

Licensing Sub-Committee

Monday 30 October 2017

10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Sunil Chopra
Councillor Kath Whittam

Reserves

Councillor Adele Morris

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 20 October 2017



Licensing Sub-Committee

Monday 30 October 2017
10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: ALPHA OFF LICENCE, 24 PECKHAM RYE, LONDON SE15 4JR	1 - 54
	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: 20 October 2017

Item No. 5.	Classification: Open	Date: 30 October 2017	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Alpha Off Licence, 24 Peckham Rye, London SE15 4JR	
Ward(s) or groups affected:		The Lane	
From:		Strategic Director of Environment and Social Regeneration	

RECOMMENDATION

1. That the licensing sub-committee considers an application submitted by this council's Trading Standards service under Section 51 of the Licensing Act 2003 (the Act) for the review of the premises licence issued in respect of the premises known as Alpha Off Licence, 24 Peckham Rye, London SE15 4JR.
2. Notes:
 - a) The grounds for the review are stated in paragraph 13 of this report. A copy of the review application is attached as Appendix B.
 - 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 paragraphs 15 to 19.
 - c) A copy of the current premises licence issued in respect of the premises is attached to this report as appendix A. A map of the area that the premises are located in is attached as appendix E.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a 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 06:00 to 23:00
 - Opening times
 - Monday to Sunday from 06:00 to 23:00.
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 A.

Designated premises supervisor (DPS)

11. The current Designated Premises Supervisor (DPS) of the premises is Athestharan Nagaratnam who is also the licensee of the premises.

The review application

12. On 14 July 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 issued in respect of the premises known as Alpha Off Licence, 24 Peckham Rye, London SE15 4JR.
13. The review application was submitted in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm licensing objectives and in summary states that the following has been witnessed and / or allegedly taken place at the premises:
 - That illegal workers have been observed working at the premises on two separate occasions – (in breach of the immigration legislation).
 - The sale of beers, lagers and ciders with an alcohol by volume (ABV) above 7%, which is a breach of condition 128 of the premises licence issued in respect of the licence.
 - The offer and sale of duty evaded super strength beer.
 - The failure to have CCTV working at the premises, which is a breach of conditions 288 and 289 of the premises licence issued in respect of the licence.
 - The failure to display sale price of alcohol.
 - Supplying alcohol without the authorisation of Personal Licence holder, which is a breach of condition 101 of the premises licence issued in respect of the licence.
 - The sale of alcohol to an intoxicated person which is a breach of section 141 of The Act.
 - The sale of alcohol to a child, which is a breach of section 146 of The Act.
 - The offer to supply alcohol that cannot be legally sold under Consumer Protection Unfair Trading Regulations 2008.
 - The failure to make available the premises licence (or certified copy of it) at the premises, which is a breach of section 57 of The Act.
 - The failure to display the premises licence summary at the premises, which is a breach of section 57 of The Act.
 - The supply of alcohol when there is no Designated Premises Supervisor in respect of the premises which is a breach of mandatory condition 100 of the premises licence issued in respect of the premises.

- The failure to implement and maintain a Challenge 25 policy, which is a breach of condition 4AA of the premises licence issued in respect of the licence.
 - The failure to train staff, and keep records pertaining to such training, in relation to the Challenge 25 policy required at the premises which, is a breach of condition 4AB of the premises licence issued in respect of the licence.
14. The trading standards service recommends that the premises licence issued in respect of the premises is revoked. Full details of the grounds for the review are provided within the review application. The review application is attached as appendix B.

Representations from responsible authorities

15. Children's social care for Southwark has submitted a representation in respect of the protection of children from harm. The representation refers to the various incidences of licence breaches and / or offences in respect of age verification, and in relation to the protection of children from harm, that have taken place at the premises. They support the recommendation by the trading standards service that the premises licence issued in respect of the premises is revoked.
16. The licensing responsible authority submitted a representation stating that they have no confidence that the premises licence holder would be willing to enforce the current licence conditions and that any new conditions that members may impose will be similarly ignored in the pursuit of profit. The licensing responsible authority therefore supports the recommendation made by the trading standards service that the premises licence issued in respect of the premises is revoked.
17. The Metropolitan Police Service submitted a representation acknowledging that the review details a significant number of breaches of the premises licence issued in respect of the premises, a number of offences with regard to the consumer protection act, and possible immigration offences. The Metropolitan Police Service fully supports the review application and the recommendation that the premises licence issued in respect of the premises is revoked.
18. The director of public health submitted a representation in regards to all four licensing objectives. The representation acknowledges the various licence breaches and offences in the review application and fully supports that the premises licence issued in respect of the premises is reviewed by the licensing sub-committee.
19. Copies of the representations are attached as Appendix C.

Representations from other persons

20. No representations have been received by other persons.

Operating History

21. On 25 September 2005 a premises licence was issued in respect of the premises to Shenelle Elahie. Shenelle Elahie was specified as the DPS on the licence.
22. On 26 June 2008 a licensing officer undertook an inspection of the premises. At the time of the visit it was noted that the premises licence summary was not displayed at

the premises and the premises licence (or certified copy) was not kept at the premises, these are breaches of licensing legislation. A re-inspection was conducted on 24 July 2008 and no breaches of licensing legislation were noted.

23. On 4 February 2010 a licensing officer undertook an inspection of the premises. At the time of the visit it was noted that the premises licence (or certified copy) was not kept at the premises. A re-inspection was conducted on 2 March 2010 and no breaches of licensing legislation were noted.
24. On 29 November 2012 an application to extend the hours permitted for the sale of alcohol thus allowing alcohol sales to commence at 06:00 every morning was submitted. The application was granted and a varied licence subsequently issued on 29 November 2012.
25. On 27 March 2013 a licensing officer undertook an inspection of the premises. At the time of the inspection two breaches of the premises licence issued in respect of the premises were noted in that there was no signage stating to the effect that a 'Challenge 25' policy is in place at the premises and there was no evidence of staff training in regards to the Challenge 25 policy.
26. On 17 June 2014 the licence was transferred to Puvirasalingham Karalasingham. Shanelle Elahie remained the DPS specified in respect of the premises.
27. On 22 July 2014 a minor variation application was submitted to remove two licence conditions relating to prior defunct legislation and also to amend condition 128 to state:
 - "No beers / ciders in single cans, bottles or multi-packs with an ABV of above 7% will be displayed / sold or offered for sale from the premises unless written permission (email will suffice) is obtained from the Police Licensing Officer. Such permission must be kept at the premises and made available immediately on request to relevant authorities."
28. Previously condition 128 stated:
 - "No beers / ciders in single cans, bottles or multi-packs with an ABV of above 5.5% will be displayed / sold or offered for sale from the premises."
29. On 5 December 2015 a licensing officer undertook an inspection of the premises. No breaches of licensing legislation were noted during the inspection. At the time of the inspection Athestharan Nagaratnam, who is now the licensee and DPS of the premises, was in charge of the premises.
30. On 16 March 2016 an application, to have immediate effect, was submitted to transfer the licence to Sharla Thevarasa. An application, to have immediate effect, was also submitted to specify Sharla Thevarasa as the DPS of the premises on 16 March 2016. The applications were granted with immediate effect and a varied licence was issued on 16 March 2016.
31. On 26 April 2017 a licensing officer undertook an inspection of the premises. The CCTV was found to be working but staff stated that they were unable to operate it and download previous footage (in breach of condition 289 That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the police and the council).

32. On 1 June 2017 the Metropolitan Police Service visited the premises with trading standards officers. As a result of the visit the Metropolitan Police Service served a notification of alleged offences under The Act in respect of the sale of alcohol to an individual under 18 years old (in breach of section 141 of The Act). A copy of the notice is attached as Appendix D.
33. On 14 July 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 issued in respect of the premises known as Alpha Off Licence, 24 Peckham Rye, London SE15 4JR.
34. On 14 October 2017 an application was submitted to transfer the licence to Athestharan Nagaratnam. An application was also submitted to specify Athestharan Nagaratnam as the DPS of the premises on 14 October 2017. The applications asked for them to take immediate affect and therefore were conditionally issued. These applications are still within the 14 day consultation period for objections from the police or the Secretary of State.
35. No temporary event notices (TENs) have been submitted in regards to the premises

The local area

36. A map of the local area is attached as Appendix E.

Southwark council statement of licensing policy

37. 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.
38. 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.
39. 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 the Peckham major town centre area is 00:00 daily.

Resource implications

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

Consultation

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

Community impact statement

42. 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 Legal Services

43. 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 a 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.
44. The principles which sub-committee members must apply are set out below.

Principles for making the determination

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

46. 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.
47. 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.
48. 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.
49. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
50. 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.
51. 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.
52. 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

53. 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

54. 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.
55. 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

56. 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.
57. 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.

58. 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.
59. 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.
60. 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.
61. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
62. 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.
63. 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

64. 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 Corporate Services

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

BACKGROUND DOCUMENTS

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

APPENDICES

No.	Title
Appendix A	Copy of the premises licence
Appendix B	Copy of the review application
Appendix C	Copies of the representations submitted by responsible authorities
Appendix D	Copy of notification of alleged offences served by the Metropolitan Police Service
Appendix E	Map

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Social Regeneration	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	16 October 2017	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		20 October 2017

APPENDIX A



Licensing Act 2003 Premises Licence

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

Premises licence number

860692

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
ALPHA OFF LICENCE 24 Peckham Rye London SE15 4JR Ordnance survey map reference (if applicable), 175881534384	
Post town London	Post code SE15 4JR
Telephone number	

Where the licence is time limited the dates

Licensable activities authorised by the licence
Sale by retail of alcohol to be consumed off premises

The opening hours of the premises	
For any non standard timings see Annex 2	
Monday	06:00 - 23:00
Tuesday	06:00 - 23:00
Wednesday	06:00 - 23:00
Thursday	06:00 - 23:00
Friday	06:00 - 23:00
Saturday	06:00 - 23:00
Sunday	06:00 - 23:00

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

Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities

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

Sale by retail of alcohol to be consumed off premises

Monday	06:00 - 23:00
Tuesday	06:00 - 23:00
Wednesday	06:00 - 23:00
Thursday	06:00 - 23:00
Friday	06:00 - 23:00
Saturday	06:00 - 23:00
Sunday	06:00 - 23:00

Part 2

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

Athestharan Nagaratnam

[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

Athestharan Nagaratnam

[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 16/10/2017

[REDACTED]

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

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

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

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

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

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

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be

a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

4AA The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

4AB All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

4AC Age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.

4AI A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council authorised officers or the Police.

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

128 No beers/ciders in single cans, bottles or multi-packs with an ABV of above 7% will be displayed/sold or offered for sale from the premises unless written permission (email will suffice) is obtained from the police Licensing Officer. Such permission must be kept at the premises and made available immediately on request to relevant authorities.

288 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 an image of every person who enters the premises.

289 That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council.

293 That all staff is trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months.

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

Annex 4 - Plans - Attached

Licence No. 860692

Plan No. N/A

Plan Date July 2005



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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Bill Masini (On behalf of Trading Standards).....

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Alpha Off Licence 24 Peckham Rye	
Post town London	Post code (if known) SE15 5EG

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

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

Part 2 - Applicant details

I am

Please tick yes

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

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes

- | | |
|-----------------------------------------|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

- Illegal worker in shop on two separate occasions
- Offer and sale of beers, lagers and ciders above 7% ABV
- Offer and sale duty evaded super strength beer
- Failure to have CCTV working in accordance with conditions 288 and 289
- Failure to display sale price of “super strength” beers, lagers and ciders –
- Supplying alcohol when no authorisation from a Personal Licence holder – sale by illegal worker
- Sale of alcohol to a drunk
- Sale of alcohol to a child
- Offer to supply alcohol that cannot be legally sold – Consumer Protection from Unfair Trading Regulations 2008
- Failure to make available copy of Premises Licence – s57 Licensing Act
- Failure to display summary of licence
- Supply of alcohol when no Designated Premises Supervisor – contrary to condition 100
- Various breaches of licence conditions around age verification

Prevention of Public Nuisance –

- Sale of alcohol to drunk
- Sale of super strength beers and ciders when a known problem and the reason for restriction already on licence

Protection of children from harm –

- Sale of alcohol to a child
- Failure to adopt Challenge 25
- Failure to train staff and keep records thereof in relation to Challenge 25

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. 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.

On 15 March 2017 Trading Standards carried out a joint visit with the Metropolitan Police to this premise. The shop was open to the general public.

In the shop was a South European lady behind the counter and another man filling the shelves. The man tried to walk out of the shop saying he was a customer but was stopped by the police. Enquiries confirmed him to be an Asylum seeker was therefore not permitted to work. He was identified as [REDACTED]. He was told he could not work and advised to leave. His jacket was behind the counter and when this was checked by the Police, in one pocket were keys to the front including the shop front door.

The licence contains a condition which restricts the strength of beers, lagers and ciders to a maximum of 7% ABV. Condition 128 states: "No beers/ciders in single cans, bottles or multi packs with an ABV of above 7% will be displayed/sold or offered for sale from the premises unless written permission (email will suffice) is obtained from the police Licensing Officer. Such permission must be kept at the premises and made available immediately on request to relevant authorities"

This condition was put on the licence by way of a minor variation soon after [REDACTED] of [REDACTED] became the Premises Licence Holder in 2014. This followed discussions with Southwark Council and The Police because of the anti-social behaviour as a result of widespread street drinking in the vicinity of the property.

On entering the shop, it became immediately clear that it was offering for sale a huge quantity of drinks in breach of this condition namely:

In the fridge running along the wall down from the counter were:

- 13 x 500ml cans of Oranjeboom black – 8.5% ABV

- 24 x 500ml cans of Tennent's Super – 8% ABV
- 39 x 500 ml cans of Kestrel Super – 8% ABV
- 20 x 500ml cans of Skol Super – 8% ABV
- 28 x 500ml cans of K-Cider – 8.4% ABV
- 5 x 500ml cans of Diamond White Cider – 7.5% ABV
- 6 x 500ml cans of White Ace Cider – 7.5% ABV
- 3 x 500ml cans of Black Ace Cider – 7.5% ABV
- 12 x 500ml cans of Black Star Cider – 7.5% ABV
- 13 x 500ml cans of Frosty Jack Cider – 7.5% ABV
- 7 x 500ml cans of Union Black Cider – 7.5% ABV
- 27 x 500ml cans of Karpackie beer – 9% ABV
- 16 x 284ml bottles of Dragon Stout – 7.5% ABV
- 29 x 330ml bottles of Imported Guinness – 7.5% ABV
- 5 x 600ml bottles of Imported Guinness – 7.5% ABV

On a lower shelf by the counter:

- 24 x 500ml cans of Tennent's Super – 8% ABV
- 39 x 500ml cans of Kestrel Super – 8% ABV
- 24 x 500ml cans of Skol Super – 8% ABV
- 42 x 500ml cans of K-Cider – 8.4% ABV

On the floor opposite the fridge were

- 15 x 3 litre bottles of Frosty Jack cider – 7.5% ABV

On another shelf opposite the fridge were:

- 9 x 3 litre bottles of White Ace Cider - 7.5% ABV – price marked £3.99
- 3 x 2 litre bottles of White Ace Cider – 7.5% ABV
- 7 x 1 litre bottles of White Ace Cider – 7.5% ABV

In the public part of the shop were

- 23 boxes of Guinness Extra – 7.5% ABV – each containing 24 bottles – equating to 552 bottles

In a stock area at the back of the shop were:

- 48 x 500ml cans of Karpackie - 9% ABV (2x24 trays)
- 288 x 500ml cans of K-cider – 8.4 % ABV (12x24 trays)
- 168 x 500ml cans of Black Ace cider – 7.5% ABV (7x24 trays)

- 48 x 500ml cans of White Ace Cider 7.5% ABV (2 x 24 trays)
- 336 x 330ml bottles of Guinness Extra 7.5% ABV – 14 boxes of 24
- 196 x 500ml cans of Special Brew – 8% ABV – (8x 24 trays)

In the shop therefore there were 962 containers of beer or cider where the ABV was above 7%. In the stock area there were 1084 containers of beer or cider where the ABV was above 7%.

No training records were available for inspection in breach of condition 4AB – “all involved in the sale of alcohol shall be trained in the age check “Challenge 25” policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council’s authorised officers or the Police”. The lady in the shop was unable to explain what Challenge 25 was.

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% 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.

The price of Tennents Super, Kestrel Super, Skol Super and Special Brew were not priced. However, cans of Karpackie were priced in the shop were priced at £1.30. The price ticket was seized and is produced in this review. See photo 1. Since this drink has an Alcohol by Volume strength of 9%, at the time of this visit, the duty

payable on this product was £1.29. It was therefore evident the product could not have been sourced from a legal source; one pence was expected to account for the cost of manufacturing, any wholesale mark up, transportation and of course the retailer's mark up. The 27 cans in the fridge and 48 cans in the stock area were seized because it was not legal for them to be sold and contrary to The Consumer Protection from Unfair Trading Regulations 2008. Karpackie is produced outside the UK and currently the most common super strength drink that has been smuggled into the UK with duty evaded.

No summary of the Premises Licence was displayed, nor was there available a copy of the Licence, these being offences under The Licensing Act. The female working behind the counter said she did not know of a [REDACTED] (Premises Licence Holder) or [REDACTED] (Designated Premises Supervisor). During the visit a man giving his name as [REDACTED] came into the shop staff. He said he ran the shop and had done so for about the last 18 months. Asked about Mr [REDACTED] he said he used to be the old owner and had left when he and his wife took over the business. Some purchase documentation was in the shop which showed the purchaser to be Sharla Thevarasa who he said was his wife. He was asked about the DPS. He rang a telephone number and spoke to the person in his "mother tongue". The other officer then spoke to a lady who said she was currently at a hospital and could not speak. It would appear this person was not [REDACTED] and most probably was Sharla Thevarasa.

When asked, Mr [REDACTED] demonstrated the CCTV worked in accordance with conditions 288 and 289.

Concerned about the source of these super strength drinks, how long the maximum strength condition had been breached and the extent of the breach, the officer served a notice requiring the business to reduce traceable invoices for these drinks back to 1st January 2016.

It is a legal requirement for businesses to produce such invoices for food products, alcohol being classified as food.

Mr [REDACTED] was advised he needed to find the summary of the licence and display it, to find the copy of the licence and read the conditions on the licence. He was also told all beers, lagers and ciders above 7% needed to be removed immediately from the shop.

It was decided a follow up visit would be made later that day and at around 9.45pm a test purchase was carried out at the shop. The super strength beers had been taken out of the public part of the shop but the ciders were still on sale. A sale of Black Ace cider (7.5% ABV) was observed as the officer entered the shop. The officer also purchased a can of Black Ace Cider for 99 pence. There were two men behind the counter. The person who sold to the officer was [REDACTED] the same person who had been in the shop some 8 hours earlier and not permitted to work. When challenged he could not offer any explanation of why he was back working in the shop. The other man gave his name but was unable to substantiate it with any form of identification.

Another notice was served about not selling any beers, lagers or ciders above 7% ABV.

On 5 April Trading Standards visited the shop because no invoices had yet been produced and also to check that all super strength beers, lagers and ciders had now been removed. They had. When questioned, staff working in the shop said they did not know of Ms [REDACTED]. The officer then had telephone conversation with Ms. [REDACTED] whilst in the shop and an hour later she attended the shop. She said she would get the invoices requested as soon as possible. She was unable to supply contact details for Ms [REDACTED] or say whether she still worked in the shop but she was now the Designated Premises Supervisor and Premises Licence Holder. She said she had taken over the business in June 2015 and Mr [REDACTED] hadn't had anything to do with the business since about that time, meaning that on the day of the original visit he was still the Premises Licence Holder. Ms [REDACTED] refused to accept [REDACTED] had worked in the shop or had made a sale of super strength cider to Trading Standards the same day. When it was explained to her that she could face a substantial fine from the Immigration Service, she appeared to find it amusing.

Trading Standards made another visit to the shop on 12 April. Invoices still had not been produced and Trading Standards took the decision to avoid any potential argument with Ms [REDACTED] in relation to the worker on 15th March by requiring the Premises Licence Holder to produce CCTV footage for that day in accordance with the requirement in condition 289 ("that all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made immediately available to officers of the Police and the Council" for both visits that day. A notice was left at the shop requiring this.

The officer entered the shop at around 9.45pm and spoke to the same man working

there from the previous week. He said he was unable to work the CCTV and put the officer on the telephone to Mr [REDACTED]. During that conversation it became clear 4 street drinkers had entered the shop. They were highly intoxicated, aggressive, shouting and using offensive language in front of other customers that included a child around the age of 10. The officer stopped his conversation with Mr [REDACTED] and held the telephone so that Mr [REDACTED] could hear everything that was going on in the shop. The officer then terminated the call explaining he would continue the conversation when the incident was over. The officer gestured to the man behind the counter that he should refuse the sale of alcohol to the man at the front of the queue. He looked at the officer but continued and completed the sale of Country Choice cider (5% ABV). The customer had been complaining there was not any K cider [8.4% ABV] for sale. In the absence of the strong beers and ciders, the drink of choice appeared to be this cider because it was very cheap (89 pence for a 500ml can) and still reasonably strong. The officer spoke to the seller once the man had left and it was clear he made the sale to avoid a personal confrontation and for his own safety. The remainder of the group stayed in the shop and another heavily intoxicated man on crutches then came into the shop, having left his electric disabled sit on scooter outside. He was a known street drinker who regularly frequents Peckham Square. Like the other man he picked up a can of "country choice" cider. The same man behind the counter then refused the sale. The drunk was verbally aggressive to the worker and then turned his attention to the Officer where he made various threats and insults. He was considered harmless for various reasons but this behaviour was unpleasant for customers and clearly something they did not want to experience. One lady, when spoken to, said she was aware of something was not right when she was about to come into the shop and so left her son outside with his father.

The officer spoke to Mr [REDACTED] again and explained what had happened. The officer said he wanted CCTV footage for the incident that had just happened plus that on 15 March to be put onto a disc or memory stick. Asked when he would be able to do this, he said he was currently in [REDACTED] but would do this in the next couple of days. He said he would also be able to get the invoices that had been previously requested. He agreed to bring these into the Council Offices the following Tuesday – being a couple of days before the Easter weekend. There were many cameras in the shop and so the officer then checked which ones he wanted the footage from. He expressed his concerns to the man working behind the counter that despite this not one camera was aimed at the counter and this left staff vulnerable if there was something like a robbery or a violent attack. This turned out to be a memorable

conversation. A notice was left at the shop requiring this.

On Tuesday 18th April Mr [REDACTED] sent the officer a text saying, "Good morning I will be there at 2pm. I done ur CCTV on my drive but big problem on that day". Mr [REDACTED] did not supply the invoices or CCTV that day but the following day left with the Tooley Street delivery office, a large bundle of invoices relating to all aspects of business; not just invoices for the drinks the officer had requested. No CCTV was supplied. Trading Standards spoke to Mr [REDACTED] on the telephone later that morning who said he had had a robbery in the small hours of Sunday morning (Easter Day) and nearly £11,000 cash was stolen was spoken. The premises licence permits opening hours (the same as for the sale of alcohol) between the hours of 06:00 and 23:00 hours.

He said the CCTV had also been stolen.

Trading Standards made a visit to the premise later that day (19th April). It was clear that some CCTV cameras had been removed together with one ceiling panel had been removed. There was no apparent damage to the property. No one working in the shop referred to any robbery but the officer spoke to Mr [REDACTED] on the telephone. The officer was puzzled. He asked how the people/person had got into the shop since there was no rear exit; the only way into and out of the shop is via the front door and whenever the shop is closed, a substantial electrically operated metal shutter protects the shop. He was unable to give any coherent answer. The officer said he had come for the CCTV footage and Mr [REDACTED] said it was stolen together with the money because the robbers had taken the CCTV hard drive which had been in the ceiling. When challenged that he had told Trading Standards by way of text the previous day that he had "done ur CCTV on my drive" he said that footage had been in the bag with the cash that had been stolen and so did not have it. The officer expressed his profound doubts of this explanation for not being able to supply CCTV footage. Mr [REDACTED] said the CCTV was obviously not working at that time and the officer reminded him that the CCTV needed to comply with the conditions on the Premises Licence before alcohol could be sold again; this was clearly ignored whilst the officer was in the shop.

On 26 April Trading Standards and the Police, whilst out on visits in Southwark, visited this premise to see what the situation was with regard to CCTV. New equipment appeared to have been installed. Working in the shop was the same south east European lady who had been present on 15 March together with another older Asian male. They both said they were unable to operate the CCTV. They were

advised of the conditions on the Premises Licence. Officers left but were contacted less than 20 minutes later by an officer from the Robbery Squad who had been investigating the alleged robbery. He was there to deal with the issue of the CCTV which was clearly relevant to any enquiries being made about the reported crime. He explained that when he entered the shop in plain clothes, the staff (a lady and a man) were running through the CCTV and discussing the visit that had just taken place. Trading Standards conclude those in the shop, for reasons that were not clear, deliberately refused to show officers CCTV footage in breach of condition 289 and Trading Standards express their concerns that it may have been because such footage may have shown for example, illegal working, the sale of alcohol to drunk people and/or disturbances in the shop such as that witnessed by Trading Standards on 12 April.

The documentation supplied was examined in relation to the purchase of beers, lagers and ciders above 7% ABV since June 2016. A spread sheet was created and is attached with this review application. It shows a huge quantity of such drinks were purchased by Ms [REDACTED]. Between June 2016 and end February the equivalent of 21,300 500ml cans of such drinks were purchased. This equates to 10,650 litres. Taking each can to typically contain 4 units of alcohol this equates to around 82,000 units of alcohol.

Two examples of note are the purchase of 3720 cans of K-cider and 336 4.5 litre bottles of Frost Jack cider (equivalent of 3024 500ml cans). The super strength beers/cider part of the business is clearly significant and invoices examined recommended healthy price mark ups of between 30 and 40%.

Of note is there was just one isolated purchase of 120 cans of Karpackie beer (9% ABV) on 1st December 2016 in this time. This quantity is completely at odds with the quantities of other similar drinks and reinforces Trading Standards' belief that an unknown illegal quantity of this drink had been purchased from an unauthorised source. The price paid on the invoice was £1.80 per can whereas it was being retailed for only £1.30; one pence above duty. The 75 cans in the shop on 15 March were seized which appears to indicate a mere 45 cans of the strongest beer (4.5 units per can) available in the shop at only £1.30 a can were sold over a nine month period. Trading Standards do not accept this to be the correct position in respect of this drink.

Dealing with the situation of the named Designated Premises Supervisor, as stated

earlier, on 15 March the Officer tried to speak to [REDACTED] whilst at the shop and that staff in the shop did not know of her. On 5 April Ms [REDACTED] was not able to produce details for her and Trading Standards wrote to Ms [REDACTED] at the address Southwark had for her requesting an interview. There was no response. On 20 May Trading Standards made a visit to that address in [REDACTED] and the person answering the door said he did not know of her and he and his family had rented and lived at that address for over 3 years. Enquiries of [REDACTED] Council where she had a Personal Licence indicated she had not notified them of any change of address. The telephone number they had for her was that of Alpha Off Licence in Peckham. Trading Standards have therefore been unable to contact the DPS named on the licence on 15 March and concluded that there had been no DPS for the premise for an unknown period of time but during such time alcohol has been sold; contrary to condition 100 and section 136 of the Licensing Act.

Trading Standards also concluded that on 15 March the Premises Licence Holder had not had any dealings with this premise for many months.

On 1st June Trading Standards, with the assistance of the Police, carried out underage test purchasing of alcohol and cigarettes throughout the Borough using a girl and a boy under the age of 18. Both were instructed in accordance with the relevant code of practice which included being truthful. The boy had just turned 17 and was instructed to attempt a purchase of alcohol at this shop at about 1.30pm. He was dressed so in a manner to reflect his age. The boy picked up a bottle of beer and took it to the counter where a man behind the counter sold it to him without being asked any questions about his age. The sale was observed by an officer who was acting as a customer in the shop. Under The Licensing Act it is an offence to sell alcohol to a minor. To help prevent such sales, the Premises Licence has a number of conditions. Condition 4AA requires the premises to adopt an age check "Challenge 25" policy whereby customers purchasing alcohol who look or appear to be under 25 years of age to be asked for an approved form of proof of age to verify their age. This condition was breached.

Trading Standards say this premise submitted a minor variation in 2014 to add a condition on the premises licence stopping the sale of super strength beers, lagers and ciders simply to appease the Police and Southwark Council's concerns about anti social behaviour and to prevent any responsible authority from submitting a Review of the Premises Licence to address this problem. However no notice was taken and the business continued to sell vast quantities of these products and very

low prices.

There has been a scant regard to the licensing objectives and Trading Standards do not feel the addition of further conditions will address the issues that have arisen; the conditions were already on the licence. Nor do Trading Standards believe a period of suspension will solve the underlying problems and 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 [REDACTED]

Date 13 July 2017

Capacity Trading Standards Officer acting on behalf of Southwark Council

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

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

EVIDENCE POLICE EVIDENCE POLICE EVIDENCE

Name (Block Letters)

KARPACKIE
EACH
1-30

EVIDENCE POLICE

EVIDENCE POLICE

60

Alpha Off Licence 24 Peckham Rye - Beer/cider purchases over 7% ABV - June 2016

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	
1	Date	Black Ace cider 500ml	White Ace cider 1L	White Ace cider 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cider 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cider 500ml	Karpackie 9% 500ml	Kestrel Super 500ml	Skol Super 500ml	Special Brew 500ml	Tennents Super 500ml	Dragon Stout 284ml	Nigerian Guinness 325ml	
2																				
3		144	12	6	16															
4	3.6					48		48	48	8										
5	9.6	48	12	12																
6	10.6									16		48		120	120	120	120		24	
7	13.6																	24		
8	15.6																			
9	16.6							96											72	
10	17.6																			
11	18.6		24		8	96	120			8	48							48		
12	21.6		12	12																
13	22.6																			
14	24.6																			24
15	25.6							96			48							48		
16	28.6																			
17	29.6	48	12	12	12	72														24
18	30.6																			48
19																				
20	Total	240	72	42	36	168	120	240	48	32	96	48	0	120	120	120	120	120	120	192

Alpha Off Licence 24 Peckham Rye - Beer/cider purchases over 7% ABV - July 2016

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	Date	Black Ace cider 500ml	White Ace cider 1L	White Ace cider 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cider 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cid 500ml	Karpackie 9% 500ml	Kestrel Super 500ml	Skol Super 500ml	Special Brew 500ml	Ten Super 500ml	Dragon Stout 284ml	Nig Guin 325ml	Nigerian Guinness 600ml
2																				
3	2.7					72	240	96	24	44								24	48	
4	6.7		12	12	12															
5	13.7	48	24	12	12															
6	15.7																	24		
7	16.7							72		12		48						72	96	12
8	21.7	48	24	12	4													24		
9	23.7							72	48									24	72	
10	27.7	48	24	6	12															
11	29.7							96	24											
12	31.7	48				48														
13																				
14	Total	192	84	42	40	120	240	336	96	56		48	0					216	264	12

Alpha Off Licence 24 Peckham Rye -Beer/cider purchases over 7% ABV - August 2016

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
		Black Ace cider 500ml	White Ace cider 1L	White Ace cider 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cid 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cid 500ml	Karpackie 9% 500ml	Kestrel Super 500ml	Skol Super 500ml	Special Brew 500ml	Ten Super 500ml	Dragon Stout 284ml	Nig Guin 325ml	Nigeria n Guinness s 600ml
1	Date																			
2																				
3	5.8	72		12	8	72	120													
4	11.8	72	12	12	8	72			12											
5	17.8	72	24	2		72				16										
6	19.8						360													
7	22.8										96							288		
8	23.8	72	24	6	4	72														
9	27.8	72	12																	
10																				
11	Total	360	72	42	20	288	480		28	28	96		0.0					288		

Alpha Off Licence 24 Peckham Rye - Beer/cider purchases over 7% ABV - September 2016

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	Date	Black Ace cider 500ml	White Ace cider 1L	White Ace cider 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cid 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cid 500ml	Karpackie 9% 500ml	Kestrel Super 500ml	Skol Super 500ml	Special Brew 500ml	Ten Super 500ml	Dragon Stout 284ml	Nig Guin 325ml	Nigerian Guinness 600ml
2																				
3	2.9	72	12	12	12	48	120													
4	15.9		24	18	12															
5	16.9						240													
6	29.9	96	24	12	8	96				8								72		
7																				
8	Total	168	60	42	32	144	360			8			0					72		

Alpha Off Licence 24 Peckham Rye - Beer/cider purchases over 7% - October 2016

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	
1	Date	Black Ace cider 500ml	White Ace cider 1L	White Ace cider 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cid 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cid 500ml	Karpackie 9% 500ml	Kestrel Super 500ml	Skol Super 500ml	Special Brew 500ml	Ten Super 500ml	Dragon Stout 284ml	Nig Guin 325ml	Nigerian Guinness 600ml	
2																					
3	1.10									48 cans											
4	2.10						192														
5	5.10											24									
6	7.10									4											
7	8.10																	120			
8	9.10	24	24	18	8	72	48														
9	12.10																				
10	15.10									8	96							48			
11	16.10							96													
12	19.10											48									
13	20.10	72	24	12	12					8										12	
14	22.10											24									
15	24.10																				
16	28.10						168		48									24			
17	29.10	144	12		12					4				288	288	240	120				
18																					
19	Total	240	60	30	32	72	672	96	48	24	96	96	0	288	288	240	120	240			24

Alpha Off Licence 24 Peckham Rye - Beer/cider purchases - November 2016

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	Date	Black Ace cider 500ml	White Ace cider 1L	White Ace cider 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cid 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cid 500ml	Karpackie 9% 500ml	Kestrel Super 500ml	Skol Super 500ml	Special Brew 500ml	Ten Super 500ml	Dragon Stout 284ml	Nig Guin 325ml	Nigerian Guinness 600ml
2																				
3	2.11									4										
4	3.11									16		48								
5	4.11			12	24		48													
6	5.11						96													
7	11.11	48	24	18	16		48													12
8	12.11						672			40										
9	18.11	72	24	12	20															
10	27.11		12	18	16							240								
11																				
12	Total	120	60	60	76		864			60		288						312		12

Alpha Off Licence 24 Peckham Rye purchases - Beer/cider over 7%ABV - January 2017

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	Date	Black Ace cider 500ml	White Ace cider 1L 2L	White Ace cider 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cid 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cid 500ml	Karpaackie 9% 500ml	Kestrel Super 500ml	Skol Super 500ml	Special Brew 500ml	Ten Super 500ml	Dragon Stout 284ml	Nig Guin 325ml	Nigerian Guinness 600ml
2																				
3	7.1		12	12	12					60								48		
4	13.1																	24		
5	16.1							48									72			
6	20.1							48			48									
7	23.1		12																	
8	27.1																		72	
9	30.1	72	24	12	16													72		
10																				
11	TOTAL	72	48	24	28			96			48		0				72	144	72	

Alpha Off Licence 24 Peckham Rye purchases - Beer/cider over 7% ABV - February 2017

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	Date	Black Ace cider 500ml	White Ace cider 11 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cid 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cid 500ml	Karpackie 9% 500ml	Kestrel Super 500ml	Stol Super 500ml	Special Brew 500ml	Ten Super 500ml	Dragon Stout 284ml	Nig Guin 325ml	Nigerian Guinness 600ml
2																			
3	2.2						72										48		
4	6.2	72	24	8					8										
5	10.2								24										
6	13.2	48			48														
7	17.2	48			48														
8	20.2																		
9	24.2					240													
10	25.2					240	48			48	120								
11																			
12	Total	168			96	480	120		32	48	120	0					120		

Alpha Off Licence 24 Peckham Rye purchases - Beers/ciders over 7% ABV - totals for period June 2016 - February 2017

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	Black Ace cider 500ml 1L	White Ace cider 1L	White Ace cider 2L	White Ace cider 3L	White Ace cider 500ml	K-cider 500ml	Black Star cider 500ml	Diamond White cid 500ml	Frosty Jack cider 4.5L bottle	White Star cider 500ml	Union Black cid 500ml	Karpackie 9% 500ml	Kestrel Super 500ml	Skol Super 500ml	Special Brew 500ml	Ten Super 500ml	Dragon Stout 284ml	Nig Guin 325ml	Nigerian Guinness 600ml
2																			
3		552	348	328					336										
4																			
5	1872	1104*	1392*	1968*	1080	3720	888	192	3024*	504	600	120	768	768	576	528	1584	552	60
6		* = in 500ml cans	* = in 500ml cans	* = in 500ml cans					* = in 500ml cans										

From: Simcock, Eva
Sent: Tuesday, August 08, 2017 10:47 AM
To: Regen, Licensing
Subject: Alpha Off Licence

Dear Regen
Please see attached
Thanks
Eva

Eva Simcock
LADO/Quality Assurance Manager
2nd Floor
Sumner House
Sumner Road
London
SE15 5QS

02075250689

For the attention of the Licensing Committee:

Re: Alpha off Licence, 24 Peckham Rye, London, SE15 5EG

On behalf of Children Social Care 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 protection of children from harm

General Comments

This representation is in support of the application by Bill Masini on behalf of Trading Standards who visited the premises on a number of occasions this year.

- On 15th March Trading Standards visited and asked the female member of staff to explain what Challenge 25 was, she was not able to say what it was.
- Also on 15th March the shop was noted to be selling Super Strengthen beers, lagers and ciders which I understand are regularly consumed by people who have alcohol addiction problems and the links this has to anti social behaviour and crime. If the staff do not know or apply Challenge 25 then I think it reasonable to think that young people could purchase these types of drinks from this off licence.
- On 5th April when Trading Standards made a further visit it was noted there were 4 male customers who appeared to have consumed significant amounts of alcohol. They were acting in an aggressive way and using offensive language which was in the presents of other customers including a 10 year old child. Whilst the officer advised

the staff member not to serve the men the staff member proceeded to sell cider to one of the 4. Another customer informed the officer that due to what was going on inside the shop she decide to protect her son from observing this behaviour i.e. the verbal aggression by the male customers to leave her son outside with his father.

- On 1st June Trading Standards and the Police carried out an underage test purchasing of alcohol and cigarette. A bottle beer was sold to a 17 year old, there was no request for him to verify his age.
- Given the concerns raised in points one and four it would be reasonable to believe that staff have had either no training on Challenge 25 or are not committed to the protection of children from harm.

Recommendations

- I would therefore support the recommendation by Bill Masini to revoke the licence.

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

Yours faithfully,

Eva Simcock
LADO/Quality Assurance Manager
2nd Floor
Sumner House
Sumner Road
London
SE15 5QS

02075250689

Eva.Simcock@southwark.gov.uk

Eva.Simcock@southwark.gov.uk.cjism.net

4th August 2017

From: Franklin, David
Sent: Wednesday, August 09, 2017 12:04 PM
To: Regen, Licensing
Cc: McArthur, Wesley; Tear, Jayne
Subject: Alpha Off Licence 24 Peckham Rye SE15 4JR.docx

MEMO: Licensing Unit

To	Licensing	Date	09 August 2017
			May 2017

Copies

From	David Franklin	Telephone	020 7525 5800
Email	david.franklin@southwark.gov.uk		

Subject ALPHA OFF LICENCE 24 Peckham Rye SE15 4JR

I make this representation with regards to the review application of the premises licence submitted by the Trading Standards for Alpha Off Licence 24 Peckham Rye SE15 4JR.

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

The application details a number of offences including the breach of conditions including **128** – “No beers/ciders in single cans, bottles or multi-packs with an ABV of above 7% will be displayed/sold or offered for sale from the premises. Unless written permission(email will suffice) is obtained from the police Licensing Officer. Such permission must be kept at the premises and made available immediately on request to relevant authorities.”

This condition is frequently used at premises where off licences are in areas where street drinkers cause public nuisance and disorder problems in the area. The condition is designed to prevent the sale of high strength alcohol to street drinkers with a clause that specialist high strength beers that may be in demand from responsible local customers can still be sold with permission for the Police, this typically includes Guinness foreign stout or specialist Belgian beers.

I am surprised to find that the premises has been selling high strength beers and ciders in very high quantities, 21,300 x 500ml cans in an 8 month period. Additionally officers witnessed street drinkers under the influence of alcohol purchased high strength cider.

The costs of the alcohol is also concerning, high strength beers are being sold at 1p above the duty + VAT element of the cost price, clearly the proprietor of a small business can ill afford to make a loss on these beer, therefore it raises the question how can the proprietor purchase beer at £1.85/£2.00 and sell it for £1.30?

The finding of non-duty paid alcohol illegally on sale at the premises may explain how this may happen, taking off the £1.29 duty and VAT cost would reduce the cost to the premises licence holder to a few pence per can, £0.51 to £0.66.

I am also concerned that their shop staff are illegally employed as they who no right to work in the UK, and that these staff willingly sell alcohol to street drinkers, drunk persons and to under age children without any challenge, despite conditions for a Challenge 25 policy on the licence and a requirement to record staff training in this policy.

While normally a first review could be to place suitable conditions on a premises licence to address the failings and suspend the licence to give an opportunity for the premises licence holders to adopt new practices to promote the licensing objectives, however it seems that this premises licence already has the appropriate conditions for Challenge 25 and the restriction on high strength beers/ciders and the problem is that the proprietors are choosing to ignore the terms and conditions on their licence as they can make vast amounts of money by ignoring the conditions on their premises licence and make large saving by employing illegal workers.

I have no confidence that the premises licence holder would be willing to enforce the current licence conditions and that any new conditions that members may impose will be similarly ignored in the pursuit of profit.

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

David Franklin
Licensing Authority as a Responsible Authority

From: Ian.Clements@met.pnn.police.uk [mailto:Ian.Clements@met.pnn.police.uk]

Sent: Thursday, August 10, 2017 3:49 PM

To: Regen, Licensing

Subject: Alpha Off Licence

Please see attached letter of support for the review of the above premises

Kind Regards

*Ian Clements PC 362 MD
Police Licensing Officer
Southwark Police Station*



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/21/3001/17**

Date: **10th August 2017**

Re:- Alpha Off Licence 24 Peckham Rye SE15 4JR

Dear Sir/Madam

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

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

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

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

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

Yours Sincerely

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

From: Sharpe, Carolyn On Behalf Of Public Health Licensing
Sent: Friday, August 11, 2017 10:39 AM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: 24 Peckham Rye,

To whom it may concern:

Re: 24 Peckham Rye, London, SE15 4JR

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

The prevention of crime and disorder
Prevention of public nuisance
Public safety
Protection of children from harm

On behalf of the Director of Health and Wellbeing (incorporating the role of Director of Public Health) for Southwark (a responsible authority under the Licensing Act 2003) I wish to express my concerns over the alleged issues with the management of the above premises.

These include;

- An illegal worker in the shop
- Offer and sale of beers, lagers and ciders above 7% ABV and offer and sale duty evaded super strength beer
- Sale of alcohol to a drunk
- Sale of alcohol to a child and failure to adopt the Challenge 25 policy
- Offer to supply alcohol that cannot be legally sold under Consumer Protection Unfair Trading Regulations 2008

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

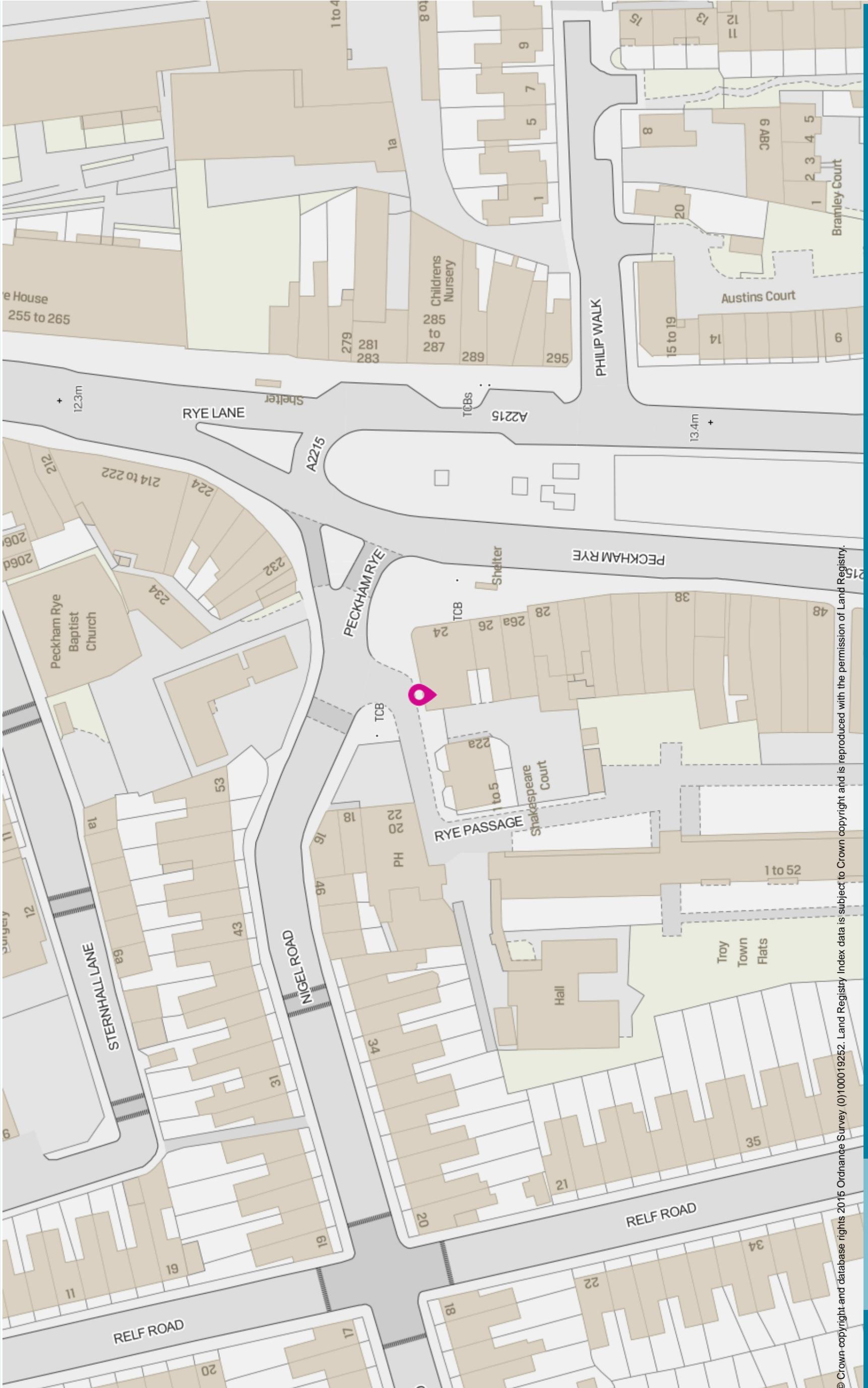
If you have any further questions, please do not hesitate to contact me.

Yours faithfully,

Carolyn Sharpe

on behalf of Professor Kevin Fenton, Director of Health and Wellbeing
(incorporating the role of Director of Public Health)
Carolyn Sharpe | carolyn.sharpe@southwark.gov.uk | 020 7525 0025
Public Health Policy Officer (People & Health Intelligence), London Borough of Southwark, 160
Tooley Street, London SE1 2QH

24, PECKHAM RYE, SE15 4JR



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15-Aug-2017

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Councillor Adele Morris	By email	Carolyn Sharpe, public health team	1
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