

Licensing Sub-Committee

Friday 11 August 2017
10.00 am

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

Membership

Councillor Sunny Lambe
Councillor Lorraine Lauder MBE
Councillor Sandra Rhule

Reserves

Councillor Maria Linforth-Hall

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: 1 August 2017



Licensing Sub-Committee

Friday 11 August 2017
10.00 am

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

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	ELECTION OF THE CHAIR	
	To elect a chair for the sub-committee.	
2.	APOLOGIES	
	To receive any apologies for absence.	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
4.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
5.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
6.	LICENSING ACT 2003: TRANSFER APPLICATION ADAM NEWS, 6 COLDHARBOUR LANE, LONDON SE5 9PR	1 - 91

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: 1 August 2017

Item No. 6.	Classification: Open	Date: 11 August 2017	Meeting name: Licensing Sub-Committee
Report Title		Licensing Act 2003 – Transfer Application Adam News, 6 Coldharbour Lane, London SE5 9PR	
Ward(s) or groups affected:		Camberwell Green Ward	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Nawaz Muhammad to transfer a premises licence under the Licensing Act 2003 in respect of the premises known as Adam News, 6 Coldharbour Lane, London, SE5 9PR.

Notes:

2. This is an application to transfer the premises licence, submitted under Section 42 of the Licensing Act 2003. The application is subject to an objection notice from the Metropolitan Police Service and is therefore referred to the sub-committee for determination.
3. Paragraphs 12 to 15 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
4. Paragraphs 25 to 34 of this report deals with the police objection notice received to the transfer application. A copy of the relevant police objection notice is attached as Appendix B.
5. 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

6. The Licensing Act 2003 received Royal Assent on 10 July 2003. The Act provides a new licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
7. Within Southwark, the licensing responsibility is wholly administered by this council.

8. 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.
9. 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.
10. The application to transfer a premises licence involves the provision of all relevant information required under the Act to the licensing authority. If the licensing authority receives a police objection notice that is not withdrawn, it must hold a hearing to consider the objection notice (unless all parties agree that this is unnecessary).
11. The police may submit an objection notice to an application to transfer a premises licence when relevant to the promotion of the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

Premises licence transfer

12. A premises licence transfer application was received on 30 June 2017 to transfer the premises licence holder of Adam News to specify Nawaz Muhammad as the new premises licence holder.
13. On 30 June 2017 consents were received from the existing premises licence holder to transfer the premises licence for Adam News to Nawaz Muhammad.
14. The effect of an application to transfer a premises licence is that it will have immediate interim effect unless an objection is received from the police.
15. A copy of this application is attached as Appendix A.

Premises history

16. A premises licence was issued in respect of the premises on 2 June 2006.

17. On the 2 July 2016 a transfer application was received to transfer the premises licence in addition there was a change of designated premises supervisor. These applications were granted 22 June 2016.
18. On 8 December 2016 Trading Standards and the Metropolitan Police 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.
19. The review application was submitted in respect of the prevention of crime and disorder and public safety licensing objectives. A copy of the review application is attached as Appendix D.
20. The licence was revoked at licensing sub-committee on the 15 June 2017. A copy of the licensing sub committee decision is attached as Appendix E.

The police objection

21. The police upon receipt of the application to transfer the premises licence holder to Nawaz Muhammad was submitted an objection notice on 13 July 2017.
22. The police state the above premises was subject of an application for a review of the premises licence under the licensing act 2003. On Thursday the 15 June 2017 the licensing sub-committee heard evidence from the responsible authorities regarding a catalogue of breaches of the premises licence, and evidence of a number of criminal offences. The recommendation from all responsible authorities involved was that the premises licence be revoked. The licensing sub committee took the decision to revoke the premises licence. The premises licence holder has appealed this decision.
23. On the 30 June 2017 the police state that an application was received from Mr Nawaz Muhammad to transfer the above premises licence. Under the licensing act 2003 an application to transfer the premises licence can become effective immediately. In addition an application to vary the premises licence to specify Mr Muhammad as the designated premises supervisor was also received.
24. The police state on this occasion they were made aware that a visit was made to the premises on the 11 July 2017, 11-days after the transfer took effect. The purpose of this visit was to conduct a licensing induction with the new premises licence holder Mr Muhammad.
25. The police state prior to this visit Mr Muhammed and been asked to ensure he had a copy of the lease agreement, and any other transfer documents which would indicate that he had legitimate control of the premises. This documentation was not forthcoming during the visit, Mr Muhammad stated that his solicitors were dealing with this matter and no lease had been signed yet.
26. Also present during this visit and induction meeting was the owner of the premises who had been witnessed working behind the counter of the shop. On questioning, the owner of the premises stated that he worked at the premises for free. He was

then asked why he would work for free in a shop that he owns but rents out to Mr Muhammed.

27. The police state that they are of the opinion that Mr Muhammed does not at this time have legitimate control of the premises, there is no signed lease agreement in place and as yet no further documentation to indicate that this would be the case.
28. Additionally the police state at the conclusion of the meeting, a licensing officer from Southwark Council noticed that a number of cans of Zubr lager displayed for sale. The information displayed on the cans was not English. This is a clear breach of the food labelling regulations as explained in more detail in the attached warning letter sent to Mr Muhammad. This in my opinion demonstrates disregard for licensing objectives and indicates that Mr Muhammed is not an appropriate person to take on this premises licence.
29. The police state that it is their opinion there are sufficient exceptional circumstances for us to object to the transfer of this premises licence, the same evidence is appropriate to object to the application to vary the premises licence to specify Mr Muhammed as the designated premises supervisor.
30. The Police have called a licensing officer as a witness to support their objections to the Transfer licensing application. A witness statement has been provided by the licensing officer which is detailed at Appendix F.

Consideration by the sub-committee

31. It has not been possible to reach a negotiated outcome of this matter and the sub-committee is asked to consider whether the police objection notice is upheld under the necessity to promote the licensing objective of crime and disorder and refuse the application to transfer.

The local area

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

- **Art Deli Ltd. – 16a Cold harbour Lane, SE5 9PR:**

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, SE5 8RS:**

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 00:30 (the following day)

Sunday 23:00 to 00:00 (midnight)

• **Pizza Hut – 57 Denmark Hill, SE5 8RS:**

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

• **Chicken Express – 53 Denmark Hill, SE5 8RS:**

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

• **Joiners Arms – 35 Denmark Hill, SE5 8RS:**

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, SE5 8RS:**

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, SE5 9PR**

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

Community impact statement

33. Members are advised that under the Act, the only matter to which consideration may be given in this instance is the pursuit of the crime and disorder objective.
34. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

Southwark council statement of licensing policy

35. Council assembly approved Southwark's Statement of Licensing Policy 2011-14 on 12 October 2011. Sections of the statement that are considered to be of particular relevance to this application are:
- Section 3 which sets out the purpose and scope of the policy and reinforces the four licensing objectives
 - Section 5 which sets out the council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence
 - Section 6 which details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998
 - Section 7 which provides general guidance on dealing with crime and disorder and deals with licensing hours
 - Section 8 which provides general guidance on ensuring public safety including safe capacities
 - Section 9 which provides general guidance on the prevention of nuisance
 - Section 10 which provides general guidance on the protection of children from harm.
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.

Resource implications

37. A fee of £23.00 has been paid by the applicant in respect of this application being the statutory fee payable for the transfer of a premises licence.

Consultations

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

39. The sub-committee is asked to determine the application for the transfer of a premises licence under Section 42 of the Licensing Act 2003.

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

Principles for making the determination

41. The general principle is that applications for the transfer of a premises licence must be granted unless a police objection notice is received. This is subject to the proviso that the applicant has complied with regulations in submitting the application.
42. An application to transfer a premises licence under section 42 shall be in the form and shall contain the information set out in the application and accompanied by the prescribed fee.
43. If a relevant police objection notice is received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives.

Reasons

44. If the sub-committee determines that it is necessary to refuse the application to transfer the premises licence, it must give reasons for its decision.

Hearing procedures

45. Subject to the licensing hearing regulations, the licensing sub-committee may determine its own procedures. Key elements of the regulations are that:
 - The hearing shall take the form of a discussion led by the authority. Cross-examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in

doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.

- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
46. This matter relates to the determination of an application for a premises licence under section 42 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

47. 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.
48. 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.
49. 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.
50. 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.
51. The sub-committee can only consider matters within the application that have been raised through the objection notice submitted by the police. This will be decided on a case to case basis.
52. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making objection 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.

53. All interested parties 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

54. 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.

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 transfer application
Appendix B	Police objection
Appendix C	Copy of the premises licence
Appendix D	Trading Standards Review application – 15 June 2017 (Licensing Sub – Committee)
Appendix E	Review Application – Licensing Sub – Committee Notice of Decision 15 June 2017
Appendix F	Licensing Officer Witness Statement
Appendix G	Copy of Change of Designated Premises Supervisor application
Appendix H	Map

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Richard Kalu, Licensing Enforcement Officer	
Version	Final	
Dated	28 July 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	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		28 July 2017

Application to transfer premises licence to be granted 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/We

(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

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	
Post town LONDON	Post code SE5 9PR
Telephone number at premises (if any)	

Please give a brief description of the premises (see note 1)
CONVIENIENCE STORE



Name of current premises licence holder

[REDACTED]

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

a) an individual or individuals*

Please tick yes

please complete section (A)

b) a person other than an individual *

i. as a limited company

please complete section (B)

ii. as a partnership

please complete section (B)

iii. as an unincorporated association or

please complete section (B)

- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

First names

Date of birth

I am 18 years old or over

Please tick yes

Nationality

Current residential address if different from premises

address

Post town

Post code

Daytime contact telephone number

E-mail address
(optional)
SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

Surname

First names

Date of birth

I am 18 years old or over

Please tick yes

Nationality

Current residential address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address
(optional)
(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3Please tick yesAre you the holder of the premises licence under an interim authority notice? Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please tick yesI have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

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

Signature 

Date 30th JUNE 2017



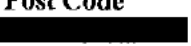

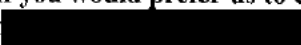
Capacity APPLICANT’S SOLICITOR

For joint applicants signature of second applicant, second applicant’s solicitor or other authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
	
Post town	Post Code
	
Telephone number (if any) 	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	
	

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. **Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership which is not a limited liability partnership who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the

carrying on of a licensable activity.

Any premises licence issued on or after 6 April 2017 will lapse if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensing activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport apply].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- A **current** Residence Card issued by the Home Office to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the EEA family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the EEA national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,

- (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
- (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
- (iv) self-sufficient e.g. bank statements.

Family members of EEA nationals who are studying or financially independent must also provide evidence that the EEA national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-


- (i). any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance

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. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
6. This is the address which we shall use to correspond with you about this application.

Consent of premises licence holder to transfer

I/we 
[full name of premises licence holder(s)]

the premises licence holder of premises licence number 852931
[insert premises licence number]

relating to

ADAMS NEWS, 6 COLDHARBOUR LANE, LONDON, SE5 9PR
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

852931
[insert premises licence number]

to

[full name of transferee].

signed 

name
(please print) 

dated 30TH JUNE 2017



Ministry of Interior,
Government of Pakistan
requires and requests
in the name of

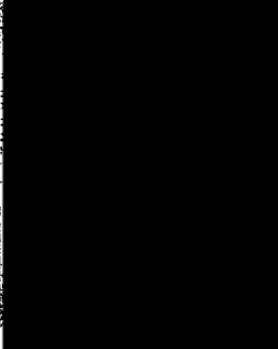
The President
Islamic Republic of Pakistan

all those to whom it may concern
to allow the bearer
to pass freely without let or hindrance
and to afford the bearer such assistance
and protection as may be necessary

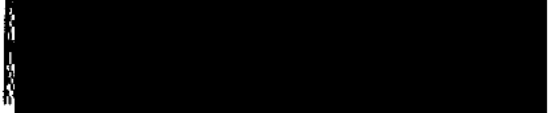
Director General
Immigration and Passports.



PASSPORT



28 SEP 2024



LN0150302

Issuing Authority

Machine Number

Booklet Number



[Redacted]

Personal Licence



IDNo

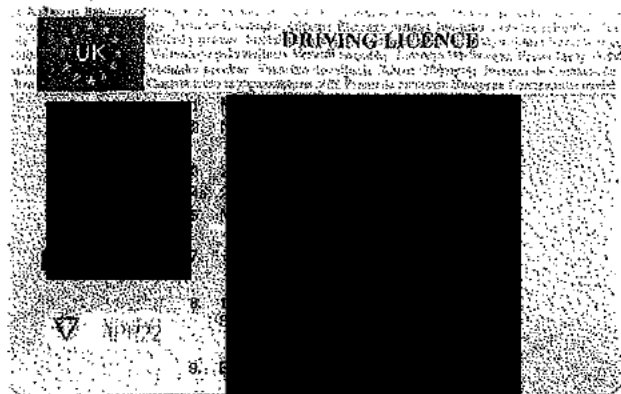
[Redacted]

[Redacted]

[Redacted]

pires:

[Redacted]





London Borough of Southwark
 Environment and Social Regeneration
 Regulatory Services – Licensing Team
 160 Tooley Street
 3rd Floor Hub 1
 PO Box 64529
 London
 SE1P 5LX

Our ref: 

Your ref:

Date: 30th June 2017


Dear Sirs,

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

We write with reference to the above and enclose herewith the following in relation to the aforementioned application:-

1. Application to transfer the Premises Licence
2. Consent to transfer form
3. Copy of premises licence
4. Cheque for fee of £23.00

We have completed this application in accordance with the requirements of the Licensing Act 2003 Regulations and Guidance. We would therefore ask you to process the forms even if you, or any other relevant authority, believe that we ought to have provided additional information. Such issues should be dealt with by way of relevant representations.

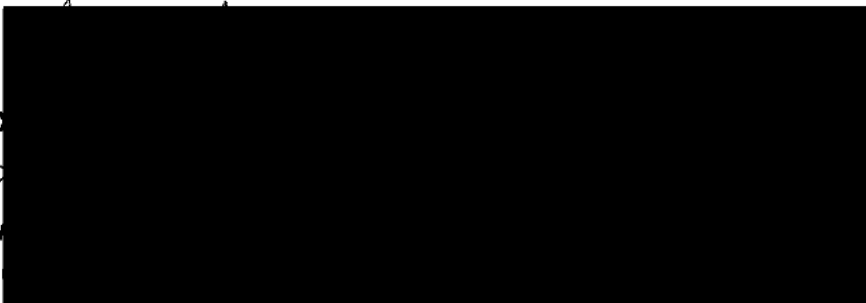
If, for any reason, you are concerned that our application does not comply with the requirements of the Licensing Act 2003 and the appropriate regulations, we would ask you to contact our  to discuss the same.

We trust in this way any issues may be dealt with without the need for the application to be returned.

A copy of the relevant documents is enclosed and we understand you will forward this to the Chief Officer of Police.

We look forward to working with you in respect of this matter.

Yours faithfully,



The Licensing Unit Metropolitan Police Service
Floor 3 Licensing Office
160 Tooley Street Southwark Police Station,
London
SE1 2QH 323 Borough High Street,
LONDON,
SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/ 2986/17

Date: 13th July 2017

Dear Sir/Madam

Re: Adams News 6 Coldharbour Lane SE5 9PR

Police are in possession of an application from the above to transfer the premises licence ref 852931

The above premises was subject of an application for a review of the premises licence under the licensing act 2003.

On Thursday the 15th June 2017 the licensing subcommittee heard evidence from the responsible authorities regarding a catalogue of

breaches of the premises licence, and evidence of a number of criminal offences. The recommendation from all responsible authorities involved was that the premises licence be revoked. The Licensing sub committee took the decision to revoke the premises licence. The premises licence holder has appealed this decision.

On the 30th June 2017 an application was received from xxxxxxxx to transfer the above premises licence. Under the licensing act 2003 an application to transfer the premises licence can become effective immediately. In addition an application to vary the premises licence to specify Mr xxxxxxxx as the designated premises supervisor was also received.

On this occasion I have been made aware that a visit was made to the premises on the 11th July 2017, 11 days after the transfer took effect. The purpose of this visit was to conduct a licensing induction with the new premises licence holder Mr xxxxxxxxxxxx.

Prior to this visit Mr xxxxxx had been asked to ensure he had a copy of the lease agreement, and any other transfer documents which would indicate that he had legitimate control of the premises. This documentation was not forthcoming during the visit, Mr xxxxxxx stated that his Solicitors were dealing with this matter and no lease had been signed yet.

Also present during this visit and induction meeting was the owner of the premises Mr xxxxxxx. It should also be noted that Mr xxxxxxx

has also been witnessed working behind the counter of the shop, on questioning he stated that he works for free. We ask the question why he would be working for free in a shop that he owns but rents out to Mr xxxxxxxx.

I am of the opinion that Mr xxxxxxxx does not at this time have legitimate control of the premises, there is no signed lease agreement in place and as yet no further documentation to indicate that this would be the case.

At the conclusion of this meeting, a licensing officer from Southwark Council noticed that a number of cans of Zubr lager displayed for sale. The information displayed on the cans was not English. This is a clear breach of the food labelling regulations as explained in more detail in the attached warning letter sent to Mr xxxxxxxx. This in my opinion demonstrates disregard for licensing objectives and indicates that Mr xxxxxxxx is not an appropriate person to take on this premises licence.

In my opinion there are sufficient exceptional circumstances for us to object to the transfer of this premises licence, the same evidence is appropriate to object to the application to vary the premises licence to specify Mr xxxxxxxx as the designated premises supervisor.

Submitted for consideration

Ian Clements PC 362MD

Southwark Police Licensing Unit

Tel: 0207 232 6756

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

[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

[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.:05/02106/LIPERS

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

[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 | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

- 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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<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] (DoB: [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 [REDACTED] 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, [REDACTED] 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]?"

[REDACTED]: "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?"

[REDACTED]: "As well".

In relation to the novelty lighters, [REDACTED] 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 [REDACTED] "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 [REDACTED] 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 [REDACTED] 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 [REDACTED] 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]?

█: No

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

█: 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

█: 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 █ was unable to say where the shop in Streatham was or even who his apparent friend's name was apart from "█". The interview continued:

█: 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?

█: I don't know exactly, but his name is █

Officer: Whereabouts was that business?

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

Officer: Have you ever visited him?

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

Officer: How much stock did he give you?

█: Just only may be ten or eleven cases

Officer: Ten or eleven cases?

█: Yes

Officer: How much does that come out to?

█: 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?

█: No

Later in interview:-

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

█: 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?

█: 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?

█: 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 [REDACTED] 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 [REDACTED] 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 [REDACTED] 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 [REDACTED] business activities have come to its or other Borough's attention. Mr [REDACTED] is the premise licence holder and DPS for a business some 300 metres away at [REDACTED]

Some 13 months previous to this matter, Mr [REDACTED] 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 [REDACTED] was the Designated Premises Supervisor for a premise called [REDACTED]

[REDACTED] (in Lambeth Borough). The Premise Licence Holder was and is [REDACTED]. During that time a number of issues arose whilst Mr [REDACTED] 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] 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

and little, if any, notice appears to have been taken when [REDACTED] committed similar offences at his other business in Gamberwell Church Street and also whilst DPS at the Price Cutter shop in Lambeth. Mr [REDACTED] has sought to mislead officers throughout which has resulted in a time consuming investigation. Trading Standards say Mr [REDACTED] 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

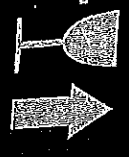
Capacity Trading Standards Officer acting on behalf of Southwark Council

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)	

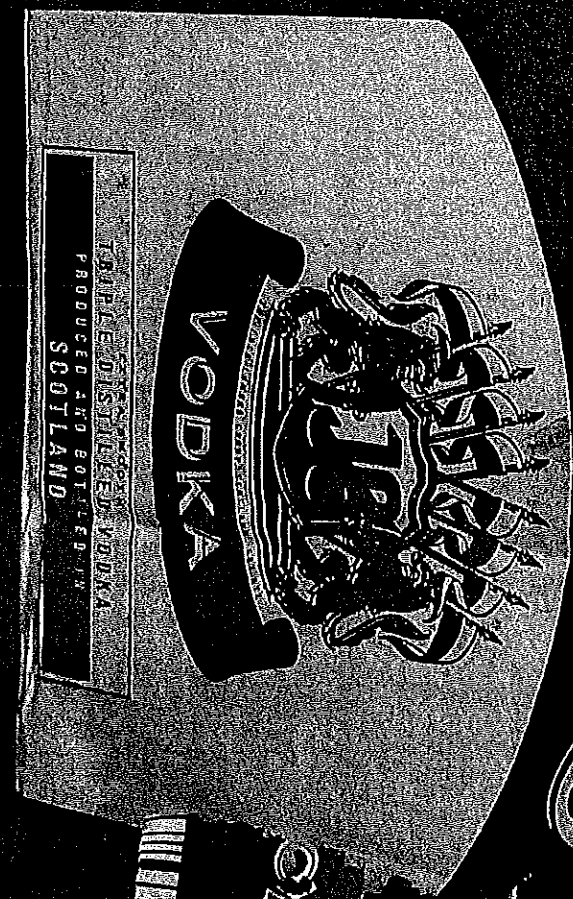
Notes for Guidance

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.

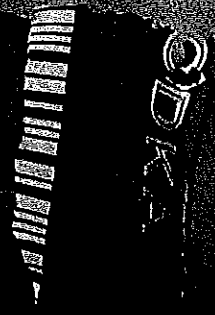
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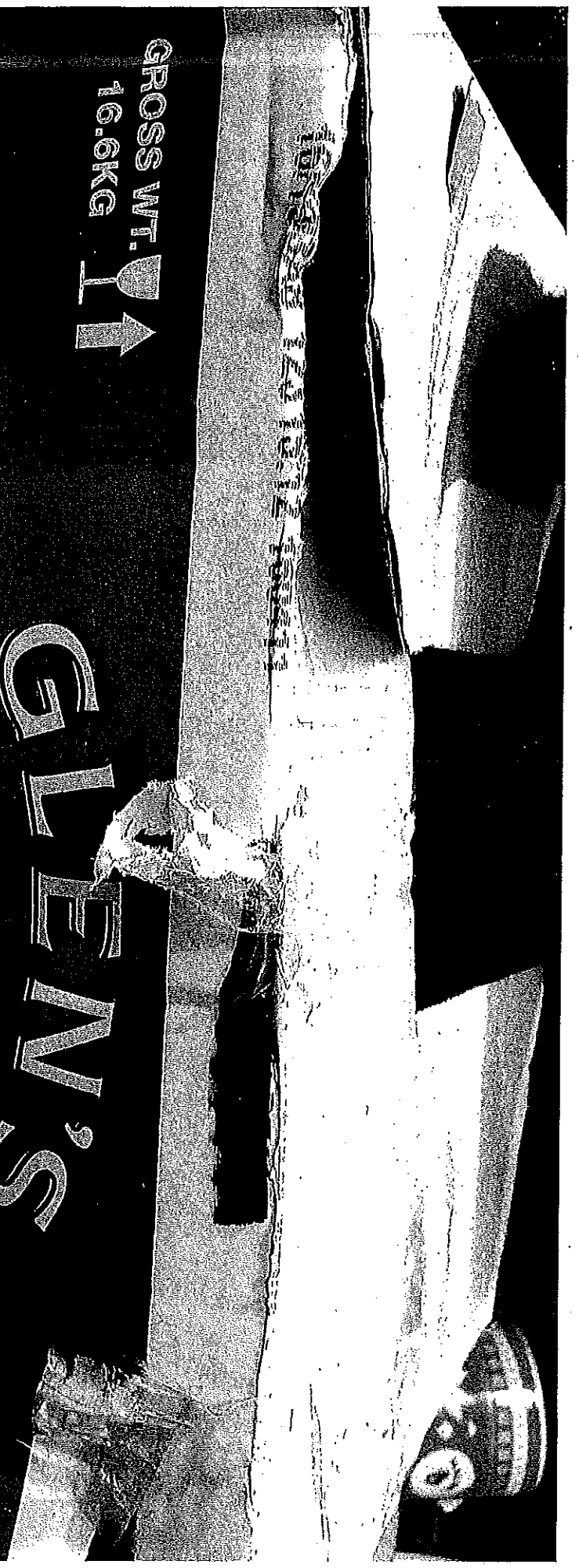
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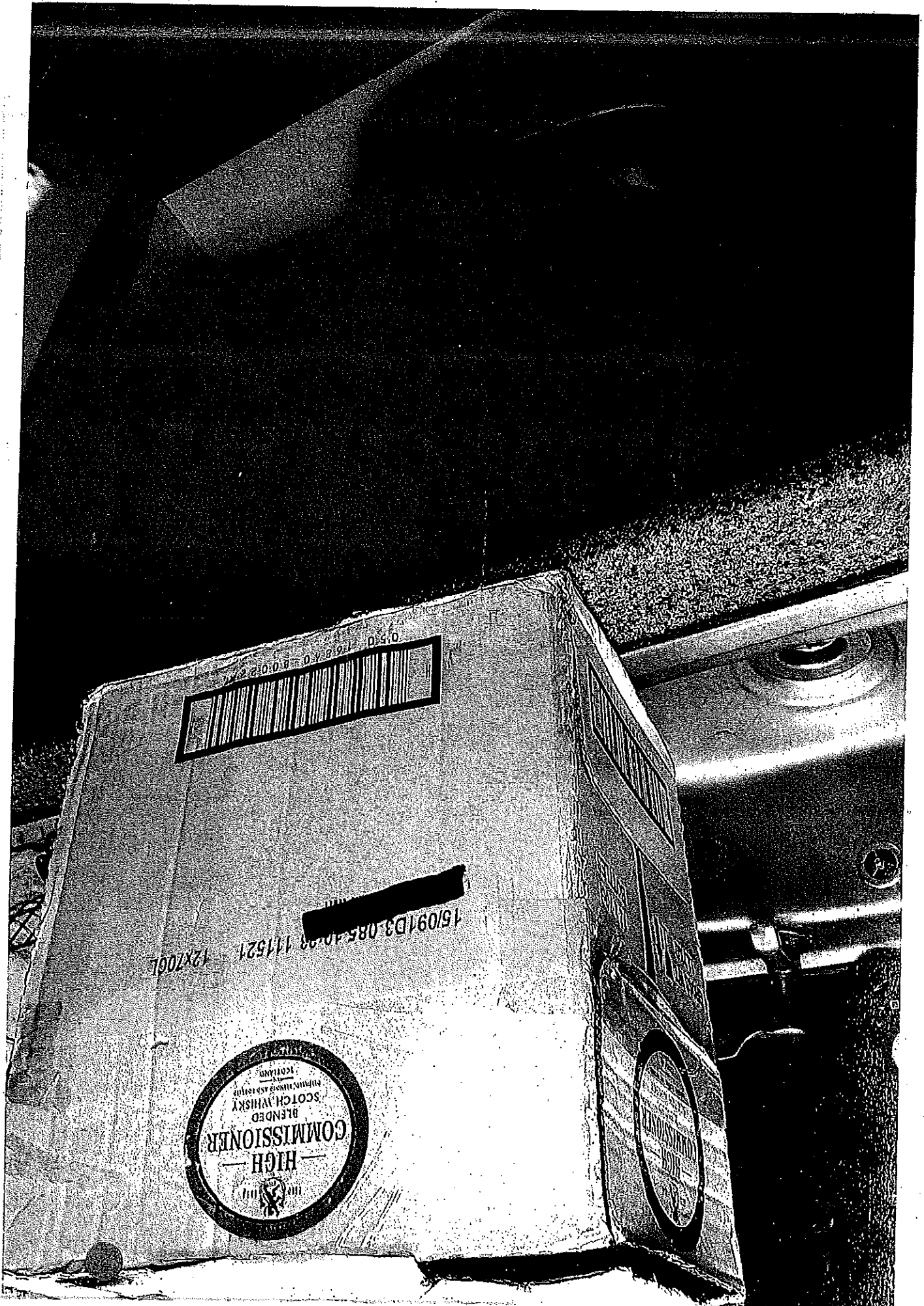


SPECIAL VODKA
PRODUCED AND BOTTLED IN
SCOTLAND



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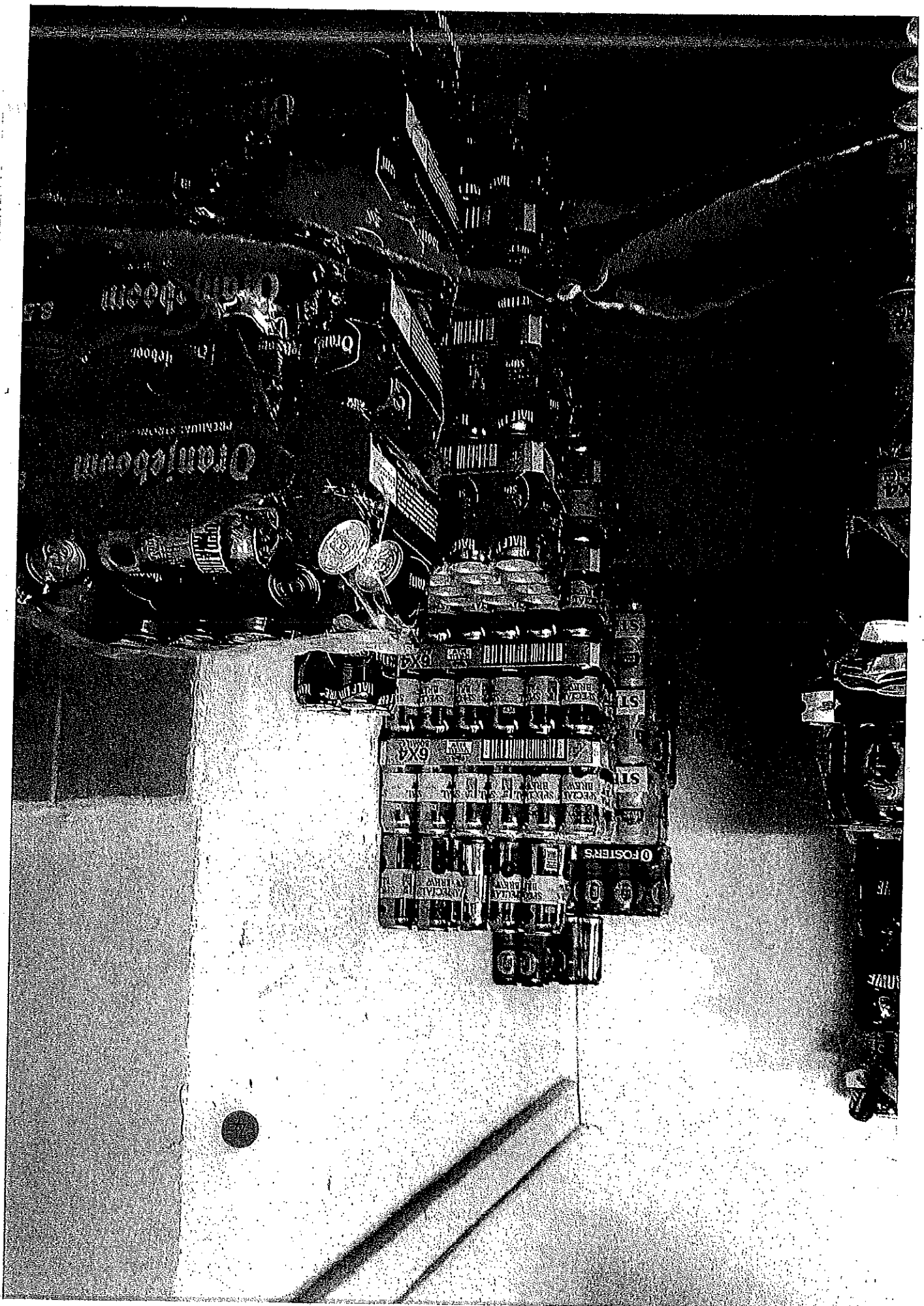
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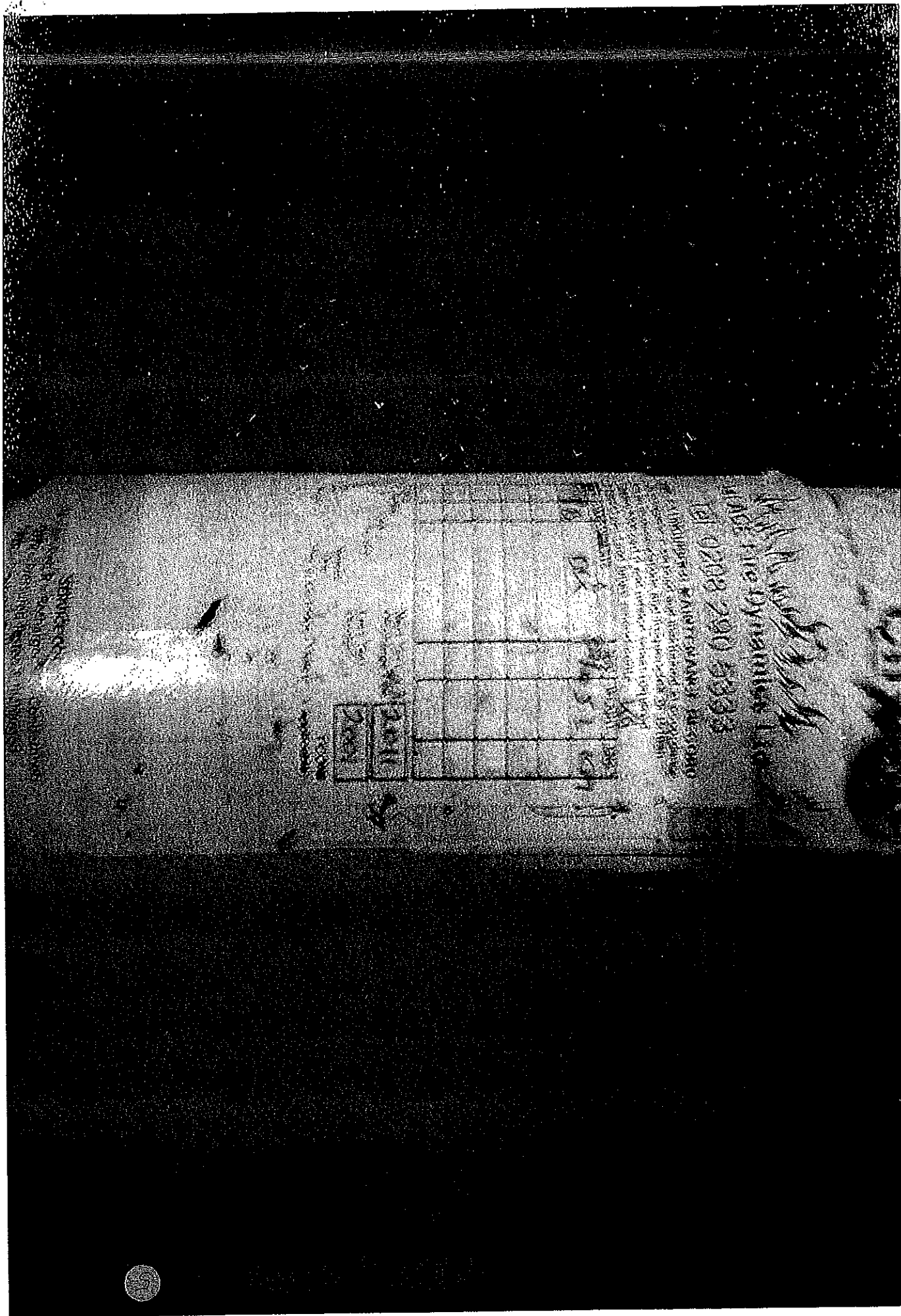
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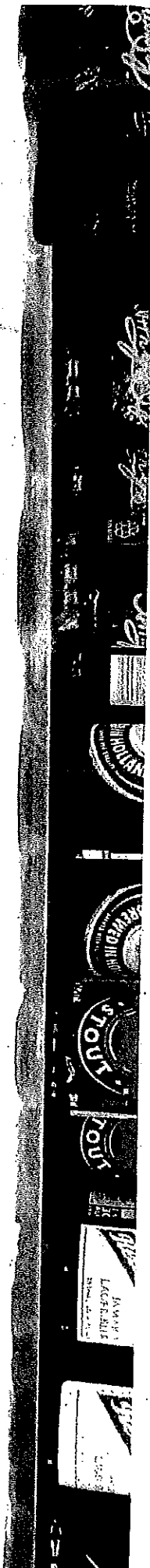
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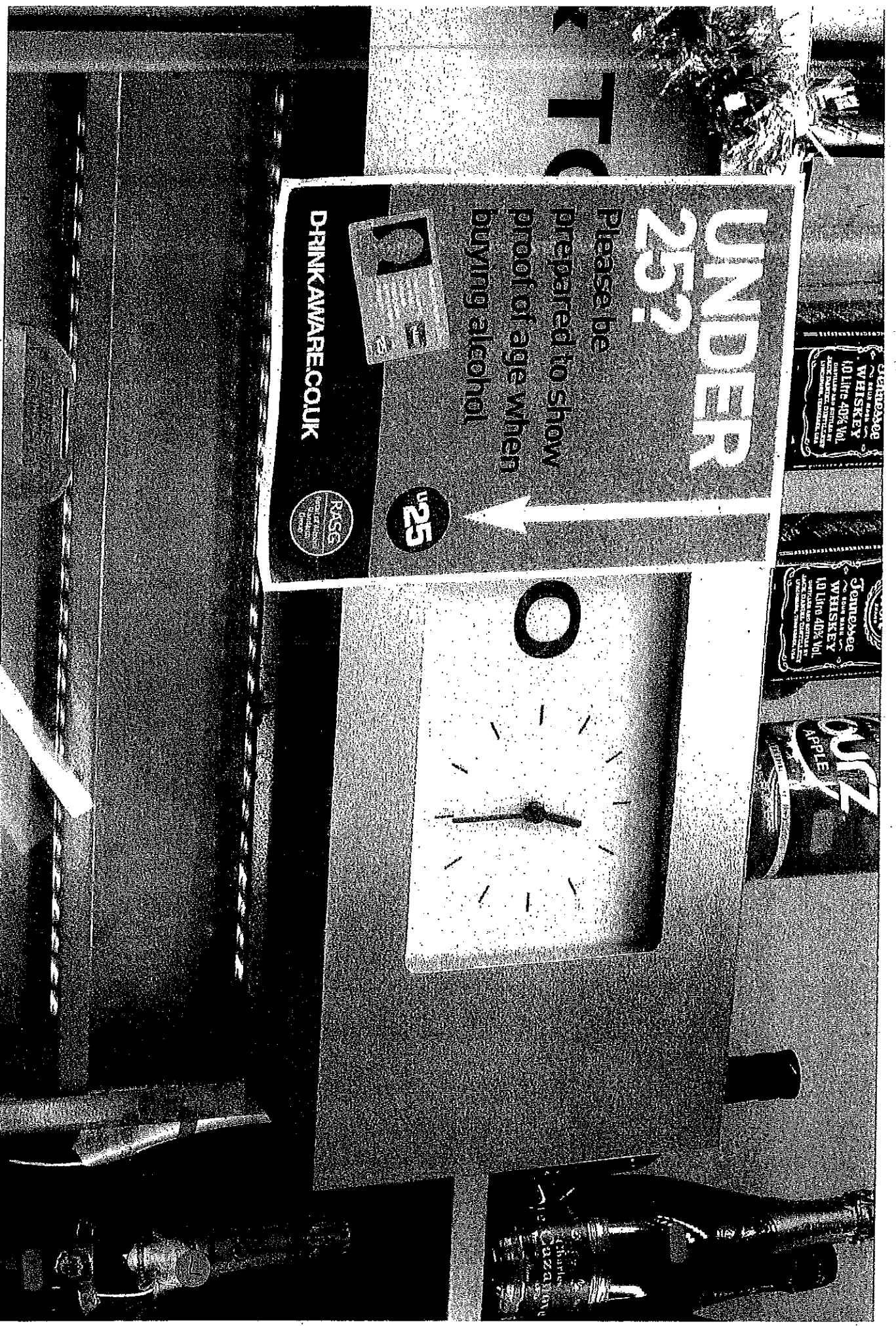
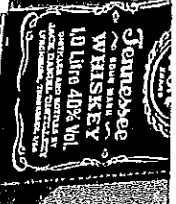
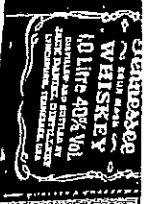
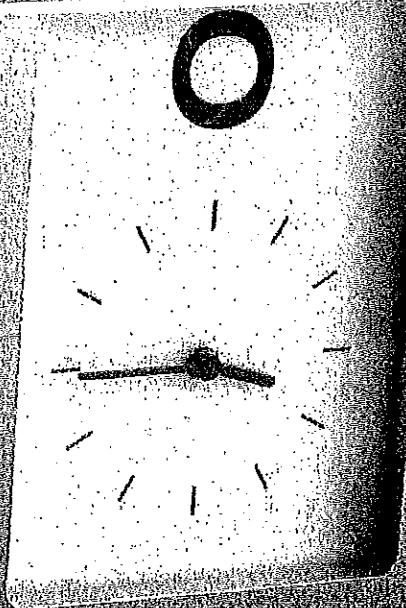


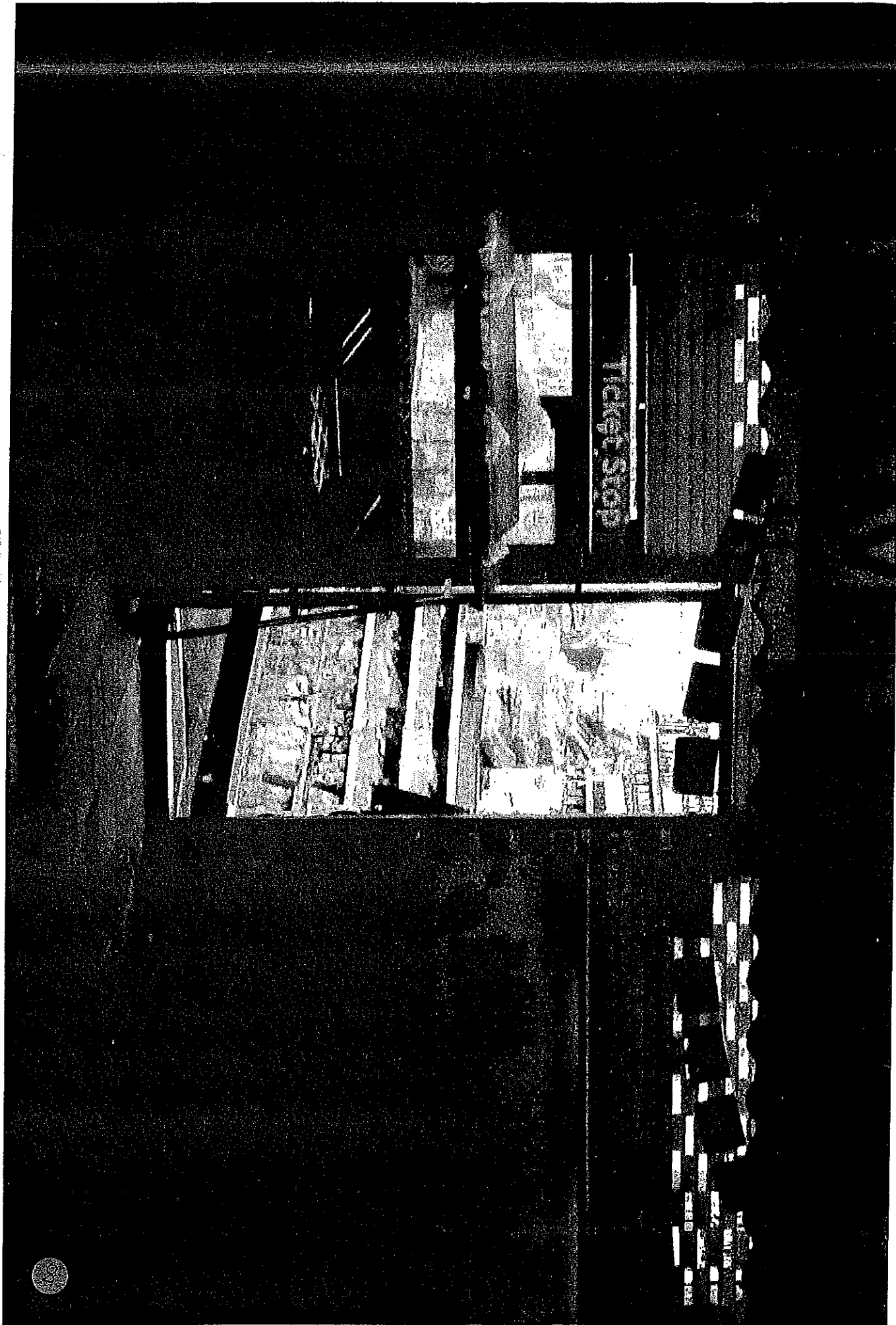
UNDER 25?

Please be prepared to show proof of age when buying alcohol



DRINKAWARE.CO.UK







NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 15 JUNE 2017

LICENSING ACT 2003: ADAMS NEWS, 6 COLDHARBOUR LANE, LONDON SE5 9PR

1. That the Council's Licensing Sub-Committee, having considered an application made under Section 51 of the Licensing Act 2003 by the council's trading standards service for the review of the premises licence issued in respect of the premises known as Adams News, 6 Coldharbour Lane, London SE5 9PR and having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Revoke the licence

- 2 **Reasons for the Decision.**

The reasons for this decision are as follows:

The Licensing Sub-Committee heard from the Trading Standards Officer, the applicant for the review. They advised that on 8 December 2016 trading standards carried out a joint visit with police from Southwark's night time economy team (NTET) to check compliance with the premise licence, trading standards legislation and other criminality such as employing illegal workers.

On entering the premises it was discovered that the male behind the serving counter did not hold a personal licence, in breach of condition 336. Another member of staff was arrested as he was an Indian national who had entered this country illegally.

Officers examining the stock found a significant quantity of duty diverted spirits which could not be legally sold because duty had not been paid. The illegal alcohol found was namely: 11 x 35cl bottles of Glen's vodka, 12 x 70cl bottles of High Commissioner whisky and 6 x 1 litre bottles of Glen's vodka. The total duty and VAT therefore evaded for these spirits amounted to £234.14

Also offered for sale were super strength beers, which are almost exclusively consumed by people who have serious alcohol dependency problems and contain a high number of units of alcohol per can. H.M. Government seeks to use price as part of its strategy to reduce consumption of these super strength beers, and introduced the mandatory condition 491. All the super strength beers were being sold nominally above the duty rate. Suspicious that these drinks were also subject to some form of evaded duty or other illegality, trading standards required the Premises Licence Holder to produce his purchase invoices for the super strength beers as well as for the seized spirits. Illegal novelty lighters were also seized.

Other breaches of the licence conditions were found, namely condition 225 (Maintenance of fire extinguishers) and condition 311 (customer notices).

The Premises Licence Holder was interviewed under caution on 12 December 2016 and said he purchased the drinks from a cash and carry and produced seven invoices, 2 of which were dated after the visit. The remaining 5 invoices were dated May 2016 and none showed the purchases for the strong beers or bottles of Glen's. Concerning the novelty lighters, the Premises Licence Holder admitted someone came into the premises offering them for sale and he bought some but did not get any paperwork.

On 16/17 December 2016 a further visit was made to the premise. The premises were observed from immediately across the road from 23.50. The premises door was open and no attempt was made to close the front door at midnight and only make sales through the secure window as per the condition on the licence. Numerous customers entered and left the shop.

At 00:26 the officer entered the shop and picked up a can of Special Brew (8% ABV) and purchased it for £1.50. None of the super strength beers were priced. The officer then introduced himself and asked if he held a personal licence, which he did not. The Personal Licence Holder/DPS came from the back of the shop but was unable to offer an explanation for the sale other than to say the shop was closed. He stated that he had never used the secure window. When challenged about the price of the Special Brew, he stated it should be £2.29 and that the price stickers must have come off. Admitting the price was £1.50 would have made it obvious to an enforcement officer that they had been sourced illegally. Throughout the conversation customers continued to enter the shop buying alcohol. No steps to close the front door in breach of condition 340.

The Premises Licence Holder was re-interviewed on 20 February 2017. He had failed to produce the invoices that were requested, stating the super strength beers came from the Cash and Carry; they delivered them to the shop and he paid for them in cash, but he did not get any invoices. He stated that one of the beers he had stocked (Oranjeboom (8.5% ABV)) he had obtained from a friend whose shop had closed. He was unable to say where his friend's shop was.

The Premises Licence Holder subsequently accepted a simple caution for having knowingly sold 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.

The officer also informed the committee that the Premises Licence Holder is also the Premises Licence Holder and DPS for a business approximately 300 metres from Adams News at, [REDACTED]. The Premises Licence Holder had 3 months previously accepted simple cautions for 7 similar offences including: having imported spirits without payment of duty or which had otherwise been unlawfully imported, no personal licence holder on premise when alcohol was sold, under age sales.

Further still, the premises licence holder had previously been the DPS for [REDACTED] [REDACTED] between 2005 and June 2014 and again, similar issues arose including:- under 2 underage sales, counterfeit Bollinger Champagne being sold, sales beyond terminal hour, sale beyond terminal hour and the seller being the premises licence holder's son (who was under 16 years old), illegal workers in shop and duty evaded spirits being sold.

Trading Standards advised that they had no confidence whatsoever with the Premises Licence Holder and urged the Licensing Sub-Committee to revoke the licence.

The officer representing Licensing as a Responsible Authority addressed the Sub-Committee and stressed her concerns of the number and diversity of alleged criminal offences witnessed by Trading Standards Officers. Furthermore, the Premises Licence Holder was associated with other premises, both in and outside Southwark where a plethora of breaches of licence conditions and similar criminal acts had occurred.

The Metropolitan Police Service representative advised that when granting an individual/company a premises licence, the Licensing Committee must have trust in that individual/company to run the premise well and comply with the operating schedule as agreed when the licence was applied for. The conditions are there for the promotion of the licencing objectives. The premises had operated in contravention of these conditions, but also committed acts of criminality. In the circumstances, there is no place for a premises that is operated in such a way, that is putting the public's health at risk and quite possibly having a negative impact on anti-social behaviour and crime and disorder. The police recommended that the licence be revoked.

The Environmental Protection Officer addressed the sub-committee and stated that whilst there were no relevant records of public nuisance being caused directly by the premises, the warden service has dealt with persons linked to alcohol related anti-social behaviour over the last six months. They further stated that Camberwell has substantial problems with the on-street population and this area has been a hot-spot of vulnerable persons, many with addiction issues, who are street drinking, begging, rough sleeping, and causing anti-social behaviour (public urination, violence, nuisance gatherings). The environmental protection team are of the view that the main reasons for the street nuisance is due to the provision of high strength lagers from nearby licensed premises, proximity to the Maudsley and Kings hospitals which include Accident and Emergency services and both alcohol and drug high dependency units, which are health services frequently used by the vulnerable persons who make up south east London's street population. The officer recommended a revocation of the licence.

The officer representing the Public Health Authority addressed the Sub-Committee. They advised that they supported the review and also recommended that the premises licence be revoked. The premises is located in an area where there is a serious problem with alcohol abuse, very close to Kings College Hospital where there are alcohol dependency treatment facilities and premises abusing their licence conditions in the way described, undermined the licensing objectives.

The representative for the licensee of the premises addressed the Sub-Committee. They advised that he did not contest the facts of the case. He was an experienced licensee, who had 22 years of experience. That said, he stood by what he said in interview, that he acquired the premises in 2016 and a considerable amount of the duty evaded stock was part of the old stock and was covered by the certificate of valuation. The Oranjeboom was provided by a friend. The illegal worker was not working in the shop and had nothing to do with the premises. Ultimately, the premises licence holder sought a final chance. It would be unreasonable to revoke the licence and a substantial period of suspension, to allow for re-training to take place could be justified in this case. If the licence was not revoked, the licence holder accepted the need to reduce the sale of the super strength beers, but asked it be limited to ciders, beers (etc) of 5.5% ABV and also be allowed to sale alcohol until 02:00 on Friday and Saturday.

The Licensing Sub-Committee considered all of the oral and written representations before it and found that the breaches of licence conditions and level of criminality completely unacceptable. The premises licence holder demonstrated he was unwilling to cooperate with authorities in their criminal investigations and quite clearly undeterred by previous enforcement action at other premises. He showed a total disregard to the consequences of selling alcohol responsibly and to adhering to premises licence conditions or promoting licensing objectives. The Licensing Sub-Committee were unanimously of the opinion that the premises licence holder 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.

Consideration was given to a suspension of the licence and removal of the premises licence holder as DPS, but it was felt that in this case this was not option, given that he is the owner of the premises, he is premises licence holder and will have a controlling factor over a new DPS. If this Licensing Sub-Committee had the jurisdiction, it would have revoked the Premises Licence Holder's personal licence. It is fortunate to him, that this Sub-Committee do not have such power. In the circumstances, the only option in this case is revocation.

In reaching this decision the Sub-Committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

3 **Appeal Rights**

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 15 June 2017

STATEMENT OF WITNESS

Criminal Procedure Rules, r 27.1(1)
 Criminal Justice Act 1967, s. 9
 Magistrates' Courts Act 1980, s.5B

Full Name: Alexander Lisowski

Occupation of witness: Licensing Enforcement Officer

Professional Address: Hub1, Floor 3
 160 Tooley Street
 London
 SE1 2QH

Telephone No : 020 7525 7531

Age (if over 18, write over 18) Over 18

This statement (consisting of 4 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 in it anything which I know to be false or do not believe to be true.

Signed [REDACTED] Date 25th July, 2017

I am a licensing officer for The London Borough of Southwark.

Adams News, 6 Coldharbour Lane, London, SE5 9PR, is a general store with a premises licence for the sale of alcohol for consumption off the premises. When the premises licence was first issued on 25th April, 2006, the joint premises licence holders were Mr [REDACTED] and Mrs [REDACTED]. Mrs [REDACTED] was also shown as the designated premises supervisor for the shop. The brother of Mr [REDACTED], and the husband of Mrs [REDACTED] is Mr [REDACTED].

On 22nd June, 2016, the premises licence was transferred to Mr [REDACTED]. He became the designated premises supervisor at the same time. Mr [REDACTED] stated in the application that he wasn't able to get written authority from Mr [REDACTED] for the transfer because Mr [REDACTED] was dead. Until then, this information had never been given to e Southwark's Licensing Team. On 15th June, 2017, the premises licence was revoked. Mr [REDACTED] has appealed against this decision.

On 30th June, 2017, Mr Nawaz Muhhamed applied to have the premises licence transferred to him, and to be the designated premises supervisor for the shop.

Condition 336 of the premises licence states: "A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied."

On Tuesday, 10th May, 2016, I was directed to deal with an incident that had occurred at Adams News, 6 Coldharbour Lane, London, SE5 9PR. On 9th May, 2016, an off-duty Southwark Council Street Warden had seen a male he knew to be a street drinker go into Adams News, and then come out again holding what appeared to be a can of "Skol Super" lager. On 26th May, 2016, I was able to view the shop's CCTV footage in connection with the incident on 9th May. The male didn't appear to be drunk.

Signed ... [REDACTED]

Statement of
(Continued)

ALEXANDRA LISOWSKI

Page 2

I first visited Adams News in connection with this incident just before noon on Thursday, 12th May, 2016. Serving behind the sales counter in the shop was a man I now know to be [REDACTED]. I saw him sell a can of "Red Stripe" lager to a man. Neither Mr [REDACTED] or Mrs [REDACTED] were in the shop. I asked Mr [REDACTED] if he had a personal licence and he told me that he didn't. There was another male working in the shop. I asked [REDACTED] if this man had a personal licence. Mr [REDACTED] told me that he didn't. I asked Mr [REDACTED] to show me CCTV footage from 9th May, 2016. He wasn't able to do so.

I showed Mr [REDACTED] my copy of the premises licence and asked about the premises licence holders. He told me that they no longer owned the shop, and that it was now owned by Mr [REDACTED]. I now know Mr [REDACTED]'s full name to be [REDACTED]. I subsequently telephoned him and arranged to meet him, and Mr [REDACTED] at the shop on 16th May, 2016. In the course of the telephone conversation Mr [REDACTED] told me he was the manager of 6 Coldharbour Lane and was in the process of buying the shop.

Whilst doing night time economy patrols on Saturday, 14th May, 2016, I visited the shop at 19.40pm. Working behind the counter was a man I now know to be Mr [REDACTED]. No one else was working in the shop. Mr [REDACTED] sold a bottle of brandy to a customer in front of me. Mr [REDACTED] did not hold a personal licence and was advised that alcohol should not be sold at the shop unless a personal licence holder was present. When I returned to the shop at 01.25am Sunday morning it was closed.

I visited the shop at 11.00am on Monday, 16th May, 2016, for my meeting with Mr [REDACTED] and Mr [REDACTED]. Mrs [REDACTED] wasn't at the shop. I was under the impression at the time that I was dealing with [REDACTED]. However, it was his brother Mr [REDACTED] who was at the meeting. In the meeting I was told that Mr [REDACTED] was at present the manager of the shop, and that the lease was going to be transferred to him in June. I was also told that Ms [REDACTED] was no longer the designated premise supervisor. Later, when I checked my department's records, I couldn't find any trace of us being informed of that. I advised both Mr [REDACTED] and Mr [REDACTED] that alcohol could only be sold at the shop when a personal licence holder was present. I also told them that a new designated premises supervisor would have to be appointed to replace Mrs [REDACTED]. I confirmed this in an e-mail to Mr [REDACTED] (Exhibit AL/1) later that day. The next day I sent a formal warning letter to him at his home address (Exhibit AL/2), and hand-delivered another copy to Adams News (Exhibit AL/3), concerning the 2 sales of alcohol I had witnessed on 12th May and 14th May, 2016. At the same time I also hand-delivered a warning letter to Adams News for Mr [REDACTED] (Exhibit AL/4). When I visited the shop neither Mr [REDACTED], Mrs [REDACTED] or either of the [REDACTED] brothers were present.

At the meeting on 16th May, I had asked for the situation concerning the designated premises supervisor to be sorted out by 23rd May, 2016. Nothing had happened by that day so I visited the shop at 14.15pm. Mr [REDACTED] was working behind the counter but I didn't see any sales of alcohol. Neither Mr [REDACTED], Mrs [REDACTED] or either of the [REDACTED] brothers were present.

I visited the shop at 16.55pm on 24th May, 2016. Mr [REDACTED] was working behind the counter. I learnt from him that he is the brother of Mr [REDACTED]. Neither Mr [REDACTED], Mrs [REDACTED] or either of the [REDACTED] brothers were present.

At 15.15pm on 25th May, I received a telephone call from Mr [REDACTED] enquiring about transferring the licence. I asked him if Mrs [REDACTED] was at the shop. He said she wasn't.

Signed [REDACTED]

CLW 1 Page 2

I again visited the shop at 18.50pm on 26th May. Mr [REDACTED] was present. I was still under the impression that he was Mr [REDACTED]. Mr [REDACTED] showed me the CCTV footage for the incident on 9th May. Neither Mr [REDACTED] or Mrs [REDACTED] were present.

On 28th May, 2016, I was doing night time economy patrols and visited Adams News at 00.25am. Mr [REDACTED] was serving behind the counter. No one else was working in the shop. I saw him sell a pack of "Guinness" bottles to a customer. Mr [REDACTED] still didn't hold a personal licence.

On 22nd June, 2016, the premises licence was transferred to Mr [REDACTED]. Because I didn't handle the transfer I didn't see the remark, on page 4 of the application about Mr [REDACTED] being dead (Exhibit AL/5).

On 30th June, 2017, Mr Nawaz Muhammad, applied to have the premises licence for Adams News to be transferred to him. He also applied to become the designated premises supervisor for the shop. The application was passed to me to deal with.

On Friday, 7th July, 2017, at 14.10pm, I visited the shop to see if Mr Nawaz Muhammad was there. I wanted to arrange a meeting with him to do an induction. He wasn't present. Working behind the counter was Mr [REDACTED]. He made a sale to a customer in front of me. Mr [REDACTED] was also behind the counter. I had a conversation with Mr [REDACTED] and it was only then that I found out that he wasn't Mr [REDACTED]. I asked Mr [REDACTED] if he was still involved in the business, if he was a partner in it. He replied, "They're on the licence." I asked him if he was being paid for working in the shop. He said he was just helping them out. I left a message for Mr Nawaz Muhammad to telephone me.

Mr Muhammad phoned me on 10th July. Having arranged a meeting for an induction I asked him what his business relationship was with the premises. I asked him if he had the freehold, or a lease or a rental agreement. He said that he had a lease. I asked him to give me a copy of the lease when I met him.

I went to the shop at 10.00am on 11th July, 2017, to do the induction. Mr [REDACTED] was working behind the counter. Mr [REDACTED] and Mr Muhammed were there. Mr [REDACTED] said he was there to sit in on my meeting with Mr Muhammad. I did the induction. This is a process where I explained all the conditions on the licence to Mr Muhammad, explained the Council's policy on inspections and enforcement. I offered Mr Muhammad the opportunity to ask any questions he had about the licence. Mr Muhammad then signed a form (Exhibit AL/6) as the premises licence holder and designated premises supervisor for the shop, acknowledging that he had taken part in the induction. I then asked to see a copy of his lease agreement. He told me that he didn't have it because it was still going through. When I questioned him as to whether the lease agreement had been signed, he said he had a rental agreement. I explained to him my suspicions that him taking over as the premises licence holder might not be a genuine action, because the licence had been revoked and he had suddenly arrived on the scene, and because of Mr [REDACTED]'s continual involvement in the business. I asked for a copy of the rental agreement to be sent to me.

When I had first gone into the shop I had looked at the cans of beer on display to see if there were any obvious irregularities. I saw "Zubr" lager on display for sale. After I had done the induction I pointed out to Mr Muhammad the "Zubr" lager. I showed him the can and told him that none of the wording on the can was in English. I explained that certain information had

to be displayed on the can in a readable form, i.e. English. I took a photograph of one of the cans (Exhibit AL/7). I asked for the purchase invoice(s) for the purchase of the "Zubr" lager. I returned to the shop at 15.30pm. Mr Muhammad wasn't present. I left a letter for him (Exhibit AL/8) in which I explained the offence concerning the wording on the can of "Zubr", Repeated my request for purchase invoice(s) for the "Zubr", repeated my suspicions about the change of management and asked for a copy of the rental agreement. Mr [REDACTED] was working behind the sales counter at the time of my visit.

By 17th July I still had not received a copy of the rental agreement. At 15.01pm that day I visited the shop with another letter for Mr Muhammad (Exhibit AL/9). In the letter I again requested a copy of the rental agreement. At the time of the visit, Mr [REDACTED] and Mr [REDACTED] were both behind the sales counter. Mr Muhammad was not present. I left the letter with Mr [REDACTED] who opened and read it without asking my permission. When I asked when Mr Muhammed would next be at the shop I was told he would be in at 5.30pm or 6.00pm that day. I returned at 18.45pm to be told that Mr Muhammad had gone to a cash and carry. Working behind the counter at that time was Mr [REDACTED], the brother of Mr [REDACTED].

I re-visited the shop at 18.07pm on 18th July, 2017. Mr [REDACTED] and Mr [REDACTED] were working in the shop. Mr Muhammad was present. I again explained my suspicions about the transfer and requested a copy of the rental agreement. He told me that the agreement was with his solicitor. I also repeated my request for the sales invoice(s) for the "Zubr" lager. He told me they were with his accountant.

By Friday, 21st July, 2017, I still had not received a copy of the rental agreement. I e-mailed (Exhibit AL/10) Mr Muhammad's solicitor requesting a copy of the rental agreement.

As of 10.00am, Tuesday, 25th July, 2017, I have not received a copy of the rental agreement from either Mr Muhammad or his solicitor. Nor have I received copies of purchase invoice(s) concerning the cans of "Zubr" lager that were on sale at Adams News [REDACTED].

Lisowski, Alexander

From: Lisowski, Alexander
Sent: 16 May 2016 17:29
To: [REDACTED]
Subject: Meeting with Licensing Officer

Categories: Egress Switch: Unprotected

Dear Mr [REDACTED]

I'm sending this e-mail in confirmation of our meeting, Monday morning, 16th May, 2016.

At the moment the premises licence for Adams News, 6 Coldharbour Lane, shows the Designated Premises Supervisor as [REDACTED]. Mr [REDACTED] stated at our meeting that she is no longer the Designated Premises Supervisor. To be able to continue selling alcohol at the shop someone will have to be nominated as the Designated Premises Supervisor. This person will have to hold a Personal Licence. I expect this to be sorted out by Monday, 23rd May, 2016.

Because Mr [REDACTED] is still shown as the premises licence holder for the shop, he will have to sign the application form for a new premises supervisor. The form is called: "Application to vary a premises licence to specify designated premises supervisor." The application can only be made via the internet. I cannot download a copy of the application form for you.

To open up the application on Southwark Council's website, go to the home page. On the homepage there is an A-Z index. Click on "L". Then scroll down and click on "Licences". On the page that comes up, scroll down to "Licensing Service" and click on that. On the next page that comes up go to the index on the left hand side of the page and click on "Apply for a licence". On the next page that comes up, go to the index on the left hand side of the page and click on "Licensing Act 2003". On the page that brings up, in the main text, you will find "Application to vary a premises licence to specify designated premises supervisor". The fee for this application is £23.

Condition 9103 on the premises licence for Adam News states: "A personal licence holder shall be on the premises at all times that intoxicating liquor is sold." This means that all the time that the shop is open for the sale of alcohol there must be a personal licence holder working in the shop. Obviously, because the shop is open 24 hours a day 7 days a week, you will need more than 1 personal licence holder working at the shop. Again I expect this to be sorted out by Monday, 23rd May, 2016.

As I stated in our meeting, it is an offence to sell alcohol to a drunk person. Please ensure that all staff working at the shop know that.

You told me that the lease for the shop is being transferred to you in June. Please ensure that on the day the lease is transferred to you, an application to have the premises licence into your name is submitted.

I have checked the Council's records. Mr [REDACTED] does not hold a personal licence with Southwark.

Yours sincerely,
 Mr A. Lisowski,
 Licensing Enforcement Officer, Southwark.

EXHIBIT AL/2

Mr A. LISOWSKI

Mr [REDACTED]

Mr A. Lisowski,
Licensing Enforcement Officer.
Licensing Unit.
Tel No. 020 7525 7531
E-Mail alexander.lisowski@southwark.gov
Date 17th May, 2016.

Dear Mr [REDACTED]

WRITTEN WARNING RE BREACH OF PREMISES LICENCE CONDITIONS FOR ADAM NEWS,
6 COLDHARBOUR LANE, LONDON, SE5 9PR.

At our meeting on Monday, 16th May, 2016, you told me that you were the manager of Adam News, 6 Coldharbour Lane, London, SE5 9PR. You also told me that you are in the process of buying the lease for the venue. I am writing to you in your capacity as the manager for the shop.

Condition 9103 of the premises licence for the shop states: "A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied." On Thursday, 12th May, 2016, just before midday I visited the shop. In front of me a man bought a can of beer. It was sold to him by Mr [REDACTED]. Neither he or the other man working in the shop at the time had a personal licence. I again visited the shop at 19.40pm on Saturday, 14th May, 2016. At that time Mr [REDACTED] was working behind the counter. As I was waiting to speak to him he sold a bottle of brandy to a man. Mr [REDACTED] did not have a personal licence.

This letter is a formal warning that, on the dates quoted above, you allowed alcohol to be sold at Adam News without someone who holds a personal licence being present. This is contrary to Section 136 of The Licensing Act, 2003.

As discussed at our meeting, I expect the situation re personal licence holders at the shop to be resolved by Monday, 23rd May, 2016.

Yours sincerely,

Mr A. Lisowski,
Licensing Enforcement Officer.

EXHIBIT AL/3

MR. A. LISOWSKI

Mr [REDACTED]
C/O Adam News,
6 Coldharbour Lane,
London, SE5 9PR.

Mr A. Lisowski,
Licensing Enforcement Officer.
Licensing Unit.
Tel No. 020 7525 7531
E-Mail alexander.lisowski@southwark.gov
Date 17th May, 2016.

Dear Mr [REDACTED]

WRITTEN WARNING RE BREACH OF PREMISES LICENCE CONDITIONS FOR ADAM NEWS,
6 COLDHARBOUR LANE, LONDON, SE5 9PR.

At our meeting on Monday, 16th May, 2016, you told me that you were the manager of Adam News, 6 Coldharbour Lane, London, SE5 9PR. You also told me that you are in the process of buying the lease for the venue. I am writing to you in your capacity as the manager for the shop.

Condition 9103 of the premises licence for the shop states: "A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied." On Thursday, 12th May, 2016, just before midday I visited the shop. In front of me a man bought a can of beer. It was sold to him by Mr [REDACTED]. Neither he or the other man working in the shop at the time had a personal licence. I again visited the shop at 19.40pm on Saturday, 14th May, 2016. At that time Mr [REDACTED] was working behind the counter. As I was waiting to speak to him he sold a bottle of brandy to a man. Mr [REDACTED] did not have a personal licence.

This letter is a formal warning that, on the dates quoted above, you allowed alcohol to be sold at Adam News without someone who holds a personal licence being present. This is contrary to Section 136 of The Licensing Act, 2003.

As discussed at our meeting, I expect the situation re personal licence holders at the shop to be resolved by Monday, 23rd May, 2016.

I have sent a copy of this letter to your home address as well.

Yours sincerely,

Mr A. Lisowski,
Licensing Enforcement Officer.

Southwark
Council
southwark.gov.uk
EXHIBIT AL / 4
MR. A. LISOWSKI

Mr [REDACTED]
C/O Adam News,
6 Coldharbour Lane,
London, SE5 9PR.

Mr A. Lisowski
Licensing Enforcement Officer,
Licensing Unit,
Environment and Housing Department.
alexander.lisowski@southwark.gov.uk

Tel: 020 7525 7531

Date: 17 May 2016

Dear Mr [REDACTED]

WRITTEN WARNING RE BREACH OF LICENSING CONDITIONS AT ADAM NEWS, 6 COLDHARBOUR LANE, LONDON, SE5 9PR.

Following on from our meeting on 16th May, 2016, I am writing to you in your capacity as the joint premises licence holder for Adam News, 6 Coldharbour Lane, London, SE5 9PR.

Condition 9103 of the premises licence for the shop states: "A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied."

I visited the shop just before midday on Thursday, 12th May, 2016. Whilst I was there the shop assistant, Mr [REDACTED], sold a can of beer to a man. Neither Mr [REDACTED] or the other man working in the shop had a personal licence. I visited the shop again at 19.40pm on Saturday, 14th May, 2016. The shop assistant, Mr [REDACTED] sold a bottle of brandy in front of me to a man. Mr [REDACTED] did not have a personal licence.

This letter is a formal warning that, on the dates quoted above, you allowed the sale of alcohol without someone who holds a personal licence being present. This is contrary to Section 136 of The Licensing Act, 2003.

As discussed in our meeting, I expect the situation regarding personal licence holders to be resolved by Monday, 23rd May, 2016.

Yours sincerely,

Mr A. Lisowski
Licensing Enforcement Officer.



Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

I HAVE ENCLOSED A CONSENT FORM SIGNED BY ONE LICENSEE ONLY. (REDACTED) HAS INFORMED ME THAT THE JOINT LICENSEE, FAREED UL HASSAN IS NOW DECEASED.

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

Licensing induction checklist for new licensees / management.

Premises Name: ADAMS NEWS
 Address: 6 COLDBARBOUR LANE LONDON SE5 9PR
 Licensee: MR NAWAZ MAHAMMAD
 DPS: MR NAWAZ MAHAMMAD

1. INTRODUCTION

- Who staff are.
- Why this 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 and 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 outcome 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 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 with regard to surrendering the licence and the consequences for the licensee and the DPS if they leave without surrendering the licence.
- Door Supervisors requirements that must be SIA registered.
- Drugs Misuse, drug policy.
- Challenge 21, 25, suitable identification.
- Covert inspections by police, licensing and trading standards.
- Noise nuisance.

3. INSPECTIONS

- Reason for inspections and why they would be 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?

- We will conduct additional inspections where problems are found and complaints made.
- We will listen to proposals for putting things right and give timescales for matters that cannot be rectified easily.
- Explain inspections aim is to help but that continuing 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

Leave business cards:

Officer(s) Attending: (Sign)..... [Redacted]
(Print)..... M A - A - LISOWSKI

Persons Present: (Sign)..... M A NAWAZ MAHAMMAD
(Print)..... [Redacted]

Date of Meeting: 11th JULY, 2017
M A [Redacted]

EXHIBIT
AL/7

MR. A. LISOWSKI



2.43

EXHIBIT AL / 8
MR. A. LISOWSKI

Mr A. Lisowski,
Licensing Enforcement Officer,
Environment and Social Regeneration,
alexander.lisowski @southwark.gov.uk

Tel: 020 7525 7531

Date: 11 July 2017

Mr Nawaz Muhammad,
C/O Adams News,
6 Coldharbour Lane,
London, SE5 9PR.

Dear Mr Muhamad,

Breach of Food Labelling Regulations, and Request for Rental Agreement.

I am writing to you in your capacity as the premises licence holder and the designated premises supervisor for Adams News, 6 Coldharbour Lane, London, SE5 9PR.

On Tuesday morning, 11th July, 2017, I saw you at the shop and did an "Induction", going over the licence to explain the conditions of the licence to you. Prior to leaving I saw cans of "Zubr" lager on display for sale. None of the information on the cans was in English. The Food Labelling Regulations require that the statutory information that has to be shown on a can of beer or lager has to be understandable, i.e. in English. It is your responsibility to ensure that all packaged food products you sell, which includes beer and lager, display the information required by the Food Labelling Regulations.

Regulation (EU) No. 1169/2011, Article 9 states:

Food labels must be clear, and understandable. The general legislative requirements for the labelling of pre-packed foods are as follows.

All pre-packed foods on display for sale must be labelled with the following information, (other than where the information would clearly not be applicable to the product in question).

- a) The name of the food.
- b) List of ingredients.
- c) Ingredients associated with food allergy or intolerance to be highlighted
- d) Quantity of characterising ingredients, (eg. percentage of meat in a meat pie).
- e) Net total quantity.
- f) Durability indication, (ie. 'use by' or 'best before' date).
- g) Storage conditions, (e.g. "below 5°C", "below -18°C", "store in a cool, dry place", etc).

- h) Contact name / address of the manufacturer / packer, or a seller within the European Community.
- i) Place of origin of the food, (if failing to do so might mislead the purchaser).
- j) Instructions for use, (if necessary).
- k) For drinks having more than 1.2% by volume of alcohol, the actual alcoholic strength by volume
- l) A nutrition declaration

The Food Safety and Hygiene Regulations 2013 require traders to keep invoices of any food items they purchase for onward sale to the public, and to produce these invoices to Council officers when requested.

I require you to produce invoice(s) for the purchase of the cans of "Zubr" lager which I saw in your shop on Tuesday, 11th July, 2017. I require them by 25th July, 2017. I require the original documents, not copies. Once I have copied them myself, the originals will be returned to you.

As I explained to you this morning, the licence for the shop has been revoked by Southwark Council's Licensing Sub-Committee. Mr [REDACTED] the premises licence holder at the time of this revocation, has appealed against this revocation. Then you have come along and applied to be the premises licence holder. Because of this I need to check that your application is a genuine application. You stated that you have a rental agreement for the shop. Please arrange for a copy of that agreement to be scanned to me. My e-mail address is: alexander.lisowski@southwark.gov.uk

Yours sincerely,

Mr A. Lisowski,
Licensing Enforcement Officer,
The London Borough of Southwark.

Mr A. Lisowski,
Licensing Enforcement Officer,
Environment and Social Regeneration,
alexander.lisowski @southwark.gov.uk

Tel: 020 7525 7531

Date: 17 July 2017

Mr Nawaz Muhammad,
Adams News,
6 Coldharbour Lane,
London, SE5 9PR.

EXHIBIT AL/9
MR. A. LISOWSKI

Dear Mr Muhammad,

Change of Premises Licence Holder, Adams News, 6 Coldharbour Lane, London, SE5 9PR.

You have applied to be the new premises licence holder for Adams News, 6 Coldharbour Lane, London, SE5 9PR.

Prior to you applying to be the premises licence holder, Mr [REDACTED] was the premises licence holder. Then the licence was revoked by Southwark Council's Licensing Sub-Committee. Mr [REDACTED] has appealed against this decision. Because of this the licence is still operative, pending the result of the appeal. As I explained to you at our meeting on 11th July, 2017, I am investigating whether or not your request to have the premises licence is genuine. As part of this investigation I require to see your rental agreement for the shop.

I first tried to get in contact with you by visiting the shop on Friday, 7th July. You weren't there so I left a telephone number for you to contact me on. On Monday, 10th July, 2017, you phoned me. During that conversation I asked what your business interest in shop was. You stated you had a lease. I arranged to meet you at the shop the next day, on 11th July, 2017, and asked you to show me a copy of the lease at the meeting.

When we met on 11th July, I first did an "induction", explaining all the terms of the licence. After that I asked to see the copy of the lease. You told me that you didn't have a lease for Adams News, you had a rental agreement. You didn't have that agreement with you. I subsequently returned to the shop and left a letter with you, formerly asking for a copy of the rental agreement. As of today, I haven't received a copy of that rental agreement.

This letter is a repeat of my request to see your rental agreement for the shop. Assuming you have signed a rental agreement for the shop, you or your solicitor must have a copy of that agreement. I have not asked to see the original document, I have

asked to be sent a scan of it. I cannot see why you haven't sent a copy of the rental agreement to me.

My e-mail address for scanning a copy of the rental agreement to me is:
Alexander.Lisowski@southwark.gov.uk

Please send me a copy of the rental agreement as soon as possible.

Yours sincerely,

Mr A. Lisowski,
Licensing Enforcement Officer,
The London Borough of Southwark.

Lisowski, Alexander

From: Lisowski, Alexander
Sent: 21 July 2017 14:46
To: [REDACTED]
Subject: Adams News, 6 Coldharbour Lane, London, SE5 9PR.
Categories: Egress Switch: Unprotected

FOR THE ATTENTION OF MR DAVID DADDS.

Dear Mr Dadds,

I'm contacting you in connection with your client Mr Nawaz Muhammad, and his application to have the premises licence for Adams News, 6 Coldharbour Lane, London, SE5 9PR, transferred to him.

Southwark Council's Licensing Policy has the following 2 sections:

Section 89: "This authority is concerned over the frequently observed practice of an application for a transfer of a premises licence being made immediately following an application for a review of the same licence being lodged."

Section 90: "Where, such applications are made, this authority will require documented proof of transfer of the business/lawful occupancy of the premises, to the new proposed licence holder to support the contention that the business is now under new management control."

When I met Mr Nawaz Muhammad on 11th July, 2017, I explained to him my suspicions that the transfer of the premises licence to him was not genuine. I then asked for a copy of his agreement to take over the running of the premises. From saying he had a lease, he then said it was a rental agreement, and that it was with his solicitor. I had not received a copy of that agreement by 17th July, 2017. I wrote a letter to Mr Nawaz Muhammad asking for a copy of the rental agreement, and hand deliver the letter to Adams News the same day. Mr Nawaz Muhammad was not there when I delivered the letter.

I returned to the shop on 18th July, 2017. Mr Nawaz Muhammed was there. Having confirmed that he had got the letter, I again explained my reasons for asking for a copy of his rental agreement. Again I was told the agreement was with his solicitor.

At first I thought that Mr Nawaz Muhammad was being uncooperative. However, having thought about it, I think that Mr Nawaz Muhammad was saying to me "Don't ask me, ask my solicitor." So I am.

I formally request that you send me a copy of the documented proof of transfer of the business so that I can check whether or not the transfer of the premises licence to Mr Nawaz Muhammad is genuine. I repeat that I am asking for a copy. I do not wish to cause problems for Mr Nawaz Muhammad by insisting on the original document. I am making this request in line with Southwark Council's Licensing Policy, as detailed above. I request that the copy of the document is sent to me in sufficient time to be able to check its' authenticity prior to the Licensing Sub-Committee hearing on 11th August, 2017.

If I have received it by 28th July, 2017, I believe that will give me sufficient time to check the authenticity of the document.

Yours sincerely,
Mr A.Lisowski,
Licensing Enforcement Officer,
The London Borough of Southwark.

Application to vary a premises licence to specify an individual as designated premises supervisor 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 / we

(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

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

Post town
LONDON

Post code (if known)
SE5 9PR

Telephone number (if any)

Description of premises (please read guidance note 1)

CONVIENIENCE STORE

Part 2

Full name of proposed designated premises supervisor
 [REDACTED]

Nationality
 [REDACTED]

Place of birth
 [REDACTED]

Date of birth
 [REDACTED]

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)
 [REDACTED]

Full name of existing designated premises supervisor (if any)
 [REDACTED]

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it
 PREMISES LICENCE IS WITH LICENSING AUTHORITY FOR CURRENT TRANSFER OF THE LICENCE

Please tick yes


- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 30TH JUNE 2017






Capacity APPLICANT’S SOLICITOR

For joint applicants signature of 2nd applicant 2nd applicant’s solicitor or other authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

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 by e-mail your e-mail address (optional) 	

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

I 
[full name of prospective premises supervisor]

Of


[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

VARIATION OF DESIGNATED PREMISES SUPERVISOR

[type of application]

by


[name of applicant]

relating to a premises licence **852931**

[number of existing licence, if any]

for
ADAMS NEWS
6 COLDHARBOUR LANE
LONDON
SE5 9PR

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

[Redacted]

[name of applicant]

concerning the supply of alcohol at

ADAMS NEWS
6 COLDHARBOUR LANE
LONDON
SE5 9PR

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[Redacted]

[insert personal licence number, if any]

Personal licence issuing authority

[Redacted]

[insert name and address and telephone number of personal licence issuing authority, if any]

Date of Birth:

[Redacted]

Place of Birth:

[Redacted]

[Date and place of Birth of prospective premises supervisor]

Signed

[Redacted Signature]

Name (please print)

[Redacted Name]

Date

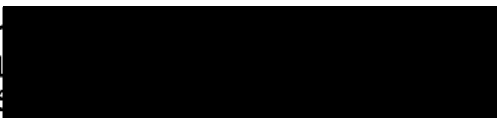
30.06.2017

Consent of individual to being specified as premises supervisor

I 

[full name of prospective premises supervisor]

Of



[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

VARIATION OF DESIGNATED PREMISES SUPERVISOR

[type of application]

by



[name of applicant]

relating to a premises licence

852931

[number of existing licence, if any]

for

ADAMS NEWS
6 COLDHARBOUR LANE
LONDON
SE5 9PR

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

[Redacted]

[name of applicant]

concerning the supply of alcohol at

ADAMS NEWS
6 COLDHARBOUR LANE
LONDON
SE5 9PR

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[Redacted]

[insert personal licence number, if any]

Personal licence issuing authority

[Redacted]

[insert name and address and telephone number of personal licence issuing authority, if any]

Date of Birth:

[Redacted]

Place of Birth:

[Redacted]

[Date and place of Birth of prospective premises supervisor]

Signed

[Redacted Signature]

Name (please print)

[Redacted Name]

Date

30.06.2017

London Borough of Southwark
 Environment and Social Regeneration
 Regulatory Services – Licensing Team
 160 Tooley Street
 3rd Floor Hub 1
 PO Box 64529
 London
 SE1P 5LX

Our ref: [REDACTED]

Your ref: [REDACTED]

Date: 30th June 2017

Dear Sirs,

Re: Variation of DPS - Adams News, 6 Coldharbour Lane, London, SE5 9PR

We write with reference to the above and enclose herewith the following in relation to the aforementioned application:-

1. Application to vary the Designated premises supervisor on the Premises Licence
2. Consent to vary form
3. Copy of premises licence
4. Cheque for fee of £23.00

We have completed this application in accordance with the requirements of the Licensing Act 2003 Regulations and Guidance. We would therefore ask you to process the forms even if you, or any other relevant authority, believe that we ought to have provided additional information. Such issues should be dealt with by way of relevant representations.

If, for any reason, you are concerned that our application does not comply with the requirements of the Licensing Act 2003 and the appropriate regulations, we would ask you to contact our [REDACTED] to discuss the same.

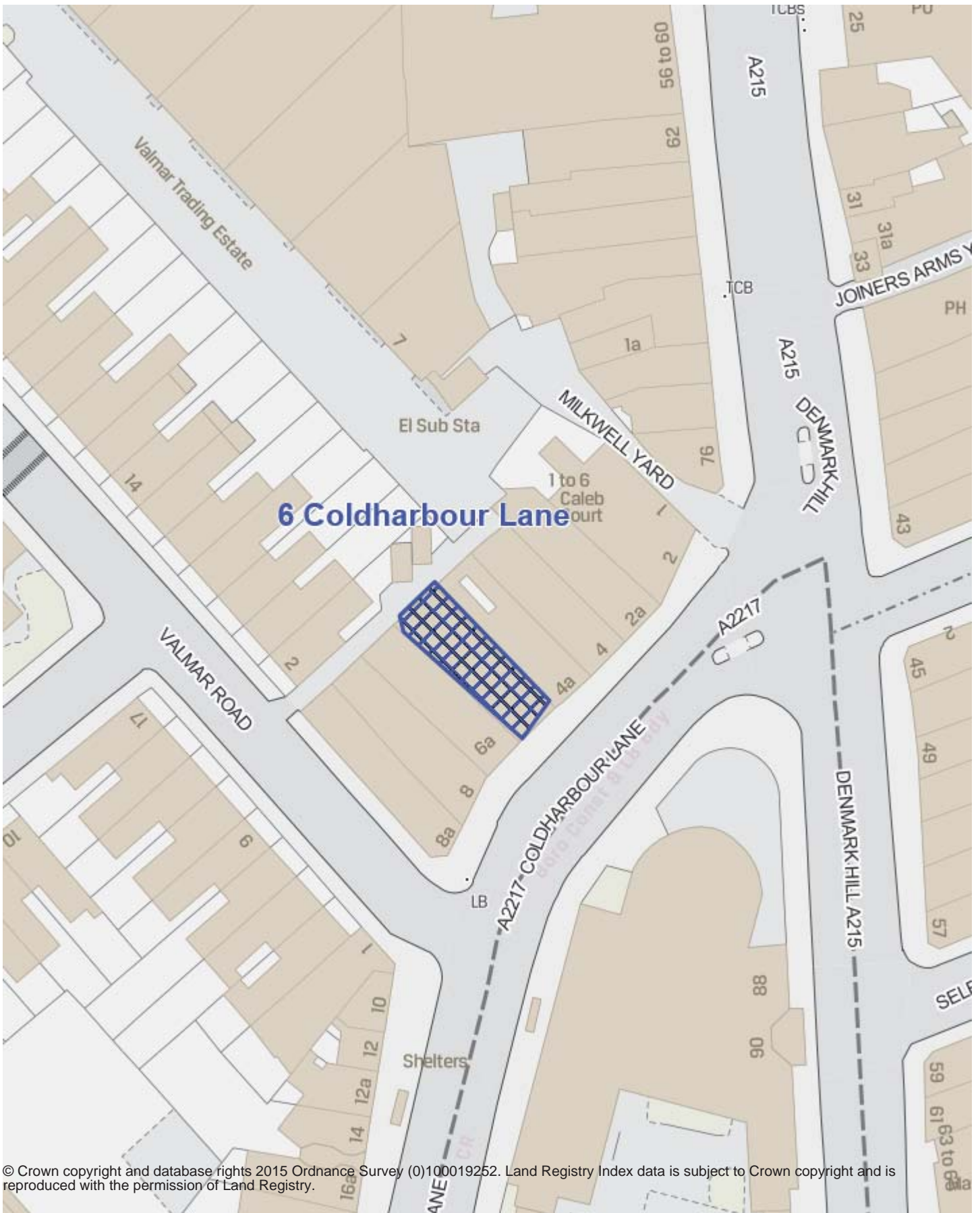
We trust in this way any issues may be dealt with without the need for the application to be returned.

A copy of the relevant documents is enclosed and we understand you will forward this to the Chief Officer of Police.

We look forward to working with you in respect of this matter.

Yours faithfully,





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