November 2017, a new application to vary the DPS was received and granted back into the name of Murugesu Kunapalan.
21. On 27 February 2018, an application was submitted by this council's trading standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Murugesu Kunapalan in respect of the premises known as KG2P Convenience Store, Unit 2, Northchurch, Dawes Street, London SE17 2AQ.
22. The review application was submitted in respect of the prevention of crime and disorder and public safety licensing objectives and in summary states that the following has been witnessed and / or taken place at the premises:
 - Keeping of smuggled spirits on premise – Section 144 Licensing Act 2003.
 - Offer and sale of duty evaded super strength beer and liquor – Customs and Excise Management Act.

- Possession, offer and sale of unstamped (not bearing duty stamp) alcoholic liquor – Schedule 2A Alcoholic Liquor Duties Act 1979 (as amended) - Duty Stamps Regulations 2006.
 - Offering for sale super strength beers and liquors which could not be legally sold – Consumer Protection from Unfair Trading Regulations 2008.
 - Sale of super strength beers & liquors below duty plus VAT price in breach of mandatory licence condition 491 – Section 136 Licensing Act 2003.
 - Failure to display sale price of “super strength” beers, lagers and ciders – Price marking Order 2004.
 - Failure to purchase alcohol from an HMRC “approved” wholesaler – Alcoholic Liquor Duties Act 1979 (as amended).
 - Failure to produce traceable invoices for all super strength beers/liquors purchased – General Food Hygiene Regulations 2013.
23. On 23 April 2018 the licence was revoked by the licensing sub-committee. A copy of this decision is attached as part of the representation from trading standards.
 24. Following the decision, the licence holder was informed in writing of the revocation. An appeal was lodged at Camberwell Green Magistrates Court and advised to the Authority on 22 May 2018. A preliminary first hearing had been scheduled for 25 June 2018 and was adjourned until 30 August 2018 but was subsequently withdrawn on 26 July 2018. The premises was then written to in order to be advised that there was no licence in place and to withdraw all alcohol from sale.
 25. An application to vary the DPS was made on 8 June 2018, after the appeal application had been made, stating immediate effect. This was issued in the name of Sundarapalan Murugesu.
 26. A premises licence transfer application was received on 11 July 2018 to remove Murugesu Kunapalan as the premises licence holder of KG2P Convenience Store, Unit 2, Northchurch, Dawes Street, London SE17 2AQ and to specify Sundarapalan Murugesu as the new premises licence holder.
 27. Following the withdrawal of the appeal, the premises was written to and advised that there was no longer a licence in place that could be transferred, therefore the application was deemed void.
 28. 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.
 29. 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 and advised that Mr Murugesu Kunapalan was the premises owner and produced addressed mail to that effect.
 30. 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.
 31. On 11 September 2018 at 12:46 police officers from the Southwark licensing division attended the premises. Mr Kunapalan was working in the store and advised the officer that he was in charge. He was found displaying alcohol within the store. A

letter dated 13 September 2018 was received by the licensing authority from the seller, Mr S Rajakulasingtom, admitting the offence of an unlicensed sale of alcohol.

32. Both Murugesu Kunapalan and the new applicant, 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:
- 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, event 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 it 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. This has been signed and returned to the Authority on 23 October 2018.
34. Throughout the consultation for the August 2018 licence, the applicant, Mr Murugesu Sundarapalan was written to, but responses were forthcoming from the previous licence holder.
35. The application was heard by the licensing sub-committee on 12 November 2018 and was duly refused. A copy of the notice of decision is available in Appendix D.
36. On 21 May 2019 Rajenthiran Pratheepan and Janani Pratheepan applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Dawes News. Unit 1 & 2 Northchurch, Dawes Street, London SE17 2AQ. The application was withdrawn on 24 July by the applicant's legal representative before it came before the licensing sub-committee.
37. On 1 November 2019 a new application (the current application) was again made by Rajenthiran Pratheepan and Janani Pratheepan for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Star One Supermarket (formally Dawes News), Unit 1 & 2 Northchurch, Dawes Street, London SE17 2AQ.

38. No temporary event notices (TENs) have been submitted in regards to the premises.

Map

39. A map showing the location of the premises is attached to this report as Appendix E. The following are a list of licensed premises in the immediate vicinity of the application:

Chris Convenient Store, 100 Dawes Street, London 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

40. Council assembly approved Southwark's statement of licensing policy 2019 - 2021 on 27 March 2019. The policy came into effect on 28 March 2019. 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.

41. 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.

42. Within Southwark's statement of licensing policy, the premises are identified as being outside of a cumulative impact policy (CIP) area and within a residential area. Under the Southwark statement of licensing policy 2019 - 2021 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 23:00hrs daily.

Resource implications

43. 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 B.

Consultation

44. 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

45. 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

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

Principles for making the determination

48. 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.
49. 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.
50. 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

51. 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.
52. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
53. 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.
54. 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.
55. 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

56. 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

57. 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.

58. 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

59. 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.
60. 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.
61. 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.
62. 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.

63. 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.
64. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
65. 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.
66. 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

67. 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

68. 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 revised guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file	Licensing Unit Hub 1 Third Floor 160 Tooley Street SE1 2TZ	Kirby Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations submitted by Responsible Authorities
Appendix C	Copy of KG2P revoked premises licence
Appendix D	Notice of Decision from 12 November 2018
Appendix E	Map of the locality

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	7 January 2020	
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
Cabinet Member	No	No
Date final report sent to Constitutional Team		7 January 2020

APPENDIX A

01/11/2019

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

Ref No. 1333975

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

	Janani Pratheepan
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Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the

entertainment is provided by or on behalf of the health care provider;

o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and

o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.

8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

10. Please list here steps you will take to promote all four licensing objectives together.

11. The application form must be signed.

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.

14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications

from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A current Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a

European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - o evidence of the applicant's own identity – such as a passport,

 - o evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and

 - o evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;

- (ii) any page containing the holder's photograph;

- (iii) any page containing the holder's signature;

(iv) any page containing the date of expiry; and

(v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Premises Details

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

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

£	5400
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

Premises trading name

	Star One Super Market
--	-----------------------

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

Do you have a Southwark postcode?	Yes
Address Line 1	1
Address Line 2	NORTHCHURCH DAWES STREET
Town	LONDON
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
--	------------------------------

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	Mrs
If other, please specify	
Surname	Pratheepan
Forenames	Janani
Date of birth	██████████
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	████████████████████

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see guidance below)

Please enter	
--------------	--

Guidance notes

Do you wish to add a second individual applicant?

	Yes
--	-----

Second Individual Applicant

Personal Details

Title	Mr
If other, please specify	
Surname	Pratheepan
Forenames	Rajenthiran
Date of birth	██████
I am 18 years old or over	Yes
Nationality	██████

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see guidance below)

Please enter	
--------------	--

Current Address

Street number or Building name	██
Street Description	████████████████████

Town	[REDACTED]
County	[REDACTED]
Post code	[REDACTED]

Contact Details

Daytime contact telephone number	[REDACTED]
Email Address	[REDACTED]

Guidance notes

Operating Schedule

When do you want the premises licence to start?

	01/12/2019
--	------------

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

--	--

General description of premises (see guidance note 1)

	Sale of general groceries and alcohol
--	---------------------------------------

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
--	----------------

Note 1

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.

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
--	----------------------

In all cases please complete boxes K, L and M.

J - Supply of Alcohol

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

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

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

Day	Start	Finish
Mon	06:00	23:00
Tues	06:00	23:00
Wed	06:00	23:00
Thur	06:00	23:00
Fri	06:00	23:00
Sat	06:00	23:00
Sun	06:00	23:00

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

--	--

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)

--	--

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

	SKMBT-C22019110113460.1.pdf
--	-----------------------------

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

Premises Supervisor

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor (Please see declaration about the entitlement to work in the check list at the end of the form)

Full name of proposed designated premises supervisor

First names	Rajenthiran
Surname	Pratheepan

DOB

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)	London Borough of Waltham Forest

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 applicable - ie no such entertainment
--	---

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

L - Hours premises are open to public

- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

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

Day	Start	Finish
Mon	06:00	23:00
Tues	06:00	23:00
Wed	06:00	23:00
Thur	06:00	23:00
Fri	06:00	23:00
Sat	06:00	23:00
Sun	06:00	23:00

State any seasonal variations (Please read guidance note 5)

--	--

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)

--	--

M - Steps to promote four licencing objectives

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

	I am holding personal licence for more than 20 years and aware of the objectives.
--	---

b) the prevention of crime and disorder

	<ol style="list-style-type: none"> 1. The Premises Licence Supervisor will be present all the permitted hours. 2. Every supply of alcohol under the premises licence must be made or authorised by the person who holds personal licence 3. Display details of the premises opening and closing times which prevent after sale 4. CCTV will be installed to monitor all transactions 5. the removal of low cost high strength alcohol from sale 6. Development of drugs policy in conjunction with the police 7. use bona fide suppliers 8. denying access to hawkers 9. there should be in place sensible arrangements for personal licence holder to monitor the activity that they have authorised on a reasonably regular basis
--	--

c) public safety

	<ol style="list-style-type: none"> 1. Premises configuration and site layout arrangements including adequate means of escape and signage 2. Fire safety 3. Emergency systems 4. Good internal and external communications systems, including with local authorities and emergency services 5. Communications network with the police and signing up for local residents incident alerts 6. Hygiene and welfare facilities in the premises. 7. Ensuring the safety of people when leaving premises 8. Considering the use of CCTV in and around the premises 9. Restrict sale of alcopops where they could attract under age purchasers 10. Restrict sales of beer or cider over a specified ABV 11. Restrict sale of single cans of alcohol 12. Tasking staff to actively monitor customers present upon the premises so as to ensure that no customers to be supplied with alcohol to a point where they became drunk 13. Do not provide advertisements for alcohol in shop window or display boards or other advertising for alcohol on the shop floor 14. store alcohol in controlled areas 14.
--	---

d) the prevention of public nuisance

	<ol style="list-style-type: none"> 1. Consideration to Noise nuisance, light pollution and noxious smells 2. Restricting delivery and collection times between 08.00 and 20.00 hours 3. Limiting any nuisance or glare caused by the positioning of external lighting and external security lighting 4. Preventing odour or pests from refuse storage and waste disposal and the accumulation of litter and smokers waste in the vicinity of the premises 5. CCTV monitor
--	--

e) the protection of children from harm

	<ol style="list-style-type: none"> 1. Preventing access to alcohol and other age restricted products 2. Removing encouragement for children to consume alcohol 3. Prevent exposure to gaming
--	---

	<ol style="list-style-type: none"> 4. Restricting the hours when children are present 5. imposing age restrictions 6. Restricting part of the premises where alcohol stored to which children may have access 7. Requirements for an adult to present 8. Age verification policies - Adopt the policy in relation to the sale of alcohol, supply of alcohol in accordance with the age verification policy 9. Challenge 25 is supported as part of the age verification scheme 10. Challenge 25 Notices be displayed 11. Evidence of the scheme maintained 12. Staff be trained 13. Incident log has maintained 14. CCTV recording system installed 15. EPOS system installed
--	---

Guidance note 10

Please list here steps you will take to promote all four licensing objectives together.

Please upload a plan of the premises

	SKMBT-C22019110114460.pdf
--	---

Please upload any additional information i.e. risk assessments

--	--

Checklist

	<p>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</p>
--	---

Home Office Declaration

Please tick to indicate agreement

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

Proof of Entitlement to work in the UK

Please upload your proof of entitlement to work in the UK or share code issued by the Home Office online right to work checking service. (Please see guidance below)

	SKMBT-C22019110114500.1.pdf
--	---

Guidance notes

Declaration

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK.

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work.

I/We hereby declare the information provided is true and accurate.

I agree to the above statement

	Yes
PaymentDescription	[REDACTED]
PaymentAmountInMinorUnits	[REDACTED]
AuthCode	[REDACTED]
LicenceReference	[REDACTED]
PaymentContactEmail	[REDACTED]

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	Janani Pratheepan
Date (DD/MM/YYYY)	01/11/2019
Capacity	Proposed Lease holder

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	Rajenthiran Pratheepan
Date (DD/MM/YYYY)	01/11/2019
Capacity	Manager

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	[REDACTED]
Telephone No.	[REDACTED]

If you prefer us to correspond with you by e-mail, your email address (optional)	
--	---

GUIDANCE NOTES

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.

14. This is the address which we shall use to correspond with you about this application.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

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.



APPENDIX B 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/21/191/19

Date: 19th December 2019

Dear Sir/Madam

Re: Star One Supermarket Unit 1&2 Northchurch, Dawes Street SE17 2AQ

Police are in possession of an application from the above for a new premises licence for the supply of alcohol off the premises only, between the hours of 0600 to 2300.

On 23rd April 2018 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.

Since the revocation there have been a number of attempts to transfer the premises licence or applications for new premises licences. All of which have been refused or withdrawn.

This new application is made by Mr Janani Pratheepan & Mrs R Pratheepan. Mr Ray Moor of Southwark's Trading standards service provides evidence to suggest that there has still been no material change in ownership of the premises since the licence was revoked. The licence was revoked on the grounds of the prevention of crime and disorder licensing objectives.

Since the evidence indicates there has been no change in ownership, this application should be refused based on the same grounds and evidence submitted in support of the review and transfer applications.

Submitted for consideration

PC Ian Clements 2362AS
Licensing Officer

Southwark Police Licensing Unit

TRADING STANDARDS

From: Moore, Ray

Sent: Friday, November 08, 2019 2:38 PM

To: Regen, Licensing

Cc: Tear, Jayne; 'Graham.S.White@met.police.uk'; 'Ian.Clements@met.police.uk'; Kalu, Richard; Gander, Paul; Bourne, Matt

Subject: Reps with respect to the application for a premises license in respect of "Star One Supermarket", Units 1 & 2 Northchurch, Dawes Street, SE17 2AQ: Application Reference Number 13333975 / 870725

As a responsible authority under the Licensing Act 2003, Trading Standards are in receipt of an application from

Janani PRATHEEPAN 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 sub committee 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, 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. [Pdf of Notice of decision for 23rd April 2018 attached](#)

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> pdf attached

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 businesses but the one previously trading as KG2P (now "Star One Supermarket") 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.

This matter was heard by the by the Licensing Sub Committee on 12th November 2018 and the application was refused.

On 24th May 2019 the current applicant applied for a new premises license for this premises. It was discovered that the lease for the premises was still with the person whose license had previously been revoked, Mr Murugesu KUNAPALAN. On 5th June 2019 Ray MOORE from the trading standards team visited the premises and noted the following:-

“Visit wrt new application. Spoke to applicant on phone.... he e-mailed me a copy of a business management agreement limited to less than 2 years and with a unilateral exit clause. Spoke with traders solicitor and advised that he and his client should withdraw application. New applicant also had issues with licensing sub committee in Tower Hamlets. Gave until Friday 14th June to withdraw application. Clients solicitor.. [REDACTED] Phone number:07931705264.”

The issue that arose was that the lease for the premises with the London Borough of Southwark remained with Mr Murugesu KUNAPALAN. An unsigned sub lease was produced. **See attached pdf.** This effectively allowed Mr KUNAPALAN to unilaterally take back control of the business.

A search of the Land Register for 8th November 2019 showed that the lease is still with Mr KUNAPALAN and there has been no attempt to transfer. There is therefore no change from when the current applicant applied for a new license in May of 2019. This application should therefore be refused by the sub committee as the controlling mind of the business is still Mr KUNAPALAN. **See attached land registry record for 8th November 2019.**

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| 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?

BUSINESS MANAGEMENT AGREEMENT AND LICENCE TO OCCUPY

THIS AGREEMENT is made this 26 day of April Two Thousand and Nineteen (2019)

BETWEEN

Mr. Murugesu Kunapalan and Mrs. Gowri Kunapalan of 111 Axminster Crescent, Welling, Kent DA16 1EV (hereinafter called "the Licensor" of the first part)

And

Mr. Rajenthiran Pratheepan and Mrs. Janani Pratheepan and Mr. Pirasanna Sivagnanasundram both [REDACTED]

WHERE AS:

The Licensor is the beneficial owner of the leasehold premises known as Ground Floor Shop at 1 & 2 North church Dawes Street, London SE17 2AQ (hereinafter called "the Property") and the absolute convenience stored carried on thereat.

The Licensee agrees to occupy shop at Ground Floor, 1 & 2 North church Dawes Street, London SE17 2AQ on the following terms and conditions.

- a) The Licensee shall occupy the premises known as Ground Floor at 1 & 2 North church Dawes Street, London SE17 2AQ ("the premises") as Licensee from 26 April 2019 until 16 January 2021 ("the Licence Period") unless the Assignment of lease has been completed.
- b) Both parties have agreed that the sale/purchase of the Lease is £Nil and pay sum on the day of this agreement
- c) The stock of the premises will be valued on Nil 2019 and the amount of stock value will be paid by the Licensee on 2019.
- d) If the said amounts above should not be paid by the Licensee on or before the said date, the Licensor has the right to repossess the business from the Licensee or renegotiate a new agreement with the Licensee.
- e) In consideration of the Licensee occupying the premises it will pay to the Licensor the sum of £5,000.00 ("the Licence fee"). The payment should be made on the day of this agreement has been executed.
- f) If the Licensee continues to occupy the premises after the end of the Licence period he should be agreeing and signing a new Licence under the new terms of the Licence.

The Licensee has agreed with the Licensor to manage and run the business under the terms of this Agreement.

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. The Licensee shall pay £Nil (Deposit) to the Licensor, which will be refunded on the expiry of the agreement or termination of the Licence or Management subject to any damage or losses to the property, business, goodwill or to the fixtures & fittings and non payment of the commission or any other losses or expenses incurred by the Licensor as a result of direct or indirect actions or neglect of the Licensee during or after the management period.
2. It is hereby agreed that the covenants on the part of the Licensee contained in this agreement is binding jointly and severally and the Licensor agrees to allow the Licensee to run the business carried on by the Licensor at the property and the Licensee is fully entitled to the profit and

6 responsible for the loss of the said business from
 26 April 2019 (hereinafter called
 "commencement date" (hereinafter called "Management period")

3. The Licensor shall have during the subsistence of the Agreement the right to enter the property by informing the Licensee at any point of time to use the check the conditions of the fixtures & fittings, chattels and equipment in and about the property.
4. During the management period the Licensee shall be solely liable for and shall where appropriate reimburse the licensor for the cost of all electrical and gas (if any) and telephone (including rental thereof) consumed or incurred in respect of the premises and the Licensee should also be responsible for payments of the Business Rates and Water Rates payable in respect of the property as well as CCTV and Alarm monitoring services.
5. The Licensee shall ensure that the interior of the property is kept in good and substantial repair and condition and shall maintain the property from time to time and as and when and in manner reasonably required by the licensor and shall keep the furniture, fixtures & fittings chattels and equipment in good and serviceable condition and shall carry out or arrange the carrying out of all necessary regular maintenance and cleaning and repairs thereto and will replace any missing or damaged items in or about the property with new items of similar manufacture.
6. The Licensee shall comply and shall procure compliance with any licences or permission relating to the business and/or the property including off licence and shall not do or omit to do or permit to be done or omitted to be done anything which may render any such licence or permission liable to cancellation suspension or forfeiture restriction or prosecution.
7. The Licensee shall not be entitled to change any locks in the property without written consent of the licensor and upon such consent being received and such new lock being fitted the Licensee shall supply forthwith to the licensor a duplicate set of keys of the said locks for the use of the Licensor.
8. The Licensee is permitted to do carry out the hot food takeaway Restaurant business from the property and if any point of time during the management period the Licensee carries out any illegal activities or sells illegal drugs, alcohol to under aged customers then the Licensor is entitled to terminate this agreement forthwith and the deposit paid under this agreement shall be forfeited.
9. The Licensee hereby agrees to pay and discharge all debts, liabilities, outgoings and expenses in connection with the business from the commencement date and to keep the licensor indemnified against all actions proceedings liabilities claims costs and expenses on account of the same or any way relating thereto in respect of such debts liabilities outgoing and expenses incurred from to the commencement date.
10. It is hereby agreed that this agreement and the occupation of the property by the Licensee shall not create a relationship of landlord and tenant between the parties hereto and treat the Licensee's occupation of the property is as servant and agent of the Licensor and as such the Licensee is an agent not a tenant and nothing in this agreement shall or is intended to create or give right to the existence of a partnership between the Licensee and the licensor and each party to this agreement having given careful consideration to these matters and have had a full opportunity to seek legal advise thereon and it is hereby agreed the conditions of this agreement going to the root that this agreement will create mere management service agreement between the parties hereto and shall riot be regarded as a lease or tenancy agreement or partnership or sub lease or any other arrangement which shall require a consent from the freehold licensor of the property.
11. The Licensor may terminate this agreement forthwith without any notice at any timer on the happening of any of the followings~:
 - The making of an order in bankruptcy against the Licensee
 - If the Licensee does not perform any of the terms of this agreement

- If the Licensee is not able to manage or run the business to the licensor's satisfaction
 - If the commission is not paid as per the terms of this agreement
12. Termination of the management agreement and licence for whatever reasons the following conditions shall apply:
 - The licensor shall return the deposit of £NIL to the Licensee without any interest
 - The licensor shall pay the Licensee the value of the stock
 13. In the event of destruction or damage to the property by fire or any other insured risk against which the Licensor and/or his landlord shall have insured to render the property for unfit occupation or use then either party shall be entitled within 90days of the happening of such event give notice in writing to the other to terminate this agreement forthwith.
 14. The Licensor shall use his/her best endeavours to obtain the necessary probate or letters of administration in order to grant new lease to the Licensee within the licence period and for any reason the probate/letters of administration is delayed, the Licensee shall have the option to continue with this agreement without further notification or extension.
 15. The Licensee shall not assign this agreement nor shall they subcontract or sub licence any party of their obligations hereunder to any person or persons. Any notice required to be served under this agreement shall be properly served by the Licensee if sent by first class prepaid post to the addressee at his or her last known address and shall be deemed received 48 hrs after posting
 16. On the expiration of the management period the Licensee shall vacate the property and leave the property in good state of repair and conditions and give to the licensor's actual vacant possession thereof leaving behind all the licensor's duly owned chattels provided the licensor refunds him the deposit of £Nil
 17. If the Licensor wishes to proceed the sale of the property within the period of this agreement, the Licensee has the first option to purchase the said property at a market value at the point of sale.
 18. During the term of the management period or thereafter the Licensee shall not in any way either directly or indirectly have any kind of contact with the landlord/freeholder of the property in connection with the Licensee's business activities or enter in to any kind of agreement with him/her which will prejudice or affect the Licensor's right in the property as a Lessee.
 19. The Licensee shall pay an interest of 8% above the Bank of England Base Rate on any amount which is due to the licensor under the terms of this management agreement.
 20. The Licensee at the end of the management period could request from the licensor to renew the management term which the licensor shall grant if the Licensee complies with all the terms of the agreement
 21. This agreement shall be binding upon the parties, their successors and assigns the entire Agreement.
 22. Nothing in this Agreement is intended to confer any benefit on a third party whether under the Contracts (Rights of Third Parties) Act or otherwise.

IN WITNESS OF WHICH the parties have executed this agreement the day and year first above written

Signed by or on behalf of the

Lic



Signed by or on behalf of the

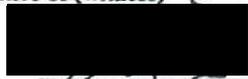


Mr Rajenthiran Pratheepan

in the presence of (witness)

in the presence of (witness)

Signature



Signature

Name

SAROOJ HAMEED

Name

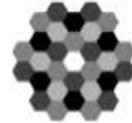
Address



Address

Occupation

Occupation



Official copy of register of title

Title number TGL254574

Edition date 08.01.2016

- This official copy shows the entries on the register of title on 08 NOV 2019 at 10:04:23.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 08 Nov 2019.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Telford Office.

A: Property Register

This register describes the land and estate comprised in the title. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

SOUTHWARK

- 1 (19.04.2005) The Leasehold land shown edged with red on the plan of the above Title filed at the Registry and being the ground floor shop, Unit 2, Northchurch, Dawes Street, London (SE17 2AQ).
- 2 (19.04.2005) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
Date : 16 September 1997
Term : 21 years from 29 September 1994
Parties : (1) The Mayor and Burgesses of the London Borough of Southwark
(2) Purshottam Moham Manani and Reviben Purshottam Manani
- 3 (19.04.2005) There are excepted from the effect of registration all estates, rights, interests, powers and remedies arising upon, or by reason of, any dealing made in breach of the prohibition or restriction against dealings therewith inter vivos contained in the Lease.
- 4 Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (19.04.2005) PROPRIETOR: MURUGESU KUNAPALAN of 111 Axminster Crescent, Welling, Kent DA16 1EU.
- 2 (19.04.2005) The price stated to have been paid on 7 January 2005 was £9000.

Agenda item

Licensing Act 2003: KG2P Convenience Store Unit 2, Northchurch, Dawes Street, London SE17 2AQ

- [Meeting of Licensing Sub-Committee, Monday 23 April 2018 10.00 am \(Item 8.\)](#)
-

Minutes:

The licensing officer presented their report. Members had no questions for the licensing officer.

The trading standards officer, the applicant for the review addressed the sub-committee. Members had questions for the trading standards officer.

The public health officer, supporting the review, addressed the sub-committee. Members had questions for the public health officer.

The licensee was not in attendance. They had advised the licensing officer that they would not be attending and had not requested a postponement of the hearing.

Both parties were given five minutes for summing up.

The meeting adjourned at 2.33pm for the members to consider their decision.

The meeting resumed at 2.36pm.

The chair advised all parties of the sub-committee's decision.

RESOLVED:

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 licence.

Reasons

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.



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 111 Axminster Crescent, Welling, Kent, DA16 1EU, 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

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NEWS

Esher Wines owner fined for selling unsafe vodka

THE owner of an Esher off-licence has been fined £1,690 for selling vodka containing 1,500 times the amount of alcohol considered suitable for human consumption.



By **Surrey Live**

00:00, 24 JUL 2009 **UPDATED** 22:04, 2 JUL 2013

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JOBS MENTAL HEALTH VOUCHER CODES PROPERTY DIRECTORY FUNERAL NOTICES

containing 1,500 times the amount of alcohol considered suitable for human consumption.

Murugsu Sundarapalan, who is the sole director of Esher Wines, based in Esher High Street, was charged with displaying 12 counterfeit bottles of Spar Imperial Vodka, which contained potentially lethal amounts of methanol.

At Staines Magistrates' Court on Thursday, Sundarapalan pleaded guilty to offences contrary to the Food Safety Act and the Trade Marks Act.

On August 28 last year, environmental health officers and trading standards officers from Surrey County Council found the eight remaining bottles of vodka, which bore labels identical to a registered trade mark, Spar.

The court heard that Sundarapalan had bought the vodka from a tradesman who came into his shop, claiming he was selling the bottles for £5 each.

Defence barrister John Read claimed: "The man was very persuasive. When he came into the shop, Mr Sundarapalan had customers waiting.

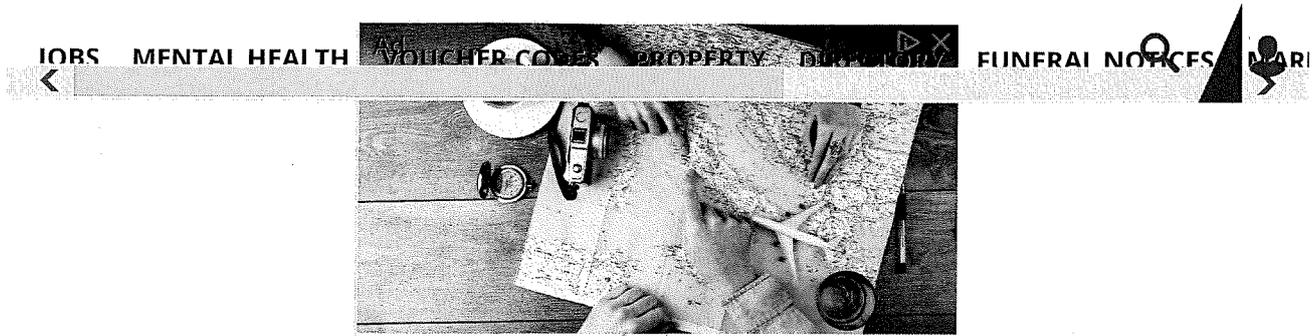
"The man told Mr Sundarapalan he could take the case of 12 bottles as a trial and order more at a later date.

"Mr Sundarapalan handed over the £60 for 12 bottles. He was promised an invoice to be given at the man's next visit."

The defence also said that Sundarapalan had no reason to believe the vodka was counterfeit.

Mr Read told the court: "Mr Sundarapalan hadn't heard of Spar. When he said that to the salesman, the salesman told him it was a new brand."

ADVERTISEMENT



Sundarapalan was fined £900 for the sale of the potentially harmful product and £100 for displaying bottles bearing counterfeit labelling.

He was also ordered to pay £690 in court costs.

Magistrates told Sundarapalan they felt he had been reckless in purchasing alcohol from an unregistered trader and placed a forfeiture and destruction order on the remaining bottles of vodka.

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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

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.

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.

LICENSING**MEMO: Licensing Unit**

To	Licensing Unit	Date	19 December 2019
From	Jayne Tear	Telephone	020 7525 0396
Email	jayne.tear@southwark.gov.uk		

Subject: Star One Super Market, Unit 1, Northchurch, Dawes Street, SE17 2AQ

I write with regard to the application for a premises licence submitted by Rajenthiran Pratheepan and Janani Pratheepan under the Licensing Act 2003 for the premises Star One Super market, Unit 1 Northchurch, Dawes Street SE17 2AQ

The premises is described by the applicant as: *"Sale of general groceries and newspaper."*

The application is for:
Sale of alcohol for consumption off the premises
Mon to Sun 06:00 to 23:00 hours

Opening hours
Mon to Sun 06:00 to 23:00 hours

The proposed designated premises supervisor is Rajenthiran Pratheepan.

This representation is submitted under the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm licensing objectives.

This premises was previously known as Dawes News, Unit 1 & 2 Northchurch, Dawes Street SE17 2AQ and I note that this application is for unit one only. I therefore also seek clarification that the address applied for is correct.

This premises previously had a premises licence for off sales of alcohol which was revoked by the licensing sub-committee following a review by Trading Standards. The decision to revoke was initially appealed however this appeal was withdrawn on 26 July 2018. The reasons for the revocation are contained within the Notice of Decision and I submit a copy of the notice of decision dated 23 April 2018.

The land registry for the premises shows the freeholder to be Southwark Council and the leaseholder to be Murugesu Kunapalan.

The Council's Property Services section have informed me that Council records show the premises is currently leased to Murugesu Kunapalan and Gawri Kunapalan. The lease expires in January 2021 and there are no current applications to transfer or re-assign the lease.

Additionally that the lease contains a clause that prevents the current leaseholders from sub-letting the premises to another party.

The premises licence application has no information accompanying the application to show that the current applicant has any legal right to conduct licensable activities at the premises and it is unclear if the current applicant is an associate or employee of the previous premises licence holder.

Therefore this application which purports to be in the name of Rajenthiran Pratheepan and Janani Pratheepan cannot be used by them at this time and they could well be an agent or employee of the current leaseholder as they cannot have any realistic intention of using the premises themselves without owning the lease. This would mean that the controlling person at the premises will be Murugesu Kunapalan, who previously had his premises licence revoked.

The premises licence DPS was varied to Sundarapalan Murugesu in June 2018 and the premises licence was transferred to Sundarapalan Murugesu in July 2018. The transfer was objected to by the Police and was rejected when the premises licence was revoked and appeal withdrawn.

A visit was made to the premises in August 2018 and an employee sold alcohol to a Council Officer after the premises licence was revoked and the appeal withdrawn, the employee received a simple caution for the offence and Sundarapalan Murugesu, who admitted under caution that he had no involvement in the business, and Murugesu Kunapalan, who admitted to being the business operator, were both sent warning letters. I attach copies of these warning letters.

Murugesu Kunapalan applied in August 2018 for a new premises licence in his own name, this application was opposed and refused at a hearing of the Licensing Sub Committee on 12 November 2018 and I submit a copy of the notice of decision dated 12 November 2018.

A further warning letter was issued to Murugesu Kunapalan by Licensing officers for displaying alcohol for sale when there was no premises licence in place in January 2019. I attach a copy of this warning letter.

This current application could be seen as another attempt by Murugesu Kunapalan to obtain a premises licence which, should it be granted, can be used by Murugesu Kunapalan to again sell alcohol at his business premises under the applicants name.

Further to this a licensing officer, trading standards and the police carried out a joint inspection at the premises on 13 November 2019 and found there was one male person at working at the premises. After verification checks that person was found to be an overstayer and he was arrested. In addition to this a hammer was found behind the counter.

I therefore recommend that this application for a premises licence is refused under the licensing objectives for prevention of crime and disorder, public safety, public nuisance and the protection of children from harm.

As an alternative the applicant may wish to withdraw this application until such time as they can address the issues raised in this representation, i.e.:

- a lease from the Council to operate at the premises.

Jayne Tear
In the capacity of the Licensing 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.

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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



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 12 NOVEMBER 2018

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

1. Decision

That the application made by Murugesu Sundarapalan for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as KG2P Convenience Store, 2 Northchurch, Dawes Street, London SE17 2AQ is refused.

2. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that he was applying for a premises licence and until he obtained a licence for the premises he would not be able to get any of the business documentation changed into his name. The applicant admitted that he had previously worked in the premises eight years ago and that he was currently unemployed. Once the applicant had obtained a licence, until he had found new management to run the premises, he would run the business himself without pay. The applicant also accepted it was his brother that lost the licence to the premises, his brother continued to be the leaseholder and his brother had submitted and paid for this application.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who referred to the recent trading standards premises licence review which saw the licence being revoked by Southwark's licensing sub-committee on 23 April 2018. Since that time, there had been no change of ownership of the business. There were further concerns that premises had subsequently sold alcohol without a licence.

The licensing sub-committee heard from an officer from the trading standards team regarding the previous history of the premises licence.

On 23 April 2018, the licensing sub-committee revoked the licence to the premises from the then licence holder, being the current applicant's brother. The applicant's brother then submitted an appeal to the Magistrates' Court. On 8 June 2018, an application to vary the designated premises supervisor was received in the name of the applicant, with immediate effect and was granted in light of the appeal. A transfer application was then received on 11 July to the applicant. This transfer application was objected to by the police, and was due to be considered by the licensing sub-committee on 22 August 2018. However, the appeal to the revocation was withdrawn on 26 July 2018 and as a result of the revocation of the licence was upheld and the application to transfer fell away.

The applicant then submitted this further premises licence on 24 August 2018. On the same day, at 20:05 a test purchase was carried out at the premises and a bottle of Nigerian Guinness was sold at a cost of £1.69. The seller advised that the applicant's brother was the premises owner. A Land Registry Search showed that the premises remained in the applicant's brother's name.

On 11 September 2018 police attended the premises and the applicant's brother was working at the premises store and advised that he was in charge. He was found displaying alcohol within the store.

On the same day both the applicant and his brother attended interviews under caution with the trading standards team during which it was accepted that they were brothers; the applicant's brother remained the owner and in charge of the business; the applicant's brother admitted the unlicensed sale of alcohol took place, but without his explicit consent; the applicant's was not involved with the running of the business and had no intention of running the business in the future; the applicant's brother completed and paid for the application; the applicant's brother would remain part of the business by taking profits from the business.

The licensing sub-committee heard from the officer from licensing as a responsible authority who raised concerns regarding the previous review and subsequent unlicensed sales of alcohol.

The licensing sub-committee then heard from the public health team concerning high-strength alcohol.

The applicant was convicted in 2009 at Staines Magistrates Court for selling counterfeit Spar Imperial vodka at his premises Esher Wines. This licensing sub-committee is extremely concerned that this is a similar offence to matters that brought about the revocation of the premises licence on 23 April 2018. Since that date, it would appear that the premises have continued to be run in a similar fashion, with numerous licensing offences being committed, including the unlicensed sale of alcohol (s.136 Licensing Act 2003) and making false statements in licensing applications (Section 158 Licensing Act 2003). This sub-committee are therefore of the view that the applicant is not a fit and proper person to hold a premises licence and refuse this application.

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

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day

on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 12 November 2018



Murugesu Kunapalan
111 Axminster Crescent
Welling
Kent
DA16 1EU

Licensing Unit
Direct Line: 020 7525 5767
Direct Fax: 020 7525 5705
Our Ref: L1U: 864624

02 January 2019

Dear Mr Kunapalan

RE: THE LICENSING ACT 2003
(KG2P Convenience Store - Unit 2, Northchurch, Dawes Street, London, SE17 2AQ)

An unlicensed sale of alcohol was made at your premises on 24th August 2018. You attended an interview under caution at the Council Offices on 18th September. Further to this, you were provided with a formal written warning dated 10th October. In addition, your employee, Mr Rajakulasingham signed a Simple Caution on 31st October admitting guilt to the unauthorised sale of alcohol in August.

Further to an application for a new premises licence, made in the name of your brother, Mr Sundarapalan Murugesu, representations were received from Responsible Authorities. A Hearing of the Southwark Licensing Sub Committee took place on 12th November 2018. The application was refused and the Notice of Decision was duly sent. The application was refused as it was believed that no change of ownership had taken place, therefore it is understood that you remain wholly in charge of the business.

As the application was refused, you are reminded that there is no premises licence in place, therefore you cannot sell alcohol, nor have it on the premises available for sale. The appeal period for the application is now complete, to which no appeal has been lodged.

At 19:00 on 14th December 2018, a visit was conducted by Licensing Enforcement Officers. During this visit, Mr Rajakulasingham was again working; he clearly stated to Officers that there was no alcohol in the store. Upon further inspection, significant quantities of alcohol were indeed found stored in a chest freezer on the premises and behind the till. I am aware that one of the Officers then made contact with you via telephone and advised you that all alcohol must be removed from the shop. Despite receiving assurances that there was no further alcohol on the premises, Officers continued to find further large quantities of alcohol in an upstairs storeroom.

Licensing Unit - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH
Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk
Strategic Director Environment & Housing - Deborah Collins
Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

Whilst no sale of alcohol took place on this particular visit, it is the opinion of this Authority that you have continued to sell alcohol, despite not having the appropriate premises licence.

I would advise you that Section 136 (1) (a) (b) of The Act states that:

“A person commits an offence if -

(a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or

(b) knowingly allows a licensable activity to be so carried on.”

In addition, Section 137 (1) states that:

“A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.”

A person guilty of an offence under both the above sections is liable on summary conviction to imprisonment for a term not exceeding six months or an unlimited fine, or to both.”

Officers will continue to make visits to the premises to ensure that no alcohol is being stored in such a way that it may appear to be available for sale, or that any alcohol sales are being made. Should any breach of the Act be substantiated, this Authority will not hesitate to take enforcement action against you as the business owner.

Yours sincerely,

Andrew Heron
Principal Licensing Officer
andrew.heron@southwark.gov.uk

Cc: Murugesu Kunapalan - KG2P Convenience Store - Unit 2, Northchurch,
Dawes Street, London, SE17 2AQ



Murugesu Kunapalan
111 Axminster Crescent
Welling
Kent
DA16 1EU

Licensing Unit
Direct Line: 020 7525 5767
Direct Fax: 020 7525 5705
Our Ref: L1U: 864624

7 August 2018

Dear Mr Kunapalan

RE: THE LICENSING ACT 2003
(KG2P Convenience Store - Unit 2, Northchurch, Dawes Street, London, SE17 2AQ)

Further to my letter dated 7th August 2018, you attended an interview under caution at the Council Offices on 18th September. This was further to an unlicensed sale of alcohol made at the above premises on 24th August.

During the interview you confirmed that you owned the business and agreed that the illicit sale had taken place. You stated that you had informed the seller, your employee, Mr Rajakulasingham not to sell alcohol and further, that he had made a written statement to the Council admitting full responsibility for the sale.

On this occasion, I am therefore minded to issue you with a warning, as the business owner. You stated in the interview that you did not have any formal staff training documents; therefore I would advise that in the future, you compose a document that all members of staff sign to agree that they have read and understood their responsibilities under the Licensing Act. This training should be regularly reviewed.

Yours sincerely,

Andrew Heron
Principal Licensing Officer
andrew.heron@southwark.gov.uk

Cc: Murugesu Kunapalan - KG2P Convenience Store - Unit 2, Northchurch, Dawes Street, London, SE17 2AQ

Mr Sundarapalan Murgesu
7 Hollington Crescent
New Malden
Surrey
KT3 6RP

Licensing Unit
Direct Line: 020 7525 5767
Direct Fax: 020 7525 5705
Our Ref: L1U: 864624

10 October 2018

Dear Mr Murgesu

RE: THE LICENSING ACT 2003
(KG2P Convenience Store - Unit 2, Northchurch, Dawes Street, London, SE17 2AQ)

Further to my letter dated 7th August 2018, you attended an interview under caution at the Council Offices on 18th September. This was further to an unlicensed sale of alcohol made at the above premises on 24th August.

During the interview you confirmed that you were the current premises licence Applicant, however, the business was owned by your brother, Mr M Kunapalan. You stated that you have no current involvement with the business.

From the Council's perspective, as you had made an application for a new premises licence, it would appear that you were in charge of the business at the time the illicit sale took place. However, we have received written correspondence from the seller, Mr Rajakulasingham, taking full responsibility for the sale.

On this occasion, I am therefore minded to issue you with a warning, as the current licence Applicant. If the premises licence application is granted, please make sure that systems are put in place whereby staff are trained in their responsibilities under the Licensing Act 2003.

Yours sincerely,

Andrew Heron
Principal Licensing Officer
andrew.heron@southwark.gov.uk

Cc: Mr Sundarapalan Murgesu - KG2P Convenience Store - Unit 2, Northchurch, Dawes Street, London, SE17 2AQ

Licensing Unit - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH
Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk
Strategic Director Environment & Housing - Deborah Collins
Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

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
111 Axminster Crescent
Welling
Kent
DA16 1EU
[REDACTED]

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
[REDACTED]

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

[REDACTED]

Licence Issue date 23/11/2017

[REDACTED]

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



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 12 NOVEMBER 2018

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

1. Decision

That the application made by Murugesu Sundarapalan for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as KG2P Convenience Store, 2 Northchurch, Dawes Street, London SE17 2AQ is refused.

2. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that he was applying for a premises licence and until he obtained a licence for the premises he would not be able to get any of the business documentation changed into his name. The applicant admitted that he had previously worked in the premises eight years ago and that he was currently unemployed. Once the applicant had obtained a licence, until he had found new management to run the premises, he would run the business himself without pay. The applicant also accepted it was his brother that lost the licence to the premises, his brother continued to be the leaseholder and his brother had submitted and paid for this application.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who referred to the recent trading standards premises licence review which saw the licence being revoked by Southwark's licensing sub-committee on 23 April 2018. Since that time, there had been no change of ownership of the business. There were further concerns that premises had subsequently sold alcohol without a licence.

The licensing sub-committee heard from an officer from the trading standards team regarding the previous history of the premises licence.

On 23 April 2018, the licensing sub-committee revoked the licence to the premises from the then licence holder, being the current applicant's brother. The applicant's brother then submitted an appeal to the Magistrates' Court. On 8 June 2018, an application to vary the designated premises supervisor was received in the name of the applicant, with immediate effect and was granted in light of the appeal. A transfer application was then received on 11 July to the applicant. This transfer application was objected to by the police, and was due to be considered by the licensing sub-committee on 22 August 2018. However, the appeal to the revocation was withdrawn on 26 July 2018 and as a result of the revocation of the licence was upheld and the application to transfer fell away.

The applicant then submitted this further premises licence on 24 August 2018. On the same day, at 20:05 a test purchase was carried out at the premises and a bottle of Nigerian Guinness was sold at a cost of £1.69. The seller advised that the applicant's brother was the premises owner. A Land Registry Search showed that the premises remained in the applicant's brother's name.

On 11 September 2018 police attended the premises and the applicant's brother was working at the premises store and advised that he was in charge. He was found displaying alcohol within the store.

On the same day both the applicant and his brother attended interviews under caution with the trading standards team during which it was accepted that they were brothers; the applicant's brother remained the owner and in charge of the business; the applicant's brother admitted the unlicensed sale of alcohol took place, but without his explicit consent; the applicant's was not involved with the running of the business and had no intention of running the business in the future; the applicant's brother completed and paid for the application; the applicant's brother would remain part of the business by taking profits from the business.

The licensing sub-committee heard from the officer from licensing as a responsible authority who raised concerns regarding the previous review and subsequent unlicensed sales of alcohol.

The licensing sub-committee then heard from the public health team concerning high-strength alcohol.

The applicant was convicted in 2009 at Staines Magistrates Court for selling counterfeit Spar Imperial vodka at his premises Esher Wines. This licensing sub-committee is extremely concerned that this is a similar offence to matters that brought about the revocation of the premises licence on 23 April 2018. Since that date, it would appear that the premises have continued to be run in a similar fashion, with numerous licensing offences being committed, including the unlicensed sale of alcohol (s.136 Licensing Act 2003) and making false statements in licensing applications (Section 158 Licensing Act 2003). This sub-committee are therefore of the view that the applicant is not a fit and proper person to hold a premises licence and refuse this application.

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

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

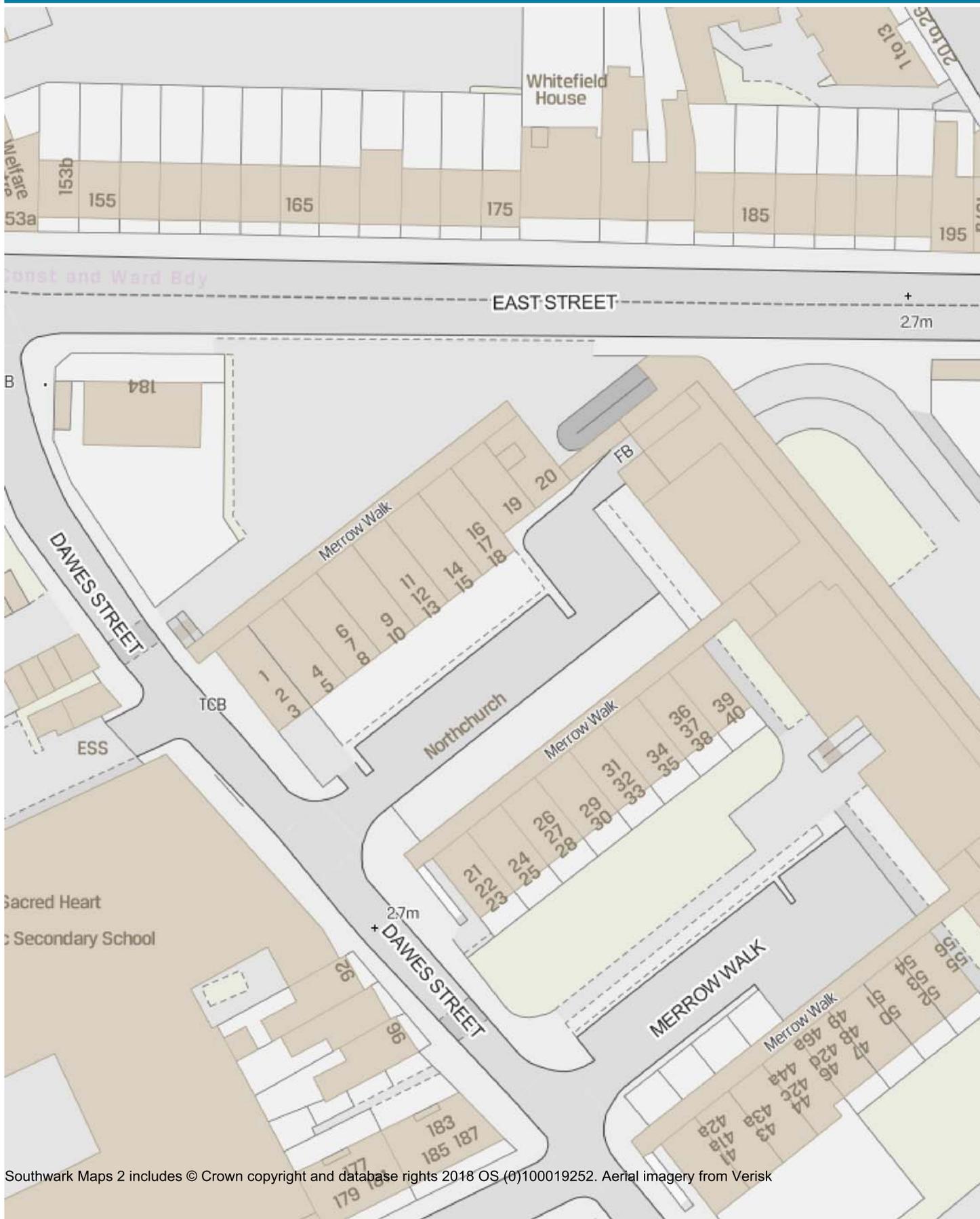
may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day

on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 12 November 2018



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