

## Licensing Sub-Committee

Tuesday 14 February 2017  
10.00 am

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Sunil Chopra  
Councillor Sunny Lambe  
Councillor Charlie Smith

### Reserves

Councillor Adele Morris

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#### Contact

Andrew Weir on 020 7525 7222 or email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 6 February 2017



## Licensing Sub-Committee

Tuesday 14 February 2017  
10.00 am

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

### Order of Business

Item No.	Title	Page No.
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#### **PART A - OPEN BUSINESS**

**1. ELECTION OF CHAIR**

To elect a chair for this sub-committee.

**2. APOLOGIES**

To receive any apologies for absence.

**3. CONFIRMATION OF VOTING MEMBERS**

A representative of each political group will confirm the voting members of the committee.

**4. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT**

In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.

**5. DISCLOSURE OF INTERESTS AND DISPENSATIONS**

Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.

**6. LICENSING ACT 2003: RAKH'S NEWS, 157-159 PECKHAM HILL STREET, LONDON SE15 5JZ** 1 - 34

**ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT**

**PART B - CLOSED BUSINESS**

**EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

**ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT**

Date: 6 February 2017

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 14 February 2016	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Rakh's News, 157-159 Peckham Hill Street, London SE15 5JZ	
<b>Ward(s) or groups affected:</b>		Livesey Ward	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application submitted by this council's trading standards service under Section 51 of the Licensing Act 2003 (the Act) for the review of the premises licence held by Ankurkumar Desai in respect of the premises known as Rakh's News, 157-159 Peckham Hill Street, London SE15 5JZ.
2. Notes:
  - a) The grounds for the review are stated in paragraph 13 of this report. A copy of the premises licence review application is attached as Appendix A.
  - b) The review application is supported by a representation submitted by a responsible authority. A copy of the representation is attached as Appendix B. Details of the representation are provided in paragraph 16.
  - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix C. A map of the area that the premises are located in is attached as Appendix D.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder

- The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:
- The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
7. The applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any responsible authority or other person to apply to the local licensing authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence**

9. The premises licence allows the provision of licensable activities as follows:
- The sale of alcohol to be consumed off the premises:
    - Monday to Saturday      08:00 to 23:00
    - Sunday                      10:00 to 22:30
  - There are no restrictions in respect of the premises' standard opening times (it can therefore be open 24 hours a day).
10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is attached as Appendix C.

### **Designated premises supervisor (DPS)**

11. The current designated premises supervisor (DPS) named on the licence is Ankurkumar Upendrabhai Desai.

### **The review application**

12. On 21 December 2016, an application was submitted by this council's trading standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Ankurkumar Desai in respect of the premises known as Rakh's News, 157-159 Peckham Hill Street, London SE15 5JZ.
13. The review application was submitted in respect of the prevention of crime and disorder, the protection of public safety and the protection of children from harm licensing objectives and in summary states that the following has been witnessed and / or taken place at the premises:
  - The sale of alcohol to a drunk person (in breach of the Licensing Act 2003)
  - The offer to supply psychoactive substances (in breach of the Psychoactive Substances Act 2016)
  - The offer to supply psychoactive substances where false statement made on packaging that they could be legally sold (in breach of the Consumer Protection from Unfair Trading Regulations 2008)
  - The employment of an illegal worker at the premises – (in breach of the immigration legislation)
14. The trading standards service recommends that the licensing sub-committee considers all the options open to the sub-committee in determining the review application, and that if the sub-committee do not revoke the licence that various conditions are imposed on the licence.
15. Full details of the grounds for the review, and the conditions proposed by the trading standards service, are provided within review the application. The review application is attached as Appendix A.

### **Representations from responsible authorities**

16. The licensing responsible authority representation states that they have no faith in the current management of the premises to promote the licensing objectives and that the licensing responsible authority therefore fully support the recommendations made by the trading standards service in the review application.
17. A copy of the representation is attached as Appendix B.

### **Representations from other persons**

18. No representations have been received by other persons.

### **Operating history**

19. A premises licence was issued in respect of the premises to Ketan Patel and Hemantkumar Patel on 1 October 2005. The DPS specified in respect of the licence was Ketan Patel.
20. The licence was transferred to Ankurkumar Desai on 6 October 2016. The DPS specified in respect of the licence is Ankurkumar Desai.

21. The premises have not been inspected since 2013, prior to Ankurkumar Desai becoming the licensee and DPS of the premises.
22. No temporary event notices (TENs) have been submitted in regards to the premises.
23. On 21 December 2016, an application was submitted by this council's trading standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Ankurkumar Desai in respect of the premises known as Rakh's News, 157-159 Peckham Hill Street, London SE15 5JZ.

#### **The local area**

24. A map of the local area is attached as appendix D. The following premises are shown on the map and are licensed as stated below.
  - **Katie's Kebab, 130 Peckham Hill Street, London SE15 5JT:**
    - Provision of late night refreshment: Monday to Sunday 23:00 to 02:00 the following day
  - **Katie's Kebab, 165 Peckham Hill Street, London SE15 5JZ:**
    - Provision of late night refreshment: Monday to Sunday 23:00 to 02:00 the following day
  - **The Greyhound P/H, 109 Peckham High Street, London SE15 5SE:**
    - The sale of alcohol to be consumed both on and off the premises and the provision of recorded music: Monday to Sunday 09:00 to 01:00 the following day
    - Provision of late night refreshment: Monday to Saturday 23:00 to 23:30
    - Live music: Monday 16:00 to 23:00, Friday and Saturday 20:00 to 00:00 (midnight) and Sunday 14:00 to 00:00
  - **Yesil Irmak, 107 Peckham High Street, London SE15 5RS:**
    - The sale of alcohol to be consumed off the premises: Monday to Sunday 00:00 to 00:00 (24 hour sales of alcohol)
  - **Payless, 121-125 Peckham High Street, London SE15 5SF:**
    - The sale of alcohol to be consumed off the premises: Monday to Sunday 00:00 to 00:00 (24 hour sales of alcohol)
  - **Peckham Space, 89 Peckham High Street, London SE15 5RS:**
    - The provision of boxing / wrestling events, films, live music, recorded music, plays, performances of dance and entertainment similar to live and recorded music: Monday to Sunday 10:00 to 23:00

- **Peckham Town Square, Peckham High Street, London SE15**
  - The provision of films, live music, recorded music, plays, performances of dance and entertainment similar to live and recorded music: Sunday to Thursday 10:00 to 20:00 and Friday and Saturday 10:00 to 21:00.

#### **Southwark council saturation policy for Peckham**

25. Council assembly approved the introduction of a special policy for Peckham on the cumulative impact of a concentration of licensed premises (saturation policy) on 12 October 2011. This was renewed in November 2015 when full council assembly approved the 2016 - 2020 statement of licensing policy.
26. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
27. The effect of this special policy is that is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
28. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

#### **Southwark council statement of licensing policy**

29. Council assembly approved Southwark's statement of licensing policy 2016 - 20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
  - Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications.
  - Section 5 - Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6 - Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
  - Section 7 - Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 - The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.



- Section 9 - Public safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 - The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
  - Section 11 - The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
30. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.
31. Within Southwark's statement of licensing policy 2016 - 2020, the premises are identified as being within Peckham major town centre area. The closing time recommended in the statement of licensing policy for off licences, and grocers or supermarkets with off sales of alcohol in Peckham major town centre area is 00:00 hours daily.

#### **Resource implications**

32. There is no fee associated with this type of application.

#### **Consultation**

33. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

#### **Community impact statement**

34. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

#### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

##### **Director of Law and Democracy**

35. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
36. The principles, which sub-committee members must apply, are set out below.

##### **Principles for making the determination**

37. Under Section 52, the licensing authority must hold a hearing to determine the review and any relevant representations.

38. The four licensing objectives are:
- The prevention of crime and disorder
  - The protection of public safety
  - The prevention of nuisance
  - The protection of children from harm.
39. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition
  - Exclude a licensable activity from the scope of the licence
  - Remove the designated premises supervisor
  - Suspend the licence for a period not exceeding three months
  - Revoke the licence.
40. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
- Are relevant to one or more of the licensing objectives
  - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
  - Have not been withdrawn
  - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
41. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
42. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
43. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
44. It is of particular importance that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

### **Reasons**

45. Where the authority determines an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
  - The applicant
  - Any person who made relevant representations

- The chief officer of police for the area (or each police area) in which the premises are situated.

### **Hearing procedures**

46. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing
  - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
    - Address the authority
    - If given permission by the committee, question any other party.
    - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
  - The committee shall disregard any information given by a party which is not relevant:
    - To the particular application before the committee, and
    - The licensing objectives.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private
  - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
47. This matter relates to the review of the premises licence under section 51 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

### **Council's multiple roles and the role of the licensing sub-committee**

48. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
49. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing

of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.

50. As a quasi-judicial body, the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
51. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
52. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
53. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
54. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
55. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

### **Guidance**

56. Members are required to have regard to the Home Office revised guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

### **Strategic Director of Finance and Governance**

57. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

**BACKGROUND DOCUMENTS**

<b>Background papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/o Community Safety and Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	Review application
Appendix B	Representation submitted by licensing as a responsible authority
Appendix C	Copy of the premises licence
Appendix D	Map

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Wesley McArthur, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	30 January 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		3 February 2017

*[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 Bill Masini (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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Rakhs News 157-159 Peckham Hill Street	
<b>Post town</b> London	<b>Post code (if known)</b> SE15 5JZ

**Name of premises licence holder or club holding club premises certificate (if known)**

**Number of premises licence or club premises certificate (if known)**

**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  Bill Masini Trading Standards Officer Community Safety & Enforcement 3 <sup>rd</sup> Floor Hub 1 PO Box 64529 London SE1P 5LX
Telephone number (if any) 0207 525 2629
E-mail address (optional) bill.masini@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 type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 1)**Prevention of Crime and disorder –**

- Sale of alcohol to a drunk – Licensing Act
- Offer to supply psychoactive substances - Psychoactive Substances Act 2016
- Offer to supply psychoactive substances where false statement made on packaging that they could be legally sold – Consumer Protection from Unfair Trading Regulations 2008
- Illegal worker on premise - Breach of immigration legislation

**Public Safety**

- Sale of alcohol to a drunk – Licensing Act
- Offer to supply psychoactive substances - Psychoactive Substances Act 2016
- Offer to supply psychoactive substances where false statement made on packaging that they could be legally sold – Consumer Protection from Unfair Trading Regulations 2008

**Prevention of Public Nuisance**

- Sale of alcohol to a drunk – Licensing Act



The issue of drunken behaviour and its anti-social consequences (as well those relating to Public Health) is a real problem in parts of Southwark with “hot spot” areas that include parts of Peckham. Such a hot spot is in the vicinity of Peckham Square/ Peckham High Street/Peckham Hill Street. To assist in addressing these problems Southwark Council uses Community Warden Officers to patrol this area and to complement work done by The Metropolitan Police.

At around 18:30 hours on 20 September 2016 Southwark Community Warden Officers were on duty in Peckham Square. They observed an IC3 male drinking a can of beer. He was shouting at those within his group causing members of the public to stop and look. One of the officers is an accredited Badge holder under the Metropolitan Police Community Safety Scheme and has delegated powers under The Police Reforms Act 2002. Part of his duties is to patrol and actively tackle anti social behaviour and low level crime and disorder. The officer spoke to the man and tried to calm him down and move him to the grass area. The officer was of the view that the drinker was intoxicated; his speech was badly slurred, he was unsteady on his feet and stank of beer. The officers then dealt with another issue very close by in Peckham Square. The reporting warden officer then heard the man say, “I’m going to buy some more beers”. The man walked towards Peckham Hill Street and then crossed the road without looking causing a motorist to press his car horn to warn the man of his presence.

The man, who was well known to the warden, was observed for about ten minutes. He then went into Rakhs News at 157-159 Peckham Hill Street. The officer positioned himself so that he had a clear unobstructed view of the man inside the shop. The man went to the drinks fridge where he picked up six cans of beer that were a mix of Skol Super (a “super strength” beer) and Stella. He put them on the counter. The IC4 male working behind the counter put the cans in a blue plastic bag. The purchaser then handed the seller a £10 note and was then given change. The purchaser then left the shop still unsteady on his feet and headed back to Peckham Square. The officer and his colleague went into the shop and spoke to the man who had made the sale. He was to later know him to be [REDACTED] and is referred to as AD. The officer (NL) cautioned him and asked him a few questions. The interview took the form:

NL: Why did you serve a person already intoxicated?

AD: They come into the shop taking the drinks and leaving the money

NL: That did happen. Do you have any ID?"

AD: Yes

At this point he reached into his jeans back pocket and pulled out a wallet and handed the officer a driving licence which also contained a photograph matching the appearance of the seller. This stated: [REDACTED]

NL: Your story is not true. We witnessed you placing the beers in the bag and taking a £10 note from the male. Do you believe the male was sober?

AD: No he wasn't sober [admitting serving an individual already intoxicated]

NL: So why did you serve him?

AD: I just wanted to get them out the shop

NL: Are you aware of the rules regarding your licence?

AD: Yes, sorry

This incident was reported to Trading standards and on 5<sup>th</sup> October a follow up joint visit with Police Officers from Southwark's "Night Time Economy" Team was carried out. The purpose was to re inforce the warning issued by the Community Wardens and to check for compliance with the Premise Licence, Trading Standards legislation and other criminality such as employing illegal workers.

At the time of the visit the Premise Licence holder was shown as [REDACTED]

[REDACTED] Designated Premises Supervisor was [REDACTED]

Upon arrival there were three people behind the counter. One man behind the counter identified himself as the owner of the business and said his name was [REDACTED]. He said he had been the owner for just over a year and had worked at the shop for about four years. When asked about the other names on the licence he said they had not been involved in the business since he bought the business. Another man behind the counter said he was not working there and was a "rep" selling fitness supplements. The police let him leave. The other man who was working there came round to the front of the counter to speak to the Police. He wrote his name in the officer's notebook; he said he was [REDACTED] and gave a date of birth of [REDACTED]. Whilst the police were checking his immigration status with UK Border Force, what appeared to be a customer asked him about the location of an item. He showed her where the item was and he knowing where there was a rear door exit, left the shop before the Police were able to stop him. He could

not be located. [REDACTED] he had started work the day before and gave his name as [REDACTED]. He said he had no other details for him. When challenged he said the man had come into the shop the previous day asking about the availability of work. Mr [REDACTED] said he had not sought any identification from him or whether he was permitted to work or his immigration status.

Mr [REDACTED] was asked for his details and he gave a home address of [REDACTED]. This was immediately above the shop. This was cross referenced with his personal licence. When asked why he had given to Southwark Council's Community Warden Officers an address in [REDACTED] when he had been spoken to about the sale of alcohol to a drunk in September he said he had shown them his driving licence which had that address on it. He added he had not lived there for 4 years but had not got round the changing it. He was not able to offer an explanation as to why he had misled those officers.

When asked why the Premise Licence had not been updated to take into account the departure of [REDACTED] and [REDACTED], again he offered no explanation but made a telephone call. A couple of minutes later [REDACTED] came to the shop. He had another business (money transfer shop) immediately next door.

Mr [REDACTED] thought all legalities had been done at the time of the sale.

Mr [REDACTED] said he knew the person he had to whom he had sold the alcohol in question. When asked if the incident was still recorded by way of the CCTV he said he was but then was unable to demonstrate this saying the CCTV was not working. He said the CCTV "is only there to deter" and it was not recording. He produced a Refused Sales book and said he had refused him several times.

On display in the shop were six packets of psychoactive substances. These were seized because they contravened the Psychoactive Substances Act 2016. The product "Yooba Gold" [see photo 1] was described as "A mix of legal highs and herbal extracts with psychoactive effects, combined to produce an alternative to similar illegal substances". The products could not be legally sold.

Officers left the premise but noticed the man who had apparently been behind the counter selling the fitness supplements was now behind the fully screened counter at the money transfer business run by Mr [REDACTED]. Police made enquiries and the man gave a name and address in South London. Subsequent enquiries indicated these

details to be false and that he was an overstayer. He was duly arrested. On searching him a large quantity of cash was found. After some considerable amount of time it eventually became clear that he lived in the same property as Mr [REDACTED] above Rakhs News and that the cash he had on him was rent he had just collected from Mr [REDACTED] he was not there for the purposes of selling fitness supplements. He said he was then going to give it the landlord who was one of Mr [REDACTED]'s brothers.

The day after the visit the premise licence was transferred to Mr [REDACTED] Mr [REDACTED] also became the Designated Premises Supervisor.

On 8<sup>th</sup> December 2016, both Mr [REDACTED] and [REDACTED] were interviewed under caution.

Mr [REDACTED] produced the receipt for his purchase of the psychoactive substances. That receipt also indicated he had also purchased other psychoactive substances and drug paraphernalia. [See pictures 2 and 3]. He accepted it was an irresponsible thing to do regardless of whether products were legal or otherwise. He also accepted the Refusals book was inaccurate because it showed an entry for 18.30 hours on 20 September, this being the drunk man he had sold alcohol to that was witnessed by a Southwark Community Warden. He said he had been wrong to employ the man who had absconded and the reason why he gave false information to officers was because he had panicked.

On 20 December 2016, Mr [REDACTED] accepted Simple Cautions for the offence of serving alcohol to a drunk contrary to The Licensing Act and in respect of the Psychoactive Substances, two offences, one under The Psychoactive Substances Act 2016 and one under The Consumer Protection from Unfair Trading Regulations 2008.

The sub-committee is invited to consider all options in respect of the Premise licence. If not revoked, in addition to any suspension, it may wish to consider the addition of a number of conditions because the current licence contains very few conditions other than the mandatory ones. If so, Trading Standards would like to see the addition of the following conditions:

- No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises
- Alcohol shall not be sold in an open container or be consumed in the licensed premises

- The premises shall operate an agecheck 'Challenge 25' policy That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
- All staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- Clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
- A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
- An approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. It shall be designed, installed and maintained in compliance with The Information Commissioner's Office (ICO) Code of Practice relating to Closed Circuit Television (CCTV). The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products. The CCTV system shall have a minimum of 31 days recording facility and will be maintained in full working order at all times and be continually recording at all

times the premise is in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premise. All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to The Police and/or Authorised Officers from Southwark Council.

- All staff working at the premise shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate request by Police and/or Authorised Officers from Southwark Council

**Please tick yes**

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

If yes please state the date of that application

Day Month Year

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

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.**

Signature

.....

Date

.....

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.



# KOOBA GOLD

LEGAL INTOXICATING SMOKING MIXTURE FOR  
SALE TO ADULTS ONLY

A mix of legal herbs & herbal extracts  
with psychoactive effects, combined to produce  
an alternative to similar illegal substances

NET WEIGHT 25g



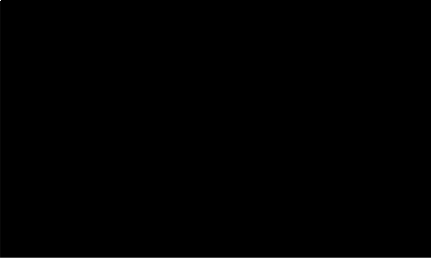
25 Barr Street  
Birmingham  
B19 3EH  
West Midlands  
UK  
VAT NO: GB487211243

2

**Order #100007710**

Order Date: 8 August 2015

**Billing Address**



**Payment Method**



**Items Ordered**

PRODUCT NAME	SKU	PRICE	SUBTOTAL
Brass Shisha Smoking Pipe 2 Hose 15 inch ( Blue Rings)	16901	£7.99	£7.99
Brass Oxidised Shisha Smoking Pipe 4 Hose 16 inch	16902	£10.99	£10.99
Brass Shisha Smoking Pipe 4 Hose 30 Inch (Blue Rings)	16898	£19.99	£19.99
Brass & Wood Shisha Smoking Pipe 2 Hose 22 inch	16897	£7.99	£7.99
RAW Plastic Rolling Machine - 110mm	22535	£9.50	£9.50
Al Fakher Herbal Hookah Shisha Molasses Tobacco Free- Strawberry	16685	£8.99	£8.99
RAW Organic Connoisseur Rolling Paper & Tips	37015	£12.99	£12.99
RAW Organic Rolling Paper	39267	£13.99	£13.99
RAW Rolling Paper Tips	36944	£3.99	£3.99
Skeleton Guzzler Wine Holder	37479	£11.50	£11.50
Smoking Mix - Super Skunk (Extra Strength) 25g	34934	£7.50	£7.50
Smoking Mix - Jamaican Ghanja 25g	34931	£7.50	£7.50
Smoking Mix - Yooba Gold 25g	36777	£7.50	£7.50

PRODUCT NAME

SKU PRICE SUBTOTAL

Acrylic Bongs Print Pattern Assortment 8 inches

21826 £15.00 £15.00



Scented Pillar Candles - Assorted

50636 £10.40 £10.40

Subtotal £155.82

Shipping £0.00

**Total (Excl.VAT) £155.82**

GB VAT 20.00% (20%) £31.18

VAT £31.18

**Total (Incl.VAT) £187.00**

# MEMO: Licensing Unit

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**To** Licensing Unit                      **Date** 18 January 2017

**Copies**

**From** Jayne Tear                      **Telephone** 020 7525 0396                      **Fax**

**Email** jayne.tear@southwark.gov.uk

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**Subject**

Re Rakhs News, 157-159 Peckham Hill Street, London, SE15 5JZ -Application to review the premises licence

I write with regards to the above application to review the premises licence submitted by Southwark Trading Standards Unit as a responsible authority under the Licensing Act 2003.

The application is submitted under the prevention of crime and disorder, public safety and the prevention of public nuisance licensing objectives and the grounds for the review are concerned with:

Prevention of Crime and disorder

- Sale of alcohol to a drunk – Licensing Act
- Offer to supply psychoactive substances - Psychoactive Substances Act 2016
- Offer to supply psychoactive substances where false statement made on packaging that they could be legally sold – Consumer Protection from Unfair Trading Regulations 2008
- Illegal worker on premise - Breach of immigration legislation

Public Safety

- Sale of alcohol to a drunk – Licensing Act
- Offer to supply psychoactive substances - Psychoactive Substances Act 2016
- Offer to supply psychoactive substances where false statement made on packaging that they could be legally sold – Consumer Protection from Unfair Trading Regulations 2008

Prevention of Public Nuisance

- Sale of alcohol to a drunk – Licensing Act

The premises is an off licence/grocery that is currently licensed for supply of alcohol 'off the premises' on Monday to Saturday from 08:00 to 23:00 and on Sunday from 10:00 to 22:30. The licence was granted to Ketan Patel and Hemantkumar Patel on 1 October 2005. The designated premises supervisor (DPS) attached to the licence is Ketan Patel.

Following the inspection by Trading Standards it transpired that Ankurkumar Upendrabhai Desai was now the owner of premises and that the licensees have had no further involvement at the premises for about a year. The Licensing Unit were not notified of a change of licensee of DPS during this time.

I have no faith in the current management, licensee or DPS to promote any of the licensing objectives. I submit this representation under the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm as it is clear that there is no responsible licensee or DPS in control of the management of alcohol sales at the premises and as such alcohol was supplied to a person who was already drunk and other criminal offences have been committed.

I therefore fully support Trading Standards in asking for the following:

*'If the licence is not revoked, in addition to any suspension, the Licensing Sub Committee may wish to consider the addition of a number of conditions because the current licence contains very few conditions other than the mandatory ones. If so, Trading Standards would like to see the addition of the following conditions':*

- No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises
- Alcohol shall not be sold in an open container or be consumed in the licensed premises
- The premises shall operate an agecheck 'Challenge 25' policy That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
- All staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- Clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
- A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
- An approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. It shall be designed, installed and maintained in compliance with The Information Commissioner's Office (ICO) Code of Practice relating to Closed Circuit Television (CCTV). The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products.
- The CCTV system shall have a minimum of 31 days recording facility and will be maintained in full working order at all times and be continually recording at all times the premise is in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premise. All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to The Police and/or Authorised Officers from Southwark Council.
- All staff working at the premise shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate request by Police and/or Authorised Officers from Southwark Council

Jayne Tear  
Principal Licensing office  
In the capacity of the Licensing Responsible Authority

# Licensing Act 2003 Premises Licence



Regulatory Services  
Licensing Unit  
Hub 1, 3rd Floor  
PO Box 64529  
London. SE1P 5LX

Premises licence number

856019

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
RAKHS NEWS 157-159 Peckham Hill Street  Ordnance survey map reference (if applicable): 176844534229	
<b>Post town</b> London	<b>Post code</b> SE15 5JZ
<b>Telephone number</b> [REDACTED]	

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

Sale by retail of alcohol to be consumed off premises

**The opening hours of the premises**

For any non standard timings see **Annex 2**

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies**

Sale by retail of alcohol to be consumed off premises

**The times the licence authorises the carrying out of licensable activities**

For any non standard timings see Annex 2 of the full premises licence

**Sale by retail of alcohol to be consumed off premises**

Monday 08:00 - 23:00  
 Tuesday 08:00 - 23:00  
 Wednesday 08:00 - 23:00  
 Thursday 08:00 - 23:00  
 Friday 08:00 - 23:00  
 Saturday 08:00 - 23:00  
 Sunday 10:00 - 22:30

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Ankurkumar Desai

[Redacted]

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Ankurkumar Upendrabhai Desai

[Redacted]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence No. [Redacted]

Authority: [Redacted]

Licence Issue date: 06/10/2016

[Redacted]

Hub 2, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
licensing@southwark.gov.uk

**100** No supply of alcohol may be made under the Premises Licence -

- a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

**101** Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

**491** 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ ,

where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence:

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price



actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;
- (2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

31

**Annex 2 - Conditions consistent with the operating Schedule**

**124** Alcohol shall not be sold or supplied except during the permitted hours. In this condition the permitted hours means:

- a. On weekdays, other than Christmas Day, 8.00.a.m. to 11.00.p.m.
- b. On Sundays, other than Christmas Day, 10.00.a.m. to 10.30.p.m.
- c. On Christmas day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.
- d. On Good Friday, 8.00.a.m. to 10.30.p.m.

The above restrictions do not prohibit:

- i) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel
- ii) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- iii) The sale of alcohol to a trader or club for the purposes of the trade or club ;
- iv) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces .

**125** Alcohol shall not be sold in an open container or be consumed in the licensed premises.

**127** Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- c. To a canteen or mess.

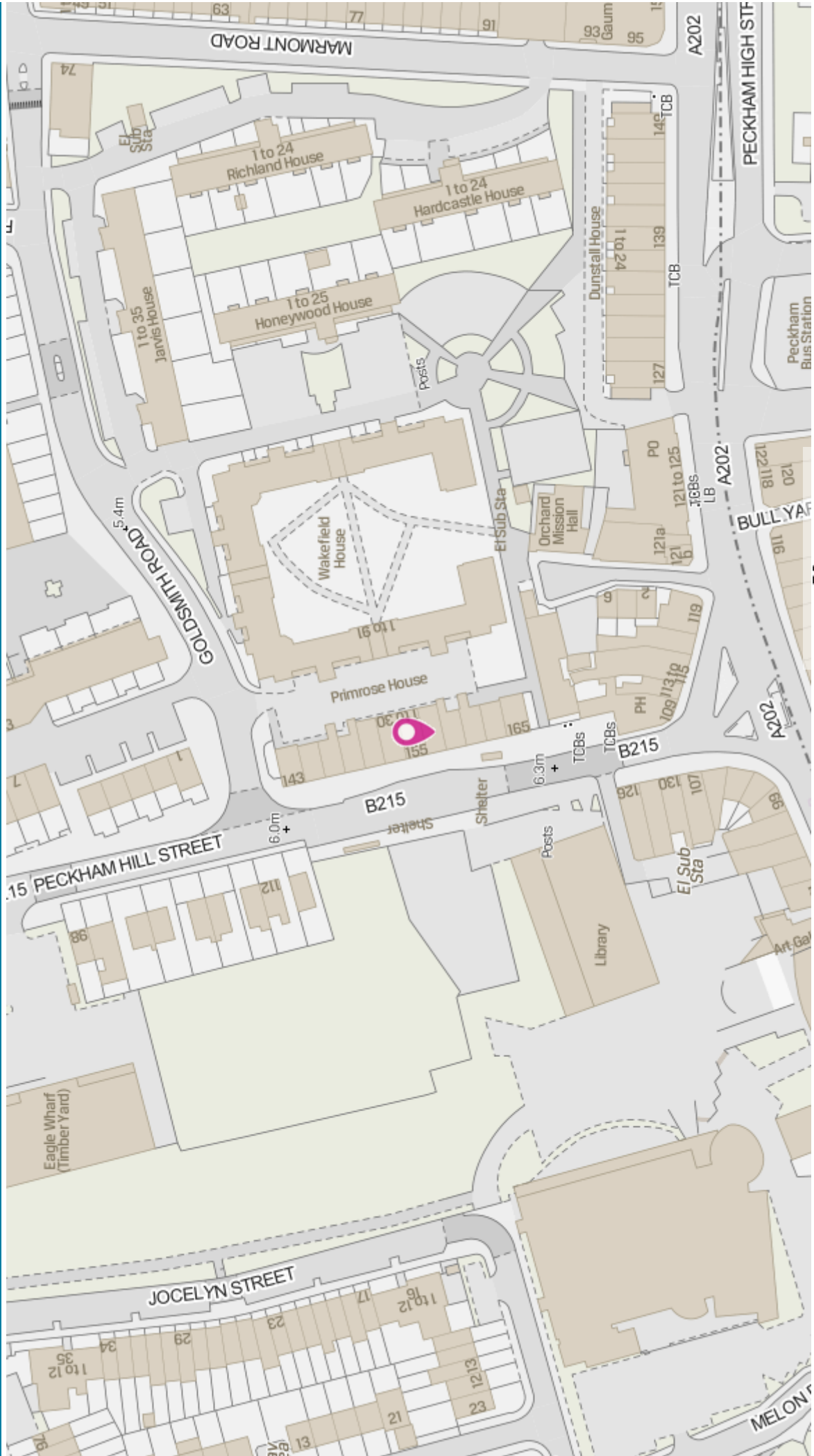


Licence No. 856019

Plan No.

Plan Date

RAKHS NEWS, 157, PECKHAM HILL STREET, SE15 5JZ



50 m

Scale = 1 : 1323.000

30-0-17



**LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2016-17**

**NOTE:** Original held by Constitutional Team; all amendments/queries to Andrew Weir - Tel: 020 7525 7222

Name	No of copies	Name	No of copies
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Councillor Sunny Lambe	1	Wesley McArthur, Licensing team	1
Councillor Charlie Smith	1	Bill Masini, Trading standards team	1
		Jayne Tear, Licensing team	1
<b>Reserve</b>			
Councillor Adele Morris	By Email	Andrew Weir (spares)	3
		<b>Total printed copies:</b>	10
		<b>Dated:</b> 6 February 2017	