

**POLICE**

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

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

Tel: 020 7232 6756
Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/3220/18

Date: 23rd September 2018

Dear Sir/Madam

Re: KG2P Convenience Store, Dawes Street SE17 2AQ

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

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

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

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

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

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

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

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address is also the home of Mr Murugesu KUNAPALAN who was the subject of the licensing review when the premises license was revoked by the licensing subcommittee.

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

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

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

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

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

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

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

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

Submitted for consideration

PC Graham White 288MD
Licensing Officer

Southwark Police Licensing Unit



Notification of alleged offences under the Licensing Act 2003

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

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

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

Summary of alleged offences identified

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

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

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

Issuing officer: LYNCH Print: LYNCH

I acknowledge receipt of this form: (venue)

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

Heron, Andrew

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

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

To Whom it may concern:

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

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

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

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

General Comments

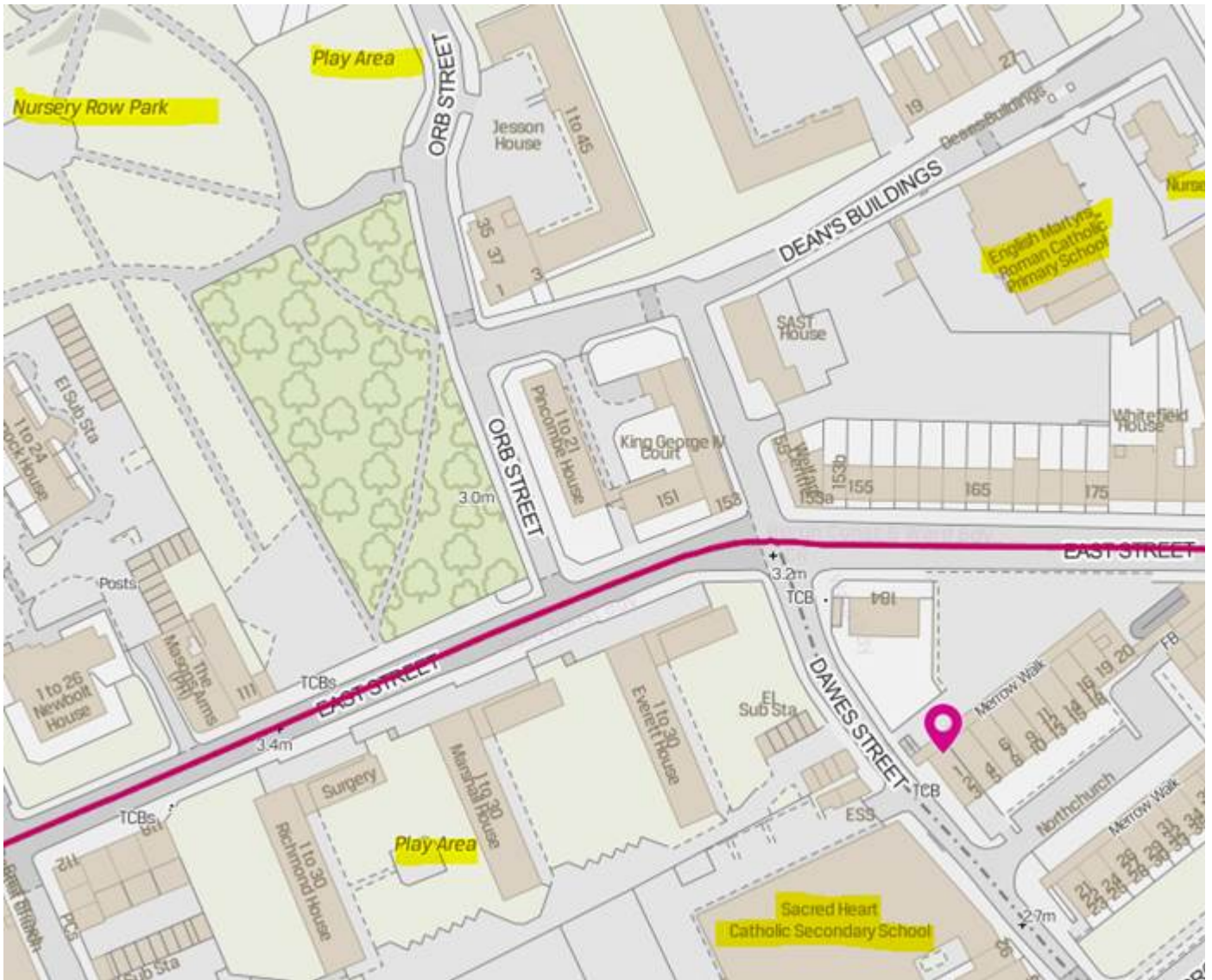
The applicant requests a new application for the supply of alcohol off the premises.

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

Concerns relating to this application

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

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



Recommendations

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

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

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

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

Yours sincerely,

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

MEMO: Licensing Unit

To Licensing Unit Date 25 September
2018

Copies

From Jayne Tear Telephone 020 7525 0396

Email jayne.tear@southwark.gov.uk

Subject Re: KG2P Convenience Store, Unit 1 & 2 Northchurch, Dawes Street, London,
SE17 2AQ – Application for a premises licence

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

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

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

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

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

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

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

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

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

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

I may submit further supporting information to this representation.

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

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

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 23 APRIL 2018

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

1. Decision

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

- Revoke the premises licence.

2 Reasons for the decision

The reasons for this decision are as follows:

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

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

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

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

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

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

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

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

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

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

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

3 **Appeal Rights**

This decision is open to appeal by either:

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

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

This decision does not have effect until either

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

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

Date: 23 April 2018

Heron, Andrew

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

Attachments: 882845b.pdf; 882845a.pdf

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

Kirty Read

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

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

Postal Address:

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

Visitor's Address:

160 Tooley Street | London | SE1 2QH

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

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

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

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

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

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

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

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

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

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

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Social Regeneration| Regulatory Services

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

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

www.southwark.gov.uk/TradingStandards

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

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



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

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

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

Please contact Mr. Cabeer Ahmed

Direct email: [REDACTED]

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

Date: 26th July 2018

Dear Ms. Allday,

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

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

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

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

Yours sincerely

[REDACTED]
Hartley Bain Solicitors

cc. By email: [REDACTED]
[REDACTED]





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

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

Tel: 020 7232 6756
Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/3169/18

Date: 18th July 2018

Dear Sir/Madam

Re: KG2P Convenience Store Street SE5 8QU

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Submitted for consideration

PC Graham White 288MD
Licensing Officer

Southwark Police Licensing Unit