



## Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 22 July 2013 at 10.00 am at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

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**PRESENT:** Councillor Michael Bukola  
Councillor Lorraine Lauder MBE  
Councillor The Right Revd Emmanuel Oyewole

**OTHERS PRESENT:** P. Vivegananthan, representative from Capalina News  
Vijay Vivegananthan, representative from Capalina News  
S. Vibulanandan, representative from Capalina News

**OFFICER SUPPORT:** Cynthia Barrientos, legal officer  
Dorcas Mills, licensing officer  
Paul Gander, trading standards officer  
Andrew Weir, constitutional officer

### 1. APOLOGIES

There were none.

### 2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members. In the absence of the chair, Councillor Lorraine Lauder was nominated to chair the meeting by Councillor Michael Bukola. This was seconded by Councillor The Right Reverend Emmanuel Oyewole.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

**5. LICENSING ACT 2003 - IVY HOUSE COMMUNITY PUB, 40 STUART ROAD, LONDON SE15 3BE**

The chair advised that this item had been conciliated.

**6. REGISTRATION UNDER THE MANUFACTURE AND STORAGE OF EXPLOSIVES REGULATIONS 2005 - CAPALINA NEWS, 365 WALWORTH ROAD, SE17**

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

The trading standards officer addressed the sub-committee. Members had questions for the licensing officer.

The representatives from Capalina News addressed the sub-committee. Members had questions for the representatives from Capalina News.

The licensing sub-committee went into closed session at 10.55am.

The licensing sub-committee resumed at 11.40am and the chair read out the decision of the sub-committee.

**RESOLVED:**

That the application by the licensing unit, following a request from the council's trading standards team for the refusal of the registration under the Manufacture and Storage of Explosives Regulations 2005 made by Capalina News, 365 Walworth Road, London SE17 2AL is granted.

**Reasons**

This was an application by the licensing unit, following a request from the council's trading standards team for the refusal of the registration under the Manufacture and Storage of Explosives Regulations 2005 made by Capalina News, 365 Walworth Road, London SE17 2AL.

The licensing sub-committee heard evidence from the licensing officer, the applicant for the refusal. She advised the sub-committee that there had been a previous registration in the name of Mr Viveganathan, which was revoked in 2009. A further application for registration was granted in September 2012 and was recently revoked on 22 March 2013 following concerns from trading standards about the unsafe storage of explosives in a basement which had been subject to flooding. The licensing officer advised that on 6 June 2013, a new application for registration was made in the name of Mrs Punitharega Viveganathan.

The licensing sub-committee also heard from the Southwark Council trading standards team. The trading standards officer stated that there was no evidence that Mrs Viveganathan had any management experience. He referred to the recent visits of the health and safety officers and the food safety officers, all of whom noted that she was not

present at the premises during these visits and that all contact had been with Mr Vivegananthan. The officer further stated that the Camelot retailer registration form had Mr Vivegananthan as the owner and manager of the premises and that there was no mention of Mrs Vivegananthan.

The officer submitted that Mrs Vivegananthan did not have the required knowledge or management responsibility to be granted the registration.

The licensing sub-committee heard from the representative from Capalina News who stated that it was a small family business run by the owner, Mr Vivegananthan. It was stated that Mr Vivegananthan had appointed his wife, Mrs P Vivegananthan to deal with the management and administration of the business. The representative advised that a letter had been sent to trading standards confirming this position.

The representative advised that following advice from the council that they had abandoned the storage room in the basement of the premises and no longer intended to use this. They further stated that a new storage area had been prepared at the rear of the premises which had a separate locked area in which they proposed to store the fireworks. However, this had yet to be inspected.

The sub-committee, having heard all the evidence before them, were not satisfied that Mrs Vivegananthan was a fit and proper person to hold a registration. Therefore, the application for refusal is granted.

### **Appeal rights**

The licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the Secretary of State for Works and Pensions. Any appeal must be commenced by notice of appeal given by the appellant to the Secretary of State for Works and Pensions within the period of 28 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Any appeal should be addressed to the Secretary of State for Works and Pensions, Caxton House, Tothill Street, London SW1H 9DA.

The meeting closed at 11.45am.

**CHAIR:**

**DATED:**