

Licensing Sub-Committee

Thursday 15 June 2017

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunny Lambe
Councillor Adele Morris

Reserves

Councillor Lorraine Lauder MBE

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

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Contact

Andrew Weir on 020 7525 7222 or email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 6 June 2017



Licensing Sub-Committee

Thursday 15 June 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. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

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

3. 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.

4. 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.

5. LICENSING ACT 2003: ADAMS NEWS, 6 COLDHARBOUR LANE, LONDON SE5 9PR 1 - 53

6. LICENSING ACT 2003: SUPERDEALS (FOOD AND WINE), 4 CAMBERWELL CHURCH STREET, LONDON SE5 8QU 54 - 126

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 June 2017

Agenda Item 5

Item No. 5.	Classification: Open	Date: 15 June 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Adams News, 6 Coldharbour Lane, London SE5 9PR	
Ward(s) or groups affected:		Camberwell Green	
From:		Strategic Director of Environment and Social Regeneration	

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 Mohammed Javed Iqbal in respect of the premises known as Adams News, 6 Coldharbour Lane, London SE5 9PR.
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 representations submitted by responsible authorities. Copies of the representations are attached as Appendix B. Details of the representations are provided in paragraphs 17 – 20.
 - 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 Sunday 00:00 to 00:00.
 - There are also no restrictions in respect of the premises' standard opening times (it can therefore be open 24hours-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 Mohammed Javed Iqbal. Mohammed Javed Iqbal is also the licensee of the premises.

The review application

12. On 1 April 2017, 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 Mohammed Javed Iqbal in respect of the premises known as Adams News, 6 Coldharbour Lane, London SE5 9PR.
13. The review application was submitted in respect of the prevention of crime and disorder and public safety licensing objectives and in summary states that the following has been witnessed and / or taken place at the premises:

Prevention of crime and disorder:

- Various breaches of premises licence conditions Including, but not limited to:
 - Condition 340: That sales after 00:00 are conducted through a secure window.

- Condition 336: That a personal licence holder shall be on the premises at all times that intoxicating liquor is supplied.
 - Condition 225: That failure to examine at least annually/periodically test fire extinguishers.
 - Condition 311: That Failure to erect notice requesting customers leave quietly on a quiet and orderly manner
- Duty evaded alcohol offered for sale
 - Duty evaded alcohol bearing counterfeit trade marks and "Duty stamp"
 - Unauthorised licensable activity - failure to use secure window only after midnight (condition 340)
 - Employment of an illegal immigrant

Public safety

- Breach of Premise Licence conditions: fire extinguishers not maintained
 - Illegal unsafe novelty lighters
14. It is understood that whilst the premise has a 24/7 licence the current owner does not operate on a 24 hour basis, though of course is currently able to do so if he so wishes. In the event the licence is not revoked, trading standards would like the permitted licensable hours to be in accordance with Southwark's current licensing policy thereby making redundant the need for secure window service. It would also seek for the shop opening hours to be the same because trading standards do not have confidence the business would be able to operate correctly with different hours.
 15. Full details of the grounds for the review are provided within review the application. A copy of the review application is attached as Appendix A.

Representations from responsible authorities

16. Representations in support of the review application were submitted by the Metropolitan Police Service, environmental protection team (EPT), licensing (as a responsible authority) and public health.
17. The Metropolitan Police Service's representation state that the review application details a number of breaches of the premises licence and a number of offences with regard to duty evaded alcohol, consumer protection act and possible offences in regard to the employment of an illegal immigrant and recommend that the licence is revoked.
18. The EPT fully support the review having regards to the Licensing Act objectives and provide evidence from a police officer supporting the prevention of public nuisance licensing objective.
19. The licensing responsible authority's representation is submitted in respect of the prevention of crime and disorder and public safety licensing objectives. The representation states that it is concerned with the number and diversity of alleged criminal offences witnessed by trading standards officers and also that the premises has breached numerous licence conditions on more than one occasion and kept smuggled goods on the premises. They are of opinion that Mr Mohammed Javed Iqbal is not capable of running a licensed premises and promoting the licensing objectives and removing him as the DPS will not address these problems as he is the owners of the premises and premises licence holder and will have a controlling factor over a new DPS.
20. Public health's representation is submitted in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of public safety licensing objectives. The representation expresses concerns over the offences alleged in the review

application and fully support that the premises licence be reviewed by the licensing sub-committee.

21. Copies of the representations are attached as Appendix B.

Representations from other persons

22. No representations have been received by other persons.

Operating history

23. A premises licence was issued in respect of the premises on 17 September 2005.
24. The licence was transferred to the current licensee, Mohammed Javed Iqbal, on 22 June 2016. Mohammed Javed Iqbal was also specified as the premises' DPS on this date.
25. On 8 December 2016 trading standards and the Metropolitan Police Service carried out a joint visit as part of Southwark's programme of night-time economy visits. Multiple breaches of the premises licence were found at the premises. In addition, a large quantity of 'duty-evaded' product was seized by trading standards. Full information on this is available in the review application in Appendix A.
26. On 12 December 2016, Mohammed Javed Iqbal was interviewed under caution. Mr Iqbal claimed in the interview that the 'duty-evaded' products were purchased in a genuine cash and carry, but was unable to produce evidence to that effect.
27. On Friday 16 December 2017 into Saturday 17 December 2016, further observations were carried out of the business. The premises was again found to be breaching conditions of the premises licence requiring sales of alcohol to take place through a secure window after midnight.
28. On 20 February 2017, Mohammed Javed Iqbal was re-interviewed under caution. Transcripts are available in the application. Mr Iqbal again failed to produce the evidence required, leading trading standards to mistrust his responses. Mr Iqbal has since accepted a simple caution for knowingly having smuggled alcohol on his premises and for breaches of the premises licence.
29. No TEN's have been submitted in regards to the premises.
30. On 1 April 2017, 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 Mohammed Javed Iqbal in respect of the premises known as Adams News, 6 Coldharbour Lane, London SE5 9PR.

The local area

31. A map of the local area is attached as Appendix D. There are a number of licenced premises in the local area namely:

Art Deli Ltd. – 16a Cold harbour Lane, London SE5 9PR licensed for:

- The sale of alcohol to be consumed both on and off the premises:
 - Monday to Saturday 10:00 to 23:00
 - Sunday 12:00 to 22:30
- The provision of late night refreshment (indoors):
 - Monday to Saturday from 23:00 23:30

Indiaah Restaurant, 59 Denmark Hill, London SE5 8RS licenses for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Saturday 11:00 to 00:00 (midnight)
 - Sunday 12:00 to 23:30
- The provision of late night refreshment (indoors):
 - Monday to Saturday 23:00 to 00:30 (the following day)
 - Sunday 23:00 to 00:00 (midnight)

Pizza Hut, 57 Denmark Hill, London SE5 8RS licensed for:

- The provision of late night refreshment (indoors):
 - Monday to Sunday 23:00 to 00:30 (the following day)

Chicken Express, 53 Denmark Hill, London SE5 8RS licensed for:

- The provision of late night refreshment (indoors):
 - Monday to Sunday 23:00 to 01:00 (the following day)

Joiners Arms, 35 Denmark Hill, London SE5 8RS licensed for:

- The sale of alcohol to be consumed both on and off the premises:
 - Sunday to Thursday 10:00 to 00:00 (midnight)
 - Friday and Saturday 10:00 to 01:00 (the following day)
- The provision of regulated entertainment in the form of recorded music (indoors):
 - Sunday to Thursday 10:00 to 00:00 (midnight)
 - Friday and Saturday 10:00 to 01:00 (the following day)
- The provision of regulated entertainment in the form of recorded live (indoors):
 - Friday and Saturday 20:00 to 01:00 (the following day)

Pesh Flowers, 31 Denmark Hill, London SE5 8RS licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Saturday 08:00 to 023:00
 - Sunday 10:00 to 22:30

Ginseng Noodle Bar, 4 Coldharbour Lane, London SE5 9PR licensed for

- The sale of alcohol to be consumed on the premises:
 - Monday to Saturday 11:00 to 00:30 (the following day)
 - Sunday 12:00 to 23:30
- The provision of late night refreshment (indoors):
 - Monday to Saturday 23:00 to 00:00 (midnight)
 - Sunday 23:00 to 23:30.

32. At the time of writing the premises licence holder has not submitted a response to the review application and representation, any submissions received prior to the hearing will be circulated.

Southwark council statement of licensing policy

33. Council assembly approved Southwark's statement of licensing policy 2016 to 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.
34. 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.
35. Within Southwark's statement of licensing Policy 2016 - 2020, the premises are identified as being within the Camberwell cumulative impact policy (CIP) area. Under the Southwark statement of licensing policy 2016 to 2020 the local CIP applies to night clubs, public houses and bars, off-licences, supermarkets and grocers. The closing time recommended in the statement of licensing policy for off licences, and grocers or supermarkets with off sales of alcohol in this area is 00:00 (midnight) daily.

Resource implications

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

Consultation

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

Community impact statement

38. 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

39. 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.
40. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

41. Under section 52 the licensing authority must hold a hearing to determine the review and any relevant representations.
42. 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.
43. 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.
44. 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.
45. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
46. 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.
47. 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.

48. 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

49. 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

50. 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 considers 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.
51. 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

52. 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.
53. 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.
54. 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.
55. 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.
56. 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.
57. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
58. 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.
59. 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

60. 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

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

BACKGROUND DOCUMENTS

Background papers	Held At	Contact
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 & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Copy of the review application
Appendix B	Copies of the representations submitted by a responsible authorities
Appendix C	Copy of the premises licence
Appendix D	Map of local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	2 June 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		6 June 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

Postal address of premises or, if none, ordnance survey map reference or description Adams News 6 Coldharbour Lane	
Post town London	Post code (if known) SE5 9PR

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 rd 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 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 –**

- Various breaches of Premise Licence conditions
- Duty evaded alcohol offered for sale
- Duty evaded alcohol bearing counterfeit trade marks and “Duty stamp”
- Unauthorised licensable activity – failure to use secure window only after midnight (condition 340)
- Employment of an illegal immigrant

Public Safety

- Breach of Premise Licence conditions - fire extinguishers not maintained
- Illegal unsafe novelty lighters

On 8 December 2016 Trading Standards carried out a joint visit with Police Officers from Southwark's "Night Time Economy" Team. The purpose was to check for compliance with the Premise Licence, Trading Standards legislation and other criminality such as employing illegal workers. On this occasion an expert on illicit and counterfeit alcohol also accompanied these officers.

The premise has a licence that permits alcohol to be supplied 24 hours 7 days a week subject to any sales after midnight being sold through a secure window which prevents customers entering the premises (condition 340). See later for further comment on this condition.

This is important to point out the shop is in an area where there is a serious problem with alcohol abuse. It is almost on the junction with Denmark Hill and as such is very close to Kings College Hospital where there are alcohol dependency treatment facilities.

On entering the shop it was clear that alcohol was available for sale. Behind the counter when entering the shop was a man who gave his name as [REDACTED] and an address that was the same as the shop's. Mr [REDACTED] did not hold a personal licence. There was one other person working in the shop who also spoke to the Police. He gave his name as [REDACTED]. He was later arrested by the Police because he was an Indian National who had entered this country illegally.

Condition 336 of the premise licence requires there to be a personal licence holder on the premise at all times that alcohol is supplied and Trading Standards say this condition was breached.

Since 1 January 2007 it has been a requirement of The Duty Stamp Regulations 2006 that retail bottles of alcohol of proof 30% ABV and higher and packaged in sizes of 35cl and larger have to carry a duty stamp to be legal for retail sale. The term "fake UK duty stamp" is used to describe a stamp that appears to comply with the design specification in the regulations but is not produced on behalf of HMRC or the product's manufacturer or distributor. Where in the case of a manufacturer which has its trade mark on this label, the trade mark is also infringed because it has been used without the manufacturer's consent and authorisation. This is an offence under The Trade Marks Act 1994.

The term "duty diverted" is used to describe alcohol produced in the UK for export but illegally placed on the UK market. Spirits produced for export are not subject to duty and must not have labels incorporating duty stamps. Duty diversion takes place when alcohol for export is relabelled with fake labels bearing fake UK duty stamps. .

UK market alcohol sold for export is required to have any associated duty stamp obliterated; this is done by exporters using either a non-removable round sticker or by the physical removal (scratching out) of the duty stamp. Having done this it is normal for the outer box to have the words "**UK DUTY STAMP**" obliterated, or simply not applied to the box in order to differentiate it from the regular UK market stock.

On close examination a significant quantity of what is commonly referred to as "duty diverted spirits" were on offer for sale.

On the shelf behind the counter were:

- 5 x 35cl bottles of Glen's vodka (37.5% ABV). The rear labels on all the bottles had been replaced with a fake label bearing a fake UK duty stamp.

On another shelf were:

- 6 x 1 litre bottles of Glen's vodka (37.5% ABV). The rear labels on both bottles had been replaced with a fake label bearing a fake UK duty stamp.

On another shelf were:

- 3 x 70cl bottles of High Commissioner blended Scotch whisky (40% ABV). The rear labels on all the bottles had been replaced with a fake label bearing a fake UK duty stamp.

In a rear stockroom of the shop was:

- 1 x 24 x 35cl outer box of Glen's vodka containing 6 x 35cl bottles of Glen's vodka. The box had the words "**UK DUTY STAMP**" printed on the side to indicate it was manufactured for the UK market. These words had been inked out with a black pen. (see photo 1). This is an indication that an outer box of UK market stock was sold for export. The box also had evidence of having been opened and resealed with clear tape. Normally the 24 x 35cl outer box contains 4 lots of six shrink wrapped 35cl bottles. The six bottles were not shrink wrapped. On examination, it was evident the rear labels on bottles inside had been replaced with fake labels bearing fake UK duty stamp
- 1 x 12 x 70cl outer box containing 9 x 70cl bottles of High Commissioner blended Scotch whisky. The box had the words "**UK DUTY STAMP**" printed

on the side to indicate it was manufactured for the UK market. Once again these words had been inked out with a black pen. (see photo 2). This is an indication that an outer box of UK market stock was sold for export. The box also had evidence of having been opened and resealed with clear tape. On examination, it was evident the rear labels on bottles inside had been replaced with fake labels bearing fake UK duty stamp.

In total, seized for duty diverted alcohol (and therefore illegal to be sold because duty had not been paid) were

- 11 x 35cl bottles of Glen's vodka
- 12 x 70cl bottles of High Commissioner whisky
- 6 x 1 litre bottles of Glen's vodka

The rate of alcohol duty on a 35cl 37.5% ABV spirit was £3.70 (£4.44 inc VAT) up to 23 March 2015 and is currently £3.63 (£4.36 inc VAT).

The rate of alcohol duty on a 70cl 40% ABV spirit was £7.90 (£9.48 inc VAT) up to 23 March 2015 and is currently £7.74 (£9.29 inc VAT)

The rate of alcohol duty on a 1 litre 37.5% ABV spirit was £10.58 (£12.70 inc VAT) up to 23 March 2015 and is currently £10.37 (£12.45 inc VAT)

The duty and VAT therefore evaded for these spirits (taking the current lower duty rates) totals:

11 x 4.36 = £47.96 [Glens 35cl bottles]

12 x 9.29 = £111.48 [High Commissioner 70cl bottles]

6 x 12.45 = £74.70 [1 litre Glen's]

Total = £234.14

It is not clear how many other similar such items had been previously sold. Bottles that were legitimate were left in the shop

Also offered for sale were so called super strength beers. These drinks are almost exclusively consumed by people who have a serious alcohol addiction problem and contain a high number of units of alcohol per can. These people often have mental health issues and may live a chaotic lifestyle. This in turn can result in them becoming so called "street drinkers". In doing so this addiction can lead to public nuisance and the commission of anti-social behaviour type offences such as aggressive begging and urinating in public places. In this part of Southwark there are

a significant number of people who are trying, though often struggling, to overcome their alcohol addiction, even with medical treatment. The easy availability of such drinks can therefore be a huge temptation for such people, particularly where the price is low.

H.M. Government seeks to use price as part of its strategy to reduce consumption of these super strength beers. The duty payable including VAT on these beers varies depending on the percentage alcohol by volume. A beer called Oranjeboom black with an ABV of 8.5% was on sale (see photo 3). The duty payable on a 500ml can was £1.22 in the year 2016-2017. In this premise it was priced at £1.50 meaning if it was to be legal, there was a difference of 28 pence to account for all the manufacturers' costs, their transportation costs and profit, the wholesalers' mark up and the retailer's mark up. Strong beers with an ABV of 8% sold in 500ml cans had a duty payable of £1.15. Again, this premise had quantities of such beers (Tennent's Super, Skol Super, Carlsberg Special Brew and Kestrel Super) priced for sale at £1.50 as seen in photograph 3; again a difference of just 35 pence to account for all the manufacturers' costs, their transportation costs and profit, the wholesalers' mark up and the retailer's mark up. It is completely unrealistic and unbelievable that such a legally sourced and duty paid beer can be sold by an independent retailer for anything less than at least £2.20. Retailing such a product at 28 pence more than the duties payable also undermines completely any Government Public Health strategy and of course gives the retailer an unfair commercial advantage over its legitimate competitors.

This illegal practice has been identified as a widespread and real problem in Southwark which officers are seeking to address.

In the stockroom there were large quantities of these drinks and these clearly formed a significant part of the business. By way of example , there were eight trays of Special Brew, five trays of Skol Super and 6 trays of Oranjeboom "black". Each tray contains 24 cans. (see photo 4).

Suspicious these drinks were also subject to some form of evaded duty or other illegality, Trading Standards required the premise licence holder to produce his purchase invoices for the super strength beers as well as for the seized spirits. It is an offence to fail to produce traceable invoices (alcohol falls within the definition of food) under The General Food Hygiene Regulations 2013.

Also seized at the time of the visit were seven novelty lighters that were illegal under The Consumer Protection Act, in that they were unsafe.

Other breaches of the licence conditions were found, namely

- Condition 225 – Fire extinguishers - failure to examine at least annually and periodically test. One fire extinguisher had a label on it stating the next discharge was to be in 2011. (see photo 5)
- Condition 311 – no notice displayed warning customers to leave quietly

On 12 December 2016 Mohammed Javed Iqbal was interviewed under caution and in accordance with the requirements of The Police and Criminal Evidence Act. In that interview he said he always got the drinks from a named cash and carry in south east London and produced seven invoices, two of which were dated *after* the visit. The remaining five invoices went back to 28 May 2016. None of these showed purchases for the strong beers or 1 litre bottles of Glen's. One invoice from a reputable and respected wholesaler dated nearly 7 months earlier (28 May) showed a purchase of 1 box of 24 x 35cl bottles of Glen's and a purchase of 1 box of 6 70cl bottles of High Commissioner whisky. It should be pointed out there were compliant bottles found at the time of the visit and these were left in the shop. Also, as explained earlier, the boxes found in the shop had had the words "UK DUTY STAMP" crossed through and had been resealed. Trading Standards would not accept any argument that the offending bottles had come from this Cash & Carry.

Asked specifically about the Oranjeboom, Mohammed Javed Iqbal said:

"Oranjeboom, I couldn't find the invoice But I think I can find it somewhere. It all comes from [name of a Cash & Carry] anyway".

The officer later said,

"Just to summarise, with respect to the super strength beers, you're saying you got them from [name of a Cash & Carry]?"

MJI: "Yes".

Later in the interview the officer asked,

"Can I just clarify with the Oranjeboom, you say you got it from [name of a Cash & Carry], as well?"

MJI: "As well".

In relation to the novelty lighters, MJI said someone came into the shop offering them for sale and he bought some but did not get any paperwork so he did not know who he bought them from. Trading Standards say regardless of circumstances and the product's legality and Mr Iqbal "just cannot resist a bargain"

As stated earlier, condition 340 states, "That those sales after midnight are conducted through a secure window which prevents customers entering the premises". The licence is not worded at all well to say what time the shop can then open its front door again and make sales in the usual manner whereby customers come into the shop. On Friday 16/Saturday 17 December 2016 another visit was made to the premise for the purpose of checking whether this condition was complied with and also what price the business was selling so called super strength beers for. The premise was observed from immediately across the road from 23.50 hours. No attempt was made to close the front door at midnight and only make sales through the secure window which is adjacent to the front door. Customers entered and left the shop on a very regular basis. At 00:26 hours the officer entered the shop and picked up a can of Special Brew (8% ABV) from the fridge which was immediately opposite the till. Of note was the fact that all the drinks apart from the super strength beers were priced. The super strength beers included Skol Super, Tennent's Super, Kestrel Super as well as the Special Brew. Also of note was that the strong K-cider (8.4% ABV) was priced. The officer went to the counter and the sole member of staff behind the counter sold the drink saying the price (without any hesitation or doubt) was £1.50. The officer then introduced himself, explained the situation and asked if he held a personal licence. The man said he did not and called a man from a room at the back of the shop. The man who came from the back of the shop said he was Javed Iqbal and he was the owner, premise licence holder and DPS. He was unable to offer an explanation for the sale other than to say the shop was closed which was clearly not true. He said he had never used the secure window and the layout of the shop indicated to the officer that this statement was true! When challenged as to the price of the Special Brew he said it should be £2.29 and that the price stickers must have come off. Trading Standards do not accept that explanation and say the lack of pricing is deliberate; stating a sale price of £1.50 would be obvious to an enforcement officer that the product has been sourced illegally. Further, those who buy the products on a very regular basis know the price the retailer charges without looking at a price ticket. (See photo 6). There was a clock on the wall clear for all to see the time. It was displaying the correct time and a photo was taken immediately after the sale. (see photo 7). Throughout the conversation the officer had with Javed Iqbal, customers continued to come into the shop seeking to buy alcohol; he took no steps to close the front door as soon as he was told about this matter but merely (incorrectly) said the shop closed at midnight.

On 20 February 2017 Javed Iqbal was re-interviewed under caution. He had failed to produce the invoices he had been asked for. He continued to say the super strength

beers came from the previously named Cash and Carry, that they delivered it to the shop and he paid them cash but did not get invoices. He said he had challenged the Cash and Carry about this and he now got invoices from. This was his reason for not being able to produce invoices. Knowing the Cash & Carry Trading Standards do not accept this explanation.

The officer asked again about the Oranjeboom.

Officer: So are you saying the Oranjeboom 8.5% comes from [name of Cash & Carry]?

MJI: No

Officer: It doesn't? Do [cash & carry] sell Oranjeboom 8.5?

MJI: No, I tell you, Oranjeboom, the day you came one of my friend, he closed his shop. He gave it to me, he said, "I've closed the shop in Streatham and you can take the stock from me". I said, "No". He left it there and as soon as you came, so I took everything to him...

Officer: Your story is changing

MJI: Oranjeboom we just got rid of already. We don't have any. We didn't even sell it...

Please see photo 3 where it was on sale on 8 December.

Mr Iqbal was unable to say where the shop in Streatham was or even who his apparent friend's name was apart from [REDACTED]. The interview continued:

MJI: He just gave it to me. He just brought the van and said "I have some stock"

Officer: What was the name of the business then?

MJI: I don't know exactly, but his name is [REDACTED].

Officer: Whereabouts was that business?

MJI: In Streatham High Street somewhere, I don't know where.

Officer: Have you ever visited him?

MJI: No, he would normally come and see me in Cash and Carry, that's it

Officer: How much stock did he give you?

MJI: Just only may be ten or eleven cases

Officer: Ten or eleven cases?

MJI: Yes

Officer: How much does that come out to?

MJI: No I didn't pay him a penny. He just gave it to me. He said "Sell it and give me" and then I thought

Later in interview:-

Officer: If I look on the photos on my camera, will I see Oranjeboom in the fridge?

MJI: No

Later in interview:-

Officer: Why did he want to take it back when he wanted to give it to you?

MJI: I told him "I don't sell it, so take it back".

Officer: Why didn't you want to sell that particular beer as opposed to any other beer? Why did you want to give it back to him?

MJI: Because we don't sell that product, we've never sold Oranjeboom in any shops.

Officer: But you had an opportunity to try it didn't you at no cost, no risk to you?

MJI: No it was risk because I've never tried it. We don't have much space in the shop anyway. You can see my space, it's very limited. We try to fit in everything.

Officer: But you had the opportunity. A friend of yours gave you ten trays at no cost and you had the opportunity to put it in, just to test it.

Trading Standards say both of Mr Iqbal's explanations are complete fabrications. Oranjeboom black is manufactured in Holland and therefore if duty is not paid on it and it enters the country, it is in effect smuggled alcohol. Section 144 of the Licensing Act creates an offence of keeping smuggled goods on a licensed premise. Trading Standards say Mr Iqbal, aware of the dubious circumstances around how he acquired the Oranjeboom black, quickly removed it after he was asked about it under caution on 12 December and required to produce invoices. It was not on display in the shop on 16/17 December when a test purchase was made.

Mr Iqbal later accepted a simple caution of knowingly having smuggled alcohol on his premise, failing to produce traceable invoices for the alcohol he was required to produce and for breaching condition 340 by allowing sales to take place inside the premise and not using the secure window.

Trading Standards feel it is relevant to point out to the sub-committee that the events at this premise are not the first time problems with Mr Iqbal's business activities have come to its or other Borough's attention. Mr Iqbal is the premise licence holder and DPS for a business some 300 metres away at London Food and Wine at 12 Camberwell Church Street London SE5 8QU (Premise Licence number 847250) Some 13 months previous to this matter, Mr Iqbal accepted simple cautions for

1. On 6 November 2015 - Knowingly kept or allowed to be kept Wray and Nephew over proof rum and Rum Bar Rum (a Wray and Nephew product) which had been imported without payment of duty or which had otherwise been unlawfully imported – contrary to s144(1) Licensing Act
2. On 2 occasions - 29 October 2015 and again 6 November 2015 carried on a licensable activity otherwise than under and in accordance with an authorisation, namely condition 336 – no personal licence holder on premise when alcohol was sold
3. On 29 October 2015 - carried on a licensable activity otherwise than under and in accordance with an authorisation, namely condition 334 – no age identification scheme established and maintained.
4. On 2 September 2015 - carried on a licensable activity otherwise than under and in accordance with an authorisation, namely condition 340 – staff not

trained in a proof of age identification scheme and able to identify approved forms of identification. Records of such training were required to be kept at the premise.

5. On 29 October 2015 – sold alcohol to a female under 18 years of age – contrary to s146(1) Licensing Act
6. On 29 October 2015 – sold cigarettes to a female under 18 years of age – contrary to The Children and Young Persons (Protection from Tobacco) Act 1991.

Enquiries were made of Lambeth Council and information received from them indicated that from 2005 to 02.06.2014 Mr Iqbal was the Designated Premises Supervisor for a premise called Price Cutter at 184 Norwood Road London SE27 9AQ (in Lambeth Borough). The Premise Licence Holder was and is Ghulam Rasool. During that time a number of issues arose whilst Mr Iqbal was the Designated Premises Supervisor: -

1. 28.05.08 – underage sale of cigarettes to a child – Trading Standards test purchase exercise
2. 20.02.09 – underage sale of alcohol to a child – Trading Standards test purchase exercise
3. 02.03.10 – counterfeit Bollinger Champagne was seized by Trading Standards
4. 19.04.11 – underage sale of alcohol to a child – Trading Standards test purchase exercise. [REDACTED] (wrongly said to Trading Standards he was the DPS) and attended the premise. At the time no summary of licence was not displayed and no copy of licence was available for inspection at the premises)
5. 03.03.12 – alcohol sold after terminal hour of midnight.
6. 06.04.13 – alcohol sold after terminal hour of midnight – seller was 16 year boy – [REDACTED] son.
7. 16.04.13 – 2 illegal workers in shop and duty evaded spirits were seized
8. 29.04.14 – Trading Standards test purchase of alcohol made after the terminal hour. Upon entering shop to explain this, sales of alcohol were continuing.

Lambeth Trading Standards then submitted an application to review that Premise Licence.

Trading Standards say the matters before the sub-committee are of a serious nature

and little, if any, notice appears to have been taken when Mr Iqbal committed similar offences at his other business in Camberwell Church Street and also whilst DPS at the Price Cutter shop in Lambeth. Mr Iqbal has sought to mislead officers throughout which has resulted in a time consuming investigation. Trading Standards say Mr Iqbal therefore has unnecessarily created aggravating factors here.

The sub-committee is therefore invited to revoke the premise licence for all the reasons given in this application.

However, if not revoked, in addition to any suspension, the sub-committee may wish to consider the addition of a number of conditions. If so, Trading Standards would like to see the removal of conditions 125, 288, 289, 340, 8AA, 8AB, 8AC and 8AI and following conditions added to the licence:

- No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 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 and no container of an alcoholic drink shall be opened by anyone on the premise.
- The premises shall operate an agecheck 'Challenge 25' policy 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

It is understood that whilst the premise has a 24/7 licence the current owner does not operate on a 24 hour basis, though of course is currently able to do so if he so wishes. In the event the licence is not revoked, Trading Standards would like the permitted licensable hours to be in accordance with Southwark's current Licensing Policy thereby making redundant the need for secure window service. It would also seek for the shop opening hours to be the same because Trading Standards do not have confidence the business would be able to operate correctly with different hours.

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

Empty response box for representations.

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

[REDACTED]

Date

19 April 2017

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

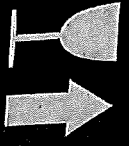
Telephone number (if any)

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.

GROSS WT. 16.6KG



GILLEN'S



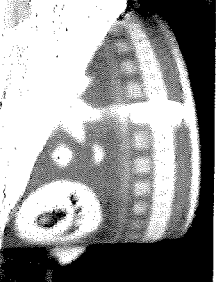
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EXTRA DRY
TRIPLE DISTILLED VODKA
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SCOTLAND



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FOR INFORMATION





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SCOTLAND

HIGH COMMISSIONER
BLENDED SCOTCH WHISKY
SCOTLAND

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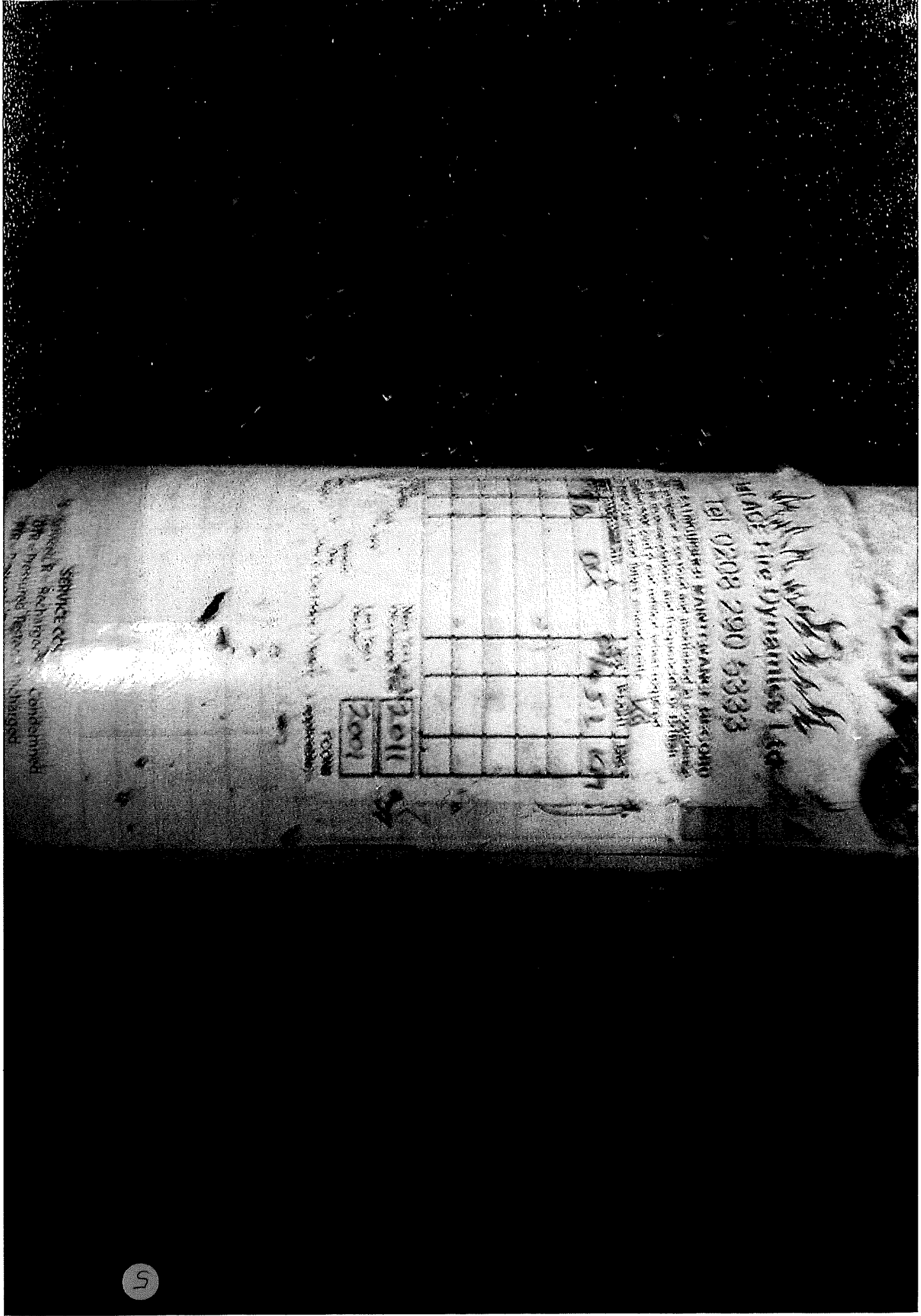
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MADE Fire Dynamics Ltd
Tel 0208 290 5333

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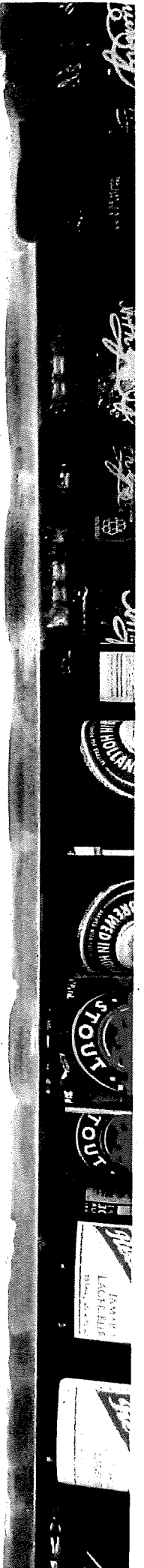
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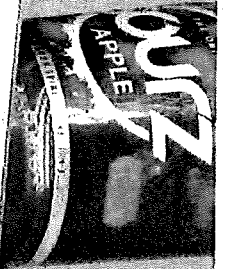
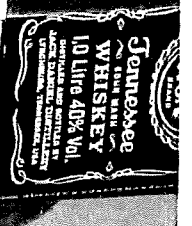
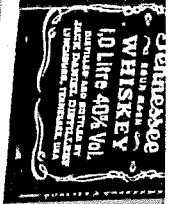
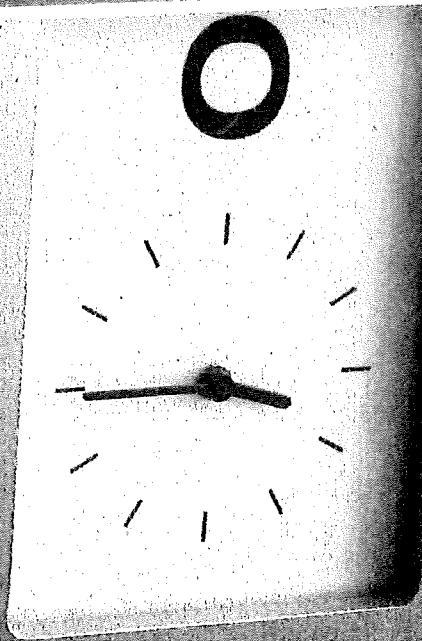
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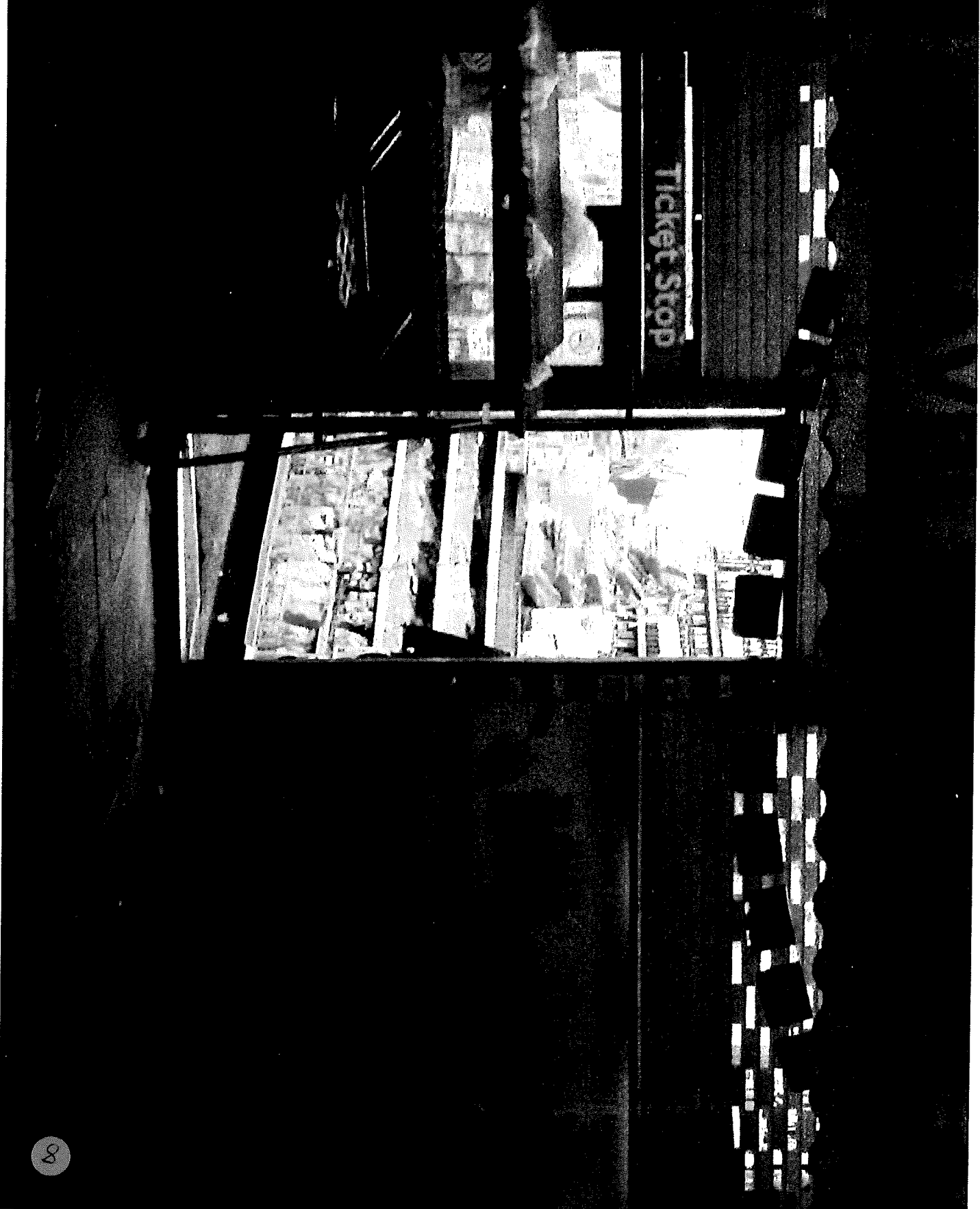
UNDER 25?

Please be prepared to show proof of age when buying alcohol



DRINKAWARE.CO.UK







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/21/2962/17

Date: 17th May 2017

Re:- Adams News 6 Cold harbour Lane SE5 9PR

Dear Sir/Madam

Police are in possession of an application from the Southwark's Trading Standards Service for a review of the above premises licence under Section 51 of the licensing act 2003.

The review application details a number of Breaches of the premises licence and a number of offences with regard to Duty evaded alcohol, consumer protection act and possible offences in regard to the employment of an illegal immigrant.

When granting an individual or a company a Premises licence, the licensing committee must have trust in that individual or company that they will run the premise well and comply with the operating schedule as agreed when applied for.

The conditions are there for the promotion of the licencing objectives, in particular for me are the conditions relating to the prevention of crime and disorder. Not only do we have a premises allegedly operating in contravention of these conditions, but it alleged that the premises themselves are actually committing acts of criminality.

In my opinion there is no place for a premises that is operated in such a way, one that is putting the public's health at risk and quite possible having a negative impact on anti-social behaviour and crime and disorder.

Police fully support the application by Trading Standards for the review of the premises licence and the recommendation that the licence is revoked.

Yours Sincerely

PC Ian Clements 362 MD
 Southwark Police Licensing Unit
 Tel: 0207 232 6756

From: Legassick, Bill
Sent: Thursday, May 18, 2017 6:30 PM
To: Regen, Licensing
Cc: Masini, Bill
Subject: Licence Review - 6 Coldharbour Lane

Licensing

The Environmental Protection Team fully support the Trading Standards review for 6 Coldharbour Lane having regards to the Licensing Act objective – The prevention of public nuisance.

This service has no relevant records of public nuisance being caused directly by the premises. The warden service has dealt over the last six months on two separate occasions with persons linked to alcohol related ASB. Information has been obtained that the Metropolitan Police have dealt with substantial problems with the on-street population in Camberwell and that the worst offenders seem to have moved to Peckham.

In the past this area has been a street nuisance hot-spot is due to a local street population of vulnerable persons, many with addiction issues, who are:-

- street, drinking
- begging,
- rough sleeping, and
- causing anti-social behaviour (public urination, violence, nuisance gatherings).

Southwark Environmental Protection Team consider that the main reasons for the development of the street nuisance hot-spot in Camberwell are:-

- The provision of high strength lagers (the preference of street drinkers and addicts) from nearby licensed premises.
- Proximity to the Maudsley and Kings hospitals which include Accident & Emergency services and both alcohol and drug high dependency units, which are health services frequently used by the vulnerable persons who make up SE London's street population.
- The length of the opening hours of nearby licensed premises with some premises being open serving alcohol 24/7.

Before the hearing, I may have further information that I wish to be included in this representation.

Bill Legassick
Principal Environmental Health Officer

Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.

Office address (By appointment only) : Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

Tel: 020 7525 4253 | Fax: 020 7525 5705 | e mail: Bill.Legassick@southwark.gov.uk

visit: <http://www.southwark.gov.uk/air-quality>



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

WITNESS STATEMENT


CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC MARK MCKAY**..... URN:


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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 240927**


This statement (consisting of: **3**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

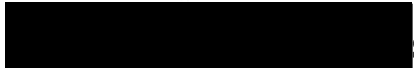
Signature:  Date: 19/5/2017

Tick if witness evidence is visually recorded (supply witness details on rear)

I am PC Mark MCKAY 192MD and I am the dedicated ward officer for Camberwell Green, Southwark Borough. I am making this statement to highlight issues related to street drinking and the role responsible off-licences can play in tackling this entrenched issue. This statement is to be used at the licensing review into Adams News, of 6 Coldharbour Lane, SE5. I am happy to attend the hearing if necessary. 

Background

I joined Camberwell Green Safer Neighbourhood Team in September 2015. It was immediately obvious street drinking was a serious and entrenched issue in the ward. Areas where it has been an acute problem include the junction of Denmark Hill and Coldharbour Lane where there is also a short alleyway, Milkwell Yard. In this area there are several off-licences within a fifty-yard-stretch of high street. This area has gained notoriety for alcohol-related anti-social behaviour as it has historically proved especially prevalent here. Street drinkers will buy low-priced super-strength alcohol then congregate in groups of up to eight or nine outside shops. They will drink until they are drunk, shout, swear, fight, drop litter and generally cause harassment, alarm and distress to the public. The group has been large enough to block the pavement to pedestrians. This is extremely distressing for members of the public, which include parents walking their children to the nearby Crawford Primary School. They will also venture into Milkwell Yard to urinate, often just yards from people's homes - Milkwell Yard is an alleyway with a dead-end and is the sole entrance to a handful of residential flats. This makes it an extremely undesirable and disgusting place for people to live. When I first joined the team almost two years ago, encountering street drinkers at this location was a daily occurrence. Our interactions would almost always inevitably lead to officers seizing alcohol from drunken street drinkers who then become angry and aggressive. Staff at Paddy Power, in Coldharbour Lane, also raised concerns about street drinkers loitering outside the shop front. Many have consequently been banned from entering the bookmakers. In Valmar Road, about fifty yards along Coldharboue Lane, drinkers can congregate and drink quite literally on the front doorstep of houses. 
Historically, Camberwell Green has also been a hot-spot for street drinking. About ten years ago extensive

Signature:  Signature witnessed by:

-----Original Message-----

From: Legassick, Bill

Sent: Tuesday, May 23, 2017 11:23 AM

To: Mills, Dorcas

Subject: Addition information as mentioned in my representation

Dorcas

Please can you please add this statement as part of my representation and I have requested PC McKay to attend as a witness.

Bill Legassick

Principal Environmental Health Officer

Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX. Office address (By appointment only) : Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

Tel: 020 7525 4253 | Fax: 020 7525 5705 | e mail: Bill.Legassick@southwark.gov.uk

visit: <http://www.southwark.gov.uk/air-quality>

Continuation of Statement of **PC MARK MCKAY**

collaborative work between this team and partner agencies made serious inroads to curb the number of street drinkers on the green. However, while the numbers of drinkers may have reduced, entrenched pockets remain. Again, there are several off-licences around Camberwell Green, Camberwell Church Street, Camberwell Road and Camberwell New Road. There are also hostels around the green which house alcoholics. Camberwell Green and Denmark Hill are also transport hubs for bus and overground rail services. This means they are high footfall areas with large transient populations. The Peabody Estate lies on the eastern side of Camberwell Green. Access into the estate is through an open vehicle entrance. Like Milkwell Yard, street drinkers use the Peabody Estate as a location to urinate and hide from public view. This causes significant distress to residents. In July 2016, Camberwell Green re-opened after extensive renovation work. This included installing three benches in a newly-pedestrianised area adjacent to blocks A, B & C. Again, they would drink until they were drunk. They would also shout and fight amongst themselves. This was distressing for residents living in these blocks as the noise was sometimes so loud it could heard through closed windows. In May 2016 these benches were removed, though picnic benches in the green remain. MM

The high concentration of hostels housing those living chaotic lifestyles and off-licenses selling cut-price alcohol has the potential to create a perfect storm of alcohol-fuelled anti-social behaviour. While the situation is not as severe as it once was, street drinking remains entrenched around Camberwell Green and Coldharbour Lane. As a result, tackling street drinking and related anti-social behaviour has been a ward priority for Camberwell Green since at least September 2015, though I'm told it has been a priority for years before this. MM

In November 2006 Southwark Council made the borough an alcohol controlled zone under the Criminal Justice and Police Act 2001 to combat alcohol-fuelled violence and associated anti-social behaviour. This meant council wardens and police can confiscate alcohol from anyone causing a nuisance in public, while those failing to comply could be arrested and fined up to £500 on conviction. MM

In April 2016 BBC Two broadcast a documentary presented by journalist Louis Theroux on alcoholics at King's College Hospital, in Denmark Hill. This involved Theroux interviewing street drinkers in Coldharbour Lane and Camberwell Green. This provides a fitting illustration of how severe and entrenched an issue street drinking remains in Camberwell. MM

Many street drinkers are alcoholics. Due to this, it is not enough to tackle the issue through enforcement. We also signpost street drinkers to support services when we interact with them. Only with effective intervention is it possible to break the cycle of addiction, which for too many is the underlying cause of their behaviour. MM

Progress since 2015 MM

Previously, alcohol would be seized and fixed fines issued, but interactions were not consistently recorded. This approach was a short-term 'quick fix' with limited long-term impact as drinkers would return to congregate in hot spot areas. Starting in November 2015, Camberwell Green Safer Neighbourhood Team has worked in close-partnership with Southwark Council to address ongoing alcohol-related anti-social behaviour. Joint-enforcement operations and council warden reports have proved effective in painting a comprehensive picture and identifying

Signature: 

Signature witnessed by:

Continuation of Statement of **PC MARK MCKAY**

ringleaders among the street drinking population. Joint patrols and operations took place in November 2015, March 2016 and April 2016. Intelligence from these operations, local knowledge and community feedback enabled us to adopt a targeted and systematic enforcement approach. This meant formally recording every time alcohol was seized with a set escalation process followed. Our team also adopted innovative and previously-untried police powers under the 2014 Anti-Social Behaviour, Crime and Police Act. MM

First time offenders received verbal warnings and fines were issued to those already warned. Community Protection Notices (CPNs) warnings, and CPNs were issued to repeat offenders as a mid-level enforcement intervention. To be eligible for a CPN an individual's behaviour must have had a detrimental impact on the quality of life of people in the community and be of a persistent nature. This was evidenced from statements taken from residents, businesses and a school's head teacher. Conditions on an individual's behaviour within a marked area would be applied to CPNs. Breaching a CPN is a criminal offence in itself. This meant those who breached one could be charged and be made the subject of a Criminal Behaviour Order (CBO), which replaced Anti-social Behaviour Orders (ASBOs). Conditions attached to a CBO could make it a criminal offence for an individual to enter a marked area regardless of their behaviour. This meant persistent offenders could be arrested for entering Camberwell whether they were drinking or not. Applying for a CBO is an extreme measure and has been applied to just two street drinkers in Camberwell so far, in September and November 2016. MM

This approach has had a positive impact with interactions with street drinkers falling significantly, especially around Coldharbour Lane. However, the number of interactions on Camberwell Green has slightly increased, though they are mostly different individuals than those who gathered around Coldharbour Lane. That said, the overall number of interactions is down on a year-by-year comparison. Street drinking can also be a seasonal issue. The true test will be whether drinkers begin to gather around Coldharbour Lane again as warmer weather takes hold. MM

The off-license's role MM

Under Section 141 of the 2003 Licensing Act it is an offence to sell alcohol to someone who is drunk. Despite this, many off-licenses make their trade through sales of alcohol to intoxicated street drinkers. Selling super-strength and low-priced alcohol sold by the can is a sales technique which appears to deliberately target street drinkers. It is irresponsible. Licence holders at off licenses can adopt a responsible approach to business by not selling these drinks at all. MM

Alcohol-fuelled anti-social behaviour like shouting, low-level fighting and public urination are not the most serious crimes - far from it. However, there can be a significant detrimental impact on the quality of life of law-abiding residents forced to endure this behaviour. Everyone has the right to respect of their private and family life. This includes living without being disturbed by drunken raucous behaviour. Off licenses have a role to play in helping the police and partner agencies achieve this. This means abiding by relevant legislation and their licensing conditions. Failure to do so makes it that little bit harder for police officers and employees of other agencies to tackle alcohol-related anti-social behaviour. MM

Signature: 

Signature witnessed by:

Witness contact details

Home address: **C/P CAMBERWELL POLICE STATION 9 WREN ROAD,**

Postcode: **SE5 8QU**

Home telephone number Work telephone number **02072326316**

Mobile/pager number Email address: **MARK.MCKAY@MET.POLICE.UK**

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth: **31ST AUGUST 1987**

Former name: Ethnicity Code (16+1): **W1** Religion/belief:

Dates of witness non-availability **SEE CARMS**

Witness care

- a) Is the witness willing and likely to attend court? **Yes.** If 'No', include reason(s) on **MG6.**
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **MD 240927 MARK MCKAY** Station: **CAMBERWELL**

Time and place statement taken: **1800 camborwell**

MEMO: Licensing Unit

To Licensing **Date** 19 May 2017
Copies
From David Franklin **Telephone** 020 7525 5800
Email david.franklin@southwark.gov.uk

Subject Adams News 6 Coldharbour Lane SE5 9PR

I make this representation with regards to the review application of the premises licence submitted by the Trading Standards for Adams News 6 Coldharbour Lane SE5 9PR.

My representation is based on the licensing objectives for the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm.

I am concerned with the number and diversity of alleged criminal offences witnessed by Trading Standards officers highlighted in their review application, in particular that the premises has breached numerous licence conditions on more than one occasion and kept smuggled goods on the premises.

Additionally it is of concern that Mr Iqbal is associated with other premises, both in and outside Southwark, and it is alleged he has committed or been involved in criminal acts at these premises that directly related to the sale of alcohol under the Licensing Act 2003.

In addition Council records show that these premises have been subject to other legislative interventions such as the enforcement of trade waste and littering offences and food related offences.

It seems clear that Mohammed Javed Iqbal, who is both the premises licence holder and DPS for Adams is unwilling to cooperate with authorities in their investigations of criminal acts and is undeterred by previous enforcement action at other premises, he seems to show a total disregard to the consequences of selling alcohol responsibly and to adhering to premises licence conditions or promoting licensing objectives.

I am of the opinion that Mr Mohammed Javed Iqbal is not capable of running a licensed premises and promoting the licensing objectives and that the premises will continue to operate contrary to the terms and conditions of their premises licence. I am of the opinion that removing Mr Iqbal as the DPS will not address these problems as he is the owners of the premises and premises licence holder and will have a controlling factor over ant new DPS.

I therefore support the Trading Standards review of this premises licence.

David Franklin
Licensing Authority as a Responsible Authority

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Wednesday, May 17, 2017 12:24 PM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: Adams News, 6 Coldharbour Lane, London, SE5 9PR

To whom it may concern:

Re: Adams News, 6 Coldharbour Lane, London, SE5 9PR

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

- The prevention of crime and disorder
- Prevention of public nuisance
- Public safety

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 express my concerns over the alleged issues with the management of the above premises. These include;

- Breaches of Premise Licence conditions - Condition 336 no personal licence holder present / Condition 225 – Fire extinguishers not maintained / Condition 311 – No notice displayed asking customers to leave quietly / Condition 340 alcohol sales after midnight not being made through a secure window
- Duty evaded alcohol offered for sale and bearing counterfeit trade marks and “Duty stamp” – Duty Stamp Regulations 2006 and the Trade Marks Act 1994.
- Employment of an illegal immigrant
- Illegal unsafe novelty lighters – Consumer Protection Act 1987

Among the issues outlined above, the sale of counterfeit alcohol is a public health concern. Since the products may not be genuine their contents can potentially be very harmful.

Public health fully supports this licence is reviewed by the Licensing Sub-Committee.

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

Yours faithfully,

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

Carolyn Sharpe | carolyn.sharpe@southwark.gov.uk | 02075250025

Public Health Policy Officer (People & Health Intelligence), London Borough of Southwark, 160 Tooley Street, London SE1 2QH

Licensing Act 2003 Premises Licence



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

Premises licence number

852931

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
ADAMS NEWS 6 Coldharbour Lane	
Ordnance survey map reference (if applicable): 176502532503	
Post town London	Post code SE5 9PR
Telephone number 020 7738 4983	

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
Monday 00:00 - 00:00
Tuesday 00:00 - 00:00
Wednesday 00:00 - 00:00
Thursday 00:00 - 00:00
Friday 00:00 - 00:00
Saturday 00:00 - 00:00
Sunday 00:00 - 00:00

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 00:00 - 00:00
Tuesday 00:00 - 00:00
Wednesday 00:00 - 00:00
Thursday 00:00 - 00:00
Friday 00:00 - 00:00
Saturday 00:00 - 00:00
Sunday 00:00 - 00:00

Part 2

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

Mohammed Javed Iqbal
[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

Mohammed Javed Iqbal
[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: L.B of Croydon

Licence Issue date 22/06/2016

[REDACTED]
Head of Regulatory Services
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

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

488 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

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.

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 the hours stated on the licence.

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

163 All escape routes and exits including external exits shall be maintained unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified in accordance with the approved arrangements.

172 The Licensee shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises

255 a. Fire extinguishers and equipment as approved by the Council shall be efficiently maintained in satisfactory working order and kept available for instant use. They shall be in the charge of a suitable person specially nominated for the purpose.

b. Portable fire extinguishers shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an antifreeze agent shall be examined and recharged in compliance with manufacturer's instructions.

c. Where provided hydraulic hose reels shall be tested once a year to check that they are in working order and produce a satisfactory jet of water, and the test shall be recorded in a log book.

d. All testing of fire extinguishers and equipment shall be at the expense of the licensee.

288 That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times

289 That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty one (31) days

310 That all external doors / windows (excepting any that may be required to be locked open for public safety) shall be kept shut and under strict management supervision and allow access and egress between times that door staff are required

311 That notices shall be made requesting that customers leave the premises in a quiet and orderly manner

334 That an age identification scheme shall be established and maintained. The scheme shall Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is

attempting to buy alcohol

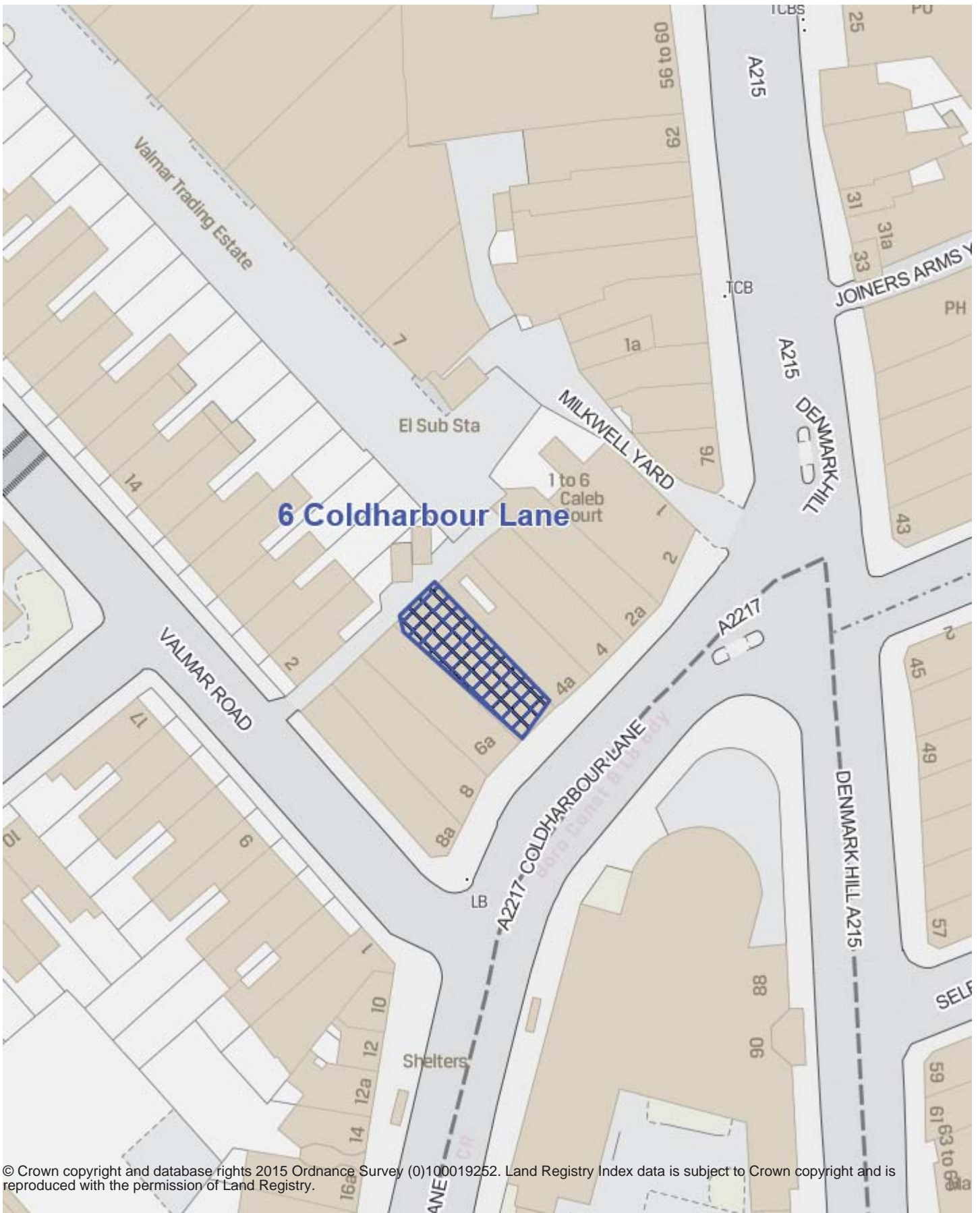
336 A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied

340 That those sales after 12 midnight are conducted through a secure window which prevents customers entering the premises

Annex 3 - Conditions attached after a hearing by the licensing authority

Annex 4 - Plans - Attached

Licence No. 852931
Plan No. N/A
Plan Date July 2005



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Item No. 6.	Classification: Open	Date: 15 June 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Superdeals (Food and Wine), 4 Camberwell Church Street, London SE5 8QU	
Ward(s) or groups affected:		Brunswick Park	
From:		Strategic Director of Environment and Social Regeneration	

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 Mohammed Imran and Ghulam Rasool in respect of the premises known as Superdeals (Food and Wine), 4 Camberwell Church Street, London SE5 8QU.
2. Notes:
 - a) The grounds for the review are stated in paragraph 12-14 of this report. A copy of the premises licence review application is attached as Appendix A as is an additional supporting email from the applicant dated 31st May 2017.
 - b) The review application is supported by representations submitted by responsible authorities. Copies of the representations are attached as Appendix B. Details of the representations are provided in paragraphs 16 – 19.
 - 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 E.
 - 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 Sunday 00:00 to 00:00
 - There are also no restrictions in respect of the premises' standard opening times (it can therefore be open 24hours-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 Mahesh Mhatre since 31 January 2017.

The review application

12. On 1 April 2017, 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 Mohammed Imran and Ghulam Rasool in respect of the premises known as Superdeals (Food and Wine), 4 Camberwell Church Street, London SE5 8QU.
13. The review application was submitted in respect of the prevention of crime and disorder, 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:

Prevention of Crime and disorder:

- Sale of alcohol when there was no designated premises supervisor (breach of condition 100) - various dates
- Sale of alcohol to a child (an offence under Section 146 of the Licensing Act 2003)
- Numerous breaches of premises licence conditions relating to CCTV, notices, age verification, personal licence holder not on premise (various dates), untrained staff
- Offer and sale of alcohol below duty price (breach of mandatory condition 491)
- Failure to make available copy of the premises licence (an offence under Section 57 of the Licensing Act 2003)
- Failure to produce traceable invoices for super strength beers (an offence under the General Food Hygiene Regulations 2013)

Public Safety:

- Breaches of premises licence conditions (conditions 100, 341, 342 343, 344 and 2470 - lack of notices re personal safety, CCTV (condition 289).

Protection of children from harm:

- Sale of alcohol to a child (an offence under Section 146 of the Licensing Act 2003)
 - Failure to adopt an age verification scheme (condition 334)
 - Failure to operate a refused sales register (condition 340)
 - Failure to display notices detailing restrictions on sales to children (condition 344) and at each point of sale stating "No proof of age - no sale" (condition 347).
14. The sub-committee is invited to revoke the licence. The premises licence already has a comprehensive list of conditions that are not on many other premises licences in Southwark but no genuine attempts have been made to ensure these are complied with and therefore trading standards do not suggest any further conditions in this application.
 15. Full details of the grounds for the review are provided within review the application. A copy of the review application is attached as Appendix A which is accompanied by an email dated 31 May 2017 which provides additional supporting information,

further to the date the review documents were served on the premises licence holder.

Representations from responsible authorities

16. The Metropolitan Police Service, this council's director of public health and this council's licensing responsible authority have submitted representations in support of the review application.
17. The Metropolitan Police Service's representation notes that the review application details a significant number of Breaches of the premises licence and a number of offences with regard to duty evaded alcohol and the Consumer Protection Act. The police fully support the application by trading standards for the review of the premises licence and the recommendation that the licence is revoked.
18. The director of public health's representation is submitted in respect of all four licensing objectives. The representation expresses concerns over the offences alleged in the review application. The director of public health fully supports that the premises licence be reviewed by the licensing sub-committee.
19. The licensing responsible authority's representation is submitted in respect of the prevention of crime and disorder, the prevention of public nuisance and protection of public safety licensing objectives. The representation notes that in addition to the evidence in the review application, the premises has been inspected by licensing officers on numerous occasions resulting in breaches of licence conditions being observed and warning letters issued to the licensees and other relevant persons. The representation also notes that the duty manager of the premises took part in an induction interview during which the licence was fully explained to the duty manager and the possible consequences of breaching licence conditions was also explained. The representation further notes that the premises were subject to a closure notice under section 19 of the Criminal and Justice Police Act 2001. The Licensing Responsible Authority have no confidence in the licensees or duty manager to operate the premises compliantly and fully support the review application and recommendation in the application that the premises licence be revoked.
20. Copies of the representations are attached as Appendix B.

Representations from other persons

21. No representations have been received by other persons.

Operating History

22. A premises licence was issued in respect of the premises on 9 April 2008. The licence was granted to the current licence holders, Mohammed Imran and Ghulam Rasool.
23. On 29 December 2012 a visit by the night time economy team inspected the premises and found, no training records, no personal licence holder on site and missing notices regarding police, awareness of pickpockets and a contact name for customers. A warning letter was sent out. Copies of all warning letters to the premises are available in Appendix B as part of the supporting representation made by the licensing authority.

24. On 6 April 2014 licensing enforcement officers attended the premises which was not compliant. No personal licence holder or DPS was at the premises.
25. On 22 August 2015 a full inspection of the premises was undertaken, despite three staff being present at the time, they were unable to show CCTV footage, so it could not be sure that it was working. In addition, there were no notices in accordance with conditions 341-345 and no full licence available.
26. On 2 November 2015, licensing enforcement officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with the premises licence issued in respect of the premises.
27. During the inspection the officers witnessed the following:
 - 1) It was not possible to ascertain if the CCTV system at the premises has a 31 day recording capacity as required by **condition 289** of the premises licence.
 - 2) Footage from the CCTV system could not be made available to the inspecting officers on as required by **condition 289**.
 - 3) There was no signage displayed, as required by **condition 341**, informing customers that the police will be informed in the event of any individual being found in possession of controlled substances or offensive weapons.
 - 4) There was no signage displayed, as required by **condition 342**, informing customers about the need to be aware of pickpockets or bag snatchers, and to guard their property, or unattended bags.
 - 5) There was no signage displayed, as required by **condition 343**, displaying the name of a contact for customers if they wish to report concerns.
 - 6) Each of the matters listed above potentially constitutes a breach of the licence issued by the council under the Licensing Act 2003.
 - 7) It was apparent that the person left in charge of the premises was not aware of the premises licence issued in respect of the premises or its terms and conditions. Please ensure that all staff employed at the premises are aware of the terms and conditions of the premises licence and have received training in respect of it.
 - 8) The staff member present at the time of the visit displayed a lack of knowledge as to the acceptable forms of identification that can be accepted as proof of age in regards to the sale of alcohol – a training pack in regards to age restricted products is enclosed. All members of staff at the premises should read the training pack and complete the training record included with it.
 - 9) It is recommended that all staff members who do not have a personal licence are authorised in writing by the designated supervisor (DPS) of the premises to make sales of alcohol. Should you require it, please find enclosed a letter of authorisation template. If you use the authorisation template please keep it at the premises.
28. A warning letter was provided to the premises licence holders, a copy of that letter is attached to Appendix D.

29. On 28 January 2017, a test purchase was carried out at the request of trading standards further to information received that the designated premises supervisor had departed the business. Alcohol was sold.
30. On 31 January 2017, the premises applied for a vary DPS application, which was deemed as invalid. A letter was sent that day to advise, which is included in the supporting representation made by the licensing authority. A valid application was not received until 14 February 2017.
31. On 20 April 2017 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 Mohammed Imran and Ghulam Rasool in respect of the premises known as Superdeals (Food and Wine), 4 Camberwell Church Street, London SE5 8QU. The premises was visited by trading standards; the review documents were delivered. A non-personal licence holder was found to be working alone in the shop; he continued to sell alcohol despite being advised that it was an offence under the terms of the premises licence. The employee was also unable to operate the CCTV.
32. On 26 April 2017, the premises was visited by trading standards, the Metropolitan Police Service and the licensing authority. A member of staff was found to running the store alone, selling alcohol. He claimed to have a personal licence with Tower Hamlets. However, he has only made an application, which has not yet been granted. Additionally, he is a failed asylum seeker. He should not be working. He advised that he is appealing this ruling. This will therefore affect his ability to hold a personal licence.
33. No TEN's have been submitted in regards to the premises.

The local area

34. A map of the local area is attached as Appendix E. There are a number of licenced premises in the immediate vicinity, namely:

London Food and Wine, 12 Camberwell Church Street, SE5 8QU licensed for:

- The sale of alcohol to be consumed both off the premises:
 - Monday to Sunday 08:00 to 03:00 (the following day)

The Tiger , 18 Camberwell Green, London SE5 7AA licensed for:

- The sale of alcohol to be consumed on and off the premises:
 - Sunday to Thursday 09:00 to 01:30 (the following day)
 - Friday and Saturday 09:00 to 03:30 (the following day)
- The provision of late night refreshment (indoors):
 - Sunday to Thursday 23:00 to 01:30 (the following day)
 - Friday and Saturday 23:00 to 02:30 (the following day)
- The provision of regulated entertainment in the form of recorded music, live music, and performance of dance (indoors):
 - Monday to Thursday 09:00 to 02:00 (the following day)
 - Friday and Saturday 09:00 to 04:00 (the following day)
 - Sunday 09:00 to 01:00 (the following day)

Golden Grill, 20 Camberwell Green London SE5 7AA licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Saturday 11:00 to 02:00 (the following day)
 - Sunday 13:00 to 22:30
- The provision of late night refreshment (indoors):
 - Sunday to Thursday 23:00 to 02:00 (the following day)
 - Friday and Saturday 23:00 to 04:00 (the following day)

Hermits Cave, 28 Camberwell Church Street, London SE5 8QU licensed for:

- The sale of alcohol to be consumed on and off the premises:
 - Monday to Thursday 10:00 to 00:00 (midnight)
 - Friday and Saturday 10:00 to 02:00 (the following day)
 - Sunday 10:00 to 01:00 (the following day)
- The provision of late night refreshment (indoors):
 - Monday to Thursday 23:00 to 00:00 (midnight)
 - Friday and Saturday 23:00 to 02:00 (the following day)
 - Sunday 23:00 to 01:00 (the following day)
- The provision of regulated entertainment in the form of recorded music, live music, films, and performance of dance (indoors):
 - Monday to Thursday 10:00 to 00:00 (midnight)
 - Friday and Saturday 10:00 to 02:00 (the following day)
 - Sunday 10:00 to 01:00 (the following day)

Chicks Peri Peri Chicken, 5 Camberwell Church Street, London SE5 8TR licensed for:

- The provision of late night refreshment (indoors):
 - Sunday to Thursday 23:00 to 01:30 (the following day)
 - Friday and Saturday 23:00 to 02:30 (the following day)

Bolu Kebab Restaurant – 7 Camberwell Church Street, London SE5 8TR licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Thursday 09:00 to 03:00 (the following day)
 - Friday and Saturday 09:00 to 04:00 (the following day)
 - Sunday 12:00 to 03:00 (the following day)
- The provision of late night refreshment (indoors):
 - Monday to Sunday 23:00 to 05:00 (the following day)

Portuguese Café Deli – 11 Camberwell Church Street, London SE5 8TR licensed for:

- The sale of alcohol to be consumed on and off the premises:
 - Monday to Sunday 08:00 to 00:00 (midnight)
- The provision of late night refreshment (indoors)

- Monday to Saturday 23:00 to 00:00 (midnight)
- Sunday 23:00 to 23:30

Wuli Wuli – 15 Camberwell Church Street, London SE5 8TR:

- The sale of alcohol to be consumed on and off the premises:
 - Sunday to Thursday 12:00 to 23:00
 - Friday and Saturday 12:00 to 01:00 (the following day)
- The provision of late night refreshment (indoors)
 - Sunday to Thursday 23:00 to 23:30
 - Friday and Saturday 23:00 to 01:00 (the following day)

Cannon and Cannon Fine Foods – 17-21 Camberwell Church Street, Lonon SE5 8TR licensed for:

- The sale of alcohol to be consumed on and off the premises:
 - Monday to Sunday 11:00 to 23:00

Stormbird – 25 Camberwell Church Street, London SE5 8TR licensed for

- The sale of alcohol to be consumed on and off the premises:
 - Monday to Wednesday 10:00 to 00:00 (midnight)
 - Thursday 10:00 to 02:00
 - Friday and Saturday 10:00 to 03:00 (the following day)
 - Sunday 10:00 to 00:00 (midnight)
- The provision of late night refreshment (indoors):
 - Monday to Wednesday 23:00 to 00:00 (midnight)
 - Thursday 23:00 to 02:00
 - Friday and Saturday 23:00 to 03:00 (the following day)
 - Sunday 23:00 to 00:00 (midnight)
- The provision of regulated entertainment in the form of recorded music, live music, films, and performance of dance (indoors):
 - Monday to Wednesday 10:00 to 00:00 (midnight)
 - Thursday 10:00 to 02:00
 - Friday and Saturday 10:00 to 03:00 (the following day)
 - Sunday 10:00 to 00:00 (midnight).

Southwark council statement of licensing policy

35. Council assembly approved Southwark's statement of licensing policy 2016 to 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.
36. 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.
37. Within Southwark's statement of licensing Policy 2016 - 2020, the premises are identified as being within the Camberwell cumulative impact policy (CIP) area. Under the Southwark statement of licensing policy 2016 to 2020 the local CIP applies to night clubs, public houses and bars, off-licences, supermarkets and grocers. The closing time recommended in the statement of licensing policy for off licences, and grocers or supermarkets with off sales of alcohol in this area is 00:00 (midnight) daily.

Resource implications

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

Consultation

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

Community impact statement

40. 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

41. 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.
42. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

43. Under section 52 the licensing authority must hold a hearing to determine the review and any relevant representations.
44. 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.
45. 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.
46. 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.
47. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.

48. 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.
49. 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.
50. 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

51. 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

52. 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 considers 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.
53. 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

54. 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.
55. 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.
56. 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.
57. 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.
58. 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.
59. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.

60. 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.
61. 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

62. 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

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

BACKGROUND DOCUMENTS

Background papers	Held At	Contact
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 & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Copy of the review application
Appendix B	Copies of the representations submitted by a responsible authorities
Appendix C	Copy of the premises licence
Appendix D	Warning Letter to premises dated 4 th November 2015
Appendix E	Map

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment & Social Regeneration	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	6 June 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		6 June 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

Postal address of premises or, if none, ordnance survey map reference or description Superdeals 4 Camberwell Church Street	
Post town London	Post code (if known) SE5 8QU
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 rd 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 type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

- Sale of alcohol when there was no Designated Premises Supervisor – breach of condition 100 – (various dates)
- Sale of alcohol to a child
- Numerous breaches of Premises Licence conditions – re CCTV, notices, age verification, personal licence holder not on premise (various dates), untrained staff
- Duty evaded alcohol offered for sale
- Offer and Sale of alcohol below duty price – breach of mandatory condition 491
- Failure to make available copy of Premises Licence – s57 Licensing Act
- Failure to produce traceable invoices for super strength beers -

Public Safety

- Breaches of Premises Licence conditions – lack of notices re personal safety, CCTV.

Protection of children from harm

- Sale of alcohol to a child
- Failure to adopt an age verification scheme
- Failure to operate a refused sales register
- Failure to display notices detailing restrictions on sales to children (condition 344) and at each point of sale stating "No proof of age – no sale" (condition 347)

Trading Standards enforce The Licensing Act 2003 with regard to the sale of alcohol to persons under the age of 18. In order to do this, as permitted by the Act, it will carry out test purchasing exercises using a person who is (and looks) under the legal age to purchase alcohol.

On Friday 6th January 2017, Trading Standards carried out such an exercise throughout the Borough.

A 16 year old male volunteer was asked to attempt the purchase of alcohol. He was instructed behave in accordance with the Code of Practice produced by the Better Regulation Delivery Office (BRDO) at The Department for Business, Innovation and Skills (BIS). In brief, he was to be truthful and dress in a manner consistent with his age. He was observed in the shop by a female officer from Southwark Council who was not to appear to be with him and to act as an ordinary customer. At 20.15 hours he entered this shop and took a bottle of Stella lager to the counter. He gave the man a £5 note and received change of £3.70 having been charged £1.30. Nothing was said to him. The shop was not busy. The officer bought a can of Special Brew for £1.50. A few minutes later the officer returned to the shop with a Trading Standards Officer. The same man who had made the sale was still behind the counter and gave his name as [REDACTED] who is a Personal Licence Holder. He accepted he should have made age checks of the boy. Conditions on the licence were then checked for compliance and numerous breaches were identified, namely

1. The CCTV footage only went back to 17 December 2016 meaning it was only retaining recordings for 20 days and not 31 days as required by condition 289
2. There was no evidence of there being a recognised training scheme for all staff - condition 293
3. There was no evidence that an age identification scheme had been established and maintained as required by condition 334
4. No refusal book was available for inspection as required by condition 340. Mr [REDACTED] said it was probably in a locked cabinet behind the till but he did not have access to it. Asked how he was to record any refusals, he shrugged his shoulders.
5. There were no notices displayed in accordance with conditions
 - a) 341 (police to be informed if any individual found in possession of controlled substances or offensive weapons),
 - b) 342 (informing customers of the need to be aware of pickpockets or bag snatchers, and to guard their property, or unattended bags

- c) 343 (notice displaying name of a contact for customers if they wish to report concerns)
 - d) 344 (notice immediately outside premises detailing restrictions on sales to children)
 - e) 347 (sign to be displayed at each point of sale stating "No proof of age – no sale)
6. Condition 100 – no supply of alcohol to be made when there is no Designated Premises Supervisor. [REDACTED] was asked about the names individuals on the licence, Mr Rassol (one of the two joint Premise Licence Holders) and Mohammed Imran (DPS and one of the two joint Premise Licence Holders). He said he had never met him in the time he had worked at the shop which was since October 2016. He said he only dealt with Mr Rassol who had another shop, he thought in Lambeth. Mr Rasool was spoken to on the telephone at the time of this visit and he said Mr Imran was on holiday. Challenged about what [REDACTED] had said about Mohammed Imran (i.e he had never seen him) Rasool said he was at Cash and Carry. The time by now was approximately 9.15pm. Mr Rasool and Mr Muhammad Awais Khan were advised it was a further breach of the Premise Licence to supply alcohol when there was no Designated Premises Supervisor.

With regard to Mohammed Imran, it should be noted here that Trading Standards have never been able to speak to him, despite numerous attempts to do so.

[REDACTED] was unable to show the officers the copy of the Premise Licence.

A follow up visit was made by the Trading Standards Officer and Licensing Officer on Tuesday 10th January at 13.50 hours. The only person in the shop was a man who gave his name as [REDACTED]. He did not hold a personal licence and seemed to have a limited command of English and did not know the basic requirements about selling alcohol such as how old someone had to be to be able to legally buy alcohol. He was told he could not sell alcohol as, to do so would breach the Premise Licence and be an offence under The Licensing Act. He said Awais was his boss and he was at Cash & Carry. The Licensing Officer spoke on the telephone to [REDACTED] who said he would come to the shop in the next hour and speak to the officers. Whilst that conversation took place [REDACTED] continued to sell alcohol to customers. Amongst others, at 13.55 hours he sold 2 bottles of Guinness Extra (7.5%ABV) to a man at £1.79 per bottle. A photograph of the till receipt was taken

though it showed a transaction time of 15.59 – out by 2 hours and 4 minutes.
A breach of condition 336 therefore took place.

The prices of the super strength beers were noted. Special Brew and Skol Super (both 8% ABV) were priced at £1.50 this being a mere 35 pence above the duty price for such drinks. A beer called Karpackie which has an ABV of 9% was priced at £1.20; the duty on this strong drink for the year 2016-2017 was £1.29. Photographs were taken. (See photos 1 -4)

Officers returned later to meet [REDACTED] where he was now the only person there. He was able to show officers two refused sales log. One showed a list of entries apparently relating to refused sales about once a month. The last entry was dated 5 September 2016, some four months previously. In view of this and that it had not been available on 6th January because according to [REDACTED] it was locked away and he did not have access to it, Trading Standards say it was not in operation at the time of the visits in January and therefore breached condition 340. Another book was presented and it showed one entry dated "6-2-2017". No explanation was forthcoming as to why it was dated some 4 weeks AFTER this visit.

[REDACTED] was reminded again about requirement for there to be a DPS and in the absence of one, alcohol could not be sold.

However, later that day at 22:35 hours Trading Standards made a test purchase. A can of Karpackie beer was bought for £1.20. (see photo 5 showing till receipt). Condition 491 which was put on all licences requires alcoholic drinks to be sold above the duty plus Vat price and therefore this condition was breached. The seller gave his name as [REDACTED]. He said he did not have any forms of identification on him to substantiate that name. His command of English was good. He said he did not have a Personal Licence and was alone in the shop. He knew the "boss" to be [REDACTED]. He said he had never heard of a Mohammad Imran or Ghulam Rasool. He said he had worked there "for a short time", was not aware of any age checks he needed to carry out or any book if alcohol was not sold to anyone. The officer told him alcohol could not be sold, since this breached conditions 100 and 336 (no DPS and no Personal Licence Holder on the premise). However, whilst the officer was still in the shop speaking to him, he carried on selling alcohol to customers. At 10.40 he sold 4 cans of Guinness to one man and despite being told again, he sold a quarter bottle of Captain Morgan to another man. Further warnings were also ignored. Of particular concern was when another man who clearly had alcohol dependency

problems, took a can of Special Brew from the fridge, put it on the counter and gave "██████████" a £5 note. He was given £3.00 change. The man thought he had been short changed and aggressively demanded the "correct" change. He was told the price was £2.00. The man was extremely unhappy about this, saying the price was £1.50 in Camberwell. He demanded his £5 note back and threw the can back at the seller and took his £5 note. Trading Standards are of the view that the higher price was being charged for the "benefit" of Trading Standards who were in the shop and that the real price to customers was still £1.50. The shelf prices for the Skol Super and Special Brew was still £1.50 though these price stickers had been removed when a further visit was made two days later on 12th. (see photo 6). As outlined, those who drink these products know the price regardless of whether they are priced because price is crucial to them.

It is common knowledge these drinks are almost exclusively consumed by people who have a serious alcohol addiction problem and contain a high number of units of alcohol per can. These people often have mental health issues and may live a chaotic lifestyle. This in turn can result in them becoming so called "street drinkers". In doing so this addiction can lead to public nuisance and the commission of anti-social behaviour type offences such as aggressive begging and urinating in public places. In this part of Southwark there are a significant number of people who are trying, though often struggling, to overcome their alcohol addiction, even with medical treatment. The easy availability of such drinks can therefore be a huge temptation for such people, particularly where the price is low.

H.M. Government seeks to use price as part of its strategy to reduce consumption of these super strength beers. The duty payable including VAT on these beers varies depending on the percentage alcohol by volume. As stated earlier, this premise was illegally selling Karpackie beer for 9p **below** the duty price. The other super strength beers such as Skol Super and Carlsberg Special Brew had been on sale at £1.50 when the duty payable on a 500ml can was £1.15 in the year 2016-2017. In this premise it was priced at £1.50 meaning if it was For those drinks to be legal there was a difference of 35 pence to account for all the manufacturers' costs, their transportation costs and profit, the wholesalers' mark up and the retailer's mark up. It is completely unrealistic and unbelievable that such a legally sourced and duty paid beer can be sold by an independent retailer for anything less than at least £2.20. Retailing such a product at 35 pence more than the duties payable and in the case of the Karpackie, 9 pence below the duty price also undermines completely any Government Public Health strategy and of course gives the retailer an unfair

commercial advantage over its legitimate competitors.

This illegal practice has been identified as a widespread and real problem in Southwark which officers are seeking to address.

When Trading Standards returned on the 12th January the Karpackie beer was still priced at £1.20 and a second test purchase was made. Again £1.20 was the amount charged. In view of this and the test purchase two days before, the 261 cans (130.5 litres) of Karpackie that were in the shop were seized. Condition 491 was being breached again. The man behind the counter gave a name of [REDACTED] but was unable to give an address and did not produce any identification to substantiate his name. Initially he said he did not work there but was the only person working in the shop and therefore conditions 336 and 100 were again breached. Despite warnings not to, he continued to sell alcohol. He later said he worked for the boss who was "Rasool". He then walked out of the shop (leaving it without any staff) and a few minutes later [REDACTED] arrived at the shop. The reasons for the seizure were explained to [REDACTED]. He was asked for contact details for the DPS, Mohammad Imran. He said he did not have a telephone number for him, any address or email and that he'd never met him. NB, the mobile number Southwark has for Mr Imran is unobtainable.

On Saturday 28 January at 18.49 hours, unannounced, a licensing officer working on the Night Time Economy team purchased a can of Special Brew from the shop.

Attempts were made to interview (under caution) Mohammad Imran, Ghulam Rasool and the seller, [REDACTED]. [REDACTED] attended for an interview on 31 January but decided he wanted a solicitor to be present.

On 1 February Trading Standards visited the shop where [REDACTED] supplied what purported to be an invoice (see document numbered 7). It was dated 14 January 2017 (two days *after* the seizure of Karpackie) and shows a purchase price for Super strength beers to be barely above the duty price. For example it shows Kestrel Super (8% ABV) purchased at £1.00 per can. Even if VAT were added this takes the price to £1.20; duty was £1.15. The name of the seller is not stated rendering such an apparent invoice untraceable.

On Saturday 4 February at 20.10 hours unannounced the same licensing officer working on the Night Time Economy team purchased another can of Special Brew

from the shop.

On 8 February Ghulam Rasool ("GR") and [REDACTED] attended for an interview with a consultant advisor, referred to as "CON" in interview transcripts. On the advice he received Mr Rasool, said no comment to almost all questions but did confirm the business was his. Part of the interview:

Officer As regards to the ownership of the business, are you the sole owner of the business trading as Food and Wine at 4 Camberwell Church Street?

GR Yes.

Officer You are, thank you.

CON I would have to advise you strongly Mr Rasool, you have heard advice about inferences from the officer, inferences are not evidence and there is a very sharp distinction between the two. I would strongly advise you to answer 'no comment' to the officers' questions hereinafter.

Officer Okay, and in your capacity as a sole trader, you said you are the sole owner, is that a limited company or do you operate as a sole trader?

GR No comment.

Officer Ok, well, that could be seen as quite obstructive.

Later in the interview he was asked about whether he was still selling alcohol: -

Officer Yes, I asked the question, are you still selling alcohol?

GR No, sir.

Officer No?

GR No.

Officer You are not serving alcohol? When did you stop serving alcohol?

GR When you last visited.

Officer That would be 1st February, okay.

Officer So, you stopped serving alcohol on 1st February?

GR Yes.

Officer Yes?

Officer Right, you know I said to you earlier, you know that we have made a number of purchases?

GR Yes.

Officer One of those test purchases was buy a member of the licensing team on Saturday night, when he purchased a can of Carlsberg Special Brew from the shop.

GR Yes.

Officer Have you any comments you would like to make about that?

GR Say again, sir.

Officer On Saturday night, a member of the licensing team went to your shop Camberwell Church Street and purchased a can of Carlsberg Special Brew. Given what you have just said, are there any comments you would like to make about

that?

CON I advise you answer no comment to the officers questions.

GR No comment.

Mr Rasool's answer was incorrect. A true transcript of the interview is attached to this application.

The premise licence holder was required to produce his purchase invoices for the spirits seized and the super strength beers. It is an offence to fail to produce traceable invoices (alcohol falling within the definition of food) under The General Food Hygiene Regulations 2013.

It has been mentioned earlier that on 6th January 2017 it was noted and duly advised that the CCTV was only recording for 20 days and not the 31 days as required by condition 289. Recordings for 31 days are to be made available for inspection by authorised officers. At the interview Trading Standards asked for CCTV to be supplied and the following dates and times were supplied to Mr Rasool's consultant the following day. These were:-

6/1/2017 – recordings between 18:00 hrs and 22:00 hrs
10/1/2017 – recordings between 12:00 hrs and 16:00 hrs
12/1/2017 – recordings between 09:30 and 14:30 hrs
28/1/2017 – recordings between 17:00 hrs and 21:00 hrs
1/2/2017 – recordings between 10:00 hrs and 14:00 hrs
4/2/2017 – recordings between 18:00 hrs and 22:00 hrs

ALL THE ABOVE only in respect of cameras pointing to the counter whereby customers and staff can be viewed and any transactions they may be making.

On 17 February Trading Standards received a memory stick providing only footage from 8.09 on Saturday 4th February through to about 22.00 hours that contained random clips and gaps that did not even contain the test purchase made by the Licensing officer. No other footage was supplied.

Trading Standards feel it is relevant to point out to the sub-committee that the events at this premise are the not first time problems with Mr Rasool's business activities have come to its attention. In 2011, Mr Rasool was interviewed and later accepted a simple caution in respect of 164 bottles of counterfeit Jacobs Creek wine. At the time he said he operated his business through a limited company called Shabaz Rahman Limited..

Enquiries were made of Lambeth Council and information received from them indicated that Mr Rasool is the Premises Licence Holder and has been from at least 2005 for a premise called Price Cutter at 184 Norwood Road London SE27 9AQ (in Lambeth Borough). During that time a number of issues have arisen: -

1. 28.05.08 – underage sale of cigarettes to a child – Trading Standards test purchase exercise
2. 20.02.09 – underage sale of alcohol to a child – Trading Standards test purchase exercise
3. 02.03.10 – counterfeit Bollinger Champagne was seized by Trading Standards
4. 19.04.11 – underage sale of alcohol to a child – Trading Standards test purchase exercise. Ghulam Rasool (wrongly said to Trading Standards he was the DPS) and attended the premise. At the time no summary of licence was not displayed and no copy of licence was available for inspection at the premises)
5. 03.03.12 – alcohol sold after terminal hour of midnight.
6. 06.04.13 – alcohol sold after terminal hour of midnight – seller was 16 year boy – Ghulam Rasool's son.
7. 16.04.13 – 2 illegal workers in shop and duty evaded spirits were seized
8. 29.04.14 – Trading Standards test purchase of alcohol made after the terminal hour. Upon entering shop to explain this, sales of alcohol were continuing.

Lambeth Trading Standards then submitted an application to review that Premise Licence.

Trading Standards say the matters before the sub-committee are of a serious nature. Little, if any, notice appears to have been taken after Trading Standards and Southwark Licensing (Responsible Authority role) took robust action in January 2017 or since Mr Rasool had his other premises licence in Norwood Road reviewed by Lambeth Trading Standards. Of note is that in interview, when questioned, Rasool would not disclose he had another premise and therefore further investigation was required, thereby unnecessarily taking more officer time. He would not even disclose that he operated this premise through a limited company, again requiring further officer time to get to the truth in how this business was operated.

Trading Standards has no confidence at all that this premise can be run in a compliant manner; plenty of opportunities have been given in recent months but this

has not been taken. The licensing objectives of the prevention of Crime and Disorder and the Protection of Children from Harm, in particular, have been blatantly ignored; even when a Trading Standards Officer and a Licensing Officer were in conversation with the sole member of staff in the shop, despite warnings to the contrary, sales of alcohol continued - even to blatantly intoxicated and "problem" drinkers. Mr Rasool has hidden behind the legal advice given to him of exercising his legal right of silence in relation to criminal offences and has failed to make reasonable attempts to work with Council Officers to address matters. Trading Standards say this is because he has no interest in doing so. Mr Rasool had an opportunity to offer any explanations for the licence breaches or how he tried (assuming he did make any efforts) to ensure the licensing objectives were addressed but has completely failed to do so. He could have sought help and advice from Council officers but Southwark Council has heard nothing from him. At the time of submitting this application, the elusive joint Premises Licence Holder, Mohammed Imran, has still failed to contact the Council. People have worked in the shop alone without having a Personal Licence and with no regard to the legal responsibilities.

The sub-committee is invited to revoke the licence.

The Premise Licence already has a comprehensive list of conditions that are not on many other Premises Licences in Southwark but no genuine attempts have been made to ensure these are complied with and therefore Trading Standards do not suggest any further conditions in this application.

At the time of submitting this application, the criminal matters are still being dealt with.

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

[Redacted Signature]

Date

20/4/2017

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

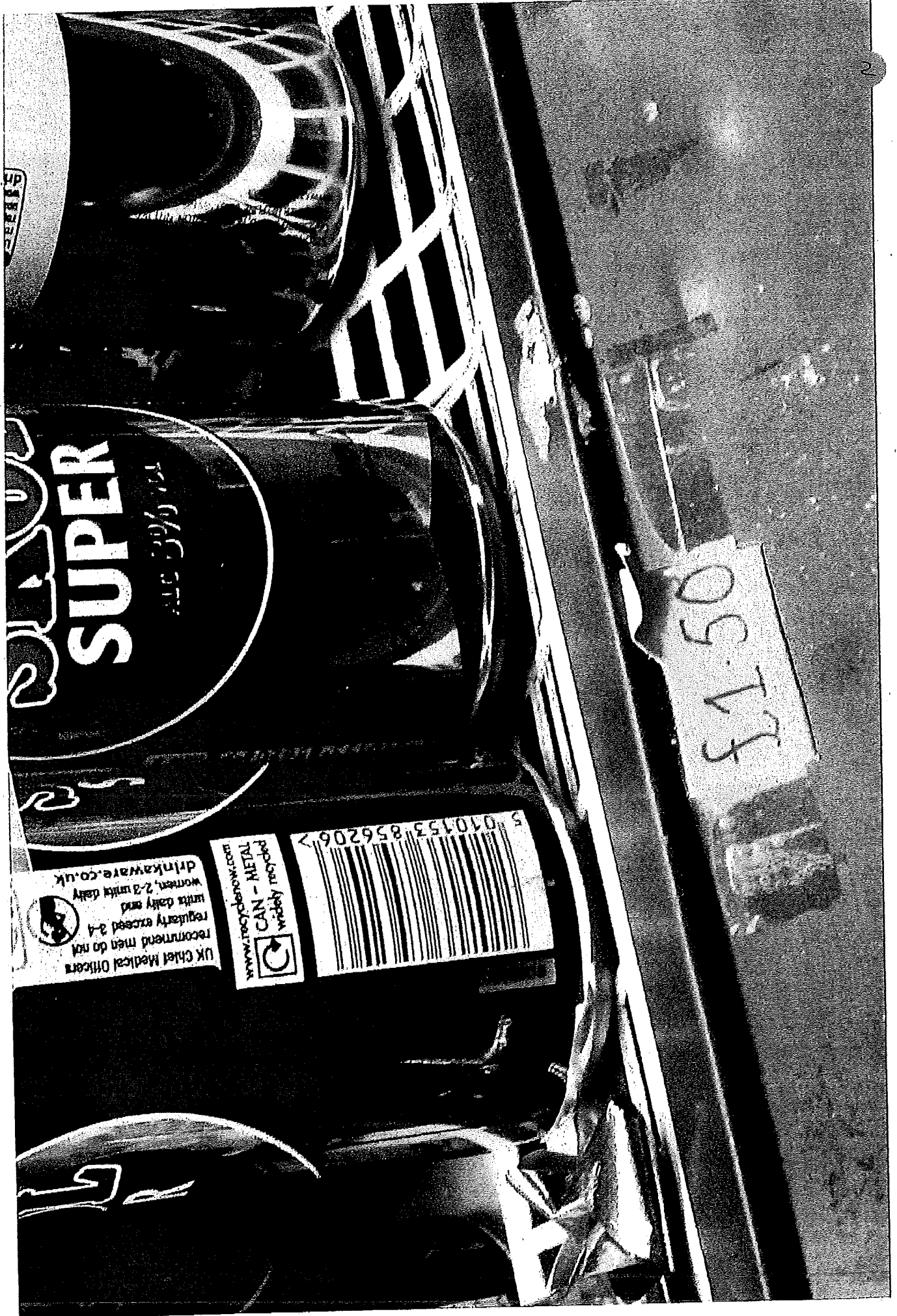
Telephone number (if any)

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.





STAMP

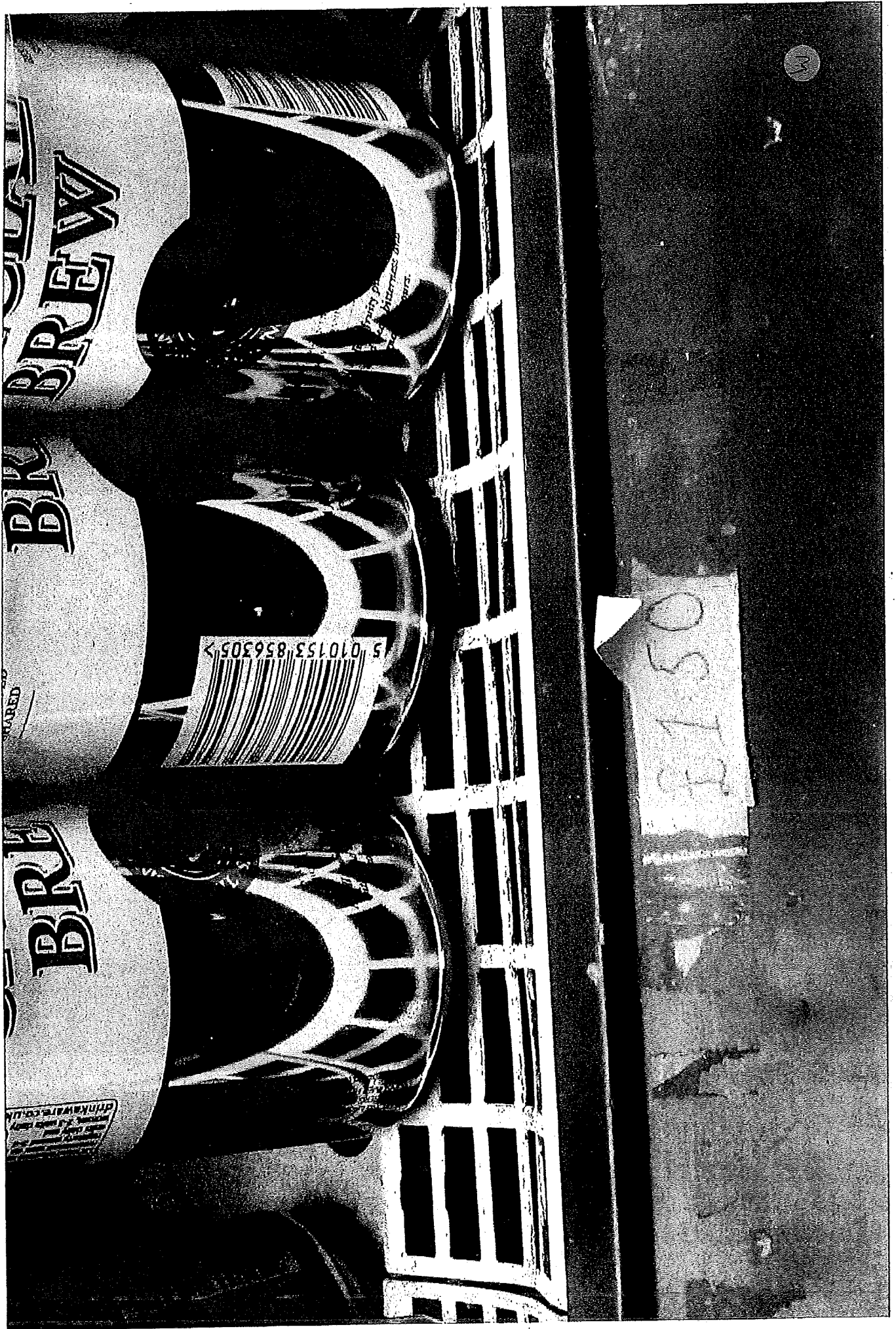
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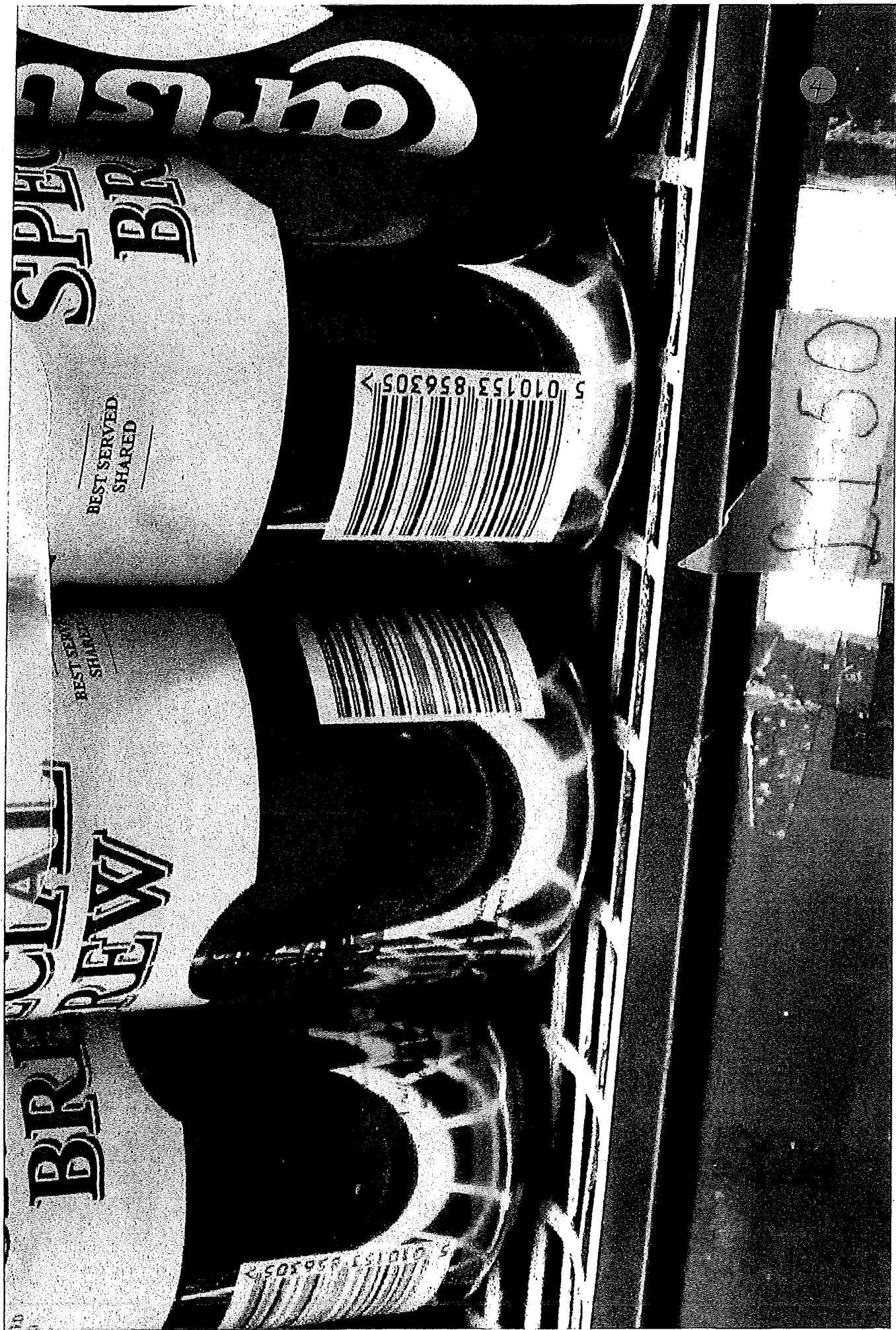
UK Chief Medical Officers
recommend men do not
regularly exceed 3-4
units daily and
women 2-3 units daily
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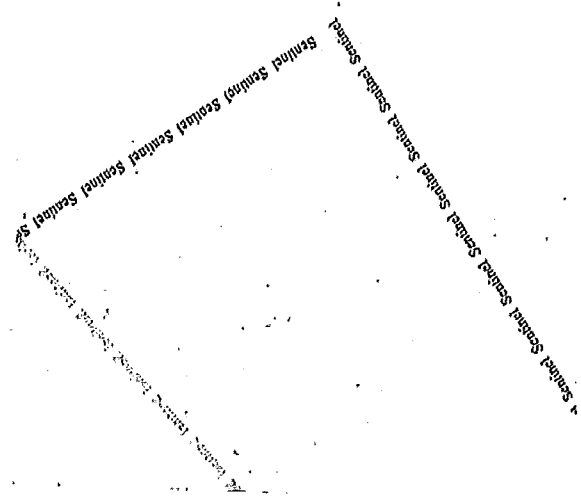
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CG	11-01-2017	00:35	1.00
SALE			000511
SALE			2.48
SALE			1.10
TL			1.00
CASH	11-01-2017	00:38	4.59
CG	11-01-2017	00:38	000512
SALE			1.20
TL			1.20
CASH	11-01-2017	00:39	1.50
CG	11-01-2017	00:39	0.30
			000513
			2.00
			2.00
			2.00



7



PRICE CUTTER CAMBERWELL
Quotation is valid upto next 3 Days
ALL PRICES ARE EXCLUDING VAT. STANDARD VAT
WILL BE APPLIED ON BUYING

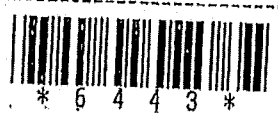
StaffID: 101 Date: 14/01/2017 13:28:00

Description	Qty	Price	Amount
KESTREL SUPER	6	24.00	144.00
SKOL SUPER 500M	4	25.00	100.00
SPECIAL BREW	4	25.00	100.00
HEINEKEN PREMIU	4	22.00	88.00
BUDWEISER	3	21.00	63.00
POLISH BERR ALL	11	18.50	203.50
KRONENBOURG 166	6	18.50	111.00
FOSTERS 500ML	4	17.00	68.00
STELLA 500ML	5	18.50	92.50
YELLOW TAIL	2	23.00	46.00
ON TROLLEY 1 QTY 49			

TOTAL EXC VAT 1016.00

Total Items = 49

PAID
[Signature]



* 6 4 4 3 *

011-2-14444-1-2017

Heron, Andrew

From: Masini, Bill
Sent: 31 May 2017 15:24
To: Heron, Andrew
Subject: Further information in support of Premises Licence review - Superdeals - 4 Camberwell Church Street

Further to Trading Standards' application to review the premises licence for Superdeals at 4 Camberwell Church street, I wish the following matters to be added to the application:

"On 20th April 2017 the Premises review application together with photographs was delivered to the premise. Behind the counter was a man who gave his name as [REDACTED]. He was alone. He was asked if he had a personal licence to which he said no. He was told he could not sell alcohol because there was a requirement to have a personal licence holder on the premises whenever alcohol was for sale. Whilst speaking to him he sold a can of Special Brew to a female without saying anything to her. He was warned again but he did not seem to take on board what he was being told. He was asked to show the officer the CCTV for the previous hours when he had been working and he said he did not know how to operate it and did not seem at all interested in trying to do so. The officer further warned him that he would come back and check the CCTV and if he carried on selling he risked prosecution. The review documentation was left with him. He made no attempt to close the shop and the officer had little doubt that he would continue to sell alcohol in breach of the Premises Licence.

On 26th April the same Trading Standards Officer returned to the shop with Police officers and a Licensing officer. Before entering the shop, the Licensing officer made a test purchase of a can of Skol Super alcohol. In the shop was a man who gave his name as [REDACTED]. He had sold the alcohol to the Licensing Officer minutes before. He did not hold a personal licence though said he had applied to Tower Hamlets for one. Enquiries indicated him to be a failed asylum seeker; a decision he was appealing. During that time he was not permitted to work and following changes to the Licensing Act he could not be issued with a Personal Licence. Initially he said he had worked in the shop for one week and he received some training, in that he was told not to sell alcohol to persons under the age of 18. His method of checking a person's age would be to "ask them their age". He seemed unsure of the name of his employer, but it was established that he had never met either of the Premise Licence holders, namely Mohammed Imran and Ghulam Rasool; nor had he met the current Designated Premises Supervisor, [REDACTED]. He claimed his "boss" was [REDACTED]. Mr [REDACTED] was unable to show offers a full copy of the Premises Licence. Since Mr Ahmed did not have a personal licence he was advised he could not sell alcohol.

Dealing with other conditions on the licence, it became evident that CCTV was operational though Mr [REDACTED] was not able to operate it and it was not possible to check Mr [REDACTED] conduct following the visit made on 20 April. When checking the refusals book, Mr [REDACTED] said he used the book and this showed entries he had made dating back to 14 March 2017, indicating he had worked at the shop for at least 6 weeks and not the one week he had previously stated. It was also noted the notices required to be displayed in accordance with conditions 341, 342 and 345 were absent.

Mr [REDACTED] was told he could not work, and since he was on his own and because alcohol is a very large part of the shop's sales, he was advised to close the shop

Trading Standards state that the events in April after serving the review application papers further indicate a complete disregard to the conditions on the Premises Licence and reinforce the reasons already given as to why Trading Standards recommends the Premises Licence to be revoked".

Bill Masini - Trading Standards Officer

Southwark Council Trading Standards | Environment & Social Regeneration

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

Direct line 020 7525 2629 | Fax 020 7525 5735 | Call Centre 020 7525 2000

Visit our web pages www.southwark.gov.uk/TradingStandards

Need clear practical consumer advice? Visit Consumer Direct at www.direct.gov.uk/consumer



Appendix B – representations submitted by responsible authorities



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 **MD/21/2963/17**
reference:

Date: **18th May 2017**

Re:- Food & Wine 4 Camberwell Church Street SE5 8QU

Dear Sir/Madam

Police are in possession of an application from the Southwark's Trading Standards Service for a review of the above premises licence under Section 51 of the licensing act 2003.

The review application details a significant number of Breaches of the premises licence and a number of offences with regard to Duty evaded alcohol, consumer protection act and possible.

When granting an individual or a company a Premises licence, the licensing committee must have trust in that individual or company that they will run the premise well and comply with the operating schedule as agreed when applied for.

The conditions are there for the promotion of the licencing objectives, in particular for me are the conditions relating to the prevention of crime and disorder. Not only do we have a premises allegedly operating in contravention of these conditions, but it alleged that the premises themselves are actually committing acts of criminality.

Police fully support the application by Trading Standards for the review of the premises licence and the recommendation that the licence is revoked.

Yours Sincerely

PC Ian Clements 362 MD
Southwark Police Licensing Unit
Tel: 0207 232 6756

From: Sharpe, Carolyn On Behalf Of Public Health Licensing
Sent: Wednesday, May 17, 2017 12:19 PM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: 4 Camberwell Church Street

To whom it may concern:

Re: 4 Camberwell Church Street, London, SE5 8QU

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
-

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 express my concerns over the alleged issues with the management of the above premises.

These include;

- Breaches of the premises licence: Condition 289 – CCTV not retained for 31days / Condition 293 – no staff training scheme
- Condition 334 – no age verification / Condition 340 – No refusals book
- Conditions 341, 342, 343, 344, 347 – Missing public notices to customers
- Condition 100 alcohol sales made without DPS
- Condition 336 – sales of alcohol without personal licence holder
- Sale of alcohol to a child
- Duty evaded alcohol offered for sale – Duty Stamp Regulations 2006 and the Trade Marks Act 1994.
- Offer and Sale of alcohol below duty price – breach of mandatory Condition 491
- Failure to make available copy of Premises Licence – s57 Licensing Act 2003
- Failure to produce traceable invoices for super strength beers

Among the issues outlined above, the sale of counterfeit alcohol is a public health concern. Since the products may not be genuine their contents can potentially be very harmful.

Public health fully supports this licence is reviewed by the Licensing Sub-Committee.

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

Yours faithfully,

Carolyn Sharpe

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

Carolyn Sharpe | carolyn.sharpe@southwark.gov.uk | 02075250025

Public Health Policy Officer (People & Health Intelligence), London Borough of Southwark, 160 Tooley Street, London SE1 2QH

MEMO: Licensing Unit

To Licensing Date 18 May 2017

Copies

From David Franklin Telephone 020 7525 5800

Email david.franklin@southwark.gov.uk

Subject Food and Wine 4 Camberwell Church Street SE5 8QU

I make this representation with regards to the review application of the premises licence submitted by the Trading Standards for Food and Wine 4 Camberwell Church Street SE5 8QU.

My representation is based on the licensing objectives for the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm.

The licensing team have visited the premises on a number of occasions as follows:

adate	desc	aofficer	adtext
29/12/2012	22:30 NTE Visit	Roy Fielding	Inspection, no training records, no personal licence holder on site & missing several notices re police, awareness pickpockets, contact name for customers. Warning letter to be sent.
06/04/2014	03:35 NTE Visit	Richard Kalu	Visit to premises which was not compliant. No personal licence holder or DPS at the premises at time of visit. The staff member at the store gave his name as [REDACTED]. I have been advised that the managers name was [REDACTED]. I have advised the staff member that this will be picked up upon my return back to the office on Monday. I have advised that all parties could possibly face prosecution on the basis of the breaches found.
22/08/2015	02:24 NTE Visit	Kristie Ashenden	With Sue Hunter. full inspection. [REDACTED] produced personal licence from [REDACTED]. 3 x staff at time of visit. Unable to show CCTV footage, cannot ascertain whether CCTV is in working order. No notices as per conditions 341-345. No full licence available.
02/11/2015	Visit to premises as part of Camberwell MDT operation	Wesley McArthur	2/11/2015 11:50 WJM Visit to the premises with Richard Kalu (RK) and 2 PCSO's to discuss street drinking problem in the area. When we entered the premises there was one IC4 male and one IC4 female behind the pay counter. We ID'd ourselves and RK asked who was in charge and the IC4 female stated that she was in charge. I asked the IC4 female her name and she answered J [REDACTED] (JP). RK asked JP if she had a personal licence. JP produced a personal licence card (number: [REDACTED] issued by [REDACTED]). The IC4 male identified himself as Mr. [REDACTED]. The P/L summary was displayed. RK asked if the full P/L was available. JP provided us with the P/L.

			<p>The police explained the problems relating to street drinkers in the area and advised that sales to street drinkers shouldn't take place. I advised that even if known street drinkers are sober when they attempt to buy alcohol, it is in the best interests of the premises and local residents / people in the area if off-licences do not serve the street drinkers alcohol. I also reminded JP that it is an offence to serve to people who are drunk and also advised her that staff should not serve alcohol who appear to be under the influence of drugs. I also reminded JP not to serve to U18's.</p> <p>I advised JP of the licensing service and that we undertake inspections, and explained the possible consequence of breaching licensing legislation and failing TP's.</p> <p>JP stated that they often refuse sales of alcohol, and this leads to confrontation. The PCSO's advised that if they felt in danger when refusing sales / dealing with street drinkers then staff at the premises should call the police. The PCSO's provided advice as to when 999 or 101 should be called in respect of incidents at the premises.</p> <p>I undertook an inspection of the premises and noted breaches of conditions 341, 342, 343 all pertaining to notices that should be displayed at the premises. JP wasn't 100% knowledgeable of acceptable forms of ID (she wasn't aware of PASS accredited cards). I advised her that I would send her a TS training pack in respect of sales of alcohol, and that all staff at the premises should read the training pack and sign the training record on the training pack once they had read the training pack.</p> <p>Action: Warning letter to be sent with training pack and alcohol sales authorisation template.</p>
12/11/2015	Licensing Induction Meeting	Richard Kalu	
28/01/2017	18:49 NTE Visit	Alexander Lisowski	<p>At 18.49pm, on Saturday, 28th January, 2017, I went into the venue. Near the front door, against the left side wall, were shelves with various cans of beer and lager on them. Amongst them were cans of Carlsberg Special Brew. The section of shelf they were on displayed a price of £1.99. I took one of the cans and went to the service counter on the right side of the shop. I was charged £1.99 to buy the can. I was also given a small black plastic bag. I left the shop with the can and the bag. Statement for Trading Standards attached.</p>
04/02/2017	20:10 NTE Visit	Alexander Lisowski	<p>At 20.10pm on Saturday, 4th February, 2017, I did a test purchase at the venue on behalf of trading standards. I bought 1 can of Carlsberg Special Brew for £1.99. See attached statement. 7/2/2017 9:46 MQ3</p>

As a result of the visits on 29/12/2012, 22/08/2015 and 2/11/2015 warning letters were sent to the premises licence holders Mohammed Imran and/or Ghulam Rasool. I attach copies of these warning letters.

On 12/11/2015 a licensing officer conducted an induction meeting with [REDACTED] the duty manager/supervisor. I attach a copy of the signed induction document.

After the visit on 28/01/2017 a warning letter was sent with regards to selling alcohol without a DPS, a copy of this letter is attached.

I also submit copies of a Police section 19 closure notice and a notice of alleged offence both dated 26/04/2017.

I am concerned with the number and diversity of alleged criminal offences witnessed by Trading Standards and Licensing officers and highlighted in their review application, in particular that the premises has sold alcohol to children and breached numerous licence conditions on more than one occasion.

It is also of concern that Mohammed Imran, one of the premises licence holders and DPS at the time of the offences no longer had an interest in the premises and no attempt had been made to transfer the licence or vary the DPS.

Additionally that the premises licence holder has employed staff with a poor understanding of English that would inhibit their ability to challenge persons in line with an under age sale scheme, if one existed, and made worse in that they appeared to have no training in the prevention of sales to children or drunk persons and there was no personal licence holder or DPS present to authorise sale of alcohol.

It is clear that Mr Ghulam Rasool also has/had other licensed premises in Lambeth and that he has committed crimes on one or more of these premises that are related to the Licensing Act 2003 and show that he is willing to continue commit these crime with a total disregard to the consequences of selling alcohol to underage persons and to adhering to premises licence conditions or promoting licensing objectives.

I am of the opinion that both Ghulam Rasool and Mohammed Imran, if he may be still a premises licence holder, are not capable of running a licensed premises and promoting the licensing objectives and that the premises will continue to operate contrary to the terms and conditions of their premises licence.

I therefore support the Trading Standards review and their request for revocation of the premises licence as the reasonable, appropriate and proportionate action to take.

David Franklin
Licensing Authority as a Responsible Authority

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 26-4-17 Time Served: 11:15

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC [redacted] 321MD

Signature: [redacted] 321MD

Name (if applicable) and address of the affected premises:
Food & wine 4 Cumberwell Church St
SE5 8DU

Alleged unauthorised use of the premises (section 19 (6)(a))

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

100% Absolutly alcohol may be made under the premise. Licence
at a time when there is no DPS in respect of the premise
and 100% every supply of alcohol under the premise
licence must be made or authorised by a person who holds a
Personal Licence

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:
[redacted] working premises does not hold
a personal licence.

Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))

Mr [redacted] has been advised that he is not
to sell alcohol as he does not hold a personal
licence.

Third party consideration (section 19.4)

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details) NO

If yes they must be issued with a copy of this form

Effect of section 20, Application for closure order.

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name [redacted]

Signature [redacted]

Date 26-4-17



Licensing Authority Copy

Notification of alleged offences under the Licensing Act 2003

Venue Name: Food & Wine REF: (CAD/CRIS etc.)

Address: 4 Camberwell Church St
SE5 8DU Date: 26/4/17 Time: 11:15

Details of person in charge at the relevant time [redacted] 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:

While conducting a licensing visit Mr Mustaq
AHMED sold a 200ml of Super Strength Skull 8% 101-£2.00 to licensing officer.

Issuing officer: [redacted] 3211/MO Print: [redacted]

I acknowledge receipt of this form: (venue) [redacted]

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

Ghulam Rasool
 [REDACTED]
 [REDACTED]

Licensing Unit
 Direct Dial - 020 7525 5748
 Facsimile - 020 7525 5705
 Lic: 826929

31 January 2017

Dear Sir/Madam

**LICENSING ACT 2003 –
 PREMISES LICENCE & DESIGNATED PREMISES SUPERVISOR (DPS)
 Re: Food and Wine**

I have been advised by staff at the above premises on 31/01/2017 that (listed as Mohammed Imran DPS) no longer works at the premises. I was informed that [REDACTED] is to be the new DPS.

As you have not made an application to vary the designated premises supervisor, **no alcohol sales are permitted at your premises.**

You should be aware that one of the mandatory conditions placed upon every premises licence that authorises the retail sale of alcohol is that

“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.”***

You must therefore make an application to vary the premises designated supervisor to a person who holds a personal licence. I have included a form with this letter. Until such time that an application has been made to this office, you are not authorised to sell alcohol.

Failure to act will mean that you are operating in contravention of the Licensing Act 2003 and this could lead to formal enforcement action being taken. This could result in the suspension or loss of your licence.

I would make clear that it is the practice of the Council’s Licensing Unit to send officers to visit premises to check to see if unauthorised activities are being provided. Licensing officers will gain admission to the premises in

Licensing Unit - Regulatory Services, Licensing team, Hub 1, 3rd Floor, PO Box 64529, SE1P 5LX
 Switchboard - 020 7525 5000 Website - www.southwark.gov.uk
 Strategic Director Environment & Leisure - Deborah Collins

the same way as ordinary members of the public, and will not necessarily make themselves known to the staff or publican at the time of the visit.

If you require further clarification of any matter raised within this letter please contact this office.

A copy of this letter will be forwarded to the Metropolitan Police Service.

Yours sincerely,

Kirty Read
Processing Manager
licensing@southwark.gov.uk

Cc: P.C. Clements
Metropolitan Police Service
Licensing Officer
Southwark Police Station
323 Borough High Street
London SE1 1JL



Mohammed Imran
[REDACTED]
[REDACTED]
[REDACTED]

Licensing Unit
Direct Line: 020 7525 5754
Direct Fax: 020 7525 5705

Dear Mr Imran

RE: THE LICENSING ACT 2003 – WARNING LETTER
(Food and Wine, 4 Camberwell Church Street, London, SE5 8QU)

On 22 August 2015 at 02:24 Licensing Enforcement Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

- 1. Breach of s.57 of the Licensing Act 2003. At the time of visit, staff were unable to produce the premises licence.**
- 2. Breach of conditions 288 and 289. At the time of visit, staff were unable to show officers the CCTV footage – they were unable to show that it was in good working order.**
- 3. Breach of conditions 341 – 345. At the time of visit there were no notices on display as per conditions.**

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under

Licensing Unit - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH
Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk
Strategic Director Environment & Housing - Deborah Collins
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the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 020 7525 5754 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

K Ashenden

Kristie Ashenden
Principal Licensing Officer
kristie.ashenden@southwark.gov.uk

c.c Southwark Police Licensing Office
southwarklicensing@met.police.uk



Ghulam Rasool
[REDACTED]
[REDACTED]
[REDACTED]

Licensing Unit
Direct Line: 020 7525 5754
Direct Fax: 020 7525 5705

Dear Ghulam

RE: THE LICENSING ACT 2003 – WARNING LETTER
(Food and Wine, 4 Camberwell Church Street, London, SE5 8QU)

On 22 August 2015 at 02:24 Licensing Enforcement Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

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- 2. Breach of conditions 288 and 289. At the time of visit, staff were unable to show officers the CCTV footage – they were unable to show that it was in good working order.**
- 3. Breach of conditions 341 – 345. At the time of visit there were no notices on display as per conditions.**

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

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I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 020 7525 5754 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

K Ashenden

Kristie Ashenden
Principal Licensing Officer
kristie.ashenden@southwark.gov.uk

c.c Southwark Police Licensing Office
southwarklicensing@met.police.uk



Mohammed Imran
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Licensing Unit

Direct Line: 0207 525 1784

Direct Fax: 0207 525 5705

2 January 2013

Dear Mohammed Imran

**RE: THE LICENSING ACT 2003 – WARNING LETTER
(Food and Wine, 4 Camberwell Church Street, London, SE5 8QU)**

On 29 December 2012 at 22:30 Licensing Enforcement Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

1. Staff training records re the supply of intoxicating liquor were not available. **This is a breach of condition 293 of the premises licence.**
2. A personal licence holder was not at the premises during my visit. **This is a breach of condition 336 of the premises licence.**
3. Notices were not strategically and prominently placed throughout the premises informing customers that the police will be informed in the event of any individual being found in possession of controlled substances or offensive weapons. **This is a breach of condition 341 of the premises licence.**
4. Notices were not strategically and prominently placed throughout the premises displaying the name of a contact for customers if they wish to report concerns. **This is a breach of condition 343 of the premises licence.**

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5. Notices were not strategically and prominently placed throughout the premises informing customers about the need to be aware of pickpockets or bag snatchers, and to guard their property, or unattended bags. **This is a breach of condition 342 of the premises licence.**

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 0207 525 1784 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

Roy Fielding
Licensing Enforcement Officer



Mohammed Imran
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Licensing Unit

Direct Line: 020 7525 5779

Direct Fax: 020 7525 5705

Our ref: INU 073450

4 November 2015

Dear Mohammed Imran,

**RE: THE LICENSING ACT 2003 – WARNING LETTER
 (Superdeals, 4 Camberwell Church Street, London, SE5 8QU)**

On 2 November 2015 at 11:50am licensing enforcement officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with the premises licence issued in respect of the premises.

In addition to the above the officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

1. It was not possible to ascertain if the CCTV system at the premises has a 31 day recording capacity as required by **condition 289** of the premises licence.
2. Footage from the CCTV system could not be made available to the inspecting officers on as required by **condition 289**.
3. There was no signage displayed, as required by **condition 341**, informing customers that the police will be informed in the event of any individual being found in possession of controlled substances or offensive weapons.
4. There was no signage displayed, as required by **condition 342**, informing customers about the need to be aware of pickpockets or bag snatchers, and to guard their property, or unattended bags.
5. There was no signage displayed, as required by **condition 343**, displaying the name of a contact for customers if they wish to report concerns.

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

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Switchboard - 020 7525 5000 Website - www.southwark.gov.uk

Strategic Director Environment & Housing - Deborah Collins

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In addition to the above the following matters were also noted which require your urgent attention:

6. It was apparent that the person left in charge of the premises was not aware of the premises licence issued in respect of the premises or its terms and conditions. Please ensure that all staff employed at the premises are aware of the terms and conditions of the premises licence and have received training in respect of it.
7. The staff member present at the time of the visit displayed a lack of knowledge as to the acceptable forms of identification that can be accepted as proof of age in regards to the sale of alcohol – a training pack in regards to age restricted products is enclosed. All members of staff at the premises should read the training pack and complete the training record included with it.
8. It is recommended that all staff members who do not have a personal licence are authorised in writing by the designated supervisor (DPS) of the premises to make sales of alcohol. Should you require it, please find enclosed a letter of authorisation template. If you use the authorisation template please keep it at the premises.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

If compliance is not achieved the Council may take formal action that may affect your licence or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 020 7525 5779 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the address below.

Yours sincerely,

W. McArthur

Wesley McArthur
Licensing Enforcement Officer
wesley.mcarthur@southwark.gov.uk

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Switchboard - 020 7525 5000 Website - www.southwark.gov.uk
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Ghulam Rasool
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Licensing Unit

Direct Line: 020 7525 5779

Direct Fax: 020 7525 5705

Our ref: INU 073450

4 November 2015

Dear Ghulam Rasool,

**RE: THE LICENSING ACT 2003 – WARNING LETTER
 (Superdeals, 4 Camberwell Church Street, London, SE5 8QU)**

On 2 November 2015 at 11:50am licensing enforcement officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with the premises licence issued in respect of the premises.

In addition to the above the officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

1. It was not possible to ascertain if the CCTV system at the premises has a 31 day recording capacity as required by **condition 289** of the premises licence.
2. Footage from the CCTV system could not be made available to the inspecting officers on as required by **condition 289**.
3. There was no signage displayed, as required by **condition 341**, informing customers that the police will be informed in the event of any individual being found in possession of controlled substances or offensive weapons.
4. There was no signage displayed, as required by **condition 342**, informing customers about the need to be aware of pickpockets or bag snatchers, and to guard their property, or unattended bags.
5. There was no signage displayed, as required by **condition 343**, displaying the name of a contact for customers if they wish to report concerns.

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

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Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Strategic Director Environment & Housing - Deborah Collins

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In addition to the above the following matters were also noted which require your urgent attention:

6. It was apparent that the person left in charge of the premises was not aware of the premises licence issued in respect of the premises or its terms and conditions. Please ensure that all staff employed at the premises are aware of the terms and conditions of the premises licence and have received training in respect of it.
7. The staff member present at the time of the visit displayed a lack of knowledge as to the acceptable forms of identification that can be accepted as proof of age in regards to the sale of alcohol – a training pack in regards to age restricted products is enclosed. All members of staff at the premises should read the training pack and complete the training record included with it.
8. It is recommended that all staff members who do not have a personal licence are authorised in writing by the designated supervisor (DPS) of the premises to make sales of alcohol. Should you require it, please find enclosed a letter of authorisation template. If you use the authorisation template please keep it at the premises.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 020 7525 5779 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the address below.

Yours sincerely,

W. McArthur

Wesley McArthur
Licensing Enforcement Officer
wesley.mcarthur@southwark.gov.uk

Licensing Unit - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH
Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk
Strategic Director Environment & Housing - Deborah Collins
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Jagriti Patil
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Licensing Unit

Direct Line: 020 7525 5779

Direct Fax: 020 7525 5705

Our ref: INU 073450

4 November 2015

Dear Jagriti Patil,

**RE: THE LICENSING ACT 2003 – WARNING LETTER
 (Superdeals, 4 Camberwell Church Street, London, SE5 8QU)**

On 2 November 2015 at 11:50am licensing enforcement officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with the premises licence issued in respect of the premises.

In addition to the above the officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises:

During the inspection the officers witnessed the following:

1. It was not possible to ascertain if the CCTV system at the premises has a 31 day recording capacity as required by **condition 289** of the premises licence.
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Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk

Strategic Director Environment & Housing - Deborah Collins

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In addition to the above the following matters were also noted which require your urgent attention:

6. It was apparent that the person left in charge of the premises was not aware of the premises licence issued in respect of the premises or its terms and conditions. Please ensure that all staff employed at the premises are aware of the terms and conditions of the premises licence and have received training in respect of it.
7. The staff member present at the time of the visit displayed a lack of knowledge as to the acceptable forms of identification that can be accepted as proof of age in regards to the sale of alcohol – a training pack in regards to age restricted products is enclosed. All members of staff at the premises should read the training pack and complete the training record included with it.
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You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 020 7525 5779 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the address below.

Yours sincerely,

W. McArthur

Wesley McArthur
Licensing Enforcement Officer
wesley.mcarthur@southwark.gov.uk

Licensing Unit - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH
Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk
Strategic Director Environment & Housing - Deborah Collins
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Licensing Unit induction checklist for new licensees / management

Premises Name: Food & Wine
 Address: 4 Camberwell Church Street, SE5 8QU
 Licensee: Mohammed Imran
 DPS: Mohammed Imran

1. INTRODUCTION

- Who staff are.
- Why meeting is being held – to ensure every licensee is fully aware of his / her responsibilities from the onset

2. THE LICENCE

- Introduce the licence document & the Annexes.
- Explain the mandatory conditions in Annex 1.
- Explain the special conditions in Annex 2 and 3.
- Give details of what happens if the conditions are breached.
- Explain about responsible authorities or interested parties, what their role is and how they can call a review. Give full details of what is involved with a review and what the outcomes can be.
- Explain that there is an annual maintenance fee to be paid for the licence.
- What must be done if the licensee decides to alter the premises
- Other circumstances in which a variation application may be necessary
- Explain in detail about when you need to apply for a variation, what is involved and what the procedure is. Also about varying the dps.
- Advise them that if they leave about surrendered the licence and the consequences for the licensee and the dps if they leave without surrendered the licence.
- Door Supervisors requirements that must be SIA registered.
- Drugs Misuse, drug policy.
- Challenge 25, suitable identification.
- Covert inspections by police, licensing and trading standards.
- Noise nuisance.

3. INSPECTIONS

- Reason for inspections and why conducted without warning and during performance
- Early inspection(s) conducted and thereafter risk-assessed. Give details of what we look for and what documents we will need to see. Also the outcome if we find things wrong – what happens next?

- Will conduct additional inspections where problems found and complaints made.
- Will listen to proposals for putting right. Will give timescale for matters that cannot be rectified easily.
- Explain inspections aim to help but that continually to operate outside of the terms of the licence will result in action
- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation
- Make sure any special arrangements at premises are understood (i.e. lobby door arrangements / removal of bolts / numbers control etc)

4. ASSISTANCE


- Emphasise that if the licensee has any problems he should contact the office and discuss

Provided the following:

Licence and summary,
 Fire risk assessment advice booklet,
 Age signage - 18 & challenge 25,
 Trading standards training pack, refusal log and pass accredited sample cards.

Officer(s) Attending: (Sign) 

(Print) *MRS. Jasmin Patel (Morning Supervisor)*

Persons Present: (Sign) 

(Print) *Richard Veli*

Date of Meeting: *12/11/2015*

Licensing Act 2003 Premises Licence



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

Premises licence number

857877

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Food and Wine 4 Camberwell Church Street London SE5 8QU Ordnance survey map reference (if applicable), 176728532621	
Post town London	Post code SE5 8QU
Telephone number [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**

Monday	00:00 - 00:00
Tuesday	00:00 - 00:00
Wednesday	00:00 - 00:00
Thursday	00:00 - 00:00
Friday	00:00 - 00:00
Saturday	00:00 - 00:00
Sunday	00:00 - 00:00

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	00:00 - 00:00
Tuesday	00:00 - 00:00
Wednesday	00:00 - 00:00
Thursday	00:00 - 00:00
Friday	00:00 - 00:00
Saturday	00:00 - 00:00
Sunday	00:00 - 00:00

Part 2

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

Mohammed Imran

[REDACTED]

Ghulam Rasool

[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**

Mahesh Mhatre

[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 23/02/2017

[REDACTED]

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

Annex 1 - Mandatory conditions

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.

488 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

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.

Annex 2 - Conditions consistent with the operating Schedule

124 Alcohol shall not be sold or supplied except during the permitted hours. The permitted hours in part 1 of this licence:

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.

288 That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times

289 That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty one (31) days

293 A recognised training scheme for all staff supplying intoxicating liquor

334 That an age identification scheme shall be established and maintained. The scheme shall Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol

336 A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied

340 A refusal book to record every instance that sales of alcohol and any other age-restricted goods are refused shall be maintained. The refusal book shall be available for inspection by an authorised officer of the licensing authority, trading standards officers or the police

341 Notices shall be strategically and prominently placed throughout the premises informing customers that the police will be informed in the event of any individual being found in possession of controlled substances or offensive weapons.

342 Notices shall be strategically and prominently placed throughout the premises informing customers about the need to be aware of pickpockets or bag snatchers, and to guard their property, or unattended bags.

343 Notices shall be strategically and prominently placed throughout the premises displaying the name of a contact for customers if they wish to report concerns

344 Notices shall be strategically and prominently placed on or immediately outside the premises detailing the normal hours under the terms of the premises licence at which licensable activities are permitted to take place.

345 Notices shall be strategically and prominently placed on or immediately outside the premises detailing the restrictions on sales to children

346 Liquor shall be stored in a suitable secure location

347 A sign shall be displayed at each point of sale stating "No proof of age - no sale"

Annex 3 - Conditions attached after a hearing by the licensing authority

Annex 4 - Plans - Attached

Licence No. 857877

Plan No. 00521/L01

Plan Date 6 August 2005



Mohammed Imran
Food and Wine
4 Camberwell Church Street
London
SE5 8QU

Licensing Unit
Direct Line: 020 7525 5779
Direct Fax: 020 7525 5705
Our ref: INU 073450

4 November 2015

Dear Mohammed Imran,

**RE: THE LICENSING ACT 2003 – WARNING LETTER
(Superdeals, 4 Camberwell Church Street, London, SE5 8QU)**

On 2 November 2015 at 11:50am licensing enforcement officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with the premises licence issued in respect of the premises.

In addition to the above the officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

1. It was not possible to ascertain if the CCTV system at the premises has a 31 day recording capacity as required by **condition 289** of the premises licence.
2. Footage from the CCTV system could not be made available to the inspecting officers on as required by **condition 289**.
3. There was no signage displayed, as required by **condition 341**, informing customers that the police will be informed in the event of any individual being found in possession of controlled substances or offensive weapons.
4. There was no signage displayed, as required by **condition 342**, informing customers about the need to be aware of pickpockets or bag snatchers, and to guard their property, or unattended bags.
5. There was no signage displayed, as required by **condition 343**, displaying the name of a contact for customers if they wish to report concerns.

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

Licensing Unit - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH
Switchboard - 020 7525 5000 Website - www.southwark.gov.uk
Strategic Director Environment & Housing - Deborah Collins
Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

In addition to the above the following matters were also noted which require your urgent attention:

6. It was apparent that the person left in charge of the premises was not aware of the premises licence issued in respect of the premises or its terms and conditions. Please ensure that all staff employed at the premises are aware of the terms and conditions of the premises licence and have received training in respect of it.
7. The staff member present at the time of the visit displayed a lack of knowledge as to the acceptable forms of identification that can be accepted as proof of age in regards to the sale of alcohol – a training pack in regards to age restricted products is enclosed. All members of staff at the premises should read the training pack and complete the training record included with it.
8. It is recommended that all staff members who do not have a personal licence are authorised in writing by the designated supervisor (DPS) of the premises to make sales of alcohol. Should you require it, please find enclosed a letter of authorisation template. If you use the authorisation template please keep it at the premises.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 020 7525 5779 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the address below.

Yours sincerely,

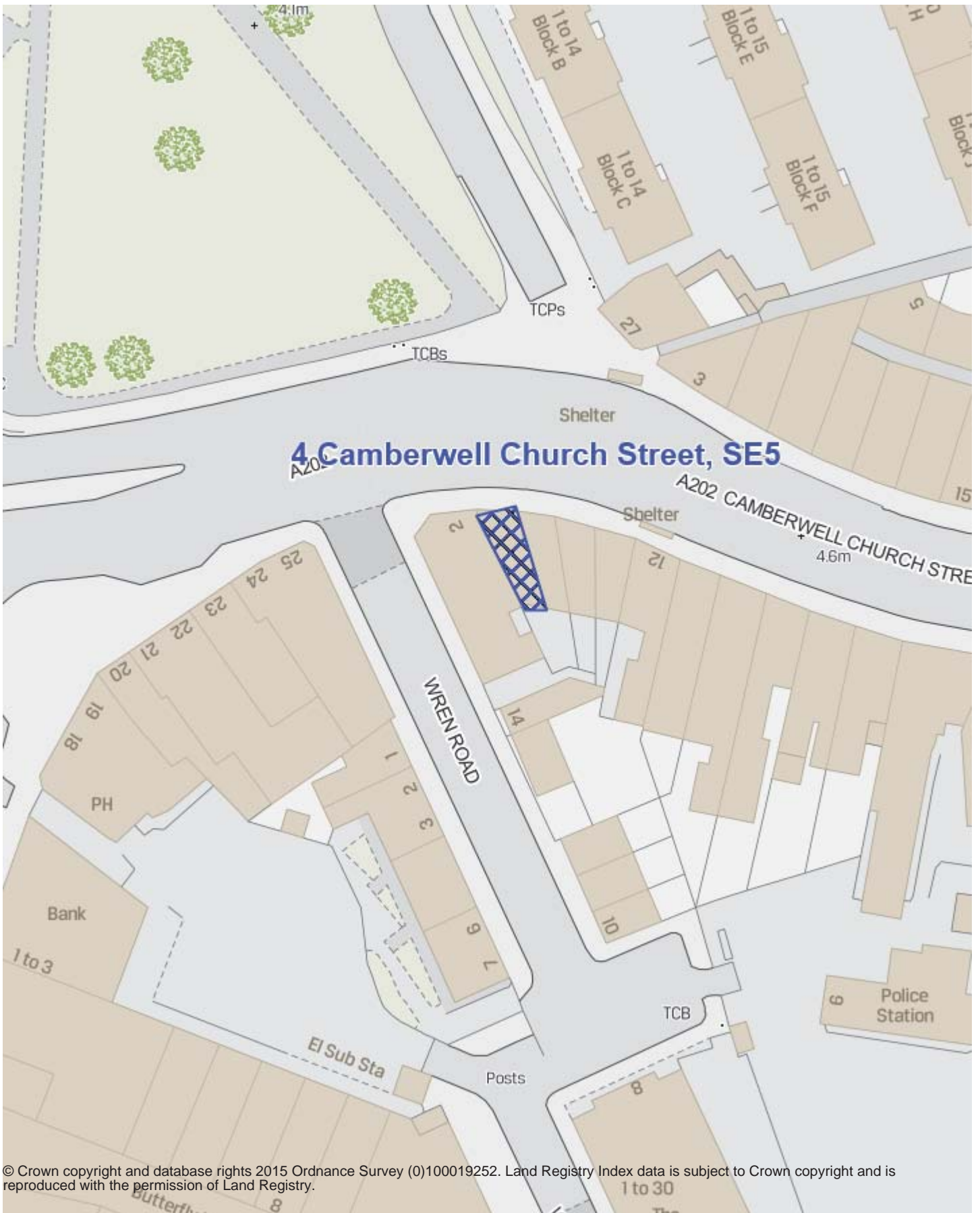
W. McArthur

Wesley McArthur
Licensing Enforcement Officer
wesley.mcarthur@southwark.gov.uk

Licensing Unit - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH
Switchboard - 020 7525 5000 Website - www.southwark.gov.uk
Strategic Director Environment & Housing - Deborah Collins
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Superdeals, 4 Camberwell Church Street, SE5 8QU



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