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## LICENSING SUB-COMMITTEE

7 MAY 2014

(10.00 - 11.30)

PRESENT

Councillors (in the Chair), Councillor John Bowcott,  
Councillor Logie Lohendran and Councillor David Simpson  
Guy Bishop – Legal advisor  
Stephen Beedell – Licensing Officer  
Hilary Gullen – Democracy Services  
Metropolitan police – Sergeant Peter Sparham  
**Prince Foods** – Mr S Thavanessan (Representing), Mr and Mrs  
Sasitharan (applicant)  
**Wimbledon Food and Wine** – Patrick Burke (Representing),  
Mrs Kuganesan Kalawathani (applicant) and son.

### 1. DECLARATIONS OF PECUNIARY INTEREST

None declared

### 2. PRINCE FOODS

Mr Thavanessan introduced the application for a new premises licence, with hours for licensable activities requested for 8am – 11pm Monday to Saturday, and 10am to 11pm on Sundays. Mr Thavanessan also outlined the measures the applicant would take to promote the licensing objectives, as detailed on the application.

Mr Thavanessan confirmed that CCTV would be operating for all opening hours and that the applicant would co-operate with any requirements from the police. However, the applicant would like to sell alcoholic products with a greater than 5.5% ABV content, otherwise the business would be at a commercial disadvantage to neighbouring outlets. In the hours the shop was open but not licensed (6am – 8am), shutters would cover the alcohol where possible, and notices would clearly let customers know alcohol was not for sale. In response to questions about staffing, the representative explained the business was family run, and there would always be trained staff on site. Mr Sasitharan was already licensed, and Mrs Sasitharan was currently undergoing training.

Sgt Sparham said there had been two offenses in the area in the past year, but not necessarily linked to off-sales of alcohol. The local police team had informed him that street drinking and youths had caused problems in the area. The sub-committee went into closed session at 10.35am.

On reconvening the Legal Officer explained he had given general legal advice on the 5.5% ABV products limit, and its lawfulness and enforceability.

Cllr Simpson gave the decision:

RESOLVED:

That the licence is granted for the hours applied for subject to the following conditions:

From the Metropolitan Police:

The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premise is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.

A proof of age scheme, such as Challenge (21/25), shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport / Holographically marked PASS scheme identification cards).

A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premise is open.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received

and conditions offered by applicant:

- i) that the area outside the premises shall be kept clean and tidy
- ii) all refuse disposed of appropriately.

This item ended at 10.45am

3. WIMBLEDON FOOD AND WINE, 226 MERTON HIGH STREET, SW19 1AU (ABBEY WARD)

Patrick Burke, representing the applicant Kuganesan Kalawathani, introduced the application for a new premises licence for off sales between the hours of 7am and 11pm Monday to Sunday. Mr Burke explained the applicant had previously worked alongside her husband for 20 years and had received no complaints during this time. Mr Burke felt that any previous complaints of underage sales at the premises had been scurrilous and that as this had been during a previous owner's occupancy, was not relevant to the current application. This complaint had also not been followed up by the police and remained unsubstantiated. There was currently no alcohol on the premises, which Mr Burke had checked himself on a visit the previous day. His client agreed to all the conditions recommended by the Metropolitan Police and drew attention to the Thwaites ruling of May 2008.

On questioning, the applicant confirmed with absolute certainty they had no link to the previous business on the premises, and that she had taken over the premises in August 2013. The shop front would have new signage and all staff trained in alcohol sales particularly the legislation relating to customers under the age of 18.

Sgt Sparham described how the area had quite serious youth and gang problems, and how it was important that the shop presented itself as a new business.

In response to questions about staffing, the applicant's representative stated there would be three fully trained staff.

The sub-committee went into closed session at 11.10am.

On reconvening the meeting, the legal advisor explained he hadn't needed to give advice, but in passing said that any decision had to have regard to the advice, but didn't have to take it.

Cllr Simpson announced the decision of the sub-committee:

The Licensing Sub Committee determined that the application for the new Premises Licence for Wimbledon Food and Wine be granted, subject to conditions 2 – 7\* which were laid down by the Metropolitan Police, plus the offered conditions that there would be age related notices, notices to leave quietly and bins be made available outside for litter disposal. The Licensing Sub committee have taken note that the premises have caused difficulties in the past and are delighted that nobody is related to the previous license holders and it is on that basis we proceed.

\*Conditions 2 – 7 as laid down by the Metropolitan Police:

2. The premises shall install and maintain a comprehensive CCTV system as

per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.

3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premise is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

4. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.

5. A proof of age scheme, such as Challenge (21/25), shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport / Holographically marked PASS scheme identification cards).

6. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premise is open.

7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

(a) all crimes reported to the venue

(b) all ejections of patrons

(c) any complaints received

(d) any incidents of disorder

(e) any faults in the CCTV system or searching equipment or scanning equipment

(f) any refusal of the sale of alcohol

(g) any visit by a relevant authority or emergency service.

The meeting ended at 11.25am