

## Licensing Sub-Committee

Friday 15 September 2017

10.00 am

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

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Sunil Chopra  
Councillor Sandra Rhule

### Reserves

Councillor Maria Linforth-Hall

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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: 5 September 2017



## Licensing Sub-Committee

Friday 15 September 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>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<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.	
4.	<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.	
5.	<b>LICENSING ACT 2003: EVERYMAN CINEMA, 1 BANK END, LONDON SE1 9BU</b>	1 - 40
6.	<b>LICENSING ACT 2003: PECKHAM FOOD AND WINE, 176 PECKHAM HIGH STREET, LONDON, SE15 5EG - TRANSFER APPLICATION</b>	41 - 92
7.	<b>LICENSING ACT 2003: PECKHAM FOOD AND WINE, 176 PECKHAM HIGH STREET, LONDON SE15 5EG - REVIEW</b>	93 - 134

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

**PART B - CLOSED BUSINESS**

**EXCLUSION OF PRESS AND PUBLIC**

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

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

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

Date: 5 September 2017

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 15 September 2017	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Everyman Cinema, 1 Bank End, London SE1 9BU	
<b>Ward(s) or groups affected:</b>		Cathedrals	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Everyman Media Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Everyman Cinema, 1 Bank End, London SE1 9BU.
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 17 of this report deals with the representations received to the premises licence application and conciliations progress made. Copies of the relevant representations from responsible authorities are attached as Appendix B.
  - d) Paragraph 19 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 21 June 2017, Everyman Media Limited applied to this council for the grant of a new premises licence in respect of the premises known as Everyman Cinema, 1 Bank End, London SE1 9BU. The premises is described as a National Boutique Cinema. The application is summarised as follows:
  - Plays (indoors)  
Monday to Sunday from 08:00 to 00:00
  - Films (indoors)  
Monday to Sunday from 08:00 to 00:00
  - Live music (indoors)  
Monday to Sunday from 08:00 to 00:00
  - Recorded music (indoor)  
Monday to Sunday from 08:00 to 00:00
  - Performance of dance  
Monday to Sunday from 08:00 to 00:00
  - Entertainment of a like kind to the above  
Monday to Sunday from 08:00 to 00:00
  - Latenight refreshment (indoors & outdoors)  
Monday to Sunday from 23:00 to 00:00

- Supply of alcohol (indoors & outdoors)  
Monday to Sunday from 08:00 to 00:00
  - Operating hours of premises  
Monday to Sunday from 08:00 to 00:30
  - Non Standard timings:
    - All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day.
    - When a film screening exceeds 90 minutes from the last screening on a particular day, licensable activities will be extended until thirty minutes after the film screening finish.
    - An additional hour to the standard and non-standard times on the day when British Summertime commences.
9. The premises licence application form provides the applicant operating schedule. Parts E, F, G, H, 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 Oliver Challiner who has a personal licence issued by Hackney Council.

#### **Representations from responsible authorities**

11. Representations were submitted by the Metropolitan Police, environmental protection team (EPT), licensing (as a responsible authority) and public health.
12. The Metropolitan Police representation state The terminal hour applied for falls 30 minutes outside the planning permission granted and the Southwark council statement of licensing policy advise parity and proper integration between Licensing and planning hours and the applicant should have relevant planning consent prior to the application. They have also recommended a number of conditions to be included on the licence, to promote the crime and disorder licensing objective. Some of which may have been offered as part of the operating schedule but the wording is important to avoid ambiguity.
13. The EPT representation also state that the licence application seeks opening hours 30 minutes longer than the opening hours stipulated within condition 23 of planning permission 15/AP/3066. From a review of the planning application plans it appears as if the basement proposed for cinema use is in very close proximity to existing residents in Park Street. EPT request that the opening hours be amended and as a result the licensable activities should be brought back 30 mins also. The plan is also not very clear.it does not show where the site is in relation to the whole site and surrounding area and seeks more clarification.

14. The licensing representation state the premises sits in the Borough and Bankside cumulative impact policy area as defined in paragraph 129 of the Southwark statement of licensing policy, however if the predominant use of the premises classes the premises as a cinema or live music venue then the policy will not apply to this premises. To ensure that the premises remains within this classification and does not become predominantly a public bar or nightclub. They have requested additional information and also recommended conditions for consideration.
15. The public health representation have concerns regarding the hours of alcohol sales requested. Early-morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour such as street drinking. Moreover, the applicant has requested off-sales of alcohol but has provided no justification for this request. They have also made recommended conditions if agreed to be added to the licence
16. Copies of the representations are attached as Appendix B.

#### **Representation from other persons**

17. There are no representation from other persons.

#### **Conciliation**

18. The representations received have been forwarded to the applicant and awaiting responses. The licensing sub committee will be updated on 15 September 2017.

#### **The local area**

19. 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**

- Wagamama, 1a Bank End, London SE1 (Monday to Sunday until 00.30)
- Vinopolis City of Wine, 1 Bank End, London SE1(Monday to Sunday until 02:00)
- Porky's BBQ, 18 New Globe Walk, London SE1 (Sunday to Thursday until 23.00, Friday and Saturday until 23:30)
- The Anchor Bankside, 34 Park Street, London SE1 (Monday to Sunday until 02.00)
- The Chamber of Shipping Ltd, 1<sup>st</sup> Flr, 30 Park Street, London SE1 (Monday to Friday until 23:00)
- Goumert Burger Kitchen, Soho wharf, Clink Street, London SE1 (Monday to Sunday until 23.00)
- Bill's Restaurant, Unit 1 Victor Wharf, Clink Street, London SE1(Monday to Saturday until 23.30)

- Nandos, 225- 227 Clink Street, London SE1 (Monday to Saturday until 00:30 and Sunday until 00:00)
- Pulia, 36a – 36b Stoney Street, London SE1 (Monday to Sunday until 23.00).

### **Deregulation of entertainment**

20. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08:00hrs – 23:00hrs on any premises.
  - Live amplified music is deregulated between 08.00 and 23.00 provided the audience does not exceed 500 people.
21. 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').

### **Borough and Bankside cumulative impact zone**

22. Council assembly approved the introduction of a special policy for Borough and Bankside on the cumulative impact of a concentration of licensed premises (saturation/cumulative impact policy) on 5 November 2008, and extended the area in April 2011. This application falls within the policy area.
23. 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.
24. The effect of this special policy 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.
25. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

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

26. 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 time for restaurants and cafes: Sunday to Thursday is 00:00 and for Friday and Saturday is 01:00
  - Closing time for public houses wine bars or other drinking establishments: Sunday to Thursday is 23:00 hours and for Friday and Saturday 00:00 hours.



27. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. 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.
28. 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**

29. A fee of £315 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 C.

### **Consultation**

30. 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**

31. 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**

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

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

34. 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.
35. 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
36. 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**

37. 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.

38. The four licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
39. 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.
40. 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.
41. 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**

42. 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**

43. 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.
44. 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**

45. 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.
46. 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.
47. 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.
48. 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.
49. 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.
50. 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.

51. 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.
52. 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

53. 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

54. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

### BACKGROUND DOCUMENTS

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

### APPENDICES

Name	Title
Appendix A	Premises licence application
Appendix B	Representation 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>	4 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 & 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>		4 August 2017

21/06/2017

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

Ref No. 837988

## 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

	Everyman Media Limited
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## Premises Details

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

£	33001
	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

	Everyman Cinema
--	-----------------

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

Address Line 1	1 BANK END
Address Line 2	
Town	LONDON
County	
Post code	SE1 9BU
Ordnance survey map reference	
Description of the location	Under construction no rateable value
Telephone number	02033193700

## Applicant Details

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

	a person other than an individual (limited company, partnership, etc)
--	---

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
--	---

#### Other Applicants

#### Personal Details - First Entry

Name	Everyman Media Limited
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#### Address - First Entry

Street number or building name	Studio 4
Street Description	2 Downshire Hill
Town	London
County	
Post code	NW3 1NR
Registered number ( where applicable )	03883018
Description of applicant ( for example, partnership, company, unincorporated association etc )	Company

#### Contact Details - First Entry

Telephone number	(020) 33193700
Email address	darren.oleary@keystonelaw.co.uk

#### Operating Schedule

When do you want the premises licence to start?

	20/07/2017
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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 )



	National Boutique Cinema
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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)
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Provision of regulated entertainment

	a) plays
	b) films
	e) live music
	f) recorded music
	g) performance of dance
	h) anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment

	i) Late night refreshment
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Supply of alcohol

	j) Supply of alcohol
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A - Plays

Will the performance of a play take place indoors or outdoors or both? ( Please read guidance note 2 )

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

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

	N/A
--	-----

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

Day	Start	Finish
Mon	08:00	00:00
Tues	08:00	00:00
Wed	08:00	00:00
Thur	08:00	00:00
Fri	08:00	00:00
Sat	08:00	00:00
Sun	08:00	00:00

State any seasonal variations for performing plays ( Please read guidance note 4 )

	N/A
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Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed. ( Please read guidance note 5 )

	<p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>When a film screening exceeds 90 minutes for the last screening on a particular day licensable activities will be extended until thirty minutes after the film screening finish</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p>
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**B- Films**

Will the exhibition of films take place indoors or outdoors or both? ( Please read guidance note 2 )

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

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

	N/A
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Standard days and timings for Films ( Please read guidance note 6 )

Day	Start	Finish
Mon	08:00	00:00

Tues	08:00	00:00
Wed	08:00	00:00
Thur	08:00	00:00
Fri	08:00	00:00
Sat	08:00	00:00
Sun	08:00	00:00

State any seasonal variations for the exhibition of films ( Please read guidance note 4 )

	N/A
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Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed. ( Please read guidance note 5 )

	<p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>When a film screening exceeds 90 minutes for the last screening on a particular day licensable activities will be extended until thirty minutes after the film screening finish</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p>
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#### E - Live Music

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

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

	N/A
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Standard days and timings for Live Music ( Please read guidance note 6 )

Day	Start	Finish
Mon	08:00	00:00
Tues	08:00	00:00
Wed	08:00	00:00
Thur	08:00	00:00
Fri	08:00	00:00
Sat	08:00	00:00
Sun	08:00	00:00

State any seasonal variations for the performance of live music ( Please read guidance note 4 )

	N/A
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Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed. ( Please read guidance note 5 )

	<p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>When a film screening exceeds 90 minutes for the last screening on a particular day licensable activities will be extended until thirty minutes after the film screening finish</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p>
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F - Recorded Music

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

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

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

Day	Start	Finish
Mon	08:00	00:00
Tues	08:00	00:00
Wed	08:00	00:00
Thur	08:00	00:00
Fri	08:00	00:00
Sat	08:00	00:00
Sun	08:00	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 )

	<p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>When a film screening exceeds 90 minutes for the last screening on a particular day licensable activities will be extended until thirty minutes after the film screening finish</p>
--	--

	An additional hour to the standard and non-standard times on the day when British Summertime commences.
--	---

## G - Performances of Dance

Will the performances of dance take place indoors or outdoors or both? ( Please read guidance note 2 )

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

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

	N/A
--	-----

Standard days and timings for Performance of dance ( Please read guidance note 6 )

Day	Start	Finish
Mon	08:00	00:00
Tues	08:00	00:00
Wed	08:00	00:00
Thur	08:00	00:00
Fri	08:00	00:00
Sat	08:00	00:00
Sun	08:00	00:00

State any seasonal variations for the performance of dance ( Please read guidance note 4 )

	N/A
--	-----

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

	<p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>When a film screening exceeds 90 minutes for the last screening on a particular day licensable activities will be extended until thirty minutes after the film screening finish</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p>
--	---

## H - Anything of a similar description to that falling within (e), (f) or (g)

Please give a description of the type of entertainment you will be providing

	N/A
--	-----

Will the entertainment take place indoors or outdoors or both? ( Please read guidance note 2 )

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

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

	N/A
--	-----

Standard days and timings for Anything of a similar description to that falling within (e), (f) or (g) ( Please read guidance note 6 )

Day	Start	Finish
Mon	08:00	00:00
Tues	08:00	00:00
Wed	08:00	00:00
Thur	08:00	00:00
Fri	08:00	00:00
Sat	08:00	00:00
Sun	08:00	00:00

State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) ( Please read guidance note 4 )

	N/A
--	-----

Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed. ( Please read guidance note 5 )

	<p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>When a film screening exceeds 90 minutes for the last screening on a particular day licensable activities will be extended until thirty minutes after the film screening finish</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p>
--	---

I - Late Night Refreshment

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

	Both
--	------

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

	N/A
--	-----

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	00:00
Sat	23:00	00:00
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 )

	<p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>When a film screening exceeds 90 minutes for the last screening on a particular day licensable activities will be extended until thirty minutes after the film screening finish</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p>
--	---

J - Supply of Alcohol

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

	Both
--	------

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

Day	Start	Finish
Mon	08:00	00:00
Tues	08:00	00:00
Wed	08:00	00:00
Thur	08:00	00:00
Fri	08:00	00:00
Sat	08:00	00:00
Sun	08:00	00:00

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

	<p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>When a film screening exceeds 90 minutes for the last screening on a particular day licensable activities will be extended until thirty minutes after the film screening finish</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p>
--	---

Please upload the consent form completed by the proposed premises supervisor

	[REDACTED]
--	------------

Premises Supervisor

Full name of proposed designated premises supervisor

First names	Oliver
Surname	Challiner

Address of proposed designated premises supervisor

Street number or Building name	[REDACTED]
Street Description	[REDACTED]
Town	[REDACTED]
County	
Post code	[REDACTED]

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

Personal licence number ( if known )	[REDACTED]
Issuing authority ( if known )	London Borough of Hackney

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 )

	N/A
--	-----

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	08:00	00:30
Tues	08:00	00:30
Wed	08:00	00:30
Thur	08:00	00:30
Fri	08:00	00:30
Sat	08:00	00:30
Sun	08:00	00:30

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 )

	<p>All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>When a film screening exceeds 90 minutes for the last screening on a particular day licensable activities will be extended until thirty minutes after the film screening finish</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p>
--	---

M - Steps to promote four licencing objectives

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

	Please see conditions and presentation attached
--	---

b) the prevention of crime and disorder

	Please see conditions and presentation attached
--	---

c) public safety

	Please see conditions and presentation attached
--	---

d) the prevention of public nuisance

	Please see conditions and presentation attached
--	---

e) the protection of children from harm

	Please see conditions and presentation attached
--	---

Please upload a plan of the premises

	[REDACTED]
--	------------

Please upload any additional information i.e. risk assessments

	[REDACTED]
--	------------

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

	I am a company or limited liability partnership
--	---

Proof of Entitlement to work in the UK

Please upload proof of entitlement to work in the UK

	[REDACTED]
--	------------

Declaration

I agree to the above statement

	Yes
--	-----

PaymentDescription	[REDACTED], ,
AuthCode	[REDACTED]
LicenceReference	[REDACTED]
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.

# EVERYMAN CINEMA



PRESENTATION TO  
LICENSING COMMITTEE

## **INTRODUCTION**

This application for a new premises licence for the Everyman Cinema

This presentation has been produced to assist the Licensing Committee and any other interested party in their decision making in respect of the licensing application submitted by Everyman.

If upon considering this presentation you require further clarification or assistance then please do contact Andrew Wong or Darren O'Leary of Keystone Law 0203 319 3700.

## ABOUT EVERYMAN

Roman Polanski once remarked that “Cinema should make you forget you are sitting in a theatre”. Everyman believes in this and tries to create a truly unique and memorable cinema experience that exceeds expectations and reaches the highest standards possible in quality, comfort and entertainment.

Everyman aims to create a warm and friendly atmosphere, with an excellent food and drink selection and fantastic customer service. With a wide array of mainstream, art house and classic films, special events, launches and a diverse calendar of promotions, there is something for everyone at Everyman with special screenings for families and young children. A world apart from the multiplex experience consumers normally associate with cinema, we bring our modern, lifestyle brand to all of our sites.

The Everyman brand is positioned at the premium end of the UK cinema market. The Group offering focuses on providing a relaxed environment to consumers with smaller capacity venues but, in the Directors’ view, higher levels of comfort than multiplex cinemas and other independent cinema groups.

Each venue has a fully licensed bar with enhanced food and beverage offering. The Company seeks to provide consumers with a cinema experience each time they watch a film at an Everyman cinema, incorporating enjoyable food and drink within conducive surroundings.

Everyman shows a range of current and classic films alongside alternative content. Each venue is fitted with digital projectors to broadcast the film. Seven of the sites are also equipped with RealD technology.

# SAMPLE OF EVERYMAN CINEMAS



## SAMPLE EVENTS



### NT Live

National Theatre Live is a groundbreaking initiative to broadcast the best of British theatre to cinemas around the world.

### RSC Live

The Royal Shakespeare Company presents a debut season of broadcasts live from Stratford-upon-Avon.

### Royal Opera House Live

Live for one night only in a cinema near you, the Royal Opera House Live Cinema Season 2013/14 features five live ballets and five live operas.

### Kids Club

Bringing back the magic of a morning at the movies.

### Baby Club

A weekly screening with you and your baby. Tickets include a hot drink and a slice of cake.

### Late Nights

Everyman Screen on the Green's celebrated Late Nights season returns for a brand new run.



# EVERYMAN

## Proposed Conditions

### All Mandatory Conditions

#### **Prevention of Crime and Disorder**

1. The premises shall install and maintain a CCTV system covering the main entry and exit points and enabling frontal identification of every person entering and leaving. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 30 days with date and time stamping. Viewing of recordings shall be made available upon the request of Police or authorised officer throughout the preceding 31 day period.
2. The Licence Holder shall ensure that the details of all complaints are recorded in an occurrence book and such book shall be available for police inspection
3. A selection of food and non-intoxicating beverages, including drinking water, shall be available in the premises
4. The Licence Holder shall ensure that the details of all complaints are recorded in an occurrence book.

#### **Prevention of Public Nuisance**

5. No music shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance at the nearest noise sensitive premises
6. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
7. A dedicated telephone number for the Designated Premises Supervisor or the duty manager shall be maintained for use by any person who may wish to make a complaint.

#### **Public Safety**

8. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
9. Non-intoxicating beverages, including drinking water, shall be available to patrons throughout the permitted hours for the sale or supply of alcohol.

**Protection of Children from Harm**

10. A documented staff training programme shall be provided to key members of staff at the premises in respect of the :-

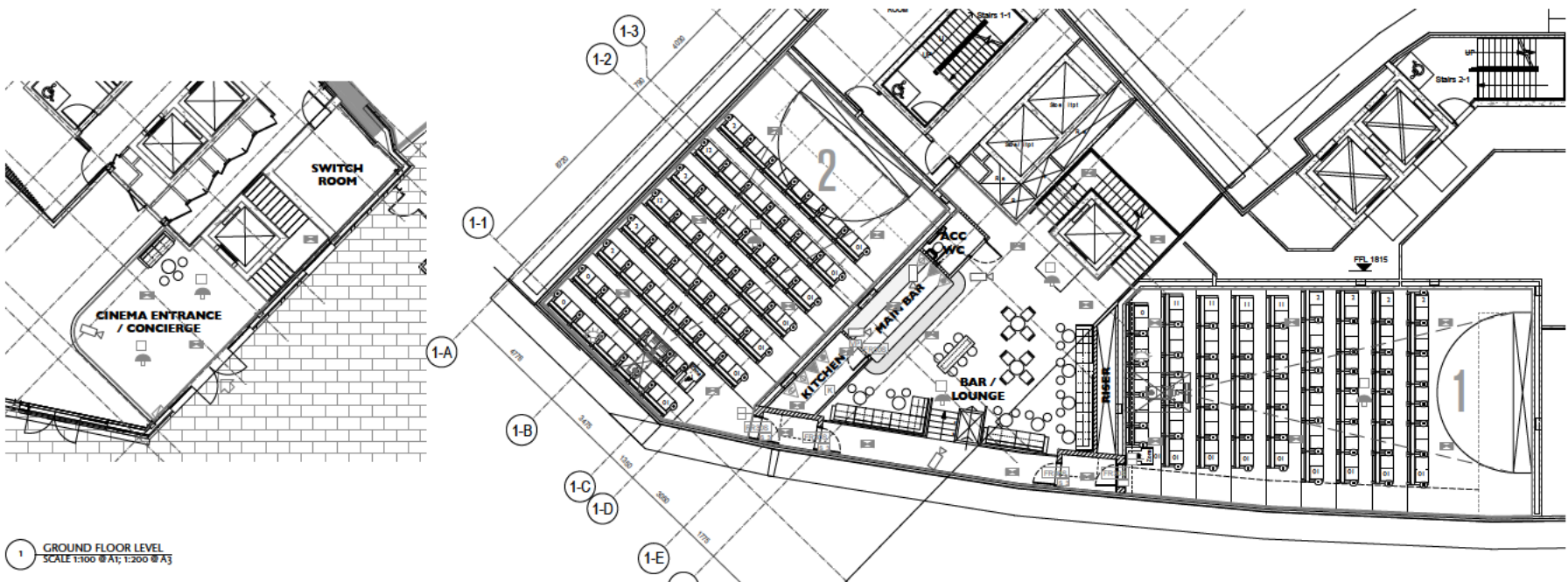
Age verification policy

The licensing objectives and

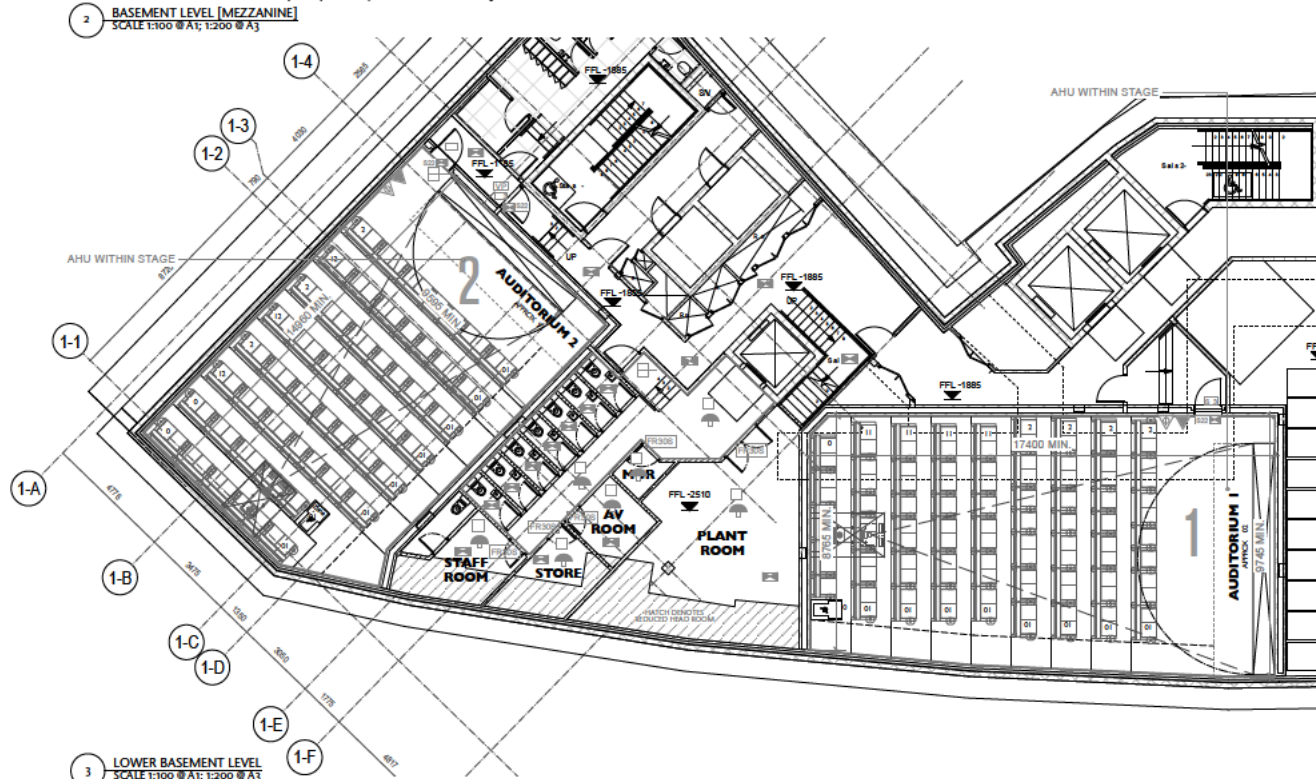
Opening times for the venue

With such records being kept for a minimum of six months (For the avoidance of doubt, the six month period relates to each respective entry in the log book and runs from the date of that particular entry.

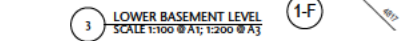
11. The premises shall operate a Challenge 21 Policy.



1 GROUND FLOOR LEVEL  
SCALE 1:100 @ A1; 1:200 @ A3



2 BASEMENT LEVEL [MEZZANINE]  
SCALE 1:100 @ A1; 1:200 @ A3



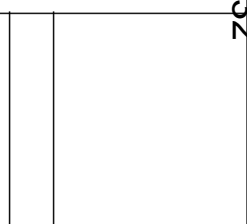
3 LOWER BASEMENT LEVEL  
SCALE 1:100 @ A1; 1:200 @ A3

**NOTES**

THIS DRAWING SHOULD NOT BE SCALED. THE CONTRACTOR IS TO VERIFY ALL DRAWING DIMENSIONS AND CONDITIONS ON SITE. THIS DRAWING IS THE PROPERTY OF FUSION AND THEY RESERVE THE COPYRIGHT. IT IS ISSUED ON THE UNDERSTANDING THAT IT WILL NOT BE COPIED, REPRODUCED OR DISCLOSED IN WHOLE OR IN PART TO ANY UNAUTHORIZED PARTY WITHOUT WRITTEN PERMISSION FROM FUSION.

KEY	
	ALARM VISUAL BEACON
	ALARM SOUNDER
	FIRE INDICATOR PANEL
	EMERGENCY LIGHTING 3 HOUR NON MAINTAINED
	SMOKE DETECTOR
	HEAT DETECTOR
	CO2 EXTINGUISHER
	FOAM EXTINGUISHER
	WATER EXTINGUISHER
	CALL POINT
	FIRE BLANKET
	2 HOUR FIRE RESIST AN SEC C OSGING DOOR W/ H SMOKE SEA 5 AND N UNLOCKED 5 RE S
	1 HOUR FIRE RESIST AN SEC C OSGING DOOR W/ H SMOKE SEA 5 AND N UNLOCKED 5 RE S
	FIRE EXIT DOORS 1 ED W H EMERGENCY LIGHT BAR ACD 1
	SIMPLE FASTENING
	VISION PANEL
	SIGN - EMERGENCY EXISTING
	5.0M EMERGENCY EXIT NO ICE, HDCA ES HA RENO CE S H EXTRA 1 UNLOCKED
	5.0M FIRE DOOR (NEW) SHU
	5.0M FIRE DOOR (NEW) LOCKED
	CCTV CAMERA
	ON O OUS OVER ACCESS FIRE ESCAPE ROUTE
	DEMISE

EMERGENCY LIGHTING/SMOKE DETECTOR ION LAYOUT IS INDICATED BY CON RAC OR O COMPLY WITH RELEVANT BRITISH STANDARDS



**FUSION**  
design and architecture

4 Rotherhithe Street, London SE16 5DL  
Tel: 020 7288 9988 Fax: 020 7288 9999  
Email: info@fusionna.com

100000000 **EVERYMAN CINEMA VINOPOLIS**

1000000000 **LONDON BRIDGE**

10000000000 **CINEMA GENERAL ARRANGEMENT LICENSING PLAN**

100000000000 **FOR INFORMATION**

DESIGNED BY	EM	CHECKED BY	EM
SCALE	1:100 @ A1; 1:200 @ A3	DATE	JUNE 2017
PROJECT NO.	<b>106.VIN/450</b>		

**From:** [Graham.S.White@met.pnn.police.uk](mailto:Graham.S.White@met.pnn.police.uk) [mailto:[Graham.S.White@met.pnn.police.uk](mailto:Graham.S.White@met.pnn.police.uk)]  
**Sent:** 19 July 2017 16:59  
**To:** Regen, Licensing  
**Cc:** Tear, Jayne; Prickett, Mark  
**Subject:** Everyman Cinema, 1 Bank End

Please find attached the police response to the above application  
Regards

**PC Graham White 288MD**  
*Southwark Police Licensing Unit*  
*323 Borough High Street*  
*London*  
*SE1 1JL*  
*Tel: 0207 232 6756 (726756)*  
[SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk)  
[graham.white4@met.police.uk](mailto:graham.white4@met.police.uk)



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

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

Tel: 020 7232 6756  
Email: [SouthwarkLicensing@met.police.uk](mailto:SouthwarkLicensing@met.police.uk)

**Our reference:** MD/21/ 2989/17

**Date:** 19<sup>th</sup> July 2017

Dear Sir/Madam

**Re:- Everyman Cinema, 1 Bank End, London SE1 9BU**

Police are in possession of an application from the above for a new premises licence. The application describes the operation as a National Boutique Cinema and is situated on the site formally Vinopolis.

The terminal hour applied for falls 30 minutes outside the planning permission granted and the Southwark council Statement of Licensing policy advise parity and

proper integration between Licensing and planning hours and the applicant should have relevant planning consent prior to the application. The hours set out in the application would be in conflict to those granted by planning and the applicant could be prosecuted for breach of planning.

Police object to the granting of the licence in its current format but would recommend the following conditions to be included on the licence to promote the crime and disorder licensing objective. Some of which may have been offered as part of the operating schedule but the wording is important to avoid ambiguity.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises and all areas the licensable activities are carried out..
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
3. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
4. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
5. Intoxicating liquor shall not be sold or supplied for consumption on the premises otherwise than to persons who hold a ticket for an event, show, production or screening at the venue.

The Following is submitted for your consideration, Police would welcome the opportunity to conciliate should the need arise.

Yours Sincerely

**PC Graham White 288MD**  
Southwark Police Licensing Unit  
Tel: 0207 232 6756

**From:** Prickett, Mark [mark.prickett@southwark.gov.uk](mailto:mark.prickett@southwark.gov.uk)  
**Sent:** Wednesday, July 19, 2017 4:25 PM  
**To:** Regen, Licensing  
**Cc:** McArthur, Wesley; Tear, Jayne; 'SouthwarkLicensing@met.police.uk'; 'darren.oleary@keystonelaw.co.uk'  
**Subject:** EPT rep - Everyman Cinema, 1 Bank End, SE1

Dear Licensing,

The Environmental Protection Team have reviewed the new premises licence for Everyman Cinema, 1 Bank End, SE1 9BU.

The application seeks plays, films, live/recorded music, performance of dance (all indoors) Monday to Sunday 08:00-00:00 and late night refreshment (both indoors and outdoors) from 23:00-00:00 Monday to Sunday.

Supply of alcohol is proposed both on and off the premises between 08:00 – 00:00.

Application seeks opening hours of 08:00 – 00:30 7 days a week.

Section M, part d) of the application details the following measures to address the prevention of public nuisance licensing objective;

5. No music shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance at the nearest noise sensitive premises
6. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
7. A dedicated telephone number for the Designated Premises Supervisor or the duty manager shall be maintained for use by any person who may wish to make a complaint.

#### **SITE HISTORY**

Planning application 15/AP/3066 permitted the redevelopment of the 1 Bank End site (formally Vinopolis), and relevant conditions are as follows;

**22** Any deliveries, unloading and loading to the commercial units shall only be between the following hours:  
Monday to Saturday - 07:00 - 10:00, Sundays/ Bank Holidays - 08:00 - 10:00 hours.

*Reason*

*To ensure that and occupiers of the development and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 201 and Saved Policies 3.2 Protection of Amenity of The Southwark Plan 2007*

**23 a)** The Class A3 and A4 uses hereby permitted shall not be carried on outside of the hours 08:00 to midnight on any day.

**b)** The gallery and cinema (Class D2) shall not be carried on outside the hours of 08:00 to midnight on any day.

*Reason:*

*To safeguard the amenities of neighbouring residential properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 High environmental standards of The Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.*

Documents relating to the planning application can be found here;

[http://planbuild.southwark.gov.uk:8190/online-applications/applicationDetails.do?activeTab=summary&keyVal= STHWR\\_DCAPR\\_9561755](http://planbuild.southwark.gov.uk:8190/online-applications/applicationDetails.do?activeTab=summary&keyVal= STHWR_DCAPR_9561755)

**EPT STANCE**

The licence application seeks opening hours 30 minutes longer than the opening hours stipulated within condition 23 planning permission 15/AP/3066. EPT request that the opening hours be amended and as a result the licensable activities should be brought back 30 mins also.

The plan is also not very clear showing where the site is in relation to the whole site and surrounding area. From a review of the planning application plans it appears as if the basement proposed for cinema use is in very close proximity to existing residents in Park Street.

How is applicant planning to ensure there will be no public noise nuisance emanating from the proposed use?

How does the applicant plan to sell late night refreshment outdoors when the premises is a cinema within a basement? Is there an outdoor area proposed?

Why are sales of alcohol required for off the premises?

At present EPT raise concern with regards to public nuisance being caused to the closest residential properties from this premises, and therefore **make representation** against this application.

Kind regards,

**Mark Prickett**  
**Principal Enforcement Officer**  
Environmental Protection Team  
Tel: 020 7525 0023

**From:** Tear, Jayne  
**Sent:** Wednesday, July 19, 2017 6:06 PM  
**To:** Regen, Licensing  
**Cc:** Heron, Andrew; Mills, Dorcas  
**Subject:** REPRESENTATION RE EVERYMAN CINEMA  
**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>

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## **MEMO: Licensing Unit**

**To:** Licensing

**Date:** 19 July 2017

**Copies:**

**From:** Jayne Tear

**Telephone:** 020 7525 50396

**Email:** [jayne.tear@southwark.gov.uk](mailto:jayne.tear@southwark.gov.uk)

**Subject Everyman Cinema, 1 Bank End, London SE1 9BU**

I make this representation with regards to the new application for a premises licence by Everyman Media Limited for the Everyman Cinema, 1 Bank End, London SE1 9BU.

My representation is based on promoting the licensing objectives for the prevention of crime and disorder, prevention of public nuisance and public safety and relates to the Southwark Statement of Licensing policy 2016 – 2020. The application asks for the following licensable activities:

**Entertainment for Plays, Films, Live Music Recorded Music, Performance of Dance and Anything Similar – All Indoors**

Monday to Sunday 08:00 to 00:00 hours

**Sale of alcohol on the premises both on and off the premises**

Monday to Sunday 08:00 to 00:00 hours

**Late night refreshment both indoors and outdoors.**

Monday to Sunday 23:00 to 00:00 hours

**Opening Hours**

Monday to Sunday 08:00 to 00:30 hours



The premises is described as a “national boutique cinema.” The proposed closing times are within the premises closing times for Bankside, Borough, London Bridge Strategic Cultural & Bankside and Borough District Town Centre Area for a cinema or theatre.

This premises sits in the Borough and Bankside cumulative impact policy area as defined in paragraph 129 of the Southwark statement of licensing policy, however if the predominant use of the premises classes the premises as a cinema or live music venue then the policy will not apply to this premises.

To ensure that the premises remains within this classification and does not become predominantly a public bar or nightclub I would ask for the following conditions:

- That the sale of alcohol shall be sold as ancillary to the showing of films or the provision of plays, live music and performances of dance.
- That the provision of recorded music is ancillary to the showing of film, and provision of plays, live music or performances of dance.
- That late night refreshment is sold as ancillary to the showing of films or the provision of plays, live music and performances of dance.

I also have concerns that food and drink are proposed to be sold as off sales and that this activity is not consistent with a cinema or live music venue, normally off-licenses and late-night refreshment premises would not be considered as appropriate within the cumulative policy area as this can contribute to nuisance and disorder beyond the vicinity of the premises, I therefore recommend that:

- Sales of alcohol for consumption off the premises are removed
- Light night refreshment outdoors is removed from the application.

Additionally to assess the impact of public nuisance and disorder from patrons leaving the venue up to 00:30 hours daily I would ask for the following:

- The maximum accommodation limit for the premises is set and conditioned
- A dispersal policy is written and submitted and that a condition that staff are trained in the dispersal policy and a copy of the policy is kept with the premises licence on the premises.

I also have concerns that the premises seems to be open for unaccompanied children to attend until midnight 7 days a week, I would ask that:

- There is a condition proposed stating the latest time that children can be allowed on the premises, particularly for the days Sunday to Thursday.

That a condition is considered to prevent unaccompanied children on the premises  
I therefore submit this representation and welcome any discussion with the applicant  
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  
Licensing Authority as a Responsible Authority

**From:** Sharpe, Carolyn **On Behalf Of** Public Health Licensing  
**Sent:** Monday, July 17, 2017 11:57 AM  
**To:** Regen, Licensing  
**Cc:** Public Health Licensing  
**Subject:** RE: Consultation LDO 19.7.2017 New Premises Everyman Cinema 1 Bank End SE1 9BU

To whom it may concern:

**Re: Everyman Cinema, 1 Bank End, London SE1 9BU**

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 both on and off the premises between the hours of 08:00 and 00:00 daily. I have concerns regarding the hours of alcohol sales requested. Early-morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour such as street drinking. Moreover, the applicant has requested off-sales of alcohol but has provided no justification for this request. This premises is located within Borough Bankside cumulative impact policy area and in my opinion the applicant has not rebutted the presumption the off-sales of alcohol will add to the cumulative impact of alcohol related harms in the local area.

**Recommendations**

- I recommended alcohol sales are not permitted before 11am
- I recommended no off-sales of alcohol are permitted
- I recommend alcohol sales are only permitted to those who have purchased a ticket for a show

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

Yours faithfully,

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

Carolyn Sharpe | [carolyn.sharpe@southwark.gov.uk](mailto:carolyn.sharpe@southwark.gov.uk) | 02075250025 [REDACTED]  
Public Health Policy Officer (People & Health Intelligence), London Borough of Southwark, 160 Tooley Street, London SE1 2QH

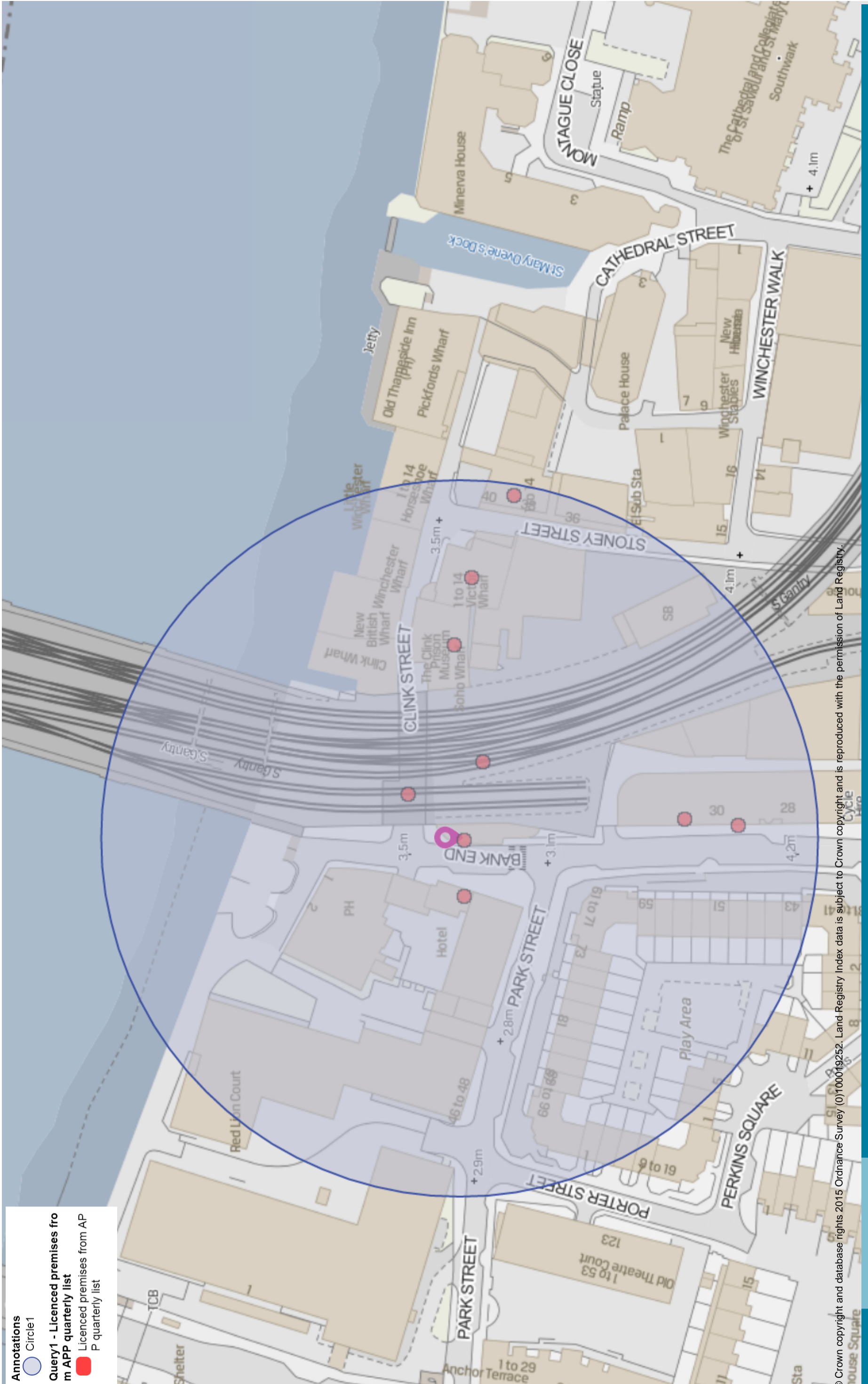
Annotations

Circle 1

Query 1 - Licenced premises from APP quarterly list

Licensed premises from APP quarterly list

P licensed premises from APP quarterly list



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200 m

Scale = 1 : 4000

1-Aug-2017

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 15 September 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 - Transfer Application	
<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 made by Safeer Abbas Shah to transfer a premises licence under the Licensing Act 2003 in respect of the premises known Peckham Food and Wine, 176 Peckham High Street, London, SE15 5EG.

### Notes

2. This is an application to transfer the premises licence, submitted under Section 42 of the Licensing Act 2003. The application is subject to an objection notice from the Metropolitan Police Service and is therefore referred to the sub-committee for determination.
3. Paragraphs 12 to 15 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
4. Paragraphs 31 to 39 of this report deals with the police objection notice received to the transfer application. A copy of the relevant police objection notice is attached as Appendix B.
5. A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

### BACKGROUND INFORMATION

#### The Licensing Act 2003

6. The Act 2003 provides a licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.

7. Within Southwark, the licensing responsibility is wholly administered by this council.
8. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
9. In carrying out its licensing functions, a licensing authority must also have regard to:
  - The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
10. The application to transfer a premises licence involves the provision of all relevant information required under the Act to the licensing authority. If the licensing authority receives a police objection notice that is not withdrawn, it must hold a hearing to consider the objection notice (unless all parties agree that this is unnecessary).
11. The police may submit an objection notice to an application to transfer a premises licence when relevant to the promotion of the four licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **Premises licence transfer**

12. A premises licence transfer application was received on 9 August 2017 to remove Kiran Israr as the premises licence holder of Peckham Food and Wine and to specify Safeer Abbas Shah as the new premises licence holder.
13. On 9 August 2017 consent was received from Kiran Israr to transfer the premises licence for Peckham Food and Wine to Safeer Abbas Shah.
14. The effect of an application to transfer a premises licence is that it will have immediate interim effect unless an objection is received from the police.
15. A copy of this application is attached as Appendix A

**Premises history**

16. On 6 August 2006 a premises licence was issued in respect of the premises to Muhammed Islam and Saima Shahzadi.
17. 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.
18. 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.
19. 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.
20. 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 designated premises supervisor (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 hadn't 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.
21. 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.
22. 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.
23. 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 6 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).
24. Trading standards recommended that the premises licence issued in respect of the premises is revoked.
25. A licensing sub-committee hearing, to determine the review application, was scheduled to take place on 22 August 2017. With the agreement of all relevant parties, the hearing was deferred to 6 September 2017 and then moved to the 15 September 2017. The reason for the deferment is because an application to transfer the premises licence issued in respect of the premises has been submitted. The application to transfer the premises licence is subject to representations and the application must be determined by the licensing sub-committee at a hearing. It was decided that the review application and transfer application should be heard in conjunction with each other as they have a direct bearing on each other. The time limit to hold the hearing in respect of the review application has been extended under section 11 of The Licensing Act 2003 (Hearings) Regulations 2005 as it is in the public interest to do so.
26. Full details of the grounds for the review are provided within the review application attached as Appendix D.
27. On 27 June 2017 a change of DPS application was submitted, to have immediate effect to specify Aamir Ali as the DPS of the premises. The application was granted and the current licence was issued on the 27 June 2017. The licensee remains Kiran Israr.

28. On the 9 August 2017 a change of DPS application was submitted by Safeer Abbas Shah to remove Aamir Ali as the DPS of the premises and to specify Safeer Abbas Shah as the new DPS of the premises. This application is attached as Appendix E
29. The effect of refusing the transfer application will mean that the change of DPS application will not be valid and will not be able to be granted.
30. No temporary event notices (TENs) have been submitted in regards to the premises.

### **The police objection**

31. The police, upon receipt of the application to transfer the premises licence holder from Kiran Israr to Safeer Abbas Shah, submitted an objection notice on 16 August 2017, on the grounds of crime and disorder.
32. The police state the above premises is subject of an application for a review of the premises licence under the licensing act 2003 submitted by Southwark trading standards on the 19 June 2017.
33. The police state that a check on Companies House shows a large number of documents were received by Companies House "for filing in Electronic Format on 27 July 2017" These seek to show that all three directors resigned after the review was submitted apparently resigning on 1 May 2017. However they show that on the same day (1st May) that Shazia Imran was re-appointed as a director that very day and resigned again on 27 July. It also shows on 27 July 2017 Israr served a "Notice of ceasing to be a person with significant control with effect from 1st May, thus indicating that from 1st May until 27 July there was no one in significant control. On 27 July Mr Safeer Abbas Shah is indicated as being appointed as a director, the sole director. The next day, on 28 July, a new company, Ya Sir Minimarket Limited, was incorporated where Mr Safeer Abbas Shah has become one of two directors. The other new director, Yasir Saddique, it is understood was one of the people managing the premises on a day to day basis when the problems arose that led to the review.
34. The police state a check on the history of Peckham Foods and Wines Limited shows Safeer Abbas Shah to have been the Company Secretary from 30 May 2007 until he resigned on 30 April 2009
35. On 10 August the Metropolitan Police received an application to transfer the Premises Licence from Kiran Israr to Safeer Abbas Shah. This was a day before the review application hearing was due to be heard on 11 August, though this was re-scheduled for 22 August.
36. The Metropolitan Police are of the view that this transfer is a tactic used to circumvent the provisions and objectives of the Licensing Act and one Southwark's licensing policy seeks to address.
37. The police in their objection make reference to paragraphs 89 and 90 of Southwark's statement of licensing policy which states:



- “89. This authority is concerned over the frequently observed practice of an application for a transfer of a premises licence being made immediately following an application for a review of that same licence being lodged.
90. Where, such applications are made, this authority will require documented proof of transfer of the business / lawful occupancy of the premises, to the new proposed licence holder to support the contention that the business is now under new management control.”
38. The police state that no documentation has been supplied to indicate the business is now under new management control and the police continue to be seriously concerned about the operation of the premises and crime will continue along with poor management and the employment of illegal workers at this premise. The police maintain that the review process should continue under the previous licence holder and the premises licence is revoked
39. The police state that It is for this reason in their opinion there are exceptional circumstances on this occasion to object to the transfer of this premises licence.

#### **Consideration by the sub-committee**

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

#### **The local area**

41. 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 London 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, London 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.

### **Community impact statement**

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

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

44. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. 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.
45. 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**

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

### **Consultation**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and democracy**

48. The sub-committee is asked to determine the application for the transfer of a premises licence under Section 42 of the Licensing Act 2003.
49. The principles which sub-committee members must apply are set out below.

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

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

### **Reasons**

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

### **Hearing procedures**

54. Subject to the licensing hearing regulations, the licensing sub-committee may determine its own procedures. Key elements of the regulations are that:

- The hearing shall take the form of a discussion led by the authority. Cross-examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
  - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
    - Address the authority
    - If given permission by the committee, question any other party
    - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
  - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
55. This matter relates to the determination of an application for a premises licence under section 42 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

56. 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.
57. 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.

58. 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.
59. 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.
60. The sub-committee can only consider matters within the application that have been raised through the objection notice submitted by the police. This will be decided on a case to case basis.
61. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making objection to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
62. All interested parties have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

### **Guidance**

63. 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**

64. The head of regulatory services has confirmed that the costs of this process over and above the application fee 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	Kirby Read Phone number: 020 7525 5748

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	Copy of the transfer application
Appendix B	Police objection
Appendix C	Copy of the premises licence
Appendix D	Trading standards review application
Appendix E	Copy of the change of designated premises supervisor application
Appendix F	Map of local area

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Richard Kalu, Licensing Enforcement Officer	
<b>Version</b>	Final	
<b>Dated</b>	30 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 Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	1 September 2017	

09/08/2017

Application to transfer premises licence to be granted under the Licensing Act 2003

Ref No. 865392

Please enter the name/s who wishes to apply to transfer the premises licence under the section 42 of the Licensing Act 2003

Full name	SAFEER ABBAS SHAH
Full name ( 2nd Applicant if appropriate)	

Premises licence number

	859352
--	--------

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

Address Line 1	176 PECKHAM HIGH STREET
Address Line 2	
Town	LONDON
County	
Post code	SE15 5EG
ordnance survey map reference	176745534464

Telephone Numbers ( at premises )

Telephone number	██████████
------------------	------------

Please give a brief description of the premises ( Please read guidance note 1 )

	CONVIENIENCE STORE
--	--------------------

Name of current premises licence holder

	KIRAN ISRAR
--	-------------

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

	a) an individual or individuals
--	---------------------------------

If you are applying as a person described in the above question: Please confirm:

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

## Personal Details

Title	Mr
If other, please specify	
Surname	SHAH
First Names	SAFEER ABBAS
I am 18 years old or over	Yes

## Current Postal address if different from Premises address

Address Line 1	████████████████████
Address Line 2	
Town	██████████
County	
Post code	██████

## Contact Details

Daytime contact telephone number	██████████
Email Address	████████████████████

Do you wish to add a second individual applicant?

	No
--	----

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

	No
--	----

Do you wish the transfer to have an immediate effect?

	Yes
--	-----

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

--	--



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

	Yes
	Click here to download consent form which must be signed by the previous licence holder and then scanned and upload here
Upload consent form	<a href="#">Consent-to-transfer-Kiran-Israr.pdf</a>

I cannot provide the consent form - please give the reasons why? What steps have you taken to try and obtain the consent?

--	--

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

	Yes
--	-----

I will post the existing Premises Licence back

	Yes
--	-----

If you unable to post us the original premises licence referred to above please give the reasons why not.

	LICENCE WILL BE POSTED BACK
--	-----------------------------

Checklist

	I have posted the premises licence or relevant part of it or explanation I understand that if I do not comply with the above requirements my application will be rejected I have submitted the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
--	---

I confirm the Information I have submitted is true and accurate

	I agree
PaymentDescription	Application to Transfer a Premises Licence
PaymentAmountInMinorUnits	2300
AuthCode	██████
LicenceReference	██████████

Please tick to indicate agreement

	I am not a company or limited liability partnership
--	---

I agree to the above statement

	Yes
--	-----

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.

Consent of premises licence holder to transfer

I/we

[Redacted]

*(full name of premises licence holder(s))*

the premises licence holder of premises licence number

859352

*(insert premises licence number)*

relating to

PECKHAM FOOD & WINE, 176 PECKHAM HIGH ST.

*(name and address of premises to which the application relates)*

LONDON, SE15 5EG.

hereby give my consent for the transfer of premises licence number

859352

*(insert premises licence number)*

to

[Redacted]

*(full name of transferee)*

signed

name

(please print)

[Redacted signature]

dated

4/8/2017



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/21/3003/17

Date: 16<sup>th</sup> August 2017

Dear Sir/Madam

**Re: 176 Peckham High Street, London, SE15 5EG**

Police are in possession of an application from the above to transfer the premises licence ref 865392 and a variation to the designated premises Supervisor ref 865404.

The above premises is subject of an application for a review of the premises licence under the licensing act 2003 submitted by Southwark Trading standards on the 19<sup>th</sup> June 2017.

Police are now in receipt of an application to transfer the Premises Licence from Kiran Israr to Safeer Abbas Shah.

A check on Companies House shows a large number of documents were received by Companies House "for filing in Electronic Format on 27 July 2017" These seek to show that all three directors resigned after the review was submitted apparently resigning on 1 May 2017. However they show that on the same day (1st May) that Shazia Imran was re-appointed as a director that very day and resigned again on 27 July. It also shows on 27 July 2017 Israr served a "Notice of ceasing to be a person with significant control with effect from 1st May, thus indicating that from 1st May until 27 July there was no one in significant control. On 27th July Mr Safeer Abbas Shah is indicated as being appointed as a director, the sole director. The next day (28th July) a new company was incorporated, Ya Sir Minimarket Limited where Mr Safeer Abbas Shah has become one of two directors. The other new director, Yasir Saddique, it is understood was one of the people managing the premises on a day to day basis when the problems arose that led to the Review.

A check on the history of Peckham Foods and Wines Limited shows Safeer Abbas Shah to have been the Company Secretary from 30 May 2007 until he resigned on 30 April 2009

On 10 August the Metropolitan Police received an application to transfer the Premises Licence from Kiran Israr to Safer Abbas Shah. This was a day before the Review application hearing was due to take be heard on 11th August though this was re-scheduled for 22 August.

The Metropolitan Police are of the view that this transfer is another tactic used to circumvent the provisions and objectives of the Licensing Act and one Southwark's Licensing Policy seeks to address. I refer to paragraphs 89 and 90

Applications for transfer of a premises licence following application for a review

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

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

No documentation has been supplied to indicate the business is now under new management control and the Police continue to be seriously concerned about the operation of the premises and crime will continue along with poor management and the employment of illegal workers at this premise. Police maintain that the review process should continue under the previous licence holder and the Premises licence is revoked.

It is for this reason that the police are of the opinion that there are exceptional circumstances on this occasion to object to the transfer of this premises licence and designated premises supervisor.

Submitted for consideration

PC Graham White 288MD  
Licensing Officer

Southwark Police Licensing Unit

Tel: 0207 232 6756

## Companies House

**BETA** This is a trial service — your [feedback \(https://www.research.net/r/chbeta\)](https://www.research.net/r/chbeta) will help us to improve it.

Search for companies or officers

# PECKHAM FOODS & WINES LIMITED

Company number **06263942**

Date	Type	Description	View / Download
27 Jul 2017	CS01	<b>Confirmation statement</b> made on 27 July 2017 with updates	(4 pages)
27 Jul 2017	PSC01	<b>Notification of</b> [REDACTED] as a person with significant control on 27 July 2017	(2 pages)
27 Jul 2017	AP01	<b>Appointment of Mr</b> [REDACTED] as a director on 27 July 2017	(2 pages)
27 Jul 2017	TM01	<b>Termination of appointment of</b> [REDACTED] as a director on 27 July 2017	(1 page)
27 Jul 2017	PSC07	<b>Cessation of</b> [REDACTED] as a person with significant control on 27 July 2017	(1 page)
27 Jul 2017	AP01	<b>Appointment of Mrs</b> [REDACTED] as a director on 1 May 2017	(2 pages)
	TM01	<b>Termination of appointment of</b>	(1 page)

27 Jul 2017		██████████ as a director on 1 May 2017	
27 Jul 2017	TM01	<b>Termination of appointment of</b> ██████████ as a director on 1 May 2017	(1 page)
27 Jul 2017	TM01	<b>Termination of appointment of</b> ██████████ as a director on 1 May 2017	(1 page)
25 May 2017	CS01	<b>Confirmation statement</b> made on 29 March 2017 with updates	(5 pages)
28 Mar 2017	AA	<b>Total exemption small company accounts</b> made up to 30 June 2016	(8 pages) <a href="https://beta.companieshouse.gov.uk/company/06263942/filing-history/MzE3MjE3NTU1NmFkaXF6a2N4/document?format=xhtml&amp;download=1">Download iXBRL</a> ( <a href="https://beta.companieshouse.gov.uk/company/06263942/filing-history/MzE3MjE3NTU1NmFkaXF6a2N4/document?format=xhtml&amp;download=1">https://beta.companieshouse.gov.uk/company/06263942/filing-history/MzE3MjE3NTU1NmFkaXF6a2N4/document?format=xhtml&amp;download=1</a> )
29 Apr 2016	AR01	<b>Annual return</b> made up to 29 March 2016 with full list of shareholders Statement of capital on 2016-04-29  • GBP 1	(5 pages)
29 Apr 2016	TM02	<b>Termination of appointment of</b> ██████████ ██████████ as a secretary on 1 July 2015	(1 page)
09 Mar 2016	AA	<b>Total exemption small company accounts</b> made up to 30 June 2015	(8 pages) <a href="https://beta.companieshouse.gov.uk/company/06263942/filing-history/MzE0MzY4ODUyOWFkaXF6a2N4/document?format=xhtml&amp;download=1">Download iXBRL</a> ( <a href="https://beta.companieshouse.gov.uk/company/06263942/filing-history/MzE0MzY4ODUyOWFkaXF6a2N4/document?format=xhtml&amp;download=1">https://beta.companieshouse.gov.uk/company/06263942/filing-history/MzE0MzY4ODUyOWFkaXF6a2N4/document?format=xhtml&amp;download=1</a> )

31 Mar 2015	AA	<b>Total exemption small company accounts</b> made up to 30 June 2014	(8 pages)
30 Mar 2015	AR01	<b>Annual return</b> made up to 29 March 2015 with full list of shareholders Statement of capital on 2015-03-30	(6 pages)
		• GBP 1	
30 Mar 2015	CH01	<b>Director's details changed</b> for Mrs [REDACTED] on 1 September 2012	(2 pages)
30 Mar 2015	CH01	<b>Director's details changed</b> for Mrs [REDACTED] on 1 September 2012	(2 pages)
17 Jun 2014	AR01	<b>Annual return</b> made up to 30 May 2014 with full list of shareholders Statement of capital on 2014-06-17	(5 pages)
		• GBP 1	
25 Mar 2014	AA	<b>Total exemption small company accounts</b> made up to 30 June 2013	(8 pages)
17 Sep 2013	AR01	<b>Annual return</b> made up to 30 May 2013 with full list of shareholders	(4 pages)
17 Sep 2013	AP01	<b>Appointment</b> of Mrs [REDACTED] as a director	(2 pages)
	AA		(8 pages)



28 Mar 2013		<b>Total exemption small company accounts made up to 30 June 2012</b>	
27 Nov 2012	TM01	<b>Termination of appointment of</b> [REDACTED] [REDACTED] as a director	(1 page)
02 Oct 2012	AP01	<b>Appointment of Mrs</b> [REDACTED] as a director	(2 pages)

Is there anything wrong with this page?

# 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

[REDACTED]

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

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

Aamir Ali

[REDACTED]

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

Licence No. [REDACTED]

Authority [REDACTED]

Licence Issue date 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

*[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 Mahmood 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

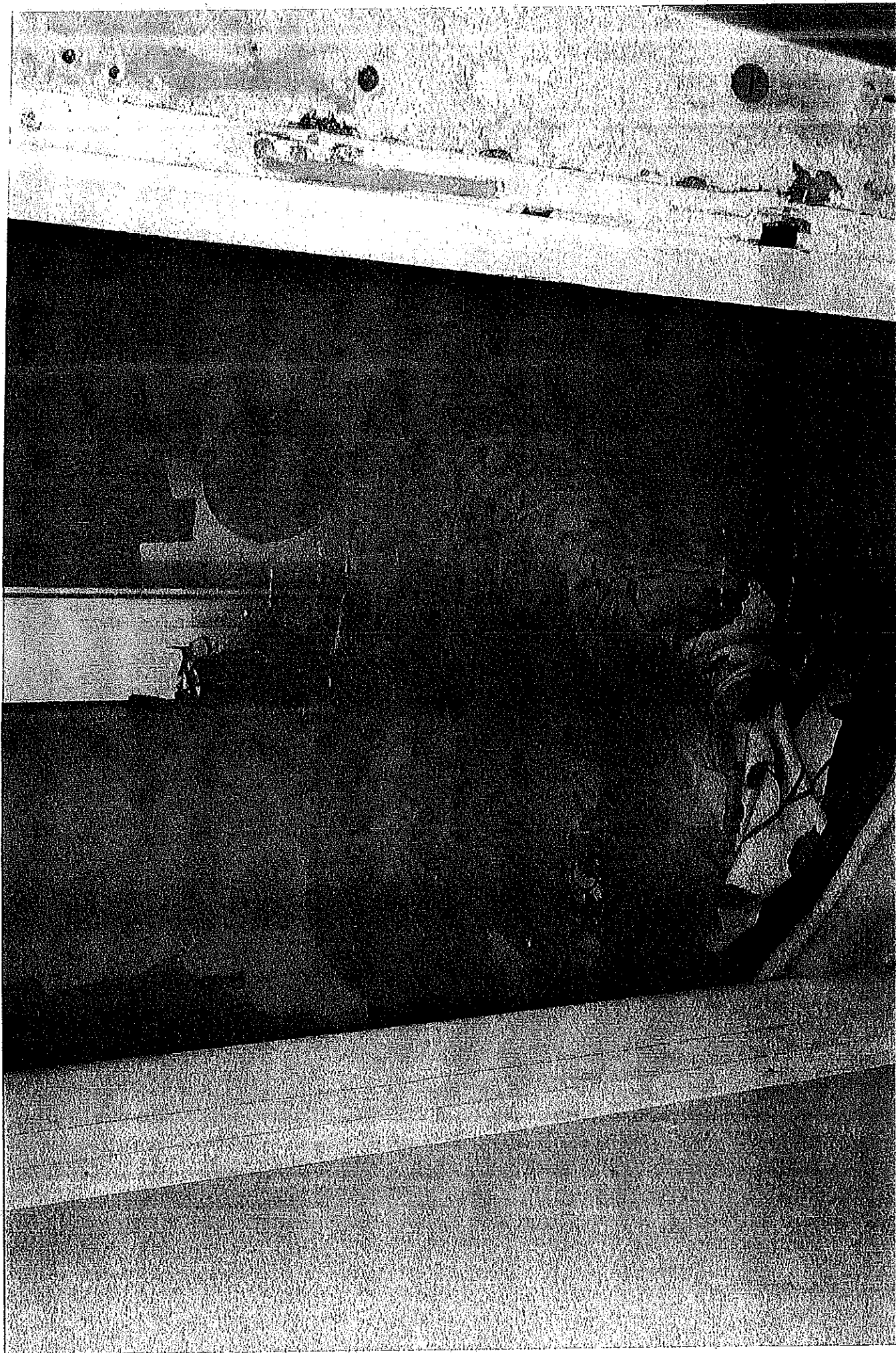
19 June 2017

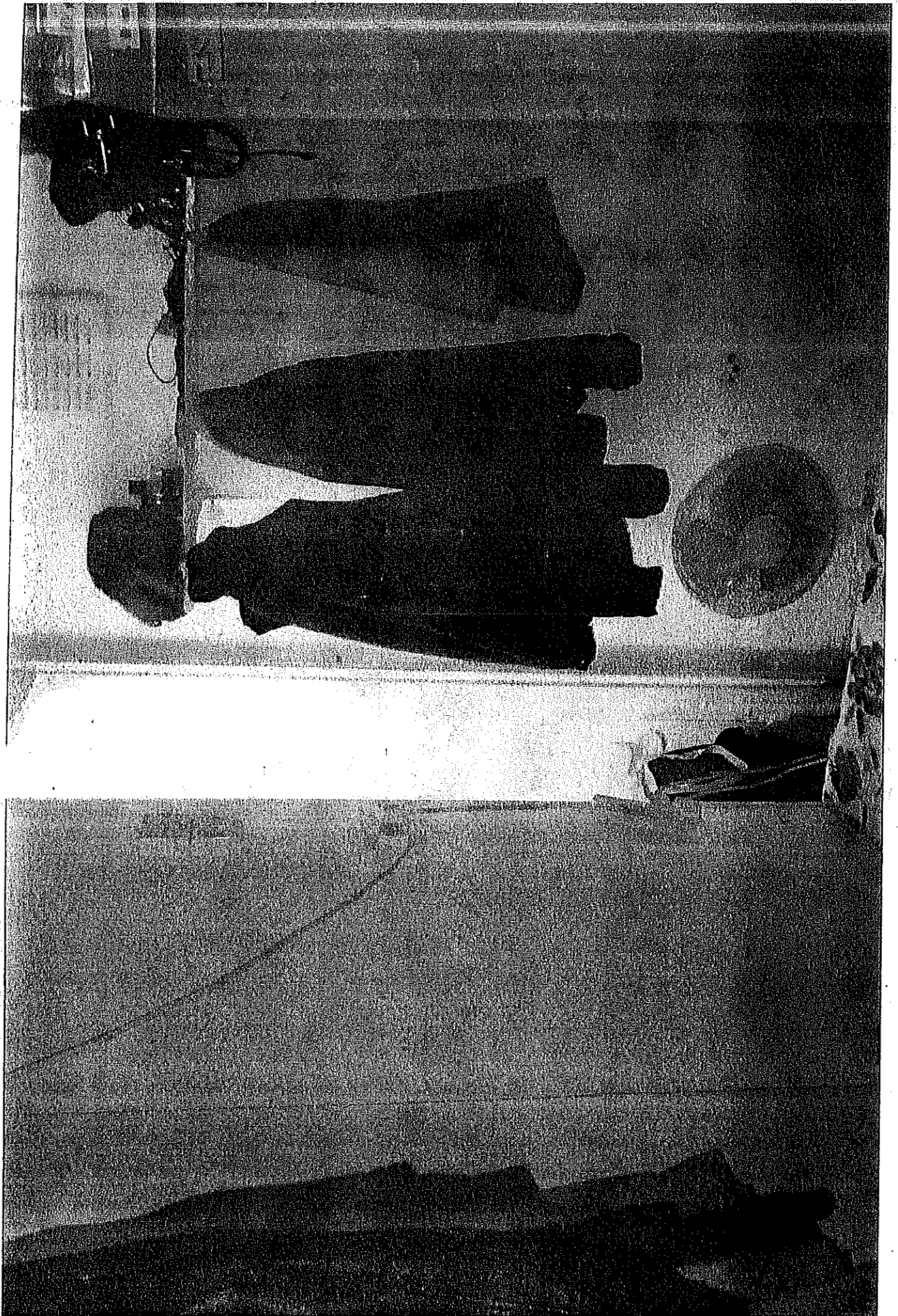
Capacity Trading Standards Officer acting on behalf of Southwark Council

<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**

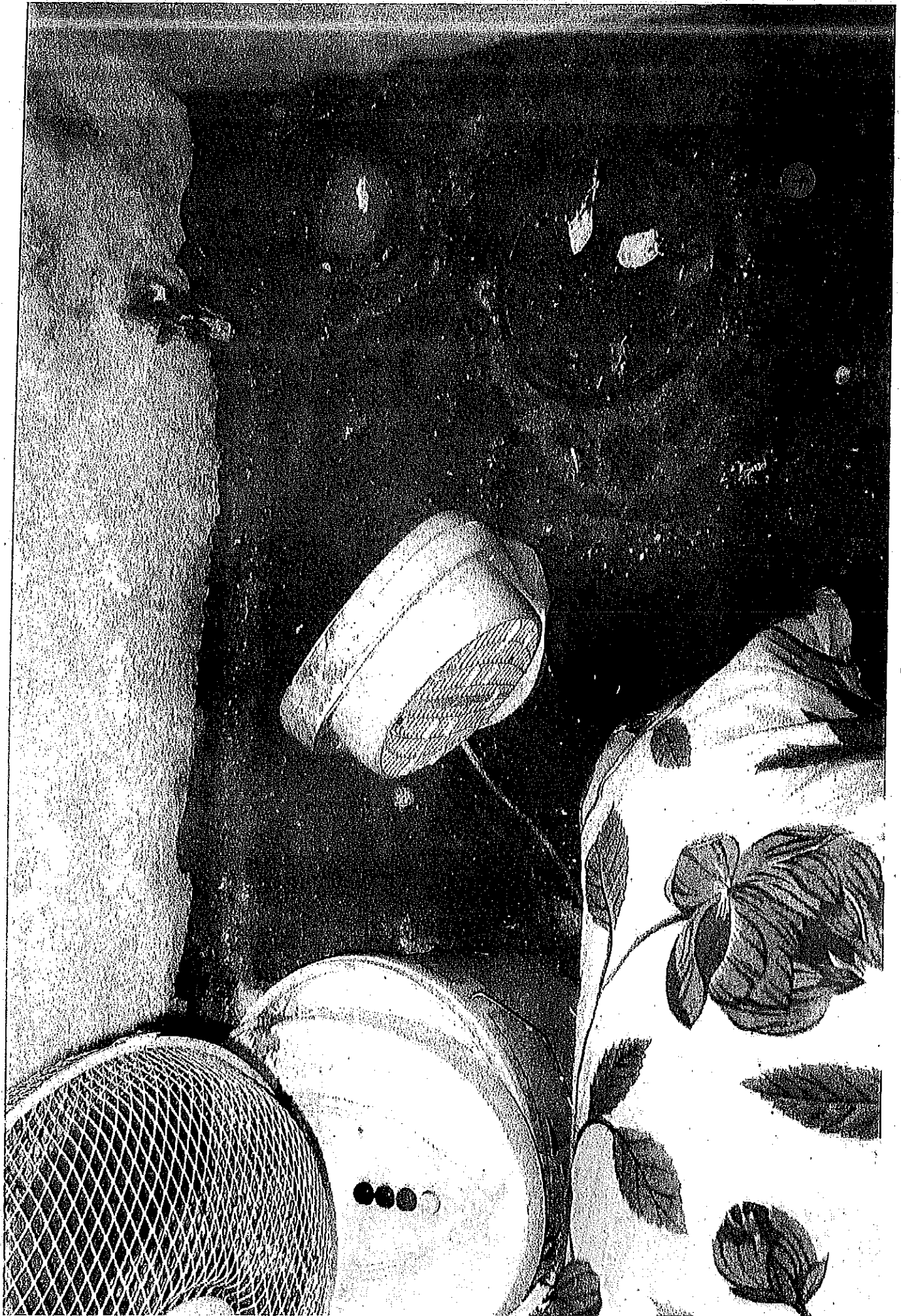
1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) 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.



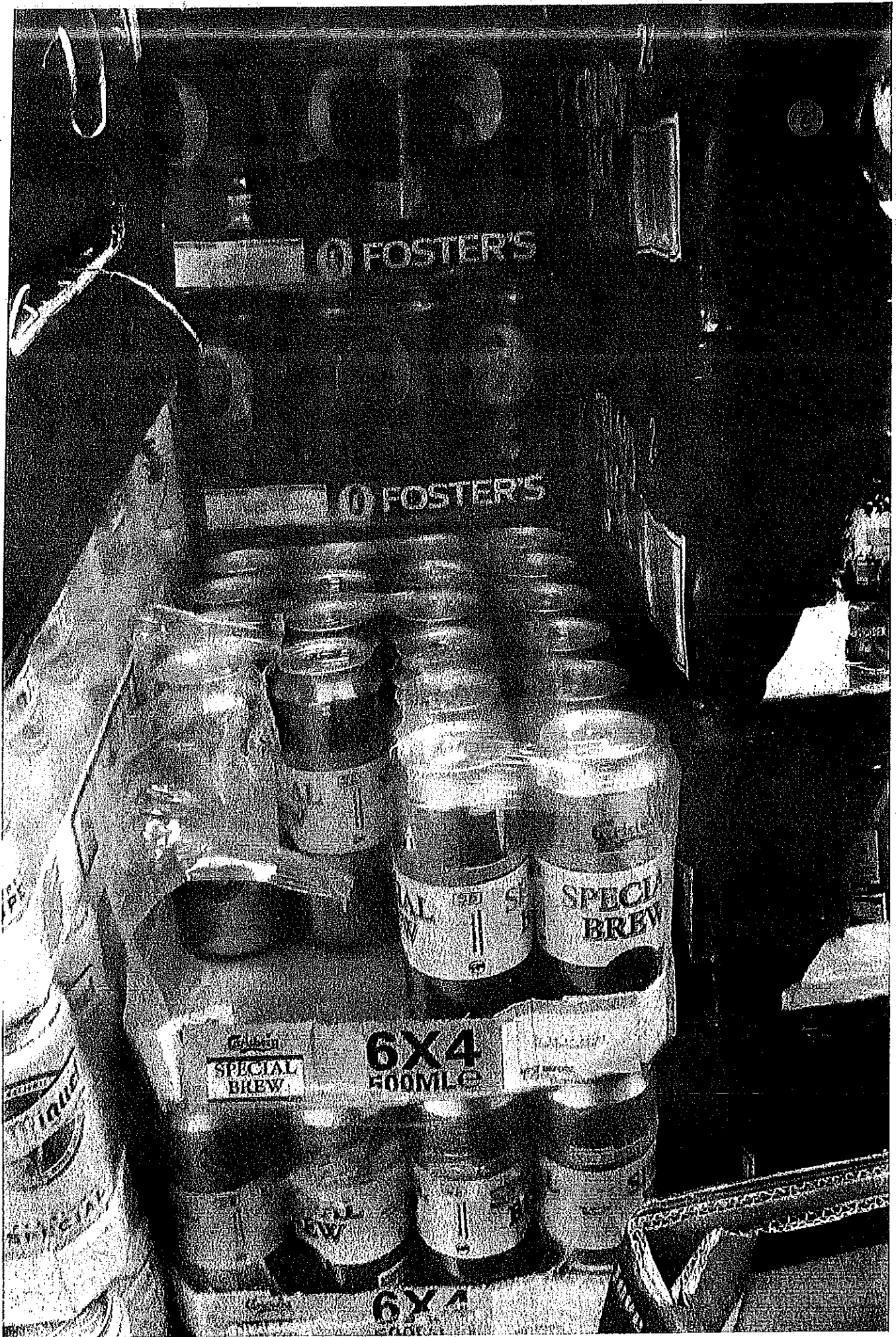












09/08/2017

Application to vary a premises licence to specify designated premises supervisor  
Ref No. 865404

I / we (full name(s) of the current licence holders)

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

Premises licence number

	859352
--	--------

Part 1 – Premises details

Address Line1	176 PECKHAM HIGH STREET
Address Line 2	176 PECKHAM HIGH STREET
Town	LONDON
County	
Post code	SE15 5EG
Ordnance survey map reference	176745534464
Telephone number (if any)	██████████
Email	██████████

Description of premises (please read guidance note 1)

	CONVENIENCE STORE
--	-------------------

Full name of proposed designated premises supervisor

First name	██████████
Surname	██████

Please state your nationality

	BRITISH
--	---------

Please state your place of birth

Application to vary a premises licence to specify designated premises supervisor

--	--

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

Personal licence no.	
Issuing authority	

Full name of existing designated premises supervisor (if any)

First name	AAMIR
Surname	ALI

Please select the appropriate option

	I would like this application to have immediate effect under I have posted the premises licence or relevant part of it
	(If I cannot post the premises licence or relevant part of it, please give reasons why not)

Please scan and upload a copy of your premises licence and send the hard copy in the post

	<a href="#">premises-Licence-859352-Kiran-Israr-Aamir-Ali.pdf</a>
--	---

Reasons why I have failed to enclose the premises licence or relevant part of it

--	--

Please select the appropriate option(s)

	I will give a copy of this form to the existing premises supervisor, if any I have posted the premises licence, or relevant part of it
Upload consent form	<a href="#">DPS-CONSENT-SHAH-INCLUDING-ID.pdf</a>

Name of applicant or applicant's solicitor or other duly authorised agent. If submitting on behalf of the applicant please state in what capacity.

Name of Applicant	MR SAFEER ABBAS SHAH
Applicant's solicitor or other duly authorised agent	
Capacity	
Date	09/08/2017
Joint Applicants	

Names or Joint Applicant's solicitor or other duly authorised agent.	
--	--

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Contact name	██████████
--------------	------------

Postal address for correspondence associated with this application

Address Line 1	██████████
Address Line 2	██
Town	██████████
County	██████
Post code	██████████

I agree that the Information i've submitted is true and accurate

	I agree
PaymentDescription	Application to vary a premises licence to specify designated premises supervisor
PaymentAmountInMinorUnits	2300
AuthCode	██████
LicenceReference	██████████

I agree to the above statement

	I agree
--	---------

Please tick to indicate agreement

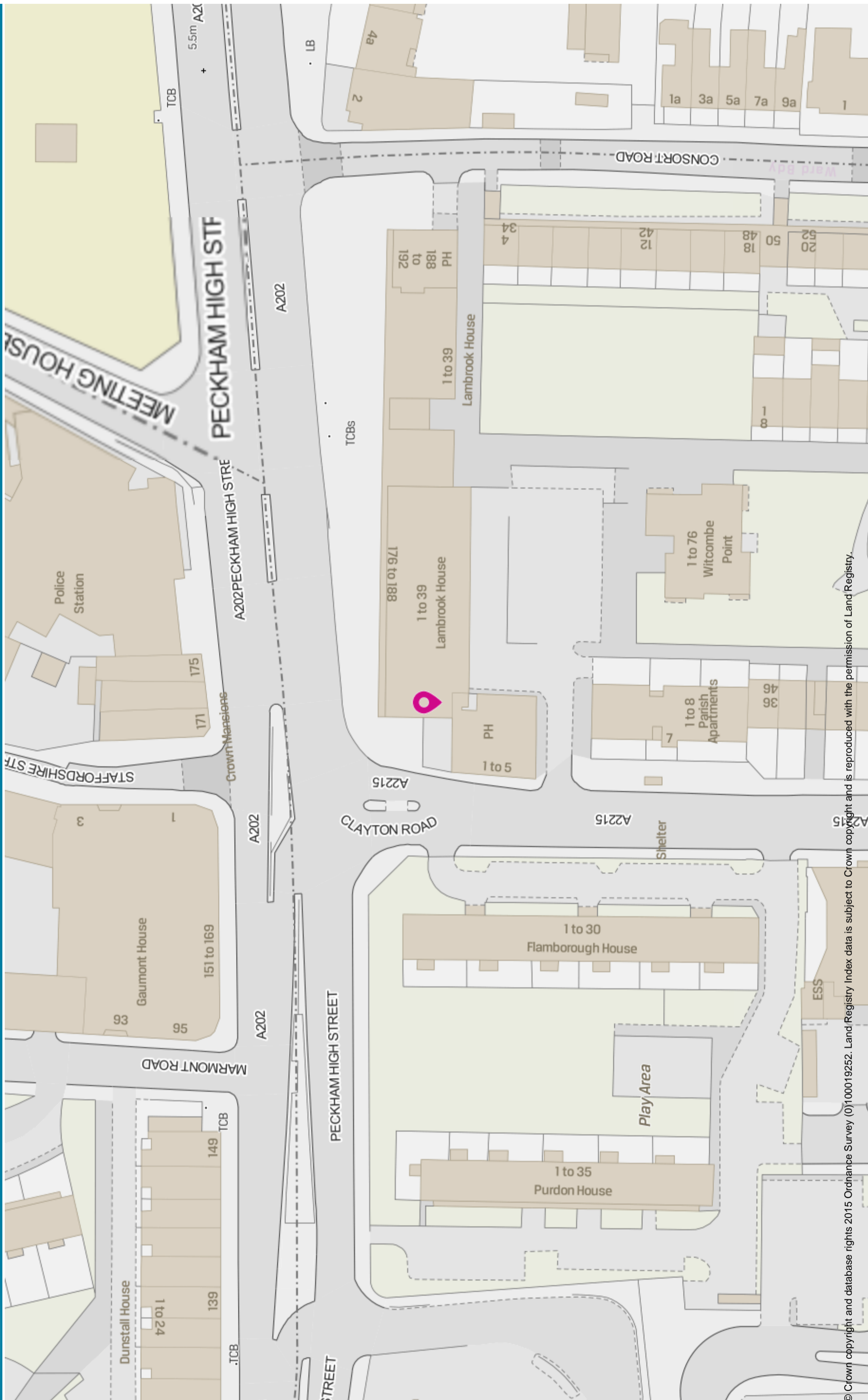
	I am not a company or limited liability partnership
--	---

I agree to the above statement

	Yes
--	-----

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.

PECKHAM FOODS & WINES LTD, 176, PECKHAM



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Scale = 1 :

25-Jul-2017

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 15 September 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 - Review	
<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).
14. The trading standards service recommends that the premises licence issued in respect of the premises is revoked.
15. 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**

16. 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.
17. 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.

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

### **Representations from other persons**

19. No representations have been received by other persons.

### **Operating History**

20. On 6 August 2006 a premises licence was issued in respect of the premises to Muhammed Islam and Saima Shahzadi.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.

27. 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.
28. No temporary event notices have been submitted in regards to the premises.
29. A Licensing Sub Committee hearing to determine the review application was scheduled to take place on 22 August 2017. On 22 August 2017, with the agreement of all relevant parties, the hearing was adjourned to 6 September 2017. The reason for the adjournment is because an application to transfer the premises licence issued in respect of the premises has been submitted. The application to transfer the premises licence is subject to representations and the application must be determined by the licensing sub-committee at a hearing. It was decided that the review application and transfer application should be heard in conjunction with each other as they have a direct bearing on each other. The time limit to hold the hearing in respect of the review application has been extended under section 11 of The Licensing Act 2003 (Hearings) Regulations 2005 as it is in the public interest to do so.

#### **The local area**

30. 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**

31. 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.

32. 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.
33. 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.
34. 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.
35. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.

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

36. 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.
37. 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.
38. 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**

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

### **Consultations**

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

### **Community impact statement**

41. 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**

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

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

44. Under section 52 the licensing authority must hold a hearing to determine the review and any relevant representations.
45. 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.
46. 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.
47. 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.
48. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
49. 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.
50. 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.
51. 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**

52. 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**

53. 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.
54. 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**

55. 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.
56. 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.



57. 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.
58. 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.
59. 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.
60. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
61. 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.
62. 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**

63. 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**

64. 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**

<b>No.</b>	<b>Title</b>
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 of local area

**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>	22 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	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		24 August 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

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**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

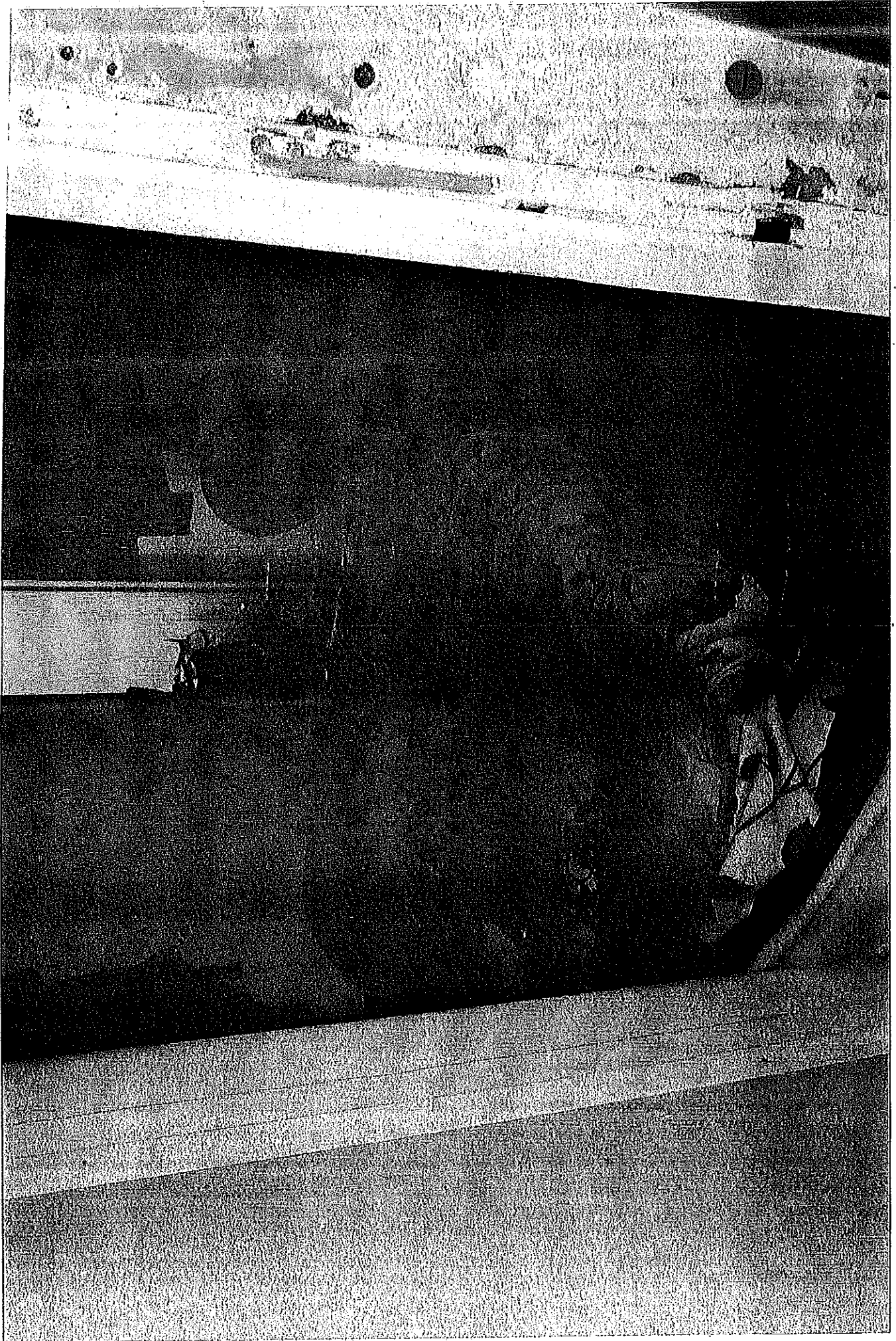
19 June 2017

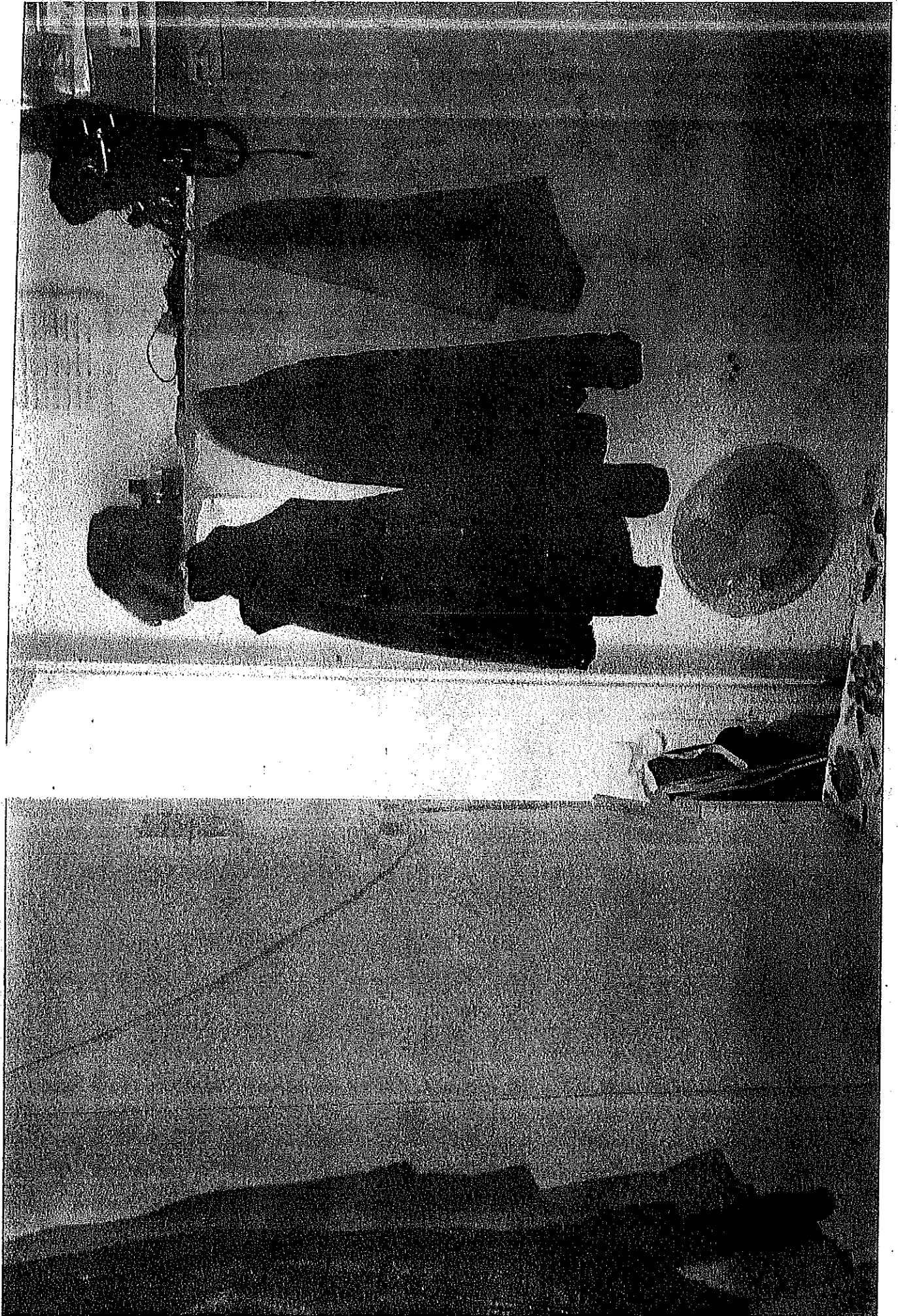
Capacity Trading Standards Officer acting on behalf of Southwark Council

<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**

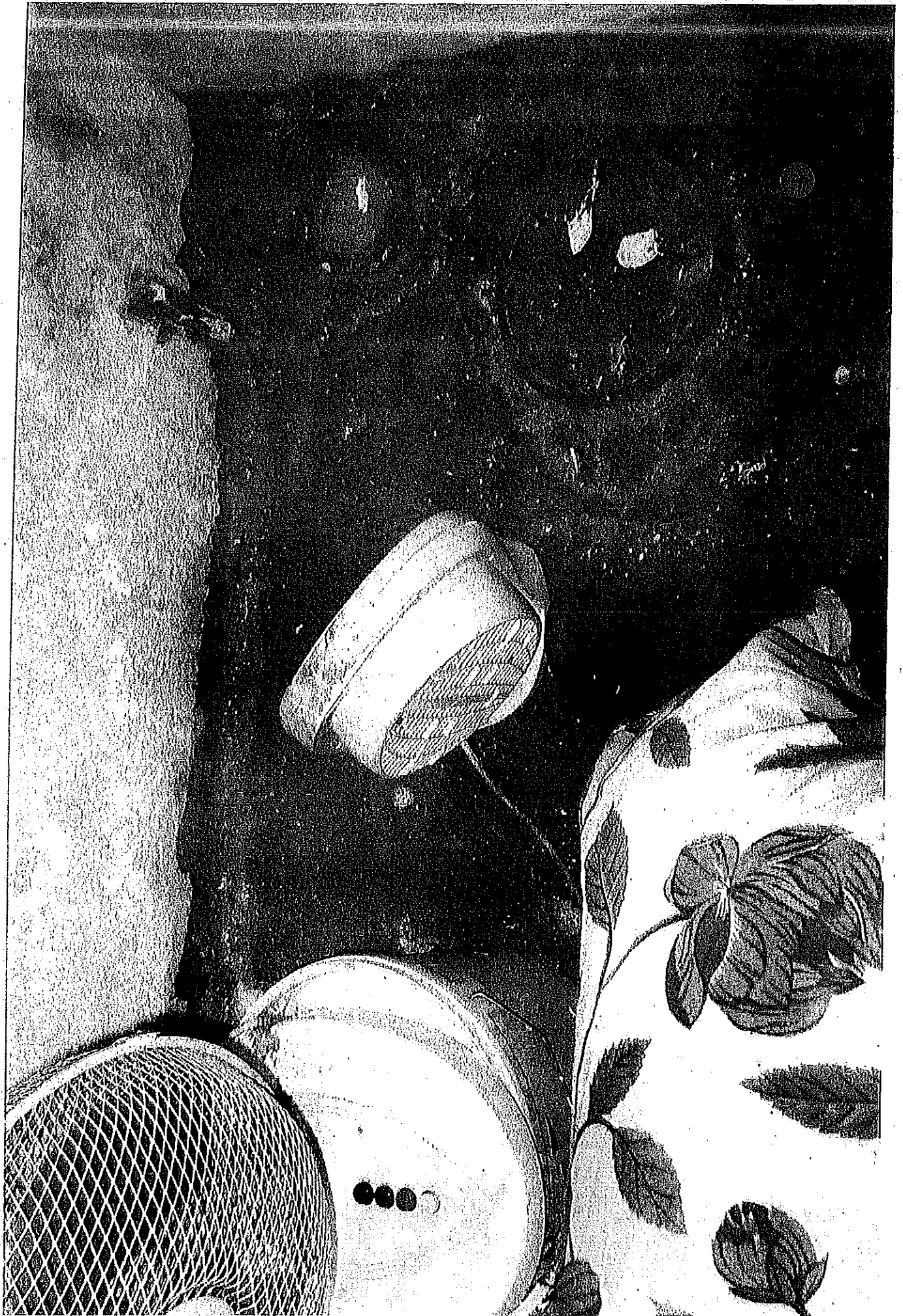
1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) 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.



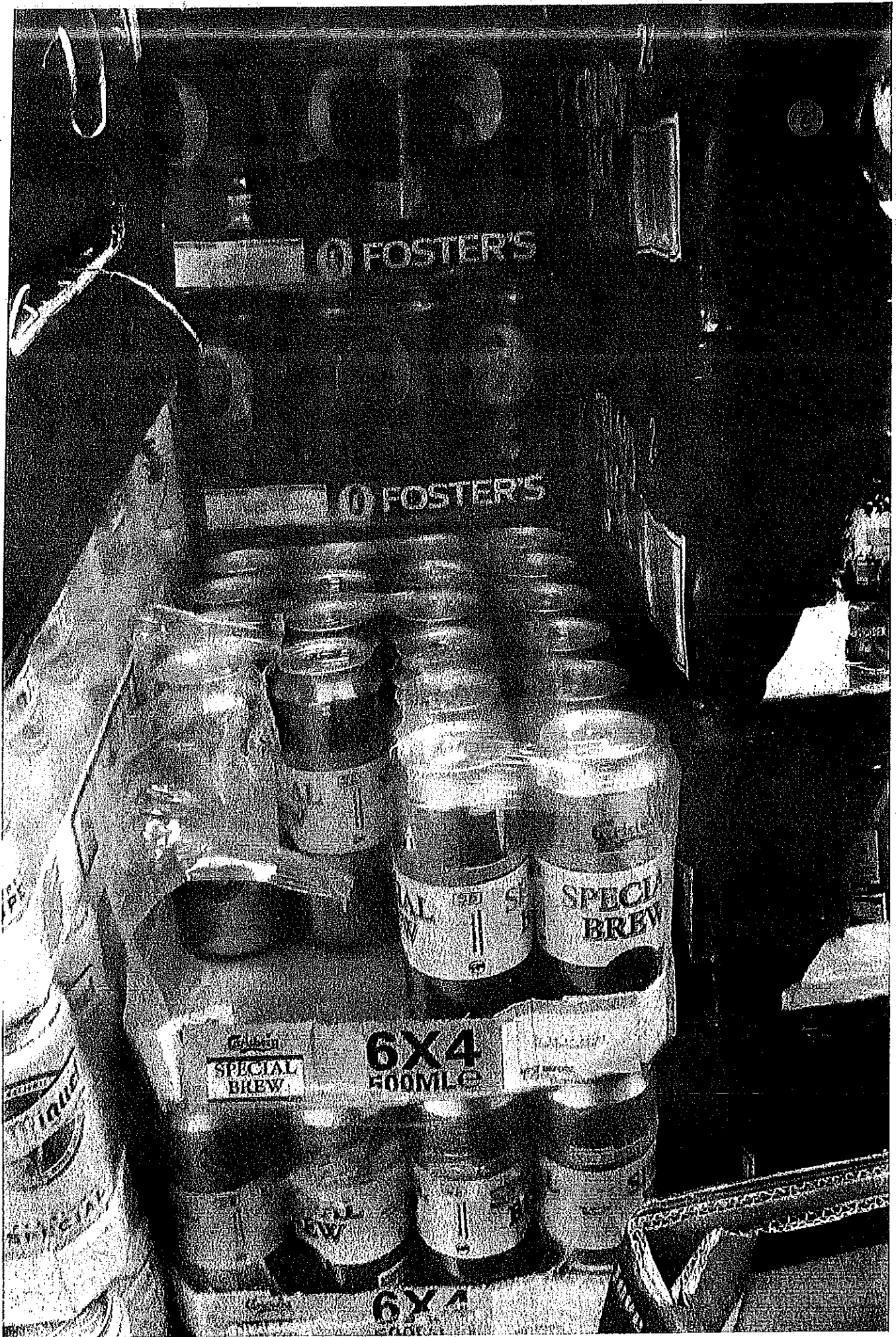












# Licensing Act 2003 Premises Licence



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 Peckhan 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 24hours 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.

---

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.

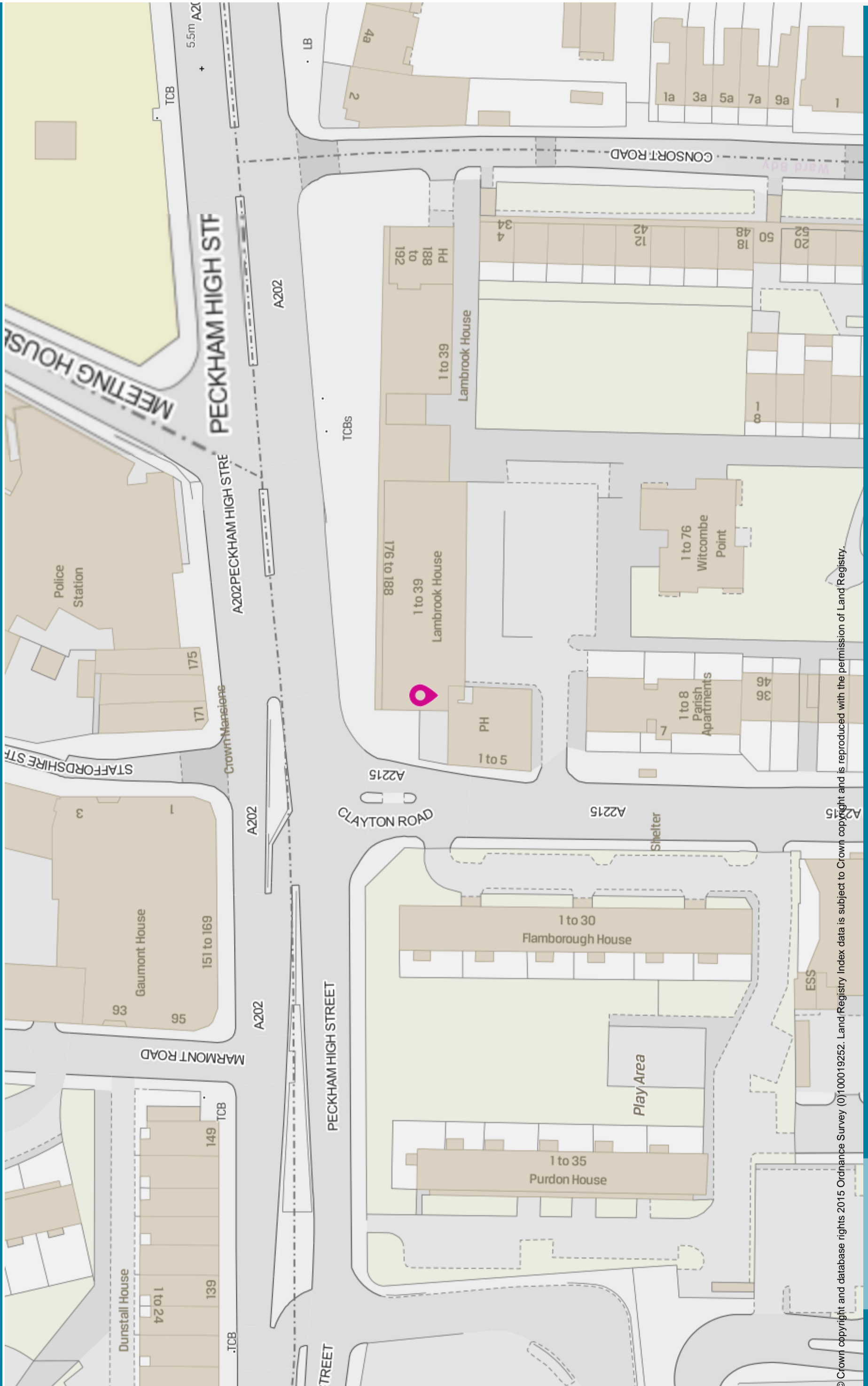
If you require further information please contact me.

[REDACTED]  
**Home Office**

[REDACTED]



PECKHAM FOODS & WINES LTD, 176, PECKHAM



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Scale = 1 : 20 m

25-Jul-2017

**LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2017-18**

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