

*[Insert details including name and address of licensing authority and application reference if any (optional)]*

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

I Yemisi FORREST (On behalf of Trading Standards)

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

141 JAMAICA Road	
<b>Post town</b> London	<b>Post code (if known)</b> SE16 4SH

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Kaviraj NAGARAJAH
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<b>Number of premises licence or club premises certificate (if known )</b> 881877
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**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Southwark Council – Trading Standards  Yemisi FORREST Principal Trading Standards Enforcement Officer Regulatory Services 3 <sup>rd</sup> Floor Hub 1 PO Box 64529 London SE1P 5LX
Telephone number (if any) 0207 525 5739
E-mail address (optional) yemisi.forrest@southwark.gov.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

This matter is brought by Trading Standards as a responsible authority under the Licensing Act 2003 in respect of all the licensing objectives but most specifically under the prevention of crime and disorder and the protection of children from harm. The facts of the matter are as follows.

This matter concerns several pieces of legislation but is primarily concerned with the sale of alcohol to a minor. On Saturday 15<sup>th</sup> June 2024 officers with the London Borough of Southwark Trading Standards Team were undertaking an underage sales exercise using a 15 year old male volunteer. A sale of a 500ml bottle of Fullers Bengal Lancer Ale 5.4% ABV was made to the 15 year old volunteer for £2.50, no questions asked. A total of 14 attempted test purchases were made that day using this volunteer and this was the only sale that was made. All other premises refused.

The sale was witnessed by the Licensing Team Leader, Bina PATEL and there were no questions asked of the volunteer such as “Do You Have Any ID?” The sale was made by the owner of the business Mr Kavirach

NAGARAJAH. A full inspection was made of the premises immediately after the sale by Mr Ray MOORE, a Principal Trading Standards Enforcement Officer, accompanied by Bina PATEL who confirmed the identity of the seller as Mr Kavirach NAGARAJAH. Mr MOORE found 10 illegal vapes on the premises which exceeded the maximum capacity of the tank size. There were also 21 x 200ml bottles of Alomo Bitters which appeared to have been smuggled without payment of duty. He formally requested traceable invoices for these items which have not been provided. He also requested invoices for a case of 24 x 500ml cans of Karpackie 9% ABV lager and an invoice was produced dated 20/02/2024 from Euro Wines, 5-9 Creekside, Depford, SE8 4SA.

Mr MOORE wrote out a seizure notice regarding the above matters number 3587. He also wrote out an Age-Related Products Notice number A051. This recorded the following further offences at the time of the visit:-

- The tobacco gantry was open, and the tobacco products were clearly openly on display to the public.
- There was no A3 statutory notice stating that tobacco products can't be sold to under 18-year-olds.
- There were two opened packets of cigarettes on the till which is usually a sign that single cigarettes are being sold.

As well as the above criminal matters good practice matters were also looked at. The underage sale offence carries a due diligence style defence as it is an absolute offence (strict liability). However, as the sale was made by the owner he would not be able to apply such a defence.

It should be noted that he employs one person in the business, S [REDACTED] P [REDACTED]. There were no training records for this person. There was no refusals register.

The police found a knife behind the counter. The premises licence has few conditions on it which was initially issued when the new Licensing Act 2003 came into force in 2005.

The following offences were discovered at the time of the visit:-

Licensing Act 20023, Section 146(1) – sale of alcohol to a minor (15 year old male)

Licensing Act 2003, Section 144 – keeping of smuggled goods on the

premises? (Alomo Bitters)

Consumer Protection from Unfair Trading Regulations 2008, regulation 12 and paragraph 9, schedule 1 – giving the impression that a product can legally be sold when it cannot? (Alomo Bitters)

Tobacco and Related Products Regulations 2016, regulation 36(3) and 46(d);  
- illegal vapes with excess tank capacity

Food Safety and Hygiene (England) Regulations 2013 – failure to provide traceable invoices for a food product (alcohol-Alomo Bitters)

Children and Young Persons (Protection from Tobacco) Act 1991, section 4 – not displaying A3 statutory notice

Tobacco Advertising and Promotion Act 2002, Tobacco Advertising and Promotion (Display) Regulations 2012, section 7A(1) - tobacco openly displayed to the public

Mr NAGARAJAH came in for an interview under caution on 29<sup>th</sup> July 2024. He stated that he was the owner of the business and that he had made the sale. He said that the volunteer had a hood up and that he should have asked him to lower it in order to assess his age. He said that he hadn't got an invoice for the alcohol as he hadn't paid for it yet. He also said that the alcohol and vapes were brought to the shop by companies delivering these things and again he had no invoices for the vapes as well as the alcohol. He apologised for what had happened.

It should be noted that an underage sale was made by Mr NAGARAJAH of a vape on 15<sup>th</sup> February 2024. This test purchase was made after a complaint made to this office by a member of the public stating that he was selling vapes to teenagers on the estate where the shop is. He was interviewed under caution on 13<sup>th</sup> March 2024 and signed a simple caution for the offence along with offences relating to illegal vapes and a quantity of illicit tobacco that was seized. This visit came about as a result of a complaint from a member of the public that vapes were being sold from the shop openly to teenagers from the local estate where the shop is located.

A further test purchase was attempted on 6<sup>th</sup> June 2024 (again of a vape by a different 15 year old male). The volunteer was told by the person behind the counter that he didn't know him and he should try somewhere else.

Shortly after the test purchase on the 15<sup>th</sup> June 2024 a further complaint was received by this office about vapes being sold to local teenagers.

All options are open to the Licensing Sub-committee regarding these matters including imposing conditions and / or suspending or revoking the licence.

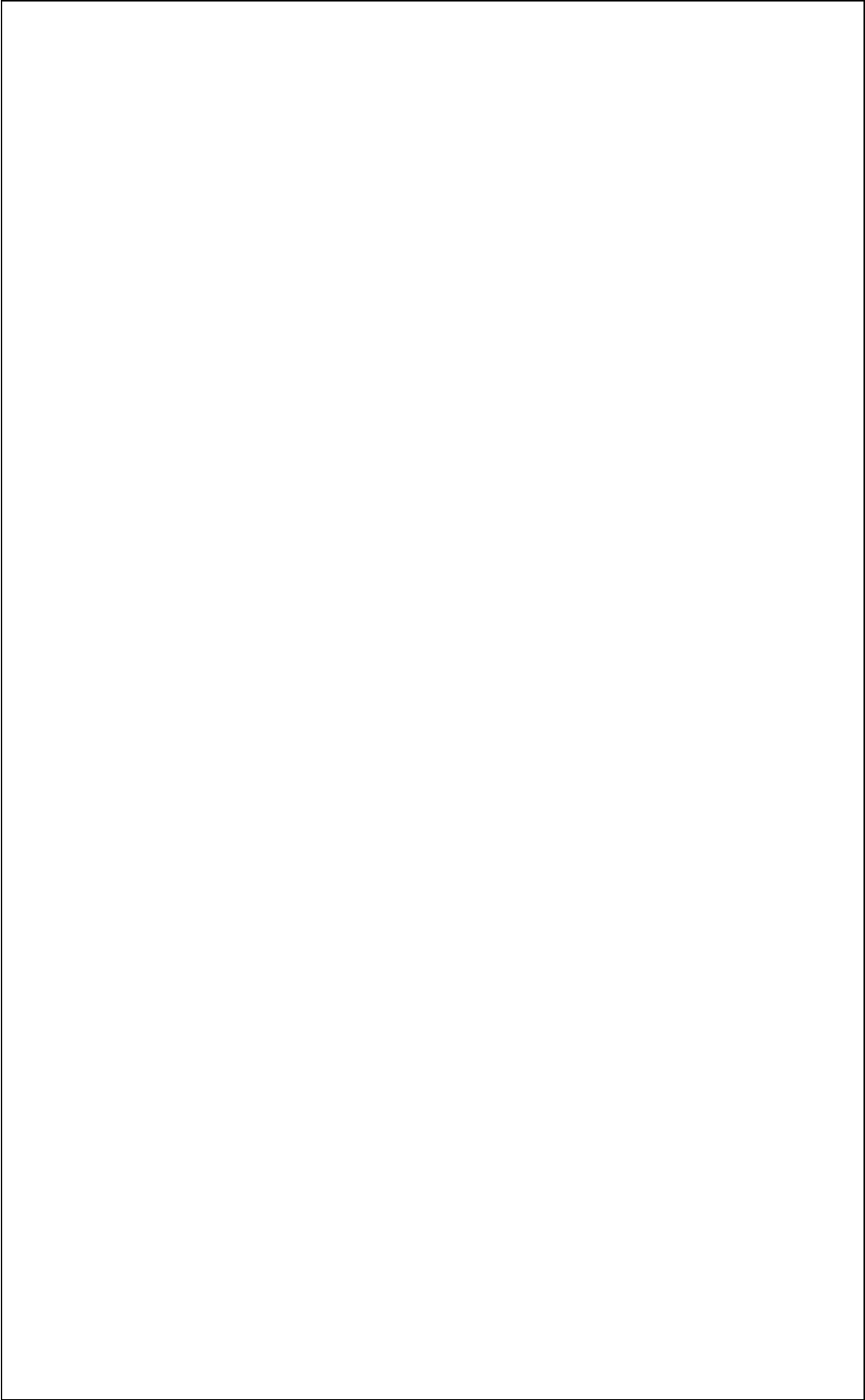
Trading Standards would ask that the licence be revoked but can supply a list of conditions should the LSC choose to take a different route.

The following documents will be supplied in support of this review in due course:-

RAY/1 Notices in relation to matters on 15<sup>th</sup> June 2024

RAY/2 Caution from the February 2024 sale of a vape etc

RAY/3 Transcript of the PACE interview that took place on 29<sup>th</sup> July 2024



**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

\_\_\_\_\_

**If you have made representations before relating to this premises please state what they were and when you made them**

**No previous representations made.**

**Please tick yes**

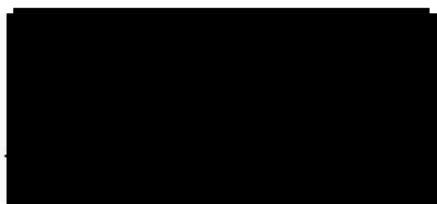
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**



**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent**  
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**



.....  
Date      20/08/2024  
.....

Capacity    Trading Standards Officer acting on behalf of Southwark Council  
.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.