



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 However, the appeal to the revocation was withdrawn on 26 July 2018 and as a result of the revocation of the licence was upheld and the application to transfer fell away.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