

## Licensing Sub-Committee

Tuesday 22 August 2017

10.00 am

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

### Membership

Councillor Sunil Chopra  
Councillor Lorraine Lauder MBE  
Councillor Adele Morris

### Reserves

Councillor David Hubber

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Contact

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

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 14 August 2017



## Licensing Sub-Committee

Tuesday 22 August 2017  
10.00 am

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

### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>ELECTION OF CHAIR</b>	
	To elect a chair for this sub-committee.	
2.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
3.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
4.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
5.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
6.	<b>LICENSING ACT 2003: PECKHAM FOOD AND WINE, 176 PECKHAM HIGH STREET, LONDON SE15 5EG</b>	1 - 42
7.	<b>LICENSING ACT 2003: MINGLES, 1 PECKHAM PARK ROAD, LONDON SE15 6TR</b>	43 - 73

**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.**

**OPENDISTRIBUTION**

Date: 14 August 2017

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 22 August 2017	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG	
<b>Ward(s) or groups affected:</b>		The Lane	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATION

1. That the licensing sub-committee considers an application submitted by this council's Trading Standards service under Section 51 of the Licensing Act 2003 (the Act) for the review of the premises licence held by Kiran Israr in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London, SE15 5EG.
2. Notes:
  - a) The grounds for the review are stated in paragraphs 13 to 14 of this report. A copy of the review application is attached as Appendix A.
  - b) The review application is supported by representations submitted by responsible authorities. Copies of the representations are attached as Appendix C. Details of the representation are provided in paragraph 15 and 16.
  - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix B. A map of the area that the premises are located in is attached as Appendix D.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

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

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

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence**

9. The premises licence allows the provision of licensable activities as follows:
- The sale of alcohol to be consumed off the premises -
    - Monday to Sunday from 00:00 to 00:00 (24 hour sales of alcohol)
  - Opening times
    - Monday to Sunday from 00:00 to 00:00 (24 hour sales of alcohol).
10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is attached as Appendix B.

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

11. The current designated premises supervisor (DPS) named on the licence is Aamir Ali.

### **The review application**

12. On 19 June 2017, an application was submitted by this council's trading standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Kiran Israr in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG.
13. The review application was submitted in respect of the prevention of crime and disorder and the protection of children from harm licensing objectives and in summary states that the following has been witnessed and / or taken place at the premises:
  - That illegal workers have been observed working at the premises on six separate occasions – (in breach of the immigration legislation) on 23 November 2016, 8 February 2017, 2 March 2017, 5 April 2017 and 20 May 2017
  - Failure to pay the National Minimum Wage
  - Failure to have CCTV working (in accordance with conditions 288 & 289 of the premises licence issued in respect of the premises)
  - Failure to display sale price of “super strength” beers, lagers and ciders
  - Failure to have a personal licence holder on the premises at all times (in breach of licence condition 336)
  - Supplying alcohol without the authorisation of a personal licence holder (in breach of licence condition 101)
  - Duty-evaded alcohol being sold
  - Offering to sell unsafe and counterfeit “Apple” phone chargers
  - Failure to train staff on age verification and to keep and make available records of that training (in breach of licence condition 326)
  - The trading standards service recommends that the premises licence issued in respect of the premises is revoked.
14. Full details of the grounds for the review are provided within review the application. The review application is attached as Appendix A.

### **Representations from responsible authorities**

15. The licensing responsible authority has submitted a representation stating that they have no faith in the current management of the premises to promote the licensing objectives and that the licensing responsible authority therefore fully support the recommendation made by the trading standards service in the review application that the licence is revoked.
16. The Home Office have submitted a representation stating that during an enforcement visit at the premises illegal workers have been encountered at the

premises and the representation provides details of the illegal workers encountered at the premises.

17. Copies of the representations are attached as Appendix C.

### **Representations from other persons**

18. No representations have been received by other persons.

### **Operating History**

19. On 6 August 2006 a premises licence was issued in respect of the premises to Muhammed Islam and Saima Shahzadi.
20. On 15 June 2009 the licence was transferred to the current licensee, Kiran Israr. Kiran Israr was also specified as the premises on this date.
21. On 12 July 2011 a licensing officer undertook an inspection of the premises and noted that no personal licence holder was present at the premises in breach of condition 341 of the premises licence issued in respect of the premises. A revisit of the premises was undertaken on 26 July 2011 and the premises were found to be being operated compliantly.
22. On 2 February 2012 a licensing officer undertook an inspection of the premises and noted that the premises licence was not available at the premises (in breach of s.57 of the Licensing Act 2003), that no personal licence holder was present (in breach of licence condition 341) and that no staff training records in regards to the age identification scheme required at the premises were available (in breach of condition 326). A revisit of the premises was undertaken on 28 February 2012 and the premises were found to be being operated compliantly.
23. On 5 December 2015 a licensing officer undertook an inspection of the premises and noted that no personal licence holder was present (in breach of licence condition 341), that sales of alcohol at the premises were not authorised by a DPS (in breach of condition 100), that there was no recognised alcohol sales training scheme in place at the premises (in breach of condition 340), that no staff training records in regards to the age identification scheme required at the premises were available (in breach of condition 326), that fire extinguishers at the premises had not been maintenance inspected for over 12 months (in breach of condition 255a), and that less than 28 days worth of CCTV footage was available (in breach of condition 289). A revisit of the premises was undertaken on 17 April 2016 and the premises were found to be being operated compliantly.
24. On 26 April 2017 a licensing officer undertook an inspection of the premises with Trading Standards and police officers. An illegal worker was arrested at the premises and it was noted that CCTV at the premises was not functioning, in breach of licence condition 288. A revisit of the premises was undertaken on 27 April 2017 and the CCTV at the premises was found to be fully operational. Further details of this visit are provided in the review application.
25. On 19 June 2017, an application was submitted by this council's Trading Standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Kiran Israr in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London, SE15 5EG.

26. On 27 June 2017 an application, to have immediate effect, was submitted to specify Aamir Ali as the DPS of the premises. The application was granted and the current licence was issued on 27 June 2017. The licensee remains Kiran Israr.
27. No temporary event notices have been submitted in regards to the premises.

#### **The local area**

28. A map of the local area is attached as Appendix D. The following premises are shown on the map and are licensed as stated below.

#### **Prince of Peckham, 1 Clayton Arms Clayton Road SE15 5JA licensed for:**

- Films, indoor sporting events, recorded music and the sale of alcohol to be consumed on or off the premises:
  - Sunday to Thursday from 10:00 to 00:00 (midnight)
  - Friday and Saturday from 10:00 to 02:00 the following day.

#### **The Copper Tap at the Red Cow, 190-192 Peckham High Street, SE15 5EG licensed for:**

- Recorded music, performances of dance and the sale of alcohol to be consumed on or off the premises:
  - Monday to Thursday from 12:00 to 23:00
  - Friday and Saturday from 12:00 to 01:00 the following day
  - Sunday from 12:00 to 22:30
- Late night refreshment and live music:
  - Friday and Saturday from 12:00 to 01:00 the following day.

#### **Southwark Council saturation policy for Peckham**

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



32. Special policies should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. The “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered. A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises.
33. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

### **Southwark Council statement of licensing policy**

34. Council assembly approved Southwark’s statement of licensing Policy 2016 - 20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee’s consideration are:
  - Section 3 - Purpose and Scope of the Policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications.
  - Section 5 – Determining Applications for Premises Licences and Club Premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6 – Local Cumulative Impact Policies. This sets out this authority’s approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
  - Section 7 – Hours of Operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The Prevention of Crime and Disorder. This provides general guidance on the promotion of the first licensing objective.
  - Section 9 – Public Safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 – The Prevention of Nuisance. This provides general guidance on the promotion of the third licensing objective.
  - Section 11 – The Protection of Children from Harm. This provides general guidance on the promotion of the fourth licensing objective.
35. 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.

36. Within Southwark's statement of licensing policy 2016 - 2020, the premises are identified as being within Peckham major town centre area. The closing time recommended in the statement of licensing policy for off licences, grocers or supermarkets with off sales of alcohol in Peckham major town centre area is 00:00 hours daily.

### **Resource implications**

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

### **Consultations**

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

### **Community impact statement**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

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

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

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

42. Under section 52 the licensing authority must hold a hearing to determine the review and any relevant representations.
43. The four licensing objectives are:
- The prevention of crime and disorder
  - The protection of public safety
  - The prevention of nuisance
  - The protection of children from harm.
44. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition

- Exclude a licensable activity from the scope of the licence
  - Remove the designated premises supervisor
  - Suspend the licence for a period not exceeding three months
  - Revoke the licence.
45. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
- Are relevant to one or more of the licensing objectives
  - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
  - Have not been withdrawn
  - If made by an other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
46. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
47. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
48. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
49. It is of particular importance that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

### **Reasons**

50. Where the authority determines an application for review it must notify the determination and reasons why for making it to:
- The holder of the licence
  - The applicant
  - Any person who made relevant representations
  - The chief officer of police for the area (or each police area) in which the premises are situated.

### **Hearing procedures**

51. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing

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

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

53. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
54. 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.
55. 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.
56. 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.

57. 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.
58. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
59. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
60. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

#### **Guidance**

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

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

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

#### **BACKGROUND DOCUMENTS**

<b>Background papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003 Home Office revised guidance to the Act Secondary Regulations Southwark statement of licensing Policy Case file	Southwark Licensing, c/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

**APPENDICES**

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

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Wesley McArthur, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	25 July 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	26 July 2017	

*[Insert details including name and address of licensing authority and application reference if any (optional)]*

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Bill Masini (On behalf of Trading Standards)

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Peckham Food and Wine 176 Peckham High Street	
<b>Post town</b> London	<b>Post code (if known)</b> SE15 5EG

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
---------------------------------------------------------------------------------------------

<b>Number of premises licence or club premises certificate (if known)</b>
---------------------------------------------------------------------------

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick

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

**Surname**

**First names**

I am 18 years old or over

Please tick yes

Current postal  
address if  
different from  
premises  
address

Post town

Post Code

Daytime contact telephone number

E-mail address  
(optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Southwark Council – Trading Standards  Bill Masini Trading Standards Officer Regulatory Services 3 <sup>rd</sup> Floor Hub 1 PO Box 64529 London SE1P 5LX
Telephone number (if any) 0207 525 2629
E-mail address (optional) bill.masini@southwark.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

**Prevention of Crime and disorder –**

- Illegal workers in shop on 6 separate occasions – 23 Nov 2016, 8 Feb 2017, 2 March 2017, 5 April 2017, 26 April 2017 & 20 May 2017
- Failure to pay the National Minimum Wage
- Failure to have CCTV working in accordance with conditions 288 and 289
- Failure to display sale price of "super strength" beers, lagers and ciders
- Failure to have a personal Licence holder on the Premise at all times – condition 336
- Supplying alcohol when no authorisation from a Personal Licence holder – condition 101
- Duty evaded alcohol sold.
- Offering to sell unsafe and counterfeit "Apple" Phone chargers

**Protection of children from harm –**

- Failure to train staff on age verification and to keep and make available records of that training – condition 326.

Trading Standards enforce various fair trading laws including The Licensing Act 2003 and carries out joint inspection visits with Southwark's Police Licensing/Night time Economy officers and the UK Immigration Service (UKBA). This is for the purpose of ensuring the conditions on the licence as well as the four objectives under The Licensing Act are adhered to. It is also for the purposes of identifying other criminal offences such as illegal immigrants or illegal workers.

The premise licence permits alcohol to be sold 24 hours a day seven days a week (168 hours) but does require there to be a personal licence holder to be on the premise and on duty at all times that alcohol is supplied (condition 341).

The premises licence holder and Designated Premises Supervisor was Kiran Israr. The business is operated through a Limited Company, Peckham Foods and Wines

[REDACTED]. There are three female directors, Kiran Israr, [REDACTED] and [REDACTED]

Having received a complaint from a member of the public about alleged counterfeit cigarettes being bought from this premise, on 23 November 2016 Trading Standards carried out a joint visit with the Metropolitan Police. The shop was open to the general public and alcohol on sale.

During that visit a cupboard was discovered at the back of the shop that contained a filthy single mattress. There was a lockable door to this cupboard that had a toilet at the back. There were no windows and the floor was bare concrete. There was a small electric heater on the floor. See photographs 1-4. Two men were discovered to be sleeping there; one on the mattress and one on the floor. Enquiries indicated them to be [REDACTED] and [REDACTED] and they were both arrested on immigration matters.

Behind the counter was [REDACTED] who produced a personal Licence issued by [REDACTED]. He gave a date of birth as [REDACTED] and a home address of [REDACTED]

On the basis that he had a personal licence no further enquiries were made of him at that stage.

A bottle opener was behind the counter and this was seized by the Police as this was

suspected to be used to open bottles of alcohol contrary to condition 125 of the Premises Licence – "alcohol shall not be sold in an open container or be consumed in the licensed premises". This condition is intended to stop/reduce street drinking.

No training records were available for inspection in breach of condition 326 – "all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council". On subsequent visits detailed below, no records were ever to be made available and Trading Standards say it is reasonable to assume no age verification scheme was in operation and/or no training had been given to workers.

Whilst carrying out the visit Trading Standards found 10 "Apple" style phone chargers on sale. These were identified as counterfeit and from previous knowledge about these products to be unsafe. They were duly seized under The Consumer Rights Act 2015. No purchase invoices have been supplied to Trading Standards for these items and Trading Standards, from experience conclude these were bought from an itinerant trader, otherwise known as "white van Man", who is still very active in this part of Southwark.

The Premises Licence holder and Designated Premises Supervisor since 2009 has been a female, Kiran Israr but at no time have the Police or Trading Standards had any contact with her. During this visit a man called [REDACTED] arrived at the shop saying he was the manager. He gave exactly the same home address as [REDACTED] had given. He was recognised from another shop in Peckham Road and produced a Personal Licence with that address.

For a considerable period of time Southwark Council has been concerned about the sale of so called Super Strength beers, lagers and ciders because of the harm they cause to those drinking them (they almost always have serious alcohol addiction problems) and the anti social behaviour and crime that often goes with it. The Government has sought to use price as a way of reducing consumption and therefore these drinks with an ABV of 7.5% or more attract a proportionately higher duty. A 500ml can of strong beer with an ABV of 8% has a duty of £1.19 and typically is sold by a legitimate cash and carry/ wholesaler to a retailer for around £1.85- £2.00 a can, including VAT. With a reasonable mark up, a legitimate retailer would be expected to sell this drink at around £2.20/2.30. Trading Standards have identified this to be a problem in Southwark and in other parts of London. Retailers often offer these drinks

for sale without any price being displayed, (despite this being a legal requirement under Pricing legislation) and then sell either (illegally) below the duty price or below what a legitimate cash and carry would sell it to a retailer for. This strongly suggests retailers in these situations have obtained these drinks from an illegal source where duty has been evaded. These drinks are not the type of product a retailer would commercially use as a "loss leader" to encourage the sale of other goods.

There was a significant quantity and variety of these drinks offered for sale at this premise but no prices were displayed. There was also a significant quantity of those drinks near to the cupboard referred to earlier. See photographs 5-6. The officer therefore served a notice requiring the business to reduce traceable invoices for these drinks. It is a legal requirement for businesses to produce such invoices for food products, alcohol being classified as food.

Trading Standards and Police carried out a further visit was carried out on 8 February 2017 at around 10.45am. Before doing so a test purchase was made of Carlsberg Special Brew that was offered for sale in a fridge at the back of the shop. Once again these drinks were not price marked. The seller later identified as [REDACTED] sold a can to the officer for £1.40 when at the time the duty for the year 2016-2017 was £1.15; a mere 25 pence above the duty price. Officers went into the shop where Mr [REDACTED] was on his own. He was asked if the boss was about and he swiftly went to the back of the shop where he immediately locked an internal door preventing officers from gaining access. Access was also prevented to the cupboard used for sleeping referred to earlier. A police officer had been parked in a police vehicle immediately at the back of the shop and noted the rear door to the shop was trying to be opened. Eventually the internal door was opened. [REDACTED] was identified as being an illegal worker and was arrested. He initially said he was not working but later said he started at 6am and was paid £30 for an 8 hour shift, equating to less than £4.00 per hour. Checks showed he had breached a Visitor's Visa issued in 2006. He gave a date of birth of [REDACTED]. It follows he was not permitted to work and therefore by definition not authorised to sell alcohol – contrary to condition 101 of the Premises Licence. It was not clear whether he was residing at the premise.

Also, on the premise, sleeping on the mattress in the cupboard was one of the same men arrested on 23 November 2016, [REDACTED]. It was a cold day and where he had been sleeping, despite an electric heater with dubious safety on the concrete floor, it was still very cold and not conducive to someone being able to get proper rest. It was evident there was clothing belonging to more than one person. There was

also a fan at the bottom of the mattress indicating it to be used when it was hot and therefore these arrangements had been in operation for many months, if not longer.

The CCTV was not working properly and despite [REDACTED] and also another of his workers, [REDACTED], arriving during the visit, officers were not shown CCTV to be operating in accordance with conditions 288 and 289. Trading Standards say this is not surprising since those running the business knew those in the shop were illegal and would not wish this to be recorded and used as evidence for any future criminal action or licence review. It also follows that any other illegal activity that had taken place between visits would also not have been recorded.

With regard to the price of £1.40 charged for the Super strength beer, whilst some invoices have been produced indicating the business bought Special Brew for £2.00/per can (£39.99 plus Vat [£47.99] per tray, the sub-committee is invited to conclude that a proportion (unknown) has been acquired from illegal sources where duty has been evaded. This could of course be from the same White Van man supplying the unsafe and illegal Apple phone chargers.

In the evening of 2 March 2017, Trading Standards visited the premise because invoices requested had not been received. Working behind the counter were two male individuals. One gave his details as [REDACTED] and produced his personal licence. The other male refused to give his details and left the shop. The CCTV was still not working. Having received a telephone call from [REDACTED], [REDACTED] came to the shop. Again he said he ran the business and had tried to email through some invoices to the officer but they had not been received because he has used an incorrect email address. Whilst in the shop he sent his previous email to the correct officer's mail though these were later found to be indecipherable. That email gave the senders name as "[REDACTED]". Asked about The Premises Licence holder and DPS, Kiran Israr, he said he managed the business and she had very little to do with running the business. He said the business was run through the name of Peckham Foods and Wines Ltd. A later check indicated the directors to be three females, Kiran Israr, [REDACTED] and [REDACTED]. In all the visits made since November 2016, no female worker has been on the premise. Examination of business invoices seen later in May indicated the following:

- "[REDACTED]" to the account holder name for the account held with Dhamecha Cash & Carry
- [REDACTED] to the account holder name for the account held with Bestway Cash & Carry

- "██████████" to be the account holder name for the account held with Consort Frozen Foods
- "██████████" to be the account holder name for business conducted with Buzz Sweets
- "██████████" to be the account holder name for business conducted with Evergreen Dairy
- "██████████" to be the account holder name for business conducted with Booker
- "██████████" to be the account holder name for business conducted with Wanis International Foods
- "Kiran Israr" to be the account holder name for business conducted with Best Price Cash and Carry

On 5 April, having received no paper copies of invoices and because of previous problems, Trading Standards and The Police made another visit to the shop. Working in the shop was yet another illegal worker, ██████████ (Dob ██████████ – country of birth ██████████). He was arrested for Immigration offences. The CCTV was still not working.

On 26 April, yet another visit was made to the premise though immediately before doing so a test purchase of alcohol was made. In the shop working behind the counter was ██████████. He had made the sale. Once again he produced his personal licence but the Police carried out an immigration check on him. It transpired that from 12.12.2013 he had been an "absconder" and was duly arrested. Amongst other things, he was not permitted to work.

Once again, the CCTV was not working in accordance with the conditions on The Premises Licence. It was switched off. Even after switching it on the CCTV was not fully operational

On 27 April, an officer returned and checked the CCTV. It was now working properly.

On 20 May, Trading Standards carried out a further visit with Immigration Officers from UKBA. As officers approached the shop a man walked out of the shop in the direction of Peckham Hill Street. Trading Standards recognised the man to be ██████████ and Immigration ran after him and arrested him. He returned to the shop where he denied he had been working. The CCTV was checked and eventually it became clear he had been working that day. The other person in the shop was ██████████

He was clearly stressed by the further visit because it came across that he was having to take or deal with the responsibility of visits from various enforcement agencies when he was a "mere" worker at the shop. Asked when he had last seen Kiran Israr, he said she had come about 3 weeks ago to collect some money but she had stayed in the car whilst someone else came in the shop to collect the money. He had seen very little of her. Asked how he was paid and how much, he was very evasive and clearly a worried man.

Another bottle opener was found on the counter by the till and, as before, this was seized because it was thought to be used to open drinks to then be consumed on the street.

The visit made on 20 May was the sixth visit Trading Standards had made to the premise since late November 2016 and on all occasions there had been illegal workers there.

Trading Standards say this premise has been operating with a total disregard to the licensing objectives and specifically to the law relating to the employment of workers both in terms of those having the right to work and the poor payment made. It has in effect operated a modern form of slavery with appalling sleeping conditions being provided. By operating a 24 hours/7 days a week business, the shop front door is never closed meaning people can come and go at any time with some taking refuge in this cupboard. It is not absolutely clear whether some of those illegal workers were sleeping on the premise but, Trading Standards say, it is reasonable to come to that conclusion.

The Premises Licence holder and DPS, Kiran Israr, has not sought to engage with "the Authorities", appears to show little interest or involvement with the day to day running of the business and has allowed or instructed the business to be run in this illegal manner. At no time has she been present or attempted to address the matters afterwards; this has been left to others.

Trading Standards do not feel the addition of further conditions will address the problems that have continued over a significant period of time. Nor do Trading Standards believe a period of suspension will solve the problems. It therefore recommends the licence to be revoked.

Please tick yes

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

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

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



Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

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

Signature



Date

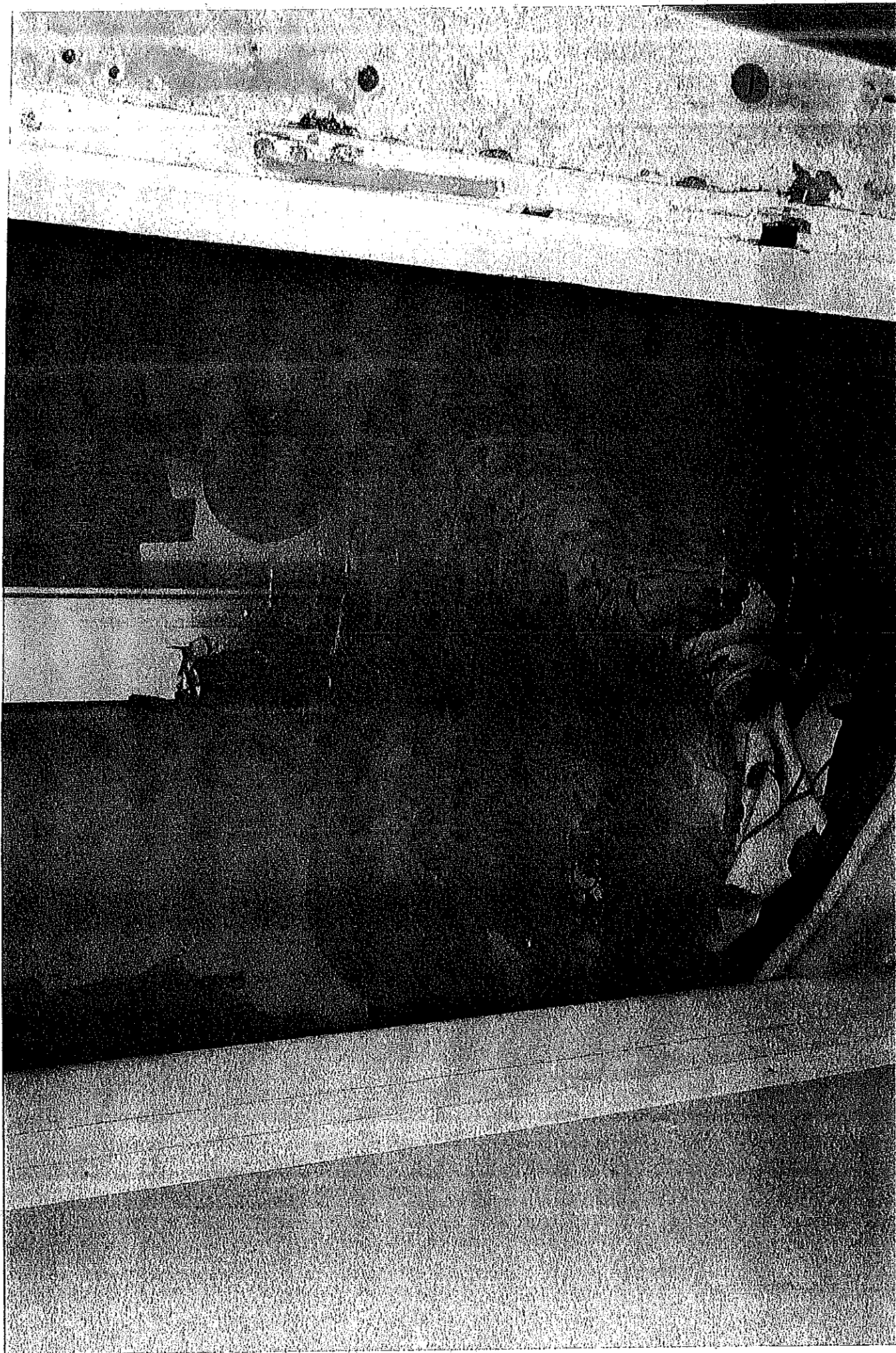
19 June 2017

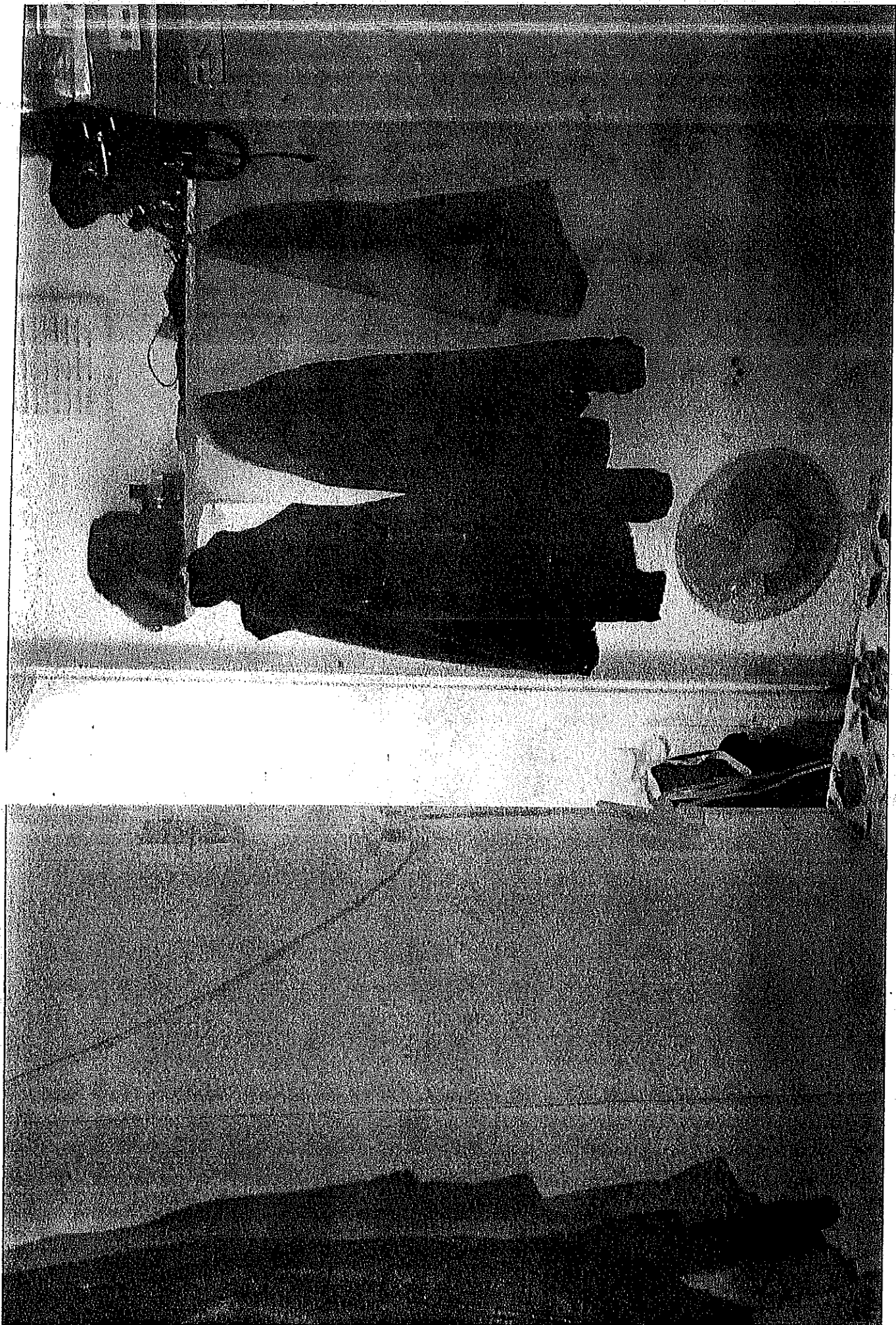
Capacity Trading Standards Officer acting on behalf of Southwark Council

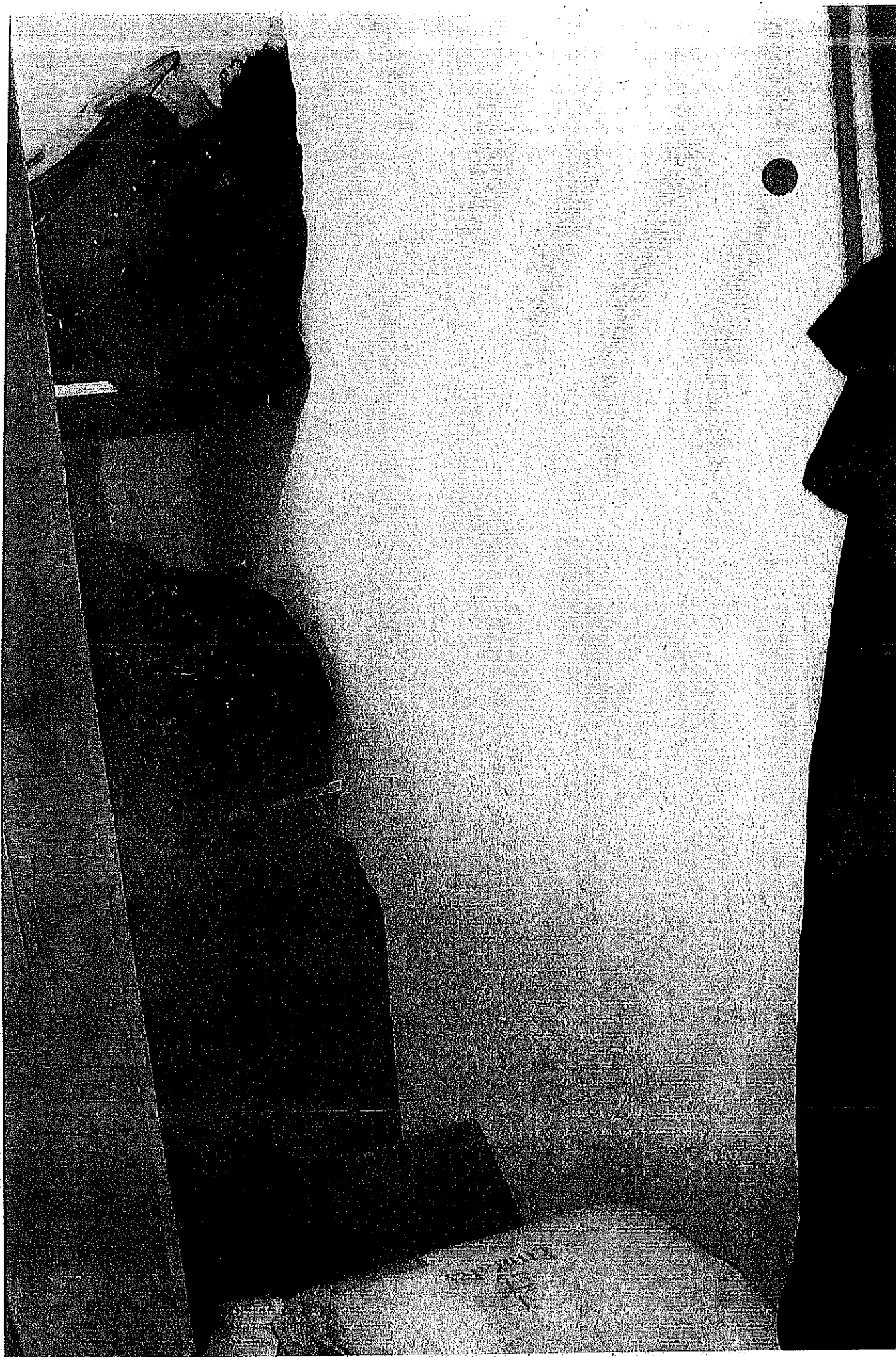
<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

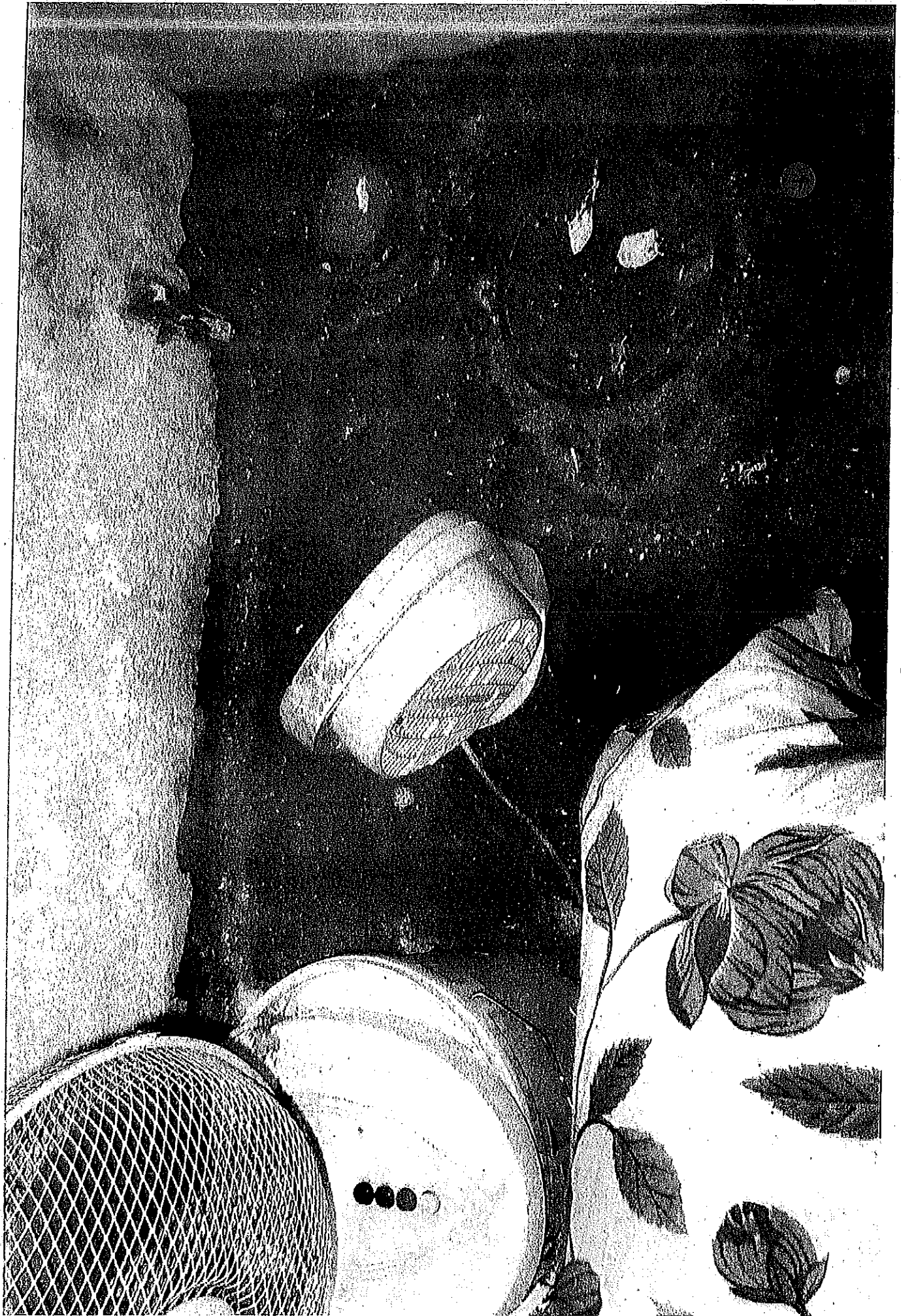
**Notes for Guidance**

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.

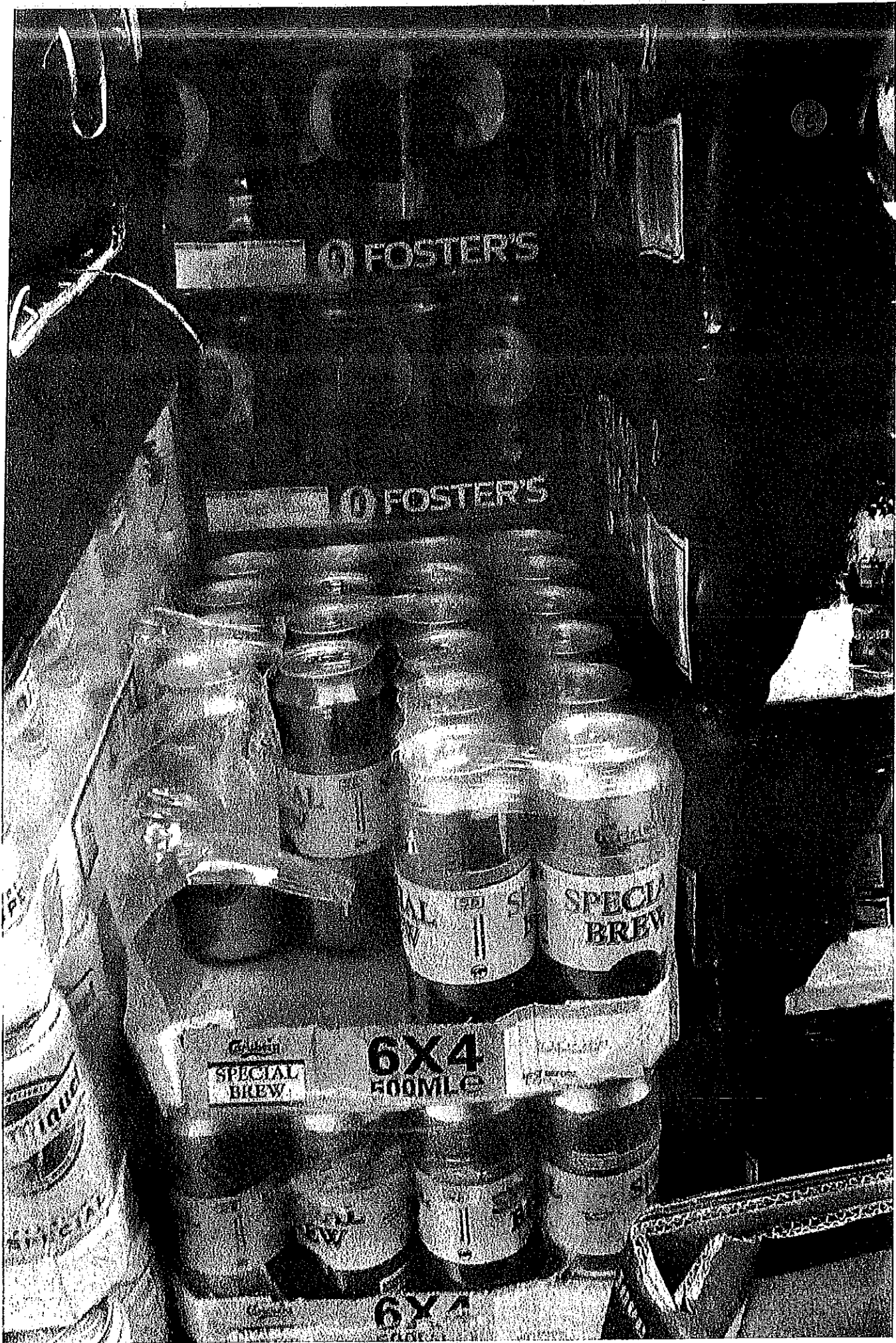












# Licensing Act 2003 Premises Licence



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

Premises licence number

859352

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Peckham Food and Wine 176 Peckham High Street London SE15 5EG	
Ordnance survey map reference (if applicable), 176745534464	
<b>Post town</b> London	<b>Post code</b> SE15 5EG
<b>Telephone number</b> [REDACTED]	

<b>Where the licence is time limited the dates</b>
----------------------------------------------------

<b>Licensable activities authorised by the licence</b>
Sale by retail of alcohol to be consumed off premises

<b>The opening hours of the premises</b>
For any non standard timings see <b>Annex 2</b>
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

<b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies</b>
Sale by retail of alcohol to be consumed off premises

<b>The times the licence authorises the carrying out of licensable activities</b>
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**

Kiran Israr



**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**

Aamir Ali



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

Licence No. [REDACTED]

Authority [REDACTED]

Licence Issue date 27/06/2017

Head of Regulatory Services  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX  
020 7525 5748  
[licensing@southwark.gov.uk](mailto: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.

03. 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:

- a. On Christmas day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.
- b. On Good Friday, 8.00.a.m. to 10.30.p.m.

The above restrictions do not prohibit:

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

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

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

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

**255** a. Fire extinguishers and equipment as approved by the Council shall be efficiently maintained in satisfactory working order and kept available for instance 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 twenty-eight days

**326** That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council

**327** That signs shall be displayed informing customers and staff that sales of alcohol will not be made to under 18s and that age identification will be required

**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

**340** That a recognised training scheme is in place for all staff supplying intoxicating liquor

**341** That a personal licence holder is on the premises at all times that intoxicating liquor is supplied

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

**Annex 4 - Plans - Attached**

Licence No. 859352

Plan No. N/A

Plan Date 4 August 2005



**From:** [Tear, Jayne](#)  
**To:** [Regen. Licensing](#)  
**Cc:** [McArthur, Wesley](#)  
**Subject:** REPRESENTATION RE Peckham Food & Wine REVIEW  
**Date:** 17 July 2017 23:37:46  
**Attachments:** [Peckham Food & Wine REVIEW.pdf](#)  
**Importance:** High

---

Dear Licensing

Please find attached my representation regarding the above application,

With kind regards

Jayne

**Jayne Tear - Principal Licensing Officer – As Responsible Authority for Licensing**

Southwark Council | Licensing Unit

160 Tooley Street | London | SE1 2QH

Direct line 020 7525 0396 | Fax 020 7525 5735 | Call Centre 020 7525 2000

Visit our web pages <http://www.southwark.gov.uk/licensing>

## MEMO: Licensing Unit

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<b>To</b>	Licensing Unit	<b>Date</b>	17 July 2017	
<b>Copies</b>				
<b>From</b>	Jayne Tear	<b>Telephone</b>	020 7525 0396	<b>Fax</b>
<b>Email</b>	jayne.tear@southwark.gov.uk			

---

**Subject** **Peckham Food & Wine, 176 Peckham High Street, London, SE15 5EG**  
Application to review the premises licence

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

The application is submitted under the prevention of crime and disorder and the protection of children from harm licensing objectives and the grounds for the review are concerned with:

### Prevention of Crime and disorder

- Illegal workers in shop on 6 separate occasions – 23 Nov 2016, 8 Feb 2017, 2 March 2017, 5 April 2017, 26 April 2017 & 20 May 2017
- Failure to pay the National Minimum Wage
- Offering to sell unsafe and counterfeit “Apple” Phone chargers
- Failure to display sale price of “super strength” beers, lagers and ciders
- Duty evaded alcohol sold.
- Failure to have CCTV working contrary to conditions 288 and 289 on the premises licence
- Failure to have a personal Licence holder on the Premise at all times – contrary to condition 336 on the premises licence
- Supplying alcohol when no authorisation from a Personal Licence holder – contrary to condition 101 on the premises licence

### Protection of Children from Harm

- Failure to train staff on age verification and to keep and make available records of that training – contrary to condition 326 on the premises licence.

The premises is an off licence/grocery that is currently licensed for supply of alcohol ‘off the premises’ for 24 hours 7 days a week. The licence holder is Kiran Israr who was also the designated premises supervisor (DPS). However since the review has been submitted there has been a change of DPS on 27 June 2017. The DPS attached to the licence is now Aamir Ali.

During the inspections/visits by Trading Standards/Licensing and the Police on 23 Nov 2016, 8 Feb 2017, 2 March 2017, 5 April 2017, 26 April 2017 & 20 May 2017 it is apparent that

several different people have been working at the premises and there has never been any person accountable such as the DPS or licensee available at the premises/or to speak to discuss the concerns regarding breaches of the licensed conditions or other criminal offences as mentioned above.

Although there has since been a change of DPS to Mr Aamir Ali. Mr Ali also worked at the premises before the review was submitted as he arrived during one of the above enforcement visits stating that '*he was the manager*'.

I have no faith in the current management either licensee or DPS to promote the licensing objectives. I submit this representation under the prevention of crime and disorder and the protection of children from harm as it is clear that there is no responsible licensee or DPS in control of the management of alcohol sales at the premises and as such several breaches of the licensed conditions and other criminal offences have been committed.

I therefore fully support Trading Standards in asking for the licence to be revoked.

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

**From:** ISD Alcohol Licensing [REDACTED]  
**Sent:** Saturday, July 15, 2017 9:04 AM  
**To:** Masini, Bill  
**Cc:** [REDACTED]  
**Subject:** RE: Application to review Premises Licence - Peckham Food & Wine 176 Peckham High Street

To whom it may concern,

According to our records illegal workers have been encountered at this premises:

On 20/05/2017 an Enforcement visit took place - Checks showed one male had no right to work and he was escorted off scene at 12.07. 1 other male was spoken to and cleared. 2 total encounters.

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Director: [REDACTED] ([REDACTED] taken from Companies House) - checks show this individual is listed as a director and has no valid leave

[REDACTED] ([REDACTED]) - checks show this individual is listed as a director and has no valid leave.

[REDACTED] ([REDACTED]) - checks show this individual is listed as a director and has no valid leave.

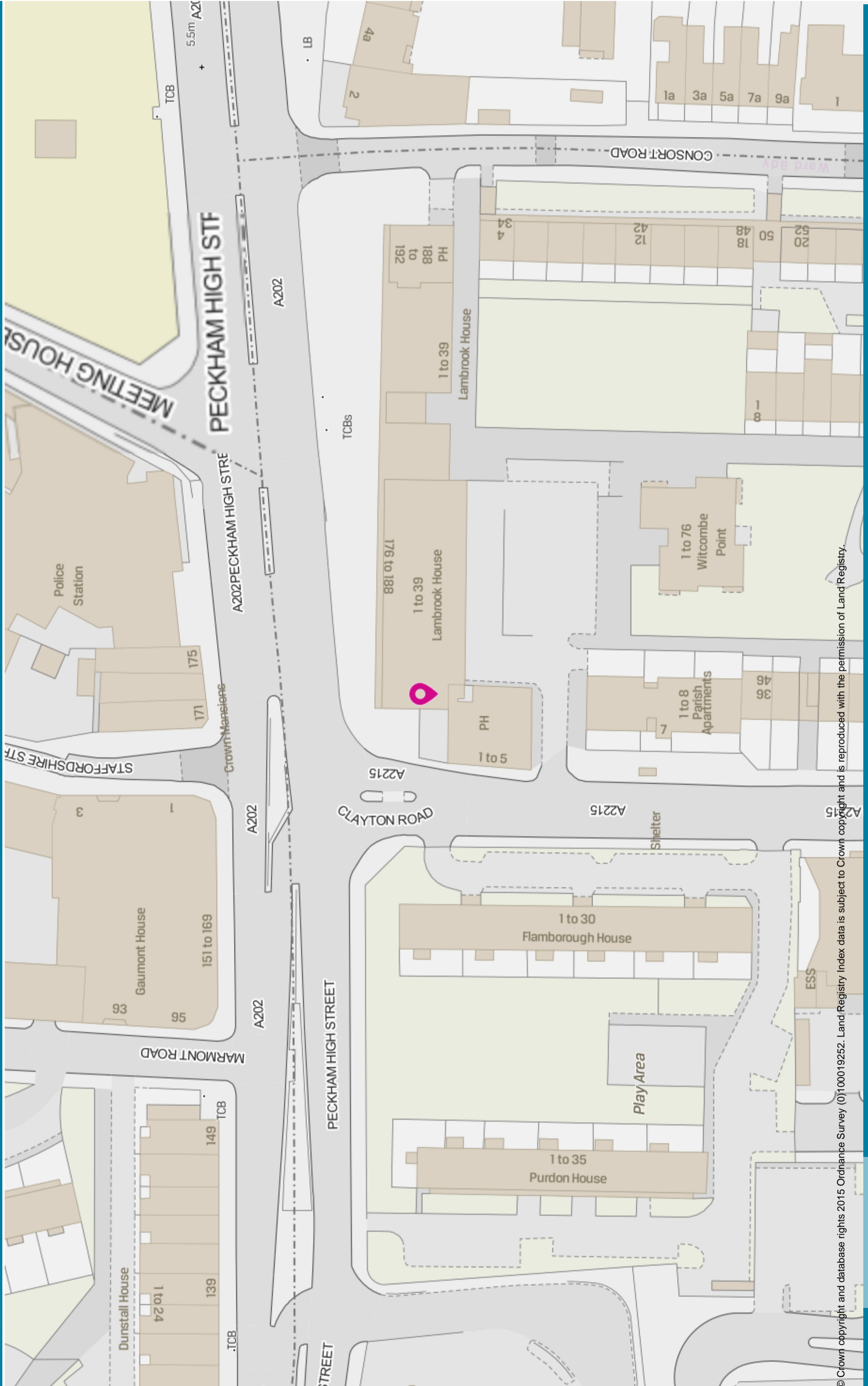
If you require further information please contact me.

Semhar Menghis

**Home Office**

Interventions and Sanctions Directorate| The Central Team| Immigration Enforcement  
Apollo House| 3rd Floor | 36 Wellesley Rd | Croydon |

PECKHAM FOODS & WINES LTD, 176, PECKHAM



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Scale = 1 : 1000

25-Jul-2017

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 22 August 2017	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Mingles, 1 Peckham Park Road, London SE15 6TR	
<b>Ward(s) or groups affected:</b>		Livesey	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Rowland Hamilton for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Mingles, 1 Peckham Park Road, London SE1 6TR.
2. Notes:
  - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
  - b) Paragraphs 8 to 10 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.
  - c) Paragraphs 11 to 19 of this report deals with the representations received to the premises licence application and conciliations progress made. Copies of the relevant representations from a responsible authorities are attached as Appendix B.
  - d) Paragraph 20 deals with licensed premises within a 100 metre radius of the premises. A map of the area is attached as Appendix C.
  - e) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 provides a regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.

5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
  
6. In carrying out its licensing functions, a licensing authority must also have regard to
  - The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
  
7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence application**

8. On 20 June 2017, Rowland Hamilton applied to this council for the grant of a new premises licence in respect of the premises known as Mingles, 1 Peckham Park Road, London SE15 6TR. The premises is described as a restaurant.

The application is summarised as follows:

- Recorded music (indoors)
  - Sunday to Thursday from 10:00 to 00:00
  - Friday and Saturday from 10:00 to 01:00
  
- Late night refreshment (indoors)
  - Sunday to Thursday from 23:00 to 00:00
  - Friday and Saturday from 23:00 to 01:00
  
- Supply of alcohol (on premises)
  - Sunday to Thursday from 10:00 to 00:00
  - Friday and Saturday from 10:00 to 01:00

- Operating hours of premises
    - Sunday to Thursday from 10:00 to 00:00
    - Friday and Saturday from 10:00 to 01:00.
9. The premises licence application form provides the applicant operating schedule. Parts F, I, J, K, L, and M set out the proposed operating hours and operating controls in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

### **Designated premises supervisor**

10. The proposed designated premises supervisor Rowland Hamilton who is yet to obtain a personal licence.

### **Representations from responsible authorities**

11. Representations were submitted by the Metropolitan Police Service, environmental protection team (EPT), licensing as a responsible authority, planning and public health.
12. The Metropolitan Police representation states the terminal hour applied for the as per the application is significantly greater than that recommended by Southwark's statement of licensing policy, which states that restaurants in this particular area should have a terminal hour of 23:00 and this might also conflict with permissions granted by planning. The applicant has provided little in the way of detail as to how he intends to promote the four licensing objectives. They object to this application in its current form, and would recommend the applicant addresses those points that have been highlighted and amend the application to reflect this.
13. The EPT representation also states that the licence application seeks opening hours longer than the opening hours stipulated within the licensing policy and might conflict with the planning permissions. The measures proposed in the operating schedule are limited and do not adequately describe the means by which the prevention of public nuisance will be promoted. They also state that premises adjoining to the north currently holds a premises licence and there have been a number of complaints about noise and disturbance relating to it. This application might add to the level of noise and disturbance in this area.
14. The licensing representation states that the premises is situated in a residential area and under the Southwark statement of licensing policy 2016 - 2020 the appropriate closing times for restaurants, public houses, wine bars or other drinking establishments in this area is 23:00 daily. Night clubs (with sui generis planning classification) are not considered appropriate for this area. They have requested additional information and also recommended conditions for consideration.
15. The planning representation states that under condition 11 planning permission 05AP1232, which granted planning permission for the neighbouring restaurant 'Luxford Restaurant and Bar', the hours are restricted to 07:00 – 23:30 on any day. It is felt that this is an appropriate time range to prevent public nuisance. It is also not considered that a restaurant licensed for alcohol and with table service would have any requirement to stay open until 01:00.



16. The public health representation raises concerns regarding the hours of alcohol sales requested. They advise that research suggests that increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol-related injuries, and increased alcohol-related harm. Additionally the hours requested fall outside what is recommended in Southwark's statement of licensing policy which is 23:00 daily. They have also made recommended conditions if agreed to be added to the licence
17. Copies of the representations are attached as Appendix B.

### **Representation from other persons**

18. There are no representation from other persons.

### **Conciliation**

19. The representations received have been forwarded to the applicant and awaiting responses. The Licensing sub committee will be updated on 18 August 2017.

### **The local area**

20. A map of the area is attached to this report as Appendix C. The premises is identified by a triangle at the centre of the map. For purposes of scale only the circle on the map has a 100 metre radius. The following licensed premises terminal hours are also shown on the map:

#### **Public houses/restaurants**

- Luxford Bar, 610 Old Kent Road, London SE15 (Sunday to Thursday until 23:00 and Friday and Saturday until 00.30)

#### **Off licences**

- M & N Off licence, 20 Peckham Park Road, London SE15 (Monday to Sun until 01:00)
- Classic, 17 Peckham Park Road, London SE15 (Monday to Sunday until 23.30)
- B & M Stores, 593-613 Old Kent Road, London SE15 (Monday to Sunday until 22.00)

### **Deregulation of entertainment**

21. On 6 April 2015 entertainment became deregulated and as a result:
  - Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
  - Live amplified music is deregulated between 08:00 and 23:00 provided the audience does not exceed 500 people.
22. However, live music can become licensable in on licensed premises if the licensing authority removes the effect of the deregulation following a licence review ('licence review mechanism').

### Southwark statement of licensing policy

23. Within Southwark's statement of licensing policy, the premises are identified as being within a residential area. Relevant closing times recommended in the statement of licensing policy for licensed premises in residential areas are as follows:
- Closing times for restaurants, public houses, wine bars or other drinking establishments in this area is 23:00 daily. Night clubs (with sui generis planning classification) are not considered appropriate for this area.
24. Council assembly approved Southwark's statement of licensing Policy 2016 - 20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and Scope of the Policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications.
  - Section 5 – Determining Applications for Premises Licences and Club Premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6 – Local Cumulative Impact Policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
  - Section 7 – Hours of Operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The Prevention of Crime and Disorder. This provides general guidance on the promotion of the first licensing objective.
  - Section 9 – Public Safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 – The Prevention of Nuisance. This provides general guidance on the promotion of the third licensing objective.
  - Section 11 – The Protection of Children from Harm. This provides general guidance on the promotion of the fourth licensing objective.
25. 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**

26. A fee of £190 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band B.

### **Consultation**

27. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and a similar notice exhibited outside of the premises for a period of 28 consecutive days.

### **Community impact statement**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

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

29. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.
30. The principles which sub-committee members must apply are set out below.

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

31. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
32. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
  - Are made by an interested party or responsible authority
  - Have not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
33. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
    - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
    - Any condition which must under section 19, 20 or 21 be included in the licence

- To exclude from the scope of the licence any of the licensable activities to which the application relates
- To refuse to specify a person in the licence as the premises supervisor
- To reject the application.

### **Conditions**

34. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
35. The four licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
36. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.
37. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
38. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

### **Reasons**

39. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for a premises licence application, it must give reasons for its decision.

### **Hearing procedures**

40. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
  - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:

- Address the authority
  - If given permission by the committee, question any other party.
  - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
- The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
41. This matter relates to the determination of an application for a premises licence under section 17 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**

42. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
43. 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.
44. 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.
45. 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.

46. 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.
47. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
48. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
49. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

#### **Guidance**

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

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

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

#### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

**APPENDICES**

<b>Name</b>	<b>Title</b>
Appendix A	Premises licence application
Appendix B	Representations from responsible authorities
Appendix C	Map of local area

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Dorcas Mills, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	10 August 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		10 August 2017

07/06/2017

Business - Application for a premises licence to be granted under the Licensing Act 2003

Ref No. 829476

## Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

	ROWLAND HAMILTON
--	------------------

## Premises Details

Non-domestic rateable value of premises in order to see your rateable value click here (opens in new window)

£	6,800
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

## Premises trading name

--	--

## Postal address of premises or, if none, ordnance survey map reference or description

Address Line 1	1 PECKHAM PARK ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE15 6TR
Ordnance survey map reference	
Description of the location	
Telephone number	

## Applicant Details

Please select the capacity in which you are applying to convert your existing licence

	An individual or individuals
--	------------------------------



If you applying as an individual or non-individual please select one of the following:-

	I am carrying on or proposing to carry on a business which involves the use of the  premises for licensable activities
--	------------------------------------------------------------------------------------------------------------------------------

#### Details of Individual Applicant

##### Personal Details

Title	Mr
If other, please specify	
Surname	HAMILTON
Forenames	ROWLAND
I am 18 years old or over	Yes

##### Current Address

Street number or Building name	
Street Description	
Town	
County	
Post code	

##### Contact Details

Daytime contact telephone number	
Email Address	

Do you wish to add a second individual applicant?

	No
--	----

##### Operating Schedule

When do you want the premises licence to start?

	01/07/2017
--	------------

If you wish the licence to be valid only for a limited period, when do you want it to end?

--	--

General description of premises ( see guidance note 1 )

	GROUND FLOOR RETAIL SHOP TO BE USED AS A RESTAURANT WITHIN THE A3 PERMITTED DEVELOPMENT.
--	------------------------------------------------------------------------------------------

Please select the range of the number of people expected to attend the premises at any one time.

	Less than 5000
If 5,000 or more people are expected to attend the premises at any one time. Please state the number expected to attend	

Operating Schedule part 2

What licensable activities do you intend to carry on from the premises?

	(Please see sections 1 and 14 of the Licensing Act 2003 and schedule 1 and 2 to the Licensing Act 2003)
--	---------------------------------------------------------------------------------------------------------

Provision of regulated entertainment

	f) recorded music

Provision of late night refreshment

	i) Late night refreshment
--	---------------------------

Supply of alcohol

	j) Supply of alcohol
--	----------------------

F - Recorded Music

Will the playing of recorded music take place indoors or outdoors or both? ( Please read guidance note 2 )

	Indoors
--	---------

Please give further details here ( Please read guidance note 3 )

	THE PREMISES WILL HAVE BACKGROUND RECORDED MUSIC FOR THE ENTERTAINMENT OF CUSTOMERS. THE MUSIC WILL BE AT A REASONABLE LEVEL AND WILL NOT BE A NUISANCE OR ANNOYANCE TO THE NEIGHBOURS.
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Standard days and timings for Recorded Music ( Please read guidance note 6 )

Day	Start	Finish
Mon	10:00	<del>12:00</del> 00:00
Tues	10:00	<del>12:00</del> 00:00
Wed	10:00	<del>12:00</del> 00:00
Thur	10:00	<del>12:00</del> 00:00
Fri	10:00	01:00
Sat	10:00	01:00
Sun	10:00	<del>12:00</del> 00:00

State any seasonal variations for playing recorded music ( Please read guidance note 4 )

	N/A
--	-----

Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed. ( Please read guidance note 5 )

	N/A
--	-----

I - Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? ( Please read guidance note 2 )

	Indoors
--	---------

Please give further details here ( Please read guidance note 3 )

	Traditional, Ethnic and Cultural food will be provided to cater for the diverse client group.
--	-----------------------------------------------------------------------------------------------

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 6)

Day	Start	Finish
Mon	23:00	00:00
Tues	23:00	00:00
Wed	23:00	00:00
Thur	23:00	00:00
Fri	23:00	01:00
Sat	23:00	01:00
Sun	23:00	00:00

State any seasonal variations for the provision of late night refreshment ( Please read guidance note 4 )

N/A
-----

Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed. Please list, ( Please read guidance note 5 )

N/A
-----

J - Supply of Alcohol

Will the supply of alcohol be for consumption ( Please read guidance note 7 )

On the premises
-----------------

Standard days and timings for Supply of alcohol ( Please read guidance note 6 )

Day	Start	Finish
Mon	10:00	00:00
Tues	10:00	00:00
Wed	10:00	00:00
Thur	10:00	00:00
Fri	10:00	01:00
Sat	10:00	01:00
Sun	10:00	00:00

State any seasonal variations for the supply of alcohol ( Please read guidance note 4 )

N/A
-----

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, ( Please read guidance note 5 )

N/A
-----

Please upload the consent form completed by the proposed premises supervisor

	ROWLAND-LICENCE.pdf
--	---------------------

Premises Supervisor

Full name of proposed designated premises supervisor

First names	ROWLAND
Surname	HAMILTON

Address of proposed designated premises supervisor

Street number or Building name		
Street Description		
Town		
County		
Post code		

Personal licence number of proposed designated premises supervisor, if any,

Personal licence number ( if known )	N/A
Issuing authority ( if known )	N/A

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children ( Please read guidance note 8 )

	OUR ACTIVITIES WILL BE INCIDENTAL TO A RESTAURANT A3 USE
--	----------------------------------------------------------

L - Hours premises are open to public

Hours premises are open to the public ( standard timings Please read guidance note 6 )

Day	Start	Finish
Mon	10:00	00:00
Tues	10:00	00:00
Wed	10:00	00:00
Thur	10:00	00:00
Fri	10:00	01:00

Sat	10:00	01:00
Sun	10:00	00:00

State any seasonal variations ( Please read guidance note 4 )

N/A
-----

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, ( Please read guidance note 5 )

N/A
-----

M - Steps to promote four licencing objectives

a) General - all four licensing objectives (b,c,d,e) ( Please read guidance note 9 )

I WILL BE ATTENDING RECOGNISED LICENCE COURSE. WE SHALL HAVE DOOR SUPERVISORS TO ENSURE THE PUBLIC COMPLY WITH ALL OUR CONDITIONS. WE WILL HAVE CCTV CAMERAS OUTSIDE AND INSIDE THE PREMISES. THERE WILL BE HEALTH AND SAFETY EQUIPMENT AT THE PREMISES AS DIRECTED BY THE FIRE PREVENTION AND OTHER SERVICES.
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

b) the prevention of crime and disorder

I WILL BE ATTENDING RECOGNISED LICENCE COURSE. WE SHALL HAVE DOOR SUPERVISORS TO ENSURE THE PUBLIC COMPLY WITH ALL OUR CONDITIONS. WE WILL HAVE CCTV CAMERAS OUTSIDE AND INSIDE THE PREMISES. THERE WILL BE HEALTH AND SAFETY EQUIPMENT AT THE PREMISES AS DIRECTED BY THE FIRE PREVENTION AND OTHER SERVICES.
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

c) public safety

I WILL BE ATTENDING RECOGNISED LICENCE COURSE. WE SHALL HAVE DOOR SUPERVISORS TO ENSURE THE PUBLIC COMPLY WITH ALL OUR CONDITIONS. WE WILL HAVE CCTV CAMERAS OUTSIDE AND INSIDE THE PREMISES. THERE WILL BE HEALTH AND SAFETY EQUIPMENT AT THE PREMISES AS DIRECTED BY THE FIRE PREVENTION AND OTHER SERVICES.
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

d) the prevention of public nuisance

I WILL BE ATTENDING RECOGNISED LICENCE COURSE. WE SHALL HAVE DOOR SUPERVISORS TO ENSURE THE PUBLIC COMPLY WITH ALL OUR CONDITIONS. WE WILL HAVE CCTV CAMERAS OUTSIDE AND INSIDE THE PREMISES. THERE WILL BE HEALTH AND SAFETY EQUIPMENT AT THE PREMISES AS DIRECTED BY THE FIRE PREVENTION AND OTHER SERVICES.
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

e) the protection of children from harm

	NO CHILDREN WILL BE PERMITTED INTO THE PREMISES UNLESS ACCOMPANIED BY AN APPROPRIATE ADULT. ALCOHOL WILL NOT BE SERVED TO MINORS. HEALTH AND SAFETY WILL BE PARAMOUNT FOR THE HEALTH AND SAFETY OF ALL CHILDREN AND MINORS.
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Please upload a plan of the premises

	ROWLAND-PREMISES-PLAN.pdf
--	---------------------------

Please upload any additional information i.e. risk assessments

--	--

Checklist

	I have enclosed the plan of the premises. I understand that I must now advertise my application. I understand that if I do not comply with the above requirements my application  will be rejected.
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Home Office Declaration

Please tick to indicate agreement

	<input type="checkbox"/> I am not a company or limited liability partnership
--	------------------------------------------------------------------------------

Proof of Entitlement to work in the UK

Please upload proof of entitlement to work in the UK

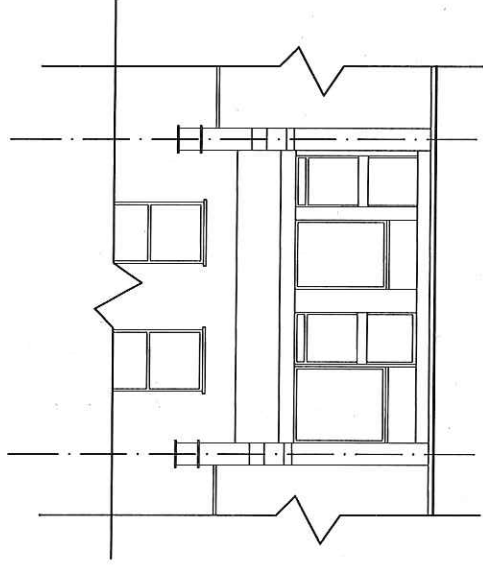
	Rowland-Hamilton-passport.1.PDF
--	---------------------------------

Declaration

I agree to the above statement

PaymentDescription			
AuthCode			
LicenceReference			
PaymentContactEmail			

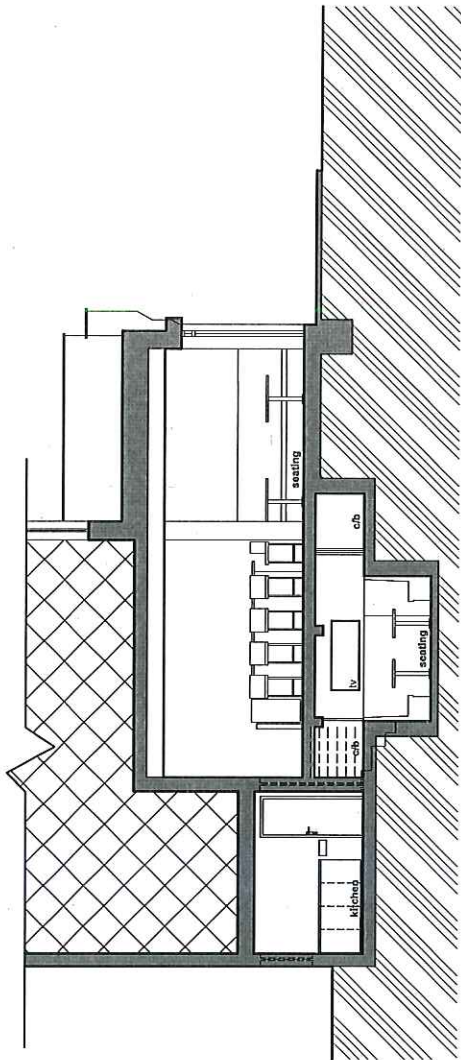
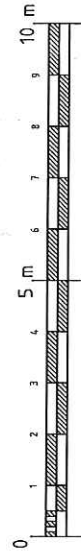
The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.



**PROPOSED FRONT ELEVATION  
(NO CHANGE)**



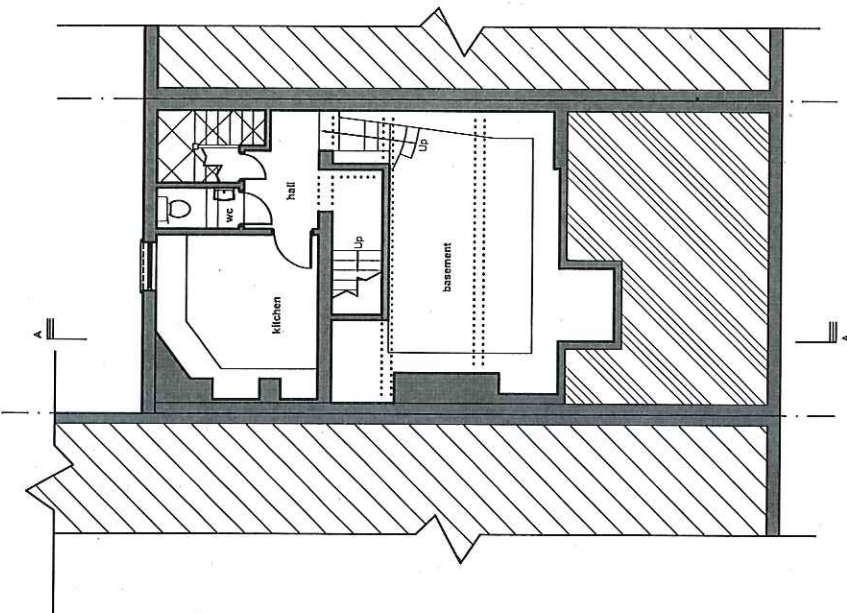
LEGEND:  
 EXISTING WALLS  
 PROPOSED WALLS



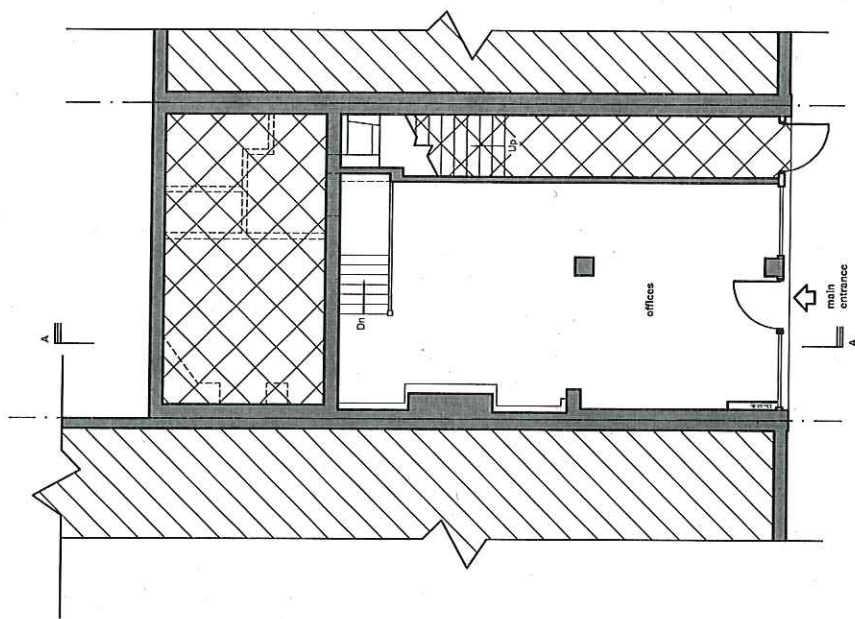
**PROPOSED SECTION A-A**

	DRAWING TITLE: <b>EXISTING SECTION A-A &amp; FRONT ELEVATION</b>	SCALE: 1:100@A3	DATE: 24/06/17
	JOB TITLE: Application for Premises Licence (A3)		
	SITE: 1 Peckham Rd, SE15 6TR, London		
		DRAWING NO.: P9/004	





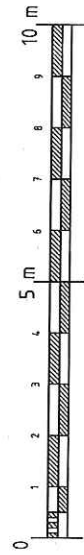
**EXISTING BASEMENT FLOOR PLAN**



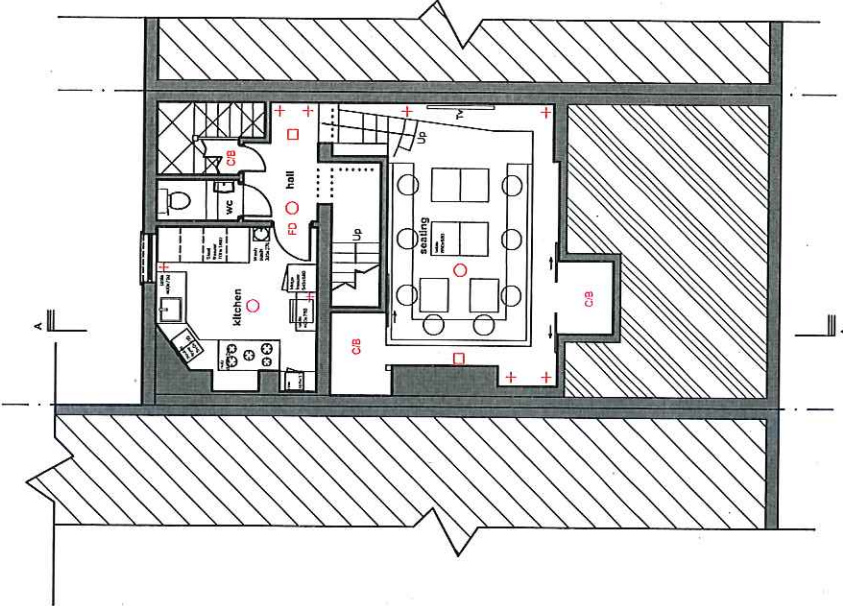
**EXISTING GROUND FLOOR PLAN**



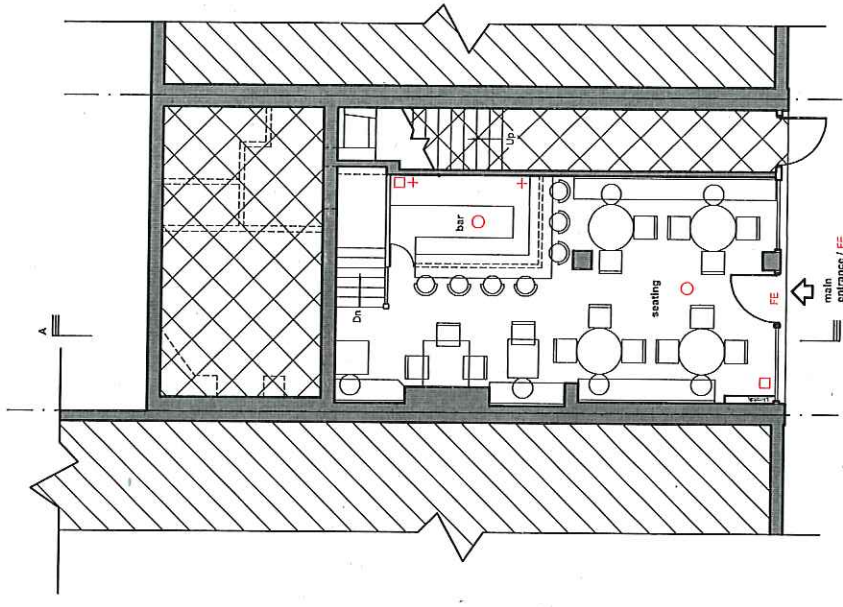
LEGEND:  
 EXISTING WALLS  
 PROPOSED WALLS



	JOB TITLE: Application for Premises Licence (A3)	DRAWING TITLE: EXISTING BASEMENT & GROUND FLOOR PLANS	SCALE: 1:100@A3	DATE: 24/06/17
SITE: 1 Peckham Rd, SE15 6TR, London			DRAWING NO.: P9/001	



**PROPOSED BASEMENT FLOOR PLAN**



**PROPOSED GROUND FLOOR PLAN**

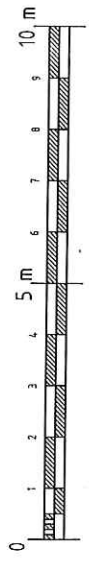
**KEY:**

○	Ionisation / Smoke Detector	(x 5)
+	Fire Extinguisher	(x 10)
□	CCTV Camera	(x 4)
FD	Fire door	(x 1)
FE	Fire exit	(x 1)
C/B	Storage	(x 3)

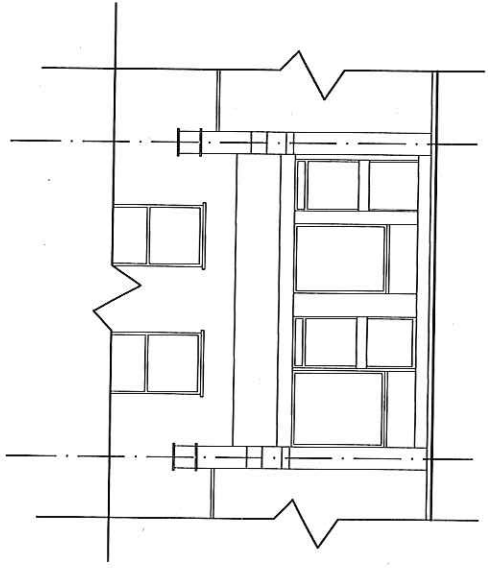


**LEGEND:**

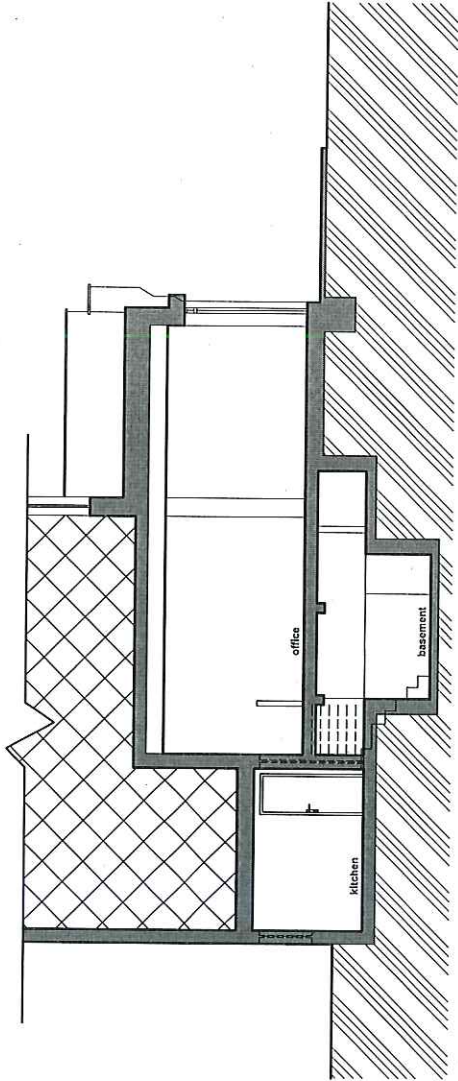
	EXISTING WALLS
	PROPOSED WALLS



SITE: 1 Peckham Rd, SE15 6TR, London	JOB TITLE: Application for Premises Licence (A3)	DRAWING TITLE: PROPOSED BASEMENT & GROUND FLOOR PLANS	SCALE: 1:100@A3	DATE: 24/06/17
			DRAWING No.: P9/003	



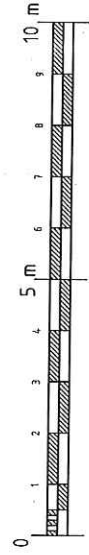
**EXISTING FRONT ELEVATION**



**EXISTING SECTION A-A**



LEGEND:  
 EXISTING WALLS  
 PROPOSED WALLS



SITE: 1 Peckham Rd, SE15 6TR, London	JOB TITLE: Application for Premises Licence (A3)	DRAWING TITLE: EXISTING SECTION A-A & FRONT ELEVATION	
		SCALE: 1:100@A3	DATE: 24/06/17
		DRAWING NO: P9/002	



The Licensing Unit  
 Floor 3  
 160 Tooley Street  
 London  
 SE1 2QH

**Metropolitan Police Service**  
**Licensing Office**  
 Southwark Police Station,  
 323 Borough High Street,  
 LONDON,  
 SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

**Our reference:** MD/21/ 2991/17

**Date:** 25<sup>th</sup> July 2017

Dear Sir/Madam

**Re:- Mingles Restaurant 1 Peckham Park Road SE15 6TR**

Police are in possession of an application from the above for a new premises licence. The application related to what appears to be a restaurant style venue, with the supply of alcohol and recorded music for the following hours or operation.

Sunday to Thursday 10:00 to 00:00  
 Fri & Sat 10:00 to 01:00

The terminal hour as per the application is significantly greater than that recommended by Southwark's Statement of licensing Policy, which states that restaurants in this particular area should have a terminal hour of 23:00.

It is also noted that this premises is currently shown as retail unit, as yet there is nothing to suggest that they have the correct A3 planning consent for the proposed business. Southwark's statement of Licensing policy advises parity and proper integration between Licensing and planning hours and the applicant should have relevant planning consent prior to the application. The application could be in conflict with planning, this could ultimately lead to the applicant being prosecuted for breach of planning regulations.

The applicant has provided little in the way of detail as to how he intends to promote the four licensing objectives. There appears to be a suggestion that the applicant will employ SIA registered door supervisors, there needs to be more detail as to the hours they will be employed and what their function would be when employed.

Police object to this application in its current form, I would recommend the applicant addresses those points that have been highlighted and amends the application to reflect this.

Ian Clements PC 362MD  
 Southwark Police Station

[REDACTED]

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**From:** Fox, Roy  
**Sent:** Monday, July 24, 2017 5:15 PM  
**To:** Regen, Licensing  
**Cc:** [REDACTED]; 'ian.clements@met.police.uk'  
**Subject:** Mingles Restaurant, 1 Peckham Park Road, SE15 6TR

Dear Sir/Madam

Re: Premises Licence Application ref. 859260 - Mingles Restaurant, 1 Peckham Park Road, SE15 6TR

This representation is made by the Environmental Protection Team on behalf of the Environmental Health Responsible Authority and relates to the Licensing Objective, 'the prevention of public nuisance'. The application relates to the sale of alcohol, the provision of regulated entertainment and to the provision of late night refreshment. The Environmental Protection Team wishes to object to this application. The grounds for objection are presented below.

- The times that have been applied for in the application for both the provision of late night refreshment and for the supply of alcohol fall outside of those contained within the Southwark Statement of Licencing Policy 2016-2020 for this area, which is categorised as a residential area. This policy indicates that the closing times of restaurants should be 23:00 hours daily. The application has applied for a finish time for both late night refreshment and for the supply of alcohol to be 00.00 hours (midnight) on Sunday to Thursday inclusive and 01:00 hours on Friday & Saturday. The supply of alcohol to members of the public to extended hours (relative to the policy) in this residential area increases the possibility for public nuisance to arise. There are residential premises above the proposed restaurant and on either side at first floor level, as well as across the road.
- There is no evidence that the premises has planning permission for A3 use (i.e. a restaurant). The long standing use for retail is an A1 use class. The change of use is significant in respect of public nuisance as a planning approval might secure adequate dispersal of kitchen odours at roof level, ventilation of the basement, and achieve suitable sound insulation between the proposed restaurant and the residential use above. Restaurant use has the potential for considerably higher sound/noise output than a retail premises.
- The measures proposed in the operating schedule are limited and do not adequately describe the means by which the prevention of public nuisance will be promoted. Note that the premises adjoining to the north currently holds a premises licence and there have been a number of complaints about noise and disturbance relating to it. This application might add to the level of noise and disturbance in this area.

Regards,

Roy Fox  
Principal Environmental Protection Officer

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

020 7525 2458

[www.southwark.gov.uk](http://www.southwark.gov.uk)



# MEMO: Licensing Unit

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**To** Licensing Unit                      **Date** 25 July 2017

**Copies**

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

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

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**Subject** Re: Mingles Restaurant, 1 Peckham Park Road, London, SE15 6TR

Application for a premises licence

I write with regards to the above application for a premises licence submitted by Rowland Hamilton under the Licensing Act 2003, which seeks the following licensable activities:

- Recorded music (indoors) on Sunday to Thursday from 10:00 to 00:00, on Friday and Saturday from 10:00 to 01:00 the following day
- Late night refreshment (indoors) on Sunday to Thursday from 23:00 to 00:00, on Friday and Saturday from 23:00 to 01:00 the following day
- Supply of alcohol (on the premises) on Sunday to Thursday from 10:00 to 00:00, on Friday and Saturday from 10:00 to 01:00 the following day
- Overall opening times shall be on Sunday to Thursday from 10:00 to 00:00, on Friday and Saturday from 10:00 to 01:00 the following day

The premises is described as '*Ground floor retail shop to be used as a restaurant within the A3 permitted A3 development*'

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

The premises is situated in a **Residential Area** and under the Southwark Statement of Licensing Policy 2016 - 2020 the appropriate closing times for Restaurants, Public Houses, Wine bars or other drinking establishments in this area is **23:00 daily. Night Clubs (with sui generis planning classification) are not considered appropriate for this area.**

As the hours asked for within the application are in excess of what is deemed appropriate for this area within the licensing policy. To promote the prevention of crime and disorder and the prevention of public nuisance I ask the applicant to consider the following:

- To amend the closing hours within the application to be in line with hours as appropriate within the licensing policy (that the premises will close on Monday to Sunday at 23:00)
- To amend the sales of alcohol 'on sales' to cease at least half hour before the closing time of the premises on each night.
- To remove late night refreshment from the application if the opening hours are reduced to 23:00
- To amend recorded music to cease at 23:00 if the opening hours are reduced to 23:00

Due to the limited information provided to address the licensing objectives within the application I ask the applicant to provide the following information:

- Accommodation limits for the basement area and the ground floor as indicated on the plans (to be conditioned)
- To provide a written dispersal policy for the premises, dependant on the accommodation limited. (to be conditioned)

Add further conditions to the operating schedule as follows:

- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that customers leave the area in a quiet and orderly manner.

To retain the premises operation a restaurant

- Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking a substantial table meal and by consumption of such persons as an ancillary to their meal

I therefore submit this representation and welcome any discussion with the applicant to consider the above representation.

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:

[http://www.southwark.gov.uk/downloads/download/4399/licensing\\_act\\_2003 -  
\\_southwark\\_statement\\_of\\_licensing\\_policy\\_2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

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



[REDACTED]

---

**From:** Docherty, William  
**Sent:** Monday, July 17, 2017 1:19 PM  
**To:** Brittain, Alison; Regen, Licensing; Jerrom, Charlie  
**Subject:** Licence number: 859260 - Mingles Restaurant

Dear Charlie/Licensing,

Further to your consultation on the above Licensing application, Planning wish to object to the License on the hours of use of the premises.

Under condition 11 planning permission 05AP1232, which granted planning permission for the neighbouring restaurant 'Luxford Restaurant and Bar', the hours are restricted to 0700 – 2330 on any day. It is felt that this is an appropriate time range to prevent public nuisance. It is also not considered that a restaurant licensed for alcohol and with table service would have any requirement to stay open until 1am.

If the hours of operation were bought in line with neighbouring consent then we would remove our objection on licensing grounds.

The Planning department will contact the applicant separately to discuss the absence of planning consent.

Kind Regards

William Docherty  
Planning Officer | Monitoring and Compliance

Chief Executive's Department  
Development Management  
5th Floor PO Box 64529  
London SE1P 5LX  
160 Tooley Street SE1 2QH

t: 0207-525-1997  
e: [William.Docherty@southwark.gov.uk](mailto:William.Docherty@southwark.gov.uk)  
[www.southwark.gov.uk](http://www.southwark.gov.uk)

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**From:** Ogden, Ian **On Behalf Of** Planning.Enquiries

[REDACTED]

[REDACTED]

[REDACTED]

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**From:** Sharpe, Carolyn **On Behalf Of** Public Health Licensing  
**Sent:** Monday, July 24, 2017 4:31 PM  
**To:** Regen, Licensing  
**Cc:** Public Health Licensing  
**Subject:** RE: New Premises licence for Mingles Restaurant

To whom it may concern:

**Re: 1 Peckham Park Road, London SE15 6TR**

On behalf of the Director of Health and Wellbeing (incorporating the role of Director of Public Health) for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

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

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

**General Comments**

The applicant requests a new licence for the sale of alcohol on the premises between the hours of 10:00 and 00:00 Sunday to Thursday and 10:00 and 01:00 Friday and Saturday..

I have concerns regarding the hours of alcohol sales requested. Research suggests that increased hours of alcohol sales are associated with increased alcohol consumption, increased alcohol-related injuries, and increased alcohol-related harm. Additionally the hours requested fall outside what is recommended in Southwark's Statement of Licensing policy which is 23:00 daily.

**Recommendations**

- I recommended the closing time for alcohol sales is 23:00

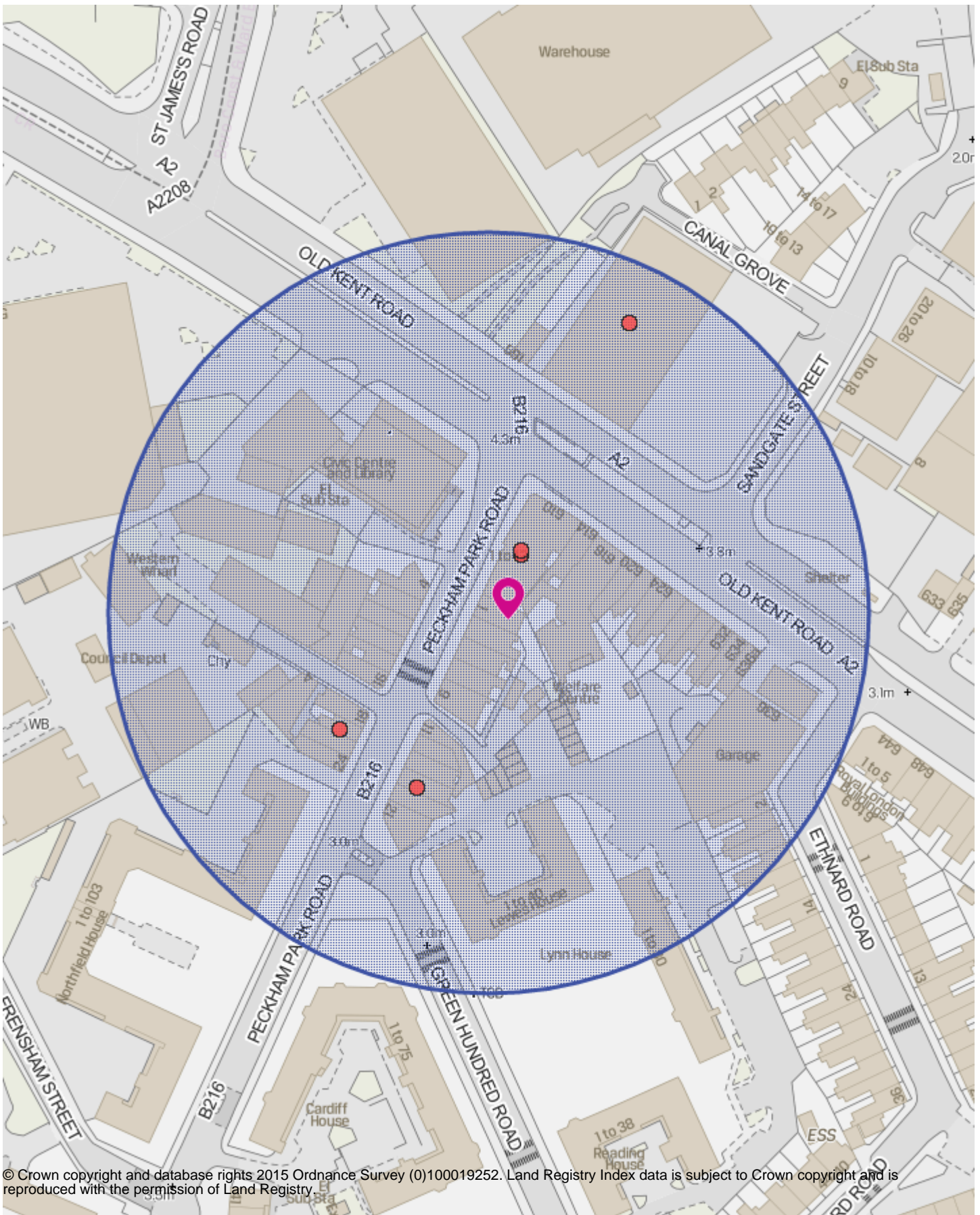
If you have any further questions, please do not hesitate to contact me.

Yours faithfully,

Carolyn Sharpe  
*on behalf of Professor Kevin Fenton, Director of Health and Wellbeing (incorporating*



MINGLES, 1, PECKHAM PARK ROAD, SE15 6TR



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No information available

MINGLES, 1, PECKHAM PARK ROAD, SE15 6TR

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