

Licensing Sub-Committee

Monday 19 November 2018

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Sandra Rhule
Councillor Ian Wingfield

Reserves

Councillor Maria Linforth-Hall

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

Tim Murtagh on 020 7525 7187 or email: tim.murtagh@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 9 November 2018



Licensing Sub-Committee

Monday 19 November 2018
10.00 am

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

Order of Business

Item No.	Title	Page No.
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PART A - OPEN BUSINESS

1. APOLOGIES

To receive any apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

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

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.

5. LICENSING ACT 2003: HALF MOON FOOD AND WINE, 14 HALF MOON LANE, LONDON SE24 9HU

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6. REVOCATION OF TRADING LICENCE

To follow

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

PART B - CLOSED BUSINESS

Item No.

Title

Page No.

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.

Item No. 5.	Classification: Open	Date: 19 November 2018	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Half Moon Food and Wine, 14 Half Moon Lane, London SE24 9HU	
Ward(s) or groups affected:		Dulwich Village Ward	
From:		Strategic Director of Environment and Leisure	

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 Mr Ken Joseph Gangadeen in respect of the premises known as Half Moon Food and Wine, 14 Half Moon Lane, London SE24 9HU.
2. Notes:
 - a) 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.
 - b) The grounds for the review are stated in paragraph 13 of this report. A copy of the premises licence review application is attached as Appendix B.
 - c) The review application is supported by representations submitted by responsible authorities. Copies of the representations are attached as Appendix C. Details of the representations are provided in paragraphs 16 to 21. Representations supporting the licence holder have also been forthcoming from members of the public and are attached as Appendix D and summarised in paragraphs 22 to 25.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

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

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

KEY ISSUES FOR CONSIDERATION

The premises licence

9. The premises licence allows the provision of licensable activities as follows:
 - The sale of alcohol to be consumed off the premises:
 - Monday to Saturday from 08:00 to 23:00
 - Sunday from 10:00 to 22:30.
 - There are also no restrictions in respect of the premises' standard opening times (it can therefore be open 24hours-a-day).
10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the current premises licence is attached as Appendix A.

Designated premises supervisor (DPS)

11. The current Designated Premises Supervisor (DPS) named on the licence is Mr Ken Joseph Gangadeen (the premises licence holder) since July 2007.

The review application

12. On 17 September 2018, 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 Ken Joseph Gangadeen in respect of the premises known as Half Moon Food and Wine – 14 Half Moon Lane, London SE24 9HU. The review application was submitted in respect of the prevention of crime and disorder and the protection of children from harm. Incidents referred to are :
- 15 November 2017: Complaint of alcohol sold to children and that the premises are "well known to be selling to under-age customers".
 - 14 December 2017: Trading Standards alcohol test purchase – sale made to 17 year old volunteer by the owner/premises licence holder/DPS.
 - 19 December 2017: Owner/premises licence holder/DPS formally interviewed and signed a simple caution for the underage sale both by himself and the company.
 - 14 December 2017, 27 March, 30 June and 18 July 2018: Allegations of alcohol provided to children made by members of the public.
 - 19 December 2017, Mr Gagadeen, the premises licence holder, was formally interviewed under caution.
 - 18 March 2018: Complaint received from East Dulwich Safer Neighbourhood Team of several reports of sales of alcohol and cigarettes to underage youth.
 - 27 March 2018: Trading standards tobacco test purchase. Cigarettes sold by the owner/premises licence holder/DPS. Advice given regarding underage sales.
 - 2 April 2018: Trading standards send an advisory letter to the premises concerning underage sales.
 - 12 June 2018: Owner/premises licence holder/DPS formally interviewed and signed a simple caution for the sale of tobacco to a minor.
 - 30 June 2018: Allegation that a bottle of cider was "given" to a 16 year old local girl.
 - 18 July 2018: Sale of tobacco to 16 year old female by the owner of the business (who is also the premises licence holder and designated premises supervisor).
 - 29 August 2018: Complaint received to the police regarding the supply of alcohol and tobacco to a female child.

- 5 September 2018: Breach of condition 100 of premises licence (every supply of alcohol to be made or authorised by a person holding a personal licence) in breach of Section 136 Licensing Act 2003.
13. As a result of the incidents trading standards claim that the premises licence holder and DPS has undermined the licensing objectives and various offences have been committed:
- Delivery of alcohol to a minor by a member of staff working in the shop contrary to section 151(1) of the Licensing Act 2003.
 - Sale of hand rolling tobacco by the owner/premises licence holder/DPS contrary to s.7(1) Children and Young Persons Act 1933 as amended by the Children and Young Persons (Protection from Tobacco) Act 1991.
 - Breach of condition 101 of premises licence (that every supply of alcohol to be made or authorised by a person holding a personal licence) contrary to s.136 Licensing Act 2003.
 - Breach of condition 127 of premises licence (alcohol not to be sold/supplied for unless it is paid for) contrary to s.136 Licensing Act 2003.
 - Breach of condition 488 of the premises licence (challenge 25) contrary to Section 136 Licensing Act 2003.
14. The sub-committee is invited to consider all options available to them, including revocation of the premises licence.
15. Full details of the grounds for the review are provided within review the application. A copy of the review application is attached as Appendix B.

Representations from responsible authorities

16. Representations supporting the review application have been received from The Metropolitan Police Service the council's licensing authority, the council's public health authority and the council's children's social care team.
17. The Metropolitan Police Service fully support the application by trading standards for the review of the premises licence having joint concerns for problem drinking in the area and therefore recommend that the licence is revoked.
18. The licensing responsible authority's representation is submitted in respect of both the prevention of crime and disorder and protection of children from harm objectives. The representation states that there is no faith in the current licence holder and supports trading standards and requests revocation.
19. The council's public health authority have also made a supporting representation to the review, under the protection of children from harm licensing objective. If members of the sub-committee are minded to retain the premises licence, additional conditions are requested.
20. A representation has been made by children's social care for Southwark as a responsible authority under the protection of children from harm licensing objective. Considering the timeline of offences, the revocation is supported.

21. Copies of the representations from responsible authorities are attached as Appendix C.

Representations from other persons

22. Representations have been received by five other persons. Representations have been written to 'vouch' for the character of the premises licence holder and state that he provides a service to the local community.
23. Worryingly, Person 1 also refers to the premises offering credit, which would also be an offence, if the premises is not registered to provide consumer credit.
24. Person 3 is writing on behalf of the Herne Hill Forum and is critical of the application from trading standards and look to support the licence holder. Two further emails were received from members of the forum stating that they 'support' this representation. As neither made reference to the licensing objectives themselves, they are omitted from this report
25. Copies of representations from other persons are available in Appendix D.

Operating History

26. A premises licence was issued in respect of the premises to Mr Ratnam Sri Murugathan and Mrs Ratna Devi Sri Murugathan on 22 August 2005. The DPS specified in respect of the licence was Mr Ratnam Sri Murugathan.
27. On 21 June 2007, the licence was transferred and had the DPS varied to the current premises licence holder, Mr Ken Joseph Gangadeen and has remained in that name since.
28. On 21 June 2018, an application was submitted by this council's trading standards service under Section 51 of the Licensing Act 2003
29. No temporary event notices (TENs) have been submitted in regards to the premises.
30. The only complaint in the last year to the Licensing Authority is the complaint of 29 August 2018 from an anonymous source, alleging the provision of illicit alcohol and tobacco to a teenage female.

The local area

31. A map of the local area is attached as Appendix E. There are a number of licenced premises in the immediate vicinity as listed below:

Mimosa, 16 Half Moon Lane, London SE24 9HU, licensed for:

- The sale by retail of alcohol (both on and off sales):
 - Monday to Sunday from 09:00 to 21:00.

Vintage 1824, 18 Half Moon Lane, London SE24 9HU, licensed for:

- The sale by retail of alcohol (both on and off sales):
 - Monday to Thursday from 10:00 to 23:00
 - Friday and Saturday from 10:00 to 00:00
 - Sunday from 10:00 to 22:30.

Half Moon Public House, 10 Half Moon Lane, London SE24 9HU, licensed for:

- The sale by retail of alcohol (both on and off sales):
 - Sunday to Thursday from 10:00 to 23:00
 - Friday and Saturday from 10:00 to 00:00.
- The provision of regulated entertainment (indoors and outdoors):
 - Sunday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 00:30.
- The provision of regulated entertainment in the form of live and recorded music (both indoors):
 - Sunday to Thursday from 10:00 to 23:00
 - Friday and Saturday from 10:00 to 00:00.

Wild and Lees, 2 Half Moon Lane, London SE24 9HU, licensed for:

- The sale by retail of alcohol (both on and off sales):
 - Monday to Saturday from 12:00 to 21:00
 - Sunday from 11:00 to 20:00.

Southwark council statement of licensing policy

32. 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.
33. 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.
34. Within Southwark’s Statement of Licensing Policy 2016 - 2020, the premises are identified as being outside of a cumulative impact policy (CIP) area, but within the Herne Hill district town centre. Relevant times recommended in the Statement of Licensing Policy for licensed premises in this area are as follows:
- Off licensed and alcohol sales in grocers: 00:00 daily.

Resource implications

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

Consultation

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

Community impact statement

37. 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

38. 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.

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

Principles for making the determination

40. Under Section 52 the licensing authority must hold a hearing to determine the review and any relevant representations.
41. 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.
42. 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.
43. 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 another person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
44. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
45. 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.
46. 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.
47. 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

48. 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

49. 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.
50. 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

51. 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.

52. 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.
53. 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.
54. 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.
55. 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.
56. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Other persons must live in the vicinity of the premises. This will be decided on a case to case basis.
57. 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.
58. 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

59. 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

60. 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 current premises licence
Appendix B	Copy of the review application
Appendix C	Copies of the representations submitted by a responsible authorities
Appendix D	Copies of valid representations submitted by other persons
Appendix E	Map of the local area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	17 October 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	19 October 2018	

Licensing Act 2003

Premises Licence

APPENDIX A

Environmental Health & Trading Standards
Licensing Unit
Chaplin Centre
Thurlow Street
London SE17 2DG

Premises licence number

824437

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
HALF MOON FOOD AND WINE 14 Half Moon Lane SE24 9HU Ordnance survey map reference (if applicable),	
Post town London	Post code SE24 9HU
Telephone number [REDACTED]	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Sale by retail of alcohol to be consumed off premises

The opening hours of the premises

For any non standard timings see **Annex 2**

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	08:00 - 23:00
Tuesday	08:00 - 23:00
Wednesday	08:00 - 23:00
Thursday	08:00 - 23:00
Friday	08:00 - 23:00
Saturday	08:00 - 23:00
Sunday	10:00 - 22:30

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**Mr Ken Joseph Gangadeen
[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**Mr Ken Joseph Gangadeen
[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**[REDACTED]
Authority L B Croydon

Licence Issue date 04/07/2007

.....
Environmental Health and
Trading Standards Manager
Chaplin Centre
Thurlow Street
London SE17 2DG
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

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

2. For the purpose of the condition set out in paragraph (1): (a) "duty" is to be construed in accordance with the Alcoholic Liquor

Duties Act 1979;

(b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V),$$

where-

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as

if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale

or supply of the alcohol;

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

(i) the holder of the premises licence;

(ii) the designated premises supervisor (if any) in respect of such a licence; or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

Annex 2 - Conditions consistent with the operating Schedule

124 Alcohol shall not be sold or supplied except during the permitted hours. In this condition the permitted hours means:

- a. On weekdays, other than Christmas Day, 8.00.a.m. to 11.00.p.m.
- b. On Sundays, other than Christmas Day, 10.00.a.m. to 10.30.p.m.
- c. On Christmas day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.
- d. 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.

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

Annex 4 - Plans - Attached

Licence No.	824437
Plan No.	LOND01
Plan Date	18/06/05

Application for a review of a premises licence or club premises certificate under the Licensing Act 2003
 Ref No. 1095533

17/09/2018

Please enter the name of applicant who is applying for the review of a premises licence under section 51/
 applying for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the
 premises described in part 1

	Ray MOORE, Trading Standards Officer on behalf of LB Southwark
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Postal address of premises or club premises, or if none, ordnance survey map reference or description

Address Line 1	14 HALF MOON LANE
Address Line 2	
Town	LONDON
County	
Post code	SE24 9HU
Ordnance survey map reference or description	

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

	Mr Ken Joseph GANGADEEN
--	-------------------------

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

	824437
--	--------

I am

	2) a responsible authority
--	----------------------------

Personal Information

Title	Mr
If other, please specify	
First names	Ray
Surname	MOORE

Address

Address Line 1	160 TOOLEY STREET
----------------	-------------------

Address Line 2	
Town	LONDON
County	
Post code	SE1 2QH

Contact Details

Telephone number (if any)	██████████
E-mail address (optional)	████████████████████

Personal Details

Title	Mr
If other, please specify	
Forenames	Ray
Surname	MOORE

Address

	SOUTHWARK COUNCIL
Address Line 1	160 TOOLEY STREET
Address Line 2	
Town	LONDON
County	
Post code	SE1 2QH

Contact Details

Daytime contact telephone number	██████████
E-mail address (optional)	████████████████████

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

	Please select one or more as appropriate
	1) the prevention of crime and disorder 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

The following matters relate both to the licensing objectives “the prevention of crime and disorder” and the “protection of children from harm”. The persons involved and alleged criminal offences are:-

A K Food & Wine Ltd (Co No 10203970)

Directors: Mr Ken Joseph GANGADEEN (DOB: [REDACTED])

Mr Aaron Kenneth GAGADEEN (DOB: [REDACTED])

Both live at 276 Whitehorse Road, Croydon, CR02LD

Premises License Holder (PLH) and Designated Premises Supervisor (DPS):
Mr Ken Joseph GANGADEEN

Issues: Sale of tobacco pouch and filters to a 16 year old girl on 18th July 2018 at approximately 16:00 hours by [REDACTED] (and filters at 15:00 hrs?) *

Issue: Supply of alcohol (bottle of cider) to the same 16 year old girl by person unknown who was working in the shop for “clothes and food”. (alcohol was given to girl without request for payment) **

* Children and Young Persons Act 1933, as amended by the Children and Young Persons (Protection from Tobacco) Act 1991, Section 7(1) (18th July 2018)

**Licensing Act 2003, section 151(1) (30th June 2018)

Licensing Act 2003, Section 136 (5th September 2018 & 14/12/2017) wrt:-

Condition 101 “Every supply of alcohol under the premises license must be made, or authorised by, a person who holds a Personal license.” Unknown person supplied alcohol on 30/06/2018 – also identified on CCTV by DC Bernard LAPCHA working in shop on 18/07/2018.

Condition 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 mess.” Alcohol supplied by unknown person given and not paid for.

Condition 488 “(1) The premises license 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 license must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy. (3) The policy must require individuals who appear to the responsible person to be under 18 year 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.” Not attempt to challenge 16 and 17 year olds on 14/12/2017; 27/03/2018; 30/06/2018 and 18/07/2018.

The alleged recent offences in relation to under age sales are:-

1. Delivery of alcohol to a minor by a member of staff working in the shop contrary to section 151(1) of the Licensing Act 2003. (Date 30/06/2018) This offence is committed by the both the person supplying the alcohol and the person who allowed that person to deliver alcohol in the premises. Allegation is that a bottle of cider was “given” to a 16 year old local girl.

151 Delivering alcohol to children

(1)A person who works on relevant premises in any capacity, whether paid or unpaid, commits an offence if he knowingly delivers to an individual aged under 18—

(a)alcohol sold on the premises, or

(b)alcohol supplied on the premises by or on behalf of a club to or to the order of a member of the club.

(2)A person to whom subsection (3) applies commits an offence if he knowingly allows anybody else to deliver to an individual aged under 18 alcohol sold on relevant premises.

(3)This subsection applies to a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the delivery of the alcohol.

2. Sale of hand rolling tobacco to the same minor on 18th July 2018 contrary to Section 7(1) of the Children and Young Persons Act 1933, as amended by the Children and Young Persons (Protection from tobacco) Act 1991 by the owner of the business who is also the Premises License Holder and Designated Premises Supervisor

7 Sale of tobacco, &c. to persons under 18

(1)Any person who sells to a person under the age of eighteen years any tobacco or cigarette papers, whether for his own use or not, shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(1A) It shall be a defence for a person charged with an offence under subsection (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Please provide as much information as possible to support the application (please read guidance note 3)

THE BACKGROUND TO THIS PREMISES WITH RESPECT TO UNDER AGE SALES OVER THE LAST 6 YEARS IS AS FOLLOWS:-

COMPLAINT FROM PC MICK BELL 271MD (EAST DULWICH SAFER NEIGHBOURHOOD TEAM)

From: [REDACTED] 8/3/2018

We have had several reports of sales of alcohol and cigarettes to underage youth at two shops. [REDACTED]

[REDACTED] and the other is Londis Half Moon Lane.

Any chance of a test purchase at these two shops.

Mick Bell PC 271MD

East Dulwich Safer Neighbourhood Team

(SNT Phone 020 8721 2447 or 07920 233912

(Office Phone: 020 8284 7364

(Met phone: 27364 2 Fax: 020 7232 7349

: E-mail: Michael.Bell@met.police.uk

TRADING STANDARDS VISIT THE SHOP AND SPEAK TO THE OWNER / DPS / PLH – KEN GANGADEEN

27/3/2018

Angel HARROW of Trading Standards visited the shop – these are her notes recorded from the visit...

“Visited and spoke to owner Ken GANGADEEN re enquiry relating reports of underage sales of cigarettes and alcohol.

Trader displaying Spa proof of age doc and displaying statutory A3 Tobacco notice.

Advised to use a Refusals book as one not currently in use.

Reminder of Age verification policy 'Challenge 25'- To remind staff to request ID if customers appear to be 25 or under. Issued related information leaflet, and info-leaflets relating to underage sales of tobacco and alcohol.

Advice to maintain staff training records also (only manager and two other members of staff)

Spa Proof of age stickers and RU18 stickers provided.

Will send example of blank training record sheet for records of staff training of underage sales and Best Practice guidance.

ANGEL HARROW SENT ADVISORY LETTER TO TRADER...

2/4/2018

CHECK ON CIGARETTE GANTRY BY HEDLEY SETAHUL TO ENSURE CIGARETTES ARE NOW NOT OPENLY DISPLAYED. 20/05/2015

COMPLAINT VIA LONDON TRADING STANDARDS INTELLIGENCE ABOUT UNDER AGE SALES FROM SHOP 15/11/2017

From: Intel [REDACTED]

Date: 15 November 2017 at 15:56:50 GMT

To: "Bourne, Matt" [REDACTED]

Subject: Fw: Consumer crime report from website

Dear Colleague,

Please see the information below which has been sent through on the LTS website through the reporting tool.

Message Body:

Who or what are you telling us about?

Half Moon Food and Wine

What are they doing that's wrong?

selling alcohol to children

What is the address or other location details concerned?
14 Half Moon Lane, Herne Hill SE24 9HU

When is this happening or when did it happen?
Two friends (aged 15 or 16) of my son (aged 15) bought a lot of beers for a group of 4/5 boys on 4 November 2017 from this store. Apparently it is well known to be selling to under-age customers.

Do you wish to be contacted about this should we need further information?
No

Your name (optional)
[REDACTED]

Your contact number (optional)
[REDACTED]

Your email (optional)
This e-mail was sent from a contact form on London Trading Standards Authorities (<http://londontradingstandards.org.uk>)

TEST PURCHASING OF ALCOHOL USING A 17 YEAR OLD MALE VOLUNTEER
14/12/2017 – test purchasing operation using 17 year old male volunteer – can of fosters lager sold to him by the owner (PLH and DPS) / director of the company that runs the business, A K Food & Wine Ltd (Co No 10203970) – Mr Ken Joseph GANGADEEN. No questions asked. (Note a total of 32 attempted test purchases were made with this volunteer in the year 2017/2018 of which 12 resulted in sales – premises are selected on the basis of intelligence and previous history)

Interview under caution
19/12/2017 – Mr GAGADEEN Formally interviewed and signed a simply caution for the sale for both himself and the company.

Cautions with documents accompanying this review application

TEST PURCHASING OF TOBACCO USING A 17 YEAR OLD FEMALE VOLUNTEER
27/03/2018 – test purchasing operation using a 17 year old apprentice. Cigarettes sold by Mr Ken GANGADEEN – no questions asked. (Note a total of 18 attempted test purchases were made with this volunteer in the year 2017/2018 of which 12 resulted in sales – premises are selected on the basis of intelligence and previous history)

6/6/2018 – [REDACTED] visited the premises to arrange and interview with Ken GAGADEEN – arranged for 12th June.

12/6/2018 – Mr GANGADEEN formally interviewed and signed a simple caution for the sale of tobacco to a minor.

Copy of caution with documents accompanying this review

TEST PURCHASING OF TOBACCO USING A 15 YEAR OLD FEMALE VOLUNTEER
28/8/2018 – Test purchasing campaign using a 15 year old female volunteer – sale of 20 Mayfair refused – ID requested.

COMPLAINT RECEIVED FROM THE POLICE ABOUT UNDER AGE SALES FROM THE STORE
29/8/2018 – Complaint received from police via David FRANKLIN in the Licensing Team about under age supply of alcohol and tobacco to a local 16 year old girl. Intelligence came from DC Bernard LEPCHA (Dates 28/6/2018 – alcohol (bottle of cider)) and 18/07/2018 – tobacco (pouch of hand rolling tobacco and filters)). The police had been able to obtain CCTV footage of the sale of tobacco but were unable to get CCTV of the alcohol due to the passage of more than 31 days since the incident. Police to provide full details of these alleged sales.

Stills from the CCTV with this application of sale of tobacco by Mr Ken GANGADEEN on 18/07/2018.

5/9/2018 – MEB / JT and PC Graham WHITE visited the premises to discuss with owner.

5/9/2018 – RM sent letter to trader by e-mail for PACE interview re incidents for Wednesday 12th September 2018.

Copy of letter sent by e-mail with documents accompanying this review.

12/9/2018 – Ken GANGADEEN attended council offices for interview but after being cautioned he asked for a solicitor – so interview was ended so that he could make suitable arrangements.

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

	No
--	----

If yes, please state the date of the application

--	--

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

--	--

Checklist

	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
--	--

Declaration (please read guidance note 5)

Applicant Full Name	Ray MOORE
Applicant or Applicant's solicitor or other duly authorised agent	
Date	17/09/2018
Capacity	Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Full name	Ray MOORE
-----------	-----------

Address (please read guidance note 6)

Address Line 1	160 TOOLEY STREET
Address Line 2	
Town	LONDON
County	
Postcode	SE1 2QH
Telephone number (if any)	██████████
Email	████████████████████

[Insert name and address of relevant licensing authority and its reference number (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 Ray MOORE (on behalf of Trading Standards)

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

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

A K Food & Wine Ltd (Co No 10203970)
T/A "Half Moon Food and Wine"
14 Half Moon Lane

Post town London

Post code (if known) SE24 9HU

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

Mr Ken Joseph GANGADEEN (Premises License Holder)

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

Premises License number 824437

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

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 ✓ yes

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 Ray MOORE Principal Trading Standards Enforcement Officer Regulatory Services 3 rd Floor Hub 1 PO Box 64529 London SE1P 5LX
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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

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

Please tick one or more boxes ✓

- ✓

 ✓

Please state the ground(s) for review (please read guidance note 2)

The following matters relate both to the licensing objectives "the prevention of crime and disorder" and the "protection of children from harm". The persons involved and alleged criminal offences are:-

A K Food & Wine Ltd (Co No 10203970)

Directors: Mr Ken Joseph GANGADEEN (DOB: [REDACTED])

Mr Aaron Kenneth GAGADEEN (DOB: [REDACTED])

Both live at 276 Whitehorse Road, Croydon, CR02LD

Premises License Holder (PLH) and Designated Premises Supervisor (DPS):

Mr Ken Joseph GANGADEEN

Issues: Sale of tobacco pouch and filters to a 16 year old girl on 18th July 2018 at approximately 16:00 hours by Mr Gangadeen (and filters at 15:00 hrs?) *

Issue: Supply of alcohol (bottle of cider) to the same 16 year old girl by person unknown who was working in the shop for "clothes and food". (alcohol was given to girl without request for payment) **

* Children and Young Persons Act 1933, as amended by the Children and Young Persons (Protection from Tobacco) Act 1991, Section 7(1) (18th July 2018)

**Licensing Act 2003, section 151(1) (30th June 2018)

Licensing Act 2003, Section 136 (5th September 2018 & 14/12/2017) wrt:-

Condition 101 "Every supply of alcohol under the premises license must be made, or authorised by, a person who holds a Personal license." Unknown person supplied alcohol on 30/06/2018 – also identified on CCTV by DC Bernard LAPCHA working in shop on 18/07/2018.

Condition 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 mess." Alcohol supplied by unknown person given and not paid for.

Condition 488 "(1) The premises license 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 license must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy. (3) The policy must require individuals who appear to the responsible person to be under 18 year 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." Not attempt to challenge 16 and 17 year olds on 14/12/2017; 27/03/2018; 30/06/2018 and 18/07/2018.

The alleged recent offences in relation to under age sales are:-

- 1. Delivery of alcohol to a minor by a member of staff working in the shop contrary to section 151(1) of the Licensing Act 2003. (Date 30/06/2018) This offence is committed by the both the person supplying the alcohol and the person who allowed that person to deliver alcohol in the premises. Allegation is that a bottle of cider was "given" to a 16 year old local girl.**

151 Delivering alcohol to children

(1) A person who works on relevant premises in any capacity, whether paid or unpaid, commits an offence if he knowingly delivers to an individual aged under 18—

(a) alcohol sold on the premises, or

(b) alcohol supplied on the premises by or on behalf of a club to or to the order of a member of the club.

(2) A person to whom subsection (3) applies commits an offence if he knowingly allows anybody else to deliver to an individual aged under 18 alcohol sold on relevant premises.

(3) This subsection applies to a person who works on the premises in a capacity, whether paid or unpaid, which authorises him to prevent the delivery of the alcohol.

2. Sale of hand rolling tobacco to the same minor on 18th July 2018 contrary to Section 7(1) of the Children and Young Persons Act 1933, as amended by the Children and Young Persons (Protection from tobacco) Act 1991 by the owner of the business who is also the Premises License Holder and Designated Premises Supervisor

7 Sale of tobacco, &c. to persons under 18

(1) Any person who sells to a person under the age of eighteen years any tobacco or cigarette papers, whether for his own use or not, shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(1A) It shall be a defence for a person charged with an offence under subsection (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Please provide as much information as possible to support the application (please read guidance note 3)

THE BACKGROUND TO THIS PREMISES WITH RESPECT TO UNDER AGE SALES OVER THE LAST 6 YEARS IS AS FOLLOWS:-

COMPLAINT FROM PC MICK BELL 271MD (EAST DULWICH SAFER NEIGHBOURHOOD TEAM)

From: [REDACTED] 8/3/2018

We have had several reports of sales of alcohol and cigarettes to underage youth at two shops. One is Vals Store at 387 Lordship Lane (14 year old girl arrived home with alcohol) and the other is Londis Half Moon Lane.

Any chance of a test purchase at these two shops.

Mick Bell PC 271MD
 East Dulwich Safer Neighbourhood Team
 (SNT Phone 020 8721 2447 or 07920 233912
 (Office Phone: 020 8284 7364
 (Met phone: 27364 2 Fax: 020 7232 7349
 : E-mail: [REDACTED]

TRADING STANDARDS VISIT THE SHOP AND SPEAK TO THE OWNER / DPS / PLH – KEN GANGADEEN

27/3/2018

Angel HARROW of Trading Standards visited the shop – these are her notes recorded from the visit...

"Visited and spoke to owner Ken GANGADEEN re enquiry relating reports of underage sales of cigarettes and alcohol.

Trader displaying Spa proof of age doc and displaying statutory A3 Tobacco notice.

Advised to use a Refusals book as one not currently in use.

Reminder of Age verification policy 'Challenge 25'- To remind staff to request ID if customers appear to be 25 or under. Issued related information leaflet, and info-leaflets relating to underage sales of tobacco and alcohol.

Advice to maintain staff training records also (only manager and two other members of staff)

Spa Proof of age stickers and RU18 stickers provided.

Will send example of blank training record sheet for records of staff training of underage sales and Best Practice guidance.

ANGEL HARROW SENT ADVISORY LETTER TO TRADER...

2/4/2018



Mr Ken Gangadeen
Half Moon Food & Wine
14 Half Moon Lane
London SE24 9HU

02 April 2013

Trading Standards
Direct Dial - 020 7525 5783
Facsimile - 020 7525 5735

Dear Mr Gangadeen

RE: Underage Sales Guidance

Further to my visit to 14 Half Moon Lane SE24 on 27/03/13 I have enclosed a Trading Standards Age restricted sales folder.

An example of a Training record sheet has been enclosed which you may find useful for maintaining records of staff training. It is advisable to keep all the documents together as this can be read by staff as a useful reminder of age-restricted products and relevant law.

If you require further information relating to this matter, please contact me on the telephone number listed above.

Thank you

Yours sincerely,

Angel Harrow
Enforcement Officer
tradingstandards@southwark.gov.uk

Trading Standards – CS&E, 3rd Floor Hub 2, PO Box 64529, London SE1P 5LX
Contact centre - 020 7525 2000 **Website** - www.southwark.gov.uk/tradingstandards
Strategic Director of Environment & Leisure – Deborah Collins

CHECK ON CIGARETTE GANTRY BY HEDLEY SETAHUL TO ENSURE CIGARETTES ARE NOW NOT OPENLY DISPLAYED. 20/05/2015

COMPLAINT VIA LONDON TRADING STANDARDS INTELLIGENCE ABOUT UNDER AGE SALES FROM SHOP 15/11/2017

From: Intel [REDACTED]
Date: 15 November 2017 at 15:56:50 GMT
To: [REDACTED]
Subject: Fw: Consumer crime report from website

Dear Colleague,

Please see the information below which has been sent through on the LTS website through the reporting tool.

Message Body:

Who or what are you telling us about?

Half Moon Food and Wine

What are they doing that's wrong?

selling alcohol to children

What is the address or other location details concerned?

14 Half Moon Lane, Herne Hill SE24 9HU

When is this happening or when did it happen?

Two friends (aged 15 or 16) of my son (aged 15) bought a lot of beers for a group of 4/5 boys on 4 November 2017 from this store. Apparently it is well known to be selling to under-age customers.

Do you wish to be contacted about this should we need further information?

No

Your name (optional)

Your contact number (optional)

Your email (optional)

This e-mail was sent from a contact form on London Trading Standards Authorities (<http://londontradingstandards.org.uk>)

TEST PURCHASING OF ALCOHOL USING A 17 YEAR OLD MALE VOLUNTEER

14/12/2017 – test purchasing operation using 17 year old male volunteer – **can of fosters lager sold** to him by the owner (PLH and DPS) / director of the company that runs the business, A K Food & Wine Ltd (Co No 10203970) – Mr Ken Joseph GANGADEEN. No questions asked. (Note a total of 32 attempted test purchases were made with this volunteer in the year 2017/2018 of which 12 resulted in sales – premises are selected on the basis of intelligence and previous history)

Interview under caution

19/12/2017 – Mr GAGADEEN Formally interviewed and signed a **simply caution for the sale** for both himself and the company.

Cautions with documents accompanying this review application

TEST PURCHASING OF TOBACCO USING A 17 YEAR OLD FEMALE VOLUNTEER

27/03/2018 – test purchasing operation using a 17 year old apprentice. **Cigarettes sold** by Mr Ken GANGADEEN – no questions asked. (Note a total of 18 attempted test purchases were made with this volunteer in the year 2017/2018 of which 12 resulted in sales – premises are selected on the basis of intelligence and previous history)

6/6/2018 – [REDACTED] visited the premises to arrange and interview with Ken GAGADEEN – arranged for 12th June.

12/6/2018 – Mr GANGADEEN formally interviewed and signed a **simple caution for the sale** of tobacco to a minor.

Copy of caution with documents accompanying this review

TEST PURCHASING OF TOBACCO USING A 15 YEAR OLD FEMALE VOLUNTEER

28/8/2018 – Test purchasing campaign using a 15 year old female volunteer – **sale of 20 Mayfair refused – ID requested.**

COMPLAINT RECEIVED FROM THE POLICE ABOUT UNDER AGE SALES FROM THE STORE

29/8/2018 – Complaint received from police via David FRANKLIN in the Licensing Team about under age supply of alcohol and tobacco to a local 16 year old girl. Intelligence came from DC Bernard LEPCHA (Dates 28/6/2018 – alcohol (bottle of cider)) and 18/07/2018 – tobacco (pouch of hand rolling tobacco and filters)). The police had been able to obtain CCTV footage of the sale of tobacco but were unable to get CCTV of the alcohol due to the passage of more than 31 days since the incident. Police to provide full details of these alleged sales.

Stills from the CCTV with this application of sale of tobacco by Mr Ken GANGADEEN on 18/07/2018.

5/9/2018 – MEB / JT and PC Graham WHITE visited the premises to discuss with owner.

5/9/2018 – RM sent letter to trader by e-mail for PACE interview re incidents for Wednesday 12th September 2018.

Copy of letter sent by e-mail with documents accompanying this review.

12/9/2018 – Ken GANGADEEN attended council offices for interview but after being cautioned he asked for a solicitor – so interview was ended so that he could make suitable arrangements.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

If you have made representations before relating to the 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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

17th September 2018

.....

Capacity

Trading Standards Officer acting on behalf of LB Southwark

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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

A K FOOD & WINE LIMITED

Company number **10203970**

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/10203970/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/10203970/persons-with-significant-control)

Filter officers

Current officers


[Apply filter](#)

4 officers / 2 resignations

GANGADEEN, Aaron Kenneth

Correspondence address 

Role Active **Director**

Date of birth 

Appointed on **15 January 2017**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Director**

GANGADEEN, Ken Joseph

Correspondence address 

Role Active **Director**

Date of birth 

Appointed on **1 October 2017**

Nationality **British**

Country of residence **England**

Occupation **Director**

GANGADEEN, Aaron Kenneth

Correspondence address [REDACTED]

Role Resigned **Director**

Date of birth [REDACTED]

Appointed on **27 May 2016**

Resigned on **28 October 2016**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Director**

THANGARAJ, Rajesh

Correspondence address [REDACTED]

Role Resigned **Director**

Date of birth [REDACTED]

Appointed on **28 October 2016**

Resigned on **15 January 2017**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Director**

Is there anything wrong with this page?

SOUTHWARK COUNCIL SIMPLE CAUTION (COMPANY)

Page 1 of 2

CASE REFERENCE:	2017/43
COMPANY NAME:	AK Food & Wine Ltd
COMPANY NUMBER:	10203970
REGISTERED OFFICE ADDRESS:	14 Half Moon Lane, London, SE24 9HU

DATE OF OFFENCE(S):	14/12/2017
PLACE OF OFFENCE(S):	Half Moon Food and Wine, 14 Half Moon Lane, London, SE24 9HU
BRIEF CIRCUMSTANCES OF OFFENCE(S):	<p>Sale of Alcohol to a minor</p> <p>1. That you did, on the 14th December 2017, as the Designated Premises Supervisor and Premises License Holder at "Half Moon Food & Wine" 14 Half Moon Lane, London, SE24 9HU sell alcohol, namely a can of fosters lager, to an individual under 18 years old, namely a 17 year old boy</p> <p><i>Contrary to section 146(1) of the Licensing Act 2003</i></p>

Ministry of Justice guidance on simple cautions (issued 8th April 2013) (abridged)

Please read the guidance below and the attached declaration. Make sure you understand it before you sign. You may seek independent legal advice before you accept the caution.

1. A simple caution is an admission of guilt to committing an offence and forms part of an offender's criminal record. A record will be retained by the Council for future use. It may also be disclosed in a court in any future proceedings.
2. If after the simple caution has been administered, new evidence comes to light suggesting that the offence(s) committed are more serious, a prosecution may still be brought.
3. If the offence(s) involve a victim or victims they might still take civil action or bring a private prosecution against the company. The Council may provide your details to the victims if this is necessary for legal action to take place.
4. In some circumstances the company may be under a duty to disclose this caution.

Further information relating to certain cautions

Trading Standards – CS&E, 3rd Floor Hub 2, PO Box 64529, London SE1P 5LX
Contact centre - 020 7525 2000 **Website** - www.southwark.gov.uk/tradingstandards
Strategic Director of Environment & Leisure - Deborah Collins

1. If this caution relates to the sale of age restricted products (ARPs) or services please note that further covert test purchases will be attempted by the Council at your business. This means we will send in underage, or young looking, volunteers to attempt to buy ARPs or services. Such test purchasing may be covertly observed and recorded. You should also advise all sales staff of this.
2. If the company applies for certain licences connected with the business, e.g. under the Consumer Credit Act 1974 or Licensing Act 2003, this caution may be taken into account in any decision whether to issue any licence.

**SOUTHWARK COUNCIL
SIMPLE CAUTION (COMPANY)**

Page 2 of 2

DECLARATION:

I hereby declare that on behalf of the above-mentioned Company, I have read and understand all this information.

I hereby declare that I (insert name)

KEN GANKADEEN

am authorised by the company to admit the offence(s) described above and agree to accept a Caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should the Company be found to be infringing the law in the future. I further understand that this Caution may be cited should the Company subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances the company may be under a duty to disclose the existence of this Caution.

NAME: KEN GANKADEEN SIGNED: 
(Block capitals)

POSITION IN THE COMPANY: Director

DATED THIS 19th DAY of December 2017

After a signature has been added above, an officer of Southwark Council will countersign and return a copy.

NAME: DAVID LITTLETON SIGNED: 

DESIGNATION: Head of Regulatory Services

DATED THIS 19th DAY of December 2017

SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

CASE REFERENCE:	2017/043
OFFENDER'S SURNAME:	GANGADEEN
FORENAME(S):	Ken Joseph
NATIONAL INSURANCE No.	
OCCUPATION:	Company Director; Premises License Holder and Designated Premises Supervisor
ADDRESS:	[REDACTED]
DATE OF BIRTH:	[REDACTED]

DATE OF OFFENCE(S):	14/12/2017
PLACE OF OFFENCE(S):	Half Moon Food and wine
BRIEF CIRCUMSTANCES OF OFFENCE(S):	<p>Sale of Alcohol to a minor</p> <p>1. That you did, on the 14th December 2017, as the Designated Premises Supervisor and Premises License Holder at Half Moon Food and Wine, 14 Half Moon Lane, SE24 9HU sell alcohol, namely a 500ml can of Fosters lager , to an individual under 18 years old, namely a 17 year old boy</p> <p><i>Contrary to section 146(1) of the Licensing Act 2003</i></p>

Ministry of Justice guidance on simple cautions (issued 8th April 2013)

Please read the guidance below and the attached declaration. Make sure you understand it before you sign. You may seek independent legal advice before you accept the caution. Some of these points are applicable to cautions issued by the Police and will not be relevant to this matter.

1. A simple caution is an admission of guilt to committing an offence and forms part of an offender's criminal record. A record will be retained by the Council for future use. It may also be disclosed in a court in any future proceedings.
2. If after the simple caution has been administered, new evidence comes to light suggesting that the offence(s) committed are more serious, a prosecution may still be brought.
3. A simple caution may be disclosed to a current or prospective employer in certain circumstances. Separate guidance governs the disclosure of criminal record information
4. Simple cautions become spent immediately they are administered. This means that you do not need to disclose a simple caution when asked unless you are seeking work in an occupation that is listed in the Exceptions Order to the Rehabilitation of Offenders Act 1974 such as working with children and vulnerable adults or for other excepted purposes such as

seeking to obtain certain licences. Police Cautions will also be disclosed under Disclosure and Barring Service (DBS) standard and enhanced checks. Further information can be obtained from the DBS.

5. The DBS maintains the lists of those barred from working with children and vulnerable groups, including adults. A simple caution may be taken into account by the DBS when reaching a decision about the suitability of persons to work with children and adults. Accepting a simple caution for certain offences may lead to the offender's inclusion on such a list which will prevent them from working in a regulated post with children and vulnerable groups. Further information should be obtained from the DBS.
6. If the offence(s) involve a victim or victims they might still take civil action or bring a private prosecution against you. The Council may provide your details to the victims if this is necessary for legal action to take place.
7. Countries requiring foreign nationals to obtain entry visas may require applicants to declare simple cautions on their application forms or at interview. Other country's immigration rules may mean that a person who has received a simple caution is refused entry as though they have a criminal conviction. The Rehabilitation of Offenders Act 1974 only applies within the UK which means simple cautions, even if spent, may still need to be disclosed to some countries in some circumstances. This will vary from country to country and may apply to people who want to emigrate permanently or those who simply want to visit for short term purposes, such as on business, for a holiday or to study. For specific information on what an individual may be required to disclose, the relevant embassy of the country of travel should be contacted.

Further information relating to certain cautions

If this caution relates to the sale of age restricted products (ARPs) or services please note that further covert test purchases will be attempted by the Council at your business. This means we will send in underage, or young looking, volunteers to attempt to buy ARPs or services. Such test purchasing may be covertly observed and recorded. You should also advise all sales staff of this.

SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

DECLARATION:

I have read and understand all this information.
I hereby declare that I (insert name)

Mr Ken Joseph GANGADEEN

admit the offences described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

NAME: KEN GANGADEEN SIGNED: 
(Block capitals)

DATED THIS 19th DAY of December 2017

After a signature has been added above, an officer of Southwark Council will countersign and return a copy.

NAME: DAVID LITTLETON SIGNED: 

DESIGNATION: Head of Regulatory Services

DATED THIS _____th DAY of December 2017



Age restricted products (ARPs) – business support report

To All Food + Wine Ltd TIA "Half Man Food + Wine" LA ref

Address 14 Half Man Lane, SE24 9HU

Date 14/12/17 Time 18:15 Officer Ray Moore + PC

Person seen Mark Grogan Position* Director

Trading Standards
 Call centre – 020 7525 2000
 Facsimile – 020 7525 5735

Report no. **0472**

* If you are an employee you should pass this report to the business owner(s) or the relevant manager or company director etc.

Reason for visit Routine Enquiry / complaint Campaign / project Revisit

This report informs you of the results of the visit. Advice may be provided on aspects of your trading activities and indicate action taken by the officer or action required by the business. The visit is based upon a selection of legal requirements enforced by this service. The results should not be taken as an indication of compliance with all legal responsibilities.

ARPs sold / provided <input checked="" type="checkbox"/>							
Cigarettes, HRT etc.	<input checked="" type="checkbox"/>	Blunts	<input type="checkbox"/>	Shisha products	<input type="checkbox"/>	e-products	<input checked="" type="checkbox"/>
Alcoholic drinks	<input checked="" type="checkbox"/>	DVDs	<input type="checkbox"/>	Knives etc.	<input type="checkbox"/>	Solvents	<input type="checkbox"/>
Aerosol paints	<input type="checkbox"/>	BB guns	<input type="checkbox"/>	Fireworks (adult)	<input type="checkbox"/>	Treatments	<input type="checkbox"/>
Other (please list)							

For trading standards business advice visit www.southwark.gov.uk/tradingstandards

Officers comments / action you need to take now;
Section 14bA Licensing Act 2003
- sale of alcohol (a small jug) to a minor (17 year old male) at 18:11

Business comments / requests etc;
Please provide CCTV for 18:00 - 18:30
10:00 PACE interview at 150 Tulse St
kgrogan@een.co@gmail.com

Advice leaflet(s) provided FTA training offered Signed by recipient...

Store signage & tobacco control <input checked="" type="checkbox"/>			
	Very good <input type="checkbox"/>	Satisfactory <input type="checkbox"/>	Unsatisfactory <input type="checkbox"/>
A3 tobacco notice (point of sale)	Correct <input type="checkbox"/>	Incorrect <input checked="" type="checkbox"/>	S40
agecheck zone (entry point)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U20
agecheck zone (internal)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U21
Shelf edge labels (RU18? etc)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	U22
Challenge 25 signage	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U25
Tobacco advertising	Correct <input checked="" type="checkbox"/>	Incorrect <input type="checkbox"/>	S51
Tobacco display regulations	Correct <input checked="" type="checkbox"/>	Incorrect <input type="checkbox"/>	S61
Tobacco labelling (health/duty)	Correct <input checked="" type="checkbox"/>	Incorrect <input type="checkbox"/>	S23
No sale of single cigarettes	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>	S39
Other.....	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>	

Measure to assist sales staff and licensing <input checked="" type="checkbox"/>			
	Very good <input type="checkbox"/>	Satisfactory <input type="checkbox"/>	Unsatisfactory <input type="checkbox"/>
EPOS till prompt	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U23
Till reminder stickers for staff	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U24
Refusals register provided	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U26
Refusals register in regular use	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U27
Staff training records available	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U28
Staff aware of approved ID	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	U29
Product placement considered	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	U30
Personal Licence holder present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	U31
Licence condition(s).....	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>	U32
Other.....	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>	

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Licensing Register - Premises licences and club registrations - licences granted for licence number: 824437

Further Information on Licence Number: 824437

Property details

Licence number: 824437
Trading name and address: HALF MOON FOOD AND WINE
 14 Half Moon Lane
 SE24 9HU
Ward: Village

Applicant and Designated Premises Supervisor details

Licence Holder Mr Ken Joseph Gangadeen
Designated Premises Supervisor name: Mr Ken Jospeh Gangadeen

Licence details

Licence type: Premises
Date granted: July 04 2007

Licensable activities and conditions

Opening hours: **Sale by retail of alcohol to be consumed off premises**
 Monday 08:00 to 23:00
 Tuesday 08:00 to 23:00
 Wednesday 08:00 to 23:00
 Thursday 08:00 to 23:00
 Friday 08:00 to 23:00
 Saturday 08:00 to 23:00
 Sunday 10:00 to 22:30

Granted licensable activities:

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.

124 - Alcohol shall not be sold or supplied except during the permitted hours. In this condition the permitted hours means: a. On weekdays, other than Christmas Day, 8.00.a.m. to 11.00.p.m. b. On Sundays, other than Christmas Day, 10.00.a.m. to 10.30.p.m. c. On Christmas day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m. d. 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

Conditions: for together with his accommodation; c. To a canteen or mess.

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.

Contact us

Southwark Licensing Team
 3rd Floor, Hub 1
 PO BOX 64529
 London
 SE1P 5LX
 020 7525 5748
licensing@southwark.gov.uk

Telephone:

E-mail:

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Southwark Council
 PO BOX 64529
 London SE1P 5LX

020 7525 5000

csc@southwark.gov.uk

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APPENDIX C

POLICE

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/21/3238/18

Date: 15th October 2018

Re:- Half Moon Food & Wine, Half Moon Lane, London SE24 9HU

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 Breaches of the premises licence and a number of offences with the sale and supply of alcohol and tobacco to children under 18.

The police fully support the review application and have information that will be supplied direct to the licensing subcommittee, which we would consider restricted and should not be disclosed.

In my opinion there is no place for a premises that is operated in such a way, one that is putting children at risk and continued to do so after previous cautions.

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

Yours Sincerely

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

Heron, Andrew

From: Stanley, Matthew
Sent: 11 October 2018 18:23
To: Regen, Licensing
Cc: Heron, Andrew; Tear, Jayne; Shapo, Leidon
Subject: License review, Re: 14 HALF MOON LANE, LONDON, SE24 9HU

To whom it may concern:

Re: 14 HALF MOON LANE, LONDON, SE24 9HU

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):

- ☞ Protection of children from harm

According to correspondence from Mr Ray Moore, supplied to public health, these premises has received allegations of the following:

- Sale of tobacco pouch and filters to a 16 year old girl on 18th July 2018.
- Supply of alcohol to the same 16 year old girl, without request for payment.
- Background of previous accusations of sales of alcohol and tobacco to minors, with advice provided to the premises by Trading Standards prior to July 2018 regarding compliance with appropriate practice regarding avoidance of sales of alcohol and tobacco to minors.

The Children and Young Persons Act 1933, as amended by the Children and Young Persons (Protection from Tobacco) Act 1991 states the following:

Condition 488 “(1) The premises license 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 license must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy. (3) The policy must require individuals who appear to the responsible person to be under 18 year 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.”

It appears that this premises is not appropriately adhering to the above policy. The sale of alcohol to minors by this premises poses a potential harm to young people due to unregulated and illegal sales of alcohol and tobacco below the legal age limit. Use of alcohol in young people has been identified by research to have a negative effect on the health of young people, including effects on acute and chronic health problems, effect on brain development and mental health, in addition to increasing the risk of sexual risk taking and other drug use. These risks are outlined in a systematic review entitled ‘*Impact of Alcohol Consumption on Young People*’ published by the department for children, schools and families authored by D Newbury-Birch Accordingly (available at <http://dera.ioe.ac.uk/11355/1/DCSF-RR067.pdf>).

Recommendations

- ☞ Public Health would support Trading Standards request for revocation of this license on the premise that the documented sale of alcohol and tobacco to persons that are underage poses a significant potential risk to the health of minors – accordingly, pending further investigation, I recommend that this license is rejected until licensing services are assured that the management of this establishment has appropriate mechanisms in place in order to prevent any further risk to the health of children and young people from harm.

- ☞ Were the sub-committee to decide to re-instate this license at any point, conditions that are recommended to be considered in order to prevent children from harm in future are as follows:
- Successful adherence to rules outlined in Children and Young Persons Act 1991 regarding sales of alcohol and tobacco to minors, regularly tested through test purchasing of tobacco and alcohol.
 - Establishment of Challenge 25 policy.
 - Low threshold for withdrawal of license if the premises is found to be guilty of selling alcohol or tobacco to minors following reinstatement of the license.

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

Yours sincerely,

Matthew Stanley

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

Dr Matthew Stanley

Senior House Officer | Public Health Division

Place and Wellbeing Department | London Borough of Southwark

160 Tooley Street | London SE1P 5LX

(T): 07511 947730 |(E): Matthew.Stanley@Southwark.gov.uk

www.southwark.gov.uk

SAFEGUARDING

For the attention of the Licensing Committee:

Re: AK Food & Wine Ltd 14 Half Moon Lane.

On behalf of Children's Social Care for Southwark (a responsible authority under the Licensing Act 2003) I wish to make a 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 Ray Moore on behalf of Trading Standards.

- A member of the public complained to the Police that on **4th November 2017** the shop had sold a large quantity of alcohol to her 15 year old son and his friends.
- On **14th December 2017** when a test purchase was undertaken Mr Gagadeen sold alcohol to a minor.
- On **19th December 2017** Mr Gagadeen was given a simple caution.
- **On the 8th March 2018** the Police raised further concerns that the shop was selling alcohol and tobacco to minors.
- At a further test purchase on **27th March 2018**, Mr Gagadeen sold tobacco to a minor.
- On **27th March 2018** Trading Standards gave further advice to Mr Gagadeen about Challenge 25.
- On **12th June 2018** Mr Gagadeen accepted a second simple caution.
- On **30th June 2018** it is alleged that the shop had supplied alcohol to a minor.
- Again on **18th July 2018** Mr Gagadeen sold tobacco to the same minor, this was captured on CCTV.

In summary, from the chronology noted above it would be reasonable to believe Mr Gagadeen is aware of his responsibilities under Challenge 25, yet he continues to supply alcohol and to tobacco to minors, one as young as 14.

It would therefore lead us to believe that Mr Gagadeen has little regard for his duty to safeguard children under relevant legislation and procedures.

Recommendations

- I would therefore support the recommendation 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/Children's Social Care
2nd Floor, Sumner House
Sumner Road
London
SE15 5QS
0207 525 0689
Eva.Simcock@southwark.gov.uk
Eva.Simcock@southwark.gov.uk.cjism.net

LICENSING**MEMO: Licensing Unit**

To Licensing Unit **Date** 15 October 2018

Copies

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

Email jayne.tear@southwark.gov.uk

Subject Re Half Moon Food and Wine, 14 Half Moon Lane, London, SE24 9HU

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 & Protection of Children from Harm

- Sale of tobacco pouch and filters to a 16 year old girl on 18th July 2018 at approximately 16:00 hours by Mr Gangadeen (and filters at 15:00 hrs?) Supply of alcohol (bottle of cider) to the same 16 year old girl by person unknown who was working in the shop for "clothes and food". (alcohol was given to girl without request for payment)
- Unknown person supplied alcohol on 30/06/2018 – also identified on CCTV by DC Bernard LAPCHA working in shop on 18/07/2018.
- Test purchasing of alcohol using a 17 year old male volunteer on 14/12/2017 – test purchasing operation can of fosters lager sold to him by the owner (PLH and DPS) Mr Ken Gangadeen
- 27/03/2018 – test purchasing operation using a 17 year old apprentice. Cigarettes sold by Mr Ken Gangadeen
- Offences committed under the licensing act 2003 and other related legislation

The premises is an off licence/grocery that is currently licensed for supply of alcohol 'off the premises' on Monday to Saturday from 08:00 to 23:00 and on Sunday from 10:00 to 22:30. There are no closing times stipulated on the premises licence.

The current licence holder and designated premises supervisor (DPS) is Ken Joseph Gangadeen. Mr Gangadeen has been the licensee and DPS since 04/07/2007.

A trading standards officer visited the premises on 27/3/2018 to advise Mr Gangadeen of his responsibility regarding underage sales and best practise. Despite this Mr Gangadeen continued to sell alcohol to underage persons.

On 19/12/2017 Mr Gangadeen Formally interviewed and signed a simply caution for the sale for both himself and the company.

On 12/6/2018 – Mr Gangadeen formally interviewed again and signed a simple caution for the sale of tobacco to a minor.

I have no faith in the current management either licensee or DPS Mr Ken Gangadeen 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

Heron, Andrew

From: Regen, Licensing
Sent: 05 October 2018 08:29
To: O'Gorman, Sinead
Cc: Heron, Andrew
Subject: FW: Re:

PERSON 1**Kirty Read**

Processing Manager
 Southwark Council | Licensing | Regulatory Services
Tel: 0207 525 5748 | **Fax:** 020 7525 5705
EHTS Helpline: 020 7525 4261 | **Call Centre:** 020 7525 2000
Email: licensing@southwark.gov.uk

In future if you wish to submit an application, a quicker way would be to [apply online](#)

Postal Address:

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

Visitor's Address:

160 Tooley Street | London | SE1 2QH

From: [REDACTED]
Sent: Thursday, October 04, 2018 4:22 PM
To: Regen, Licensing
Subject: Re:

Sent from Samsung Mobile

----- Original message -----

From: [REDACTED]
Date: 2018/10/04 16:04 (GMT+00:00)
To: licencing@southwark.gov.uk
Subject:

I refer to the Notice of Application for the review of a Premises licence of Half Moon Food and Wine at 14 Half Moon Lane SE24 9HU.

I find this Application untoward and totally inapt. It is undeserved, aggravating and disagreeable. I have known Mr. Gangadeen since he first arrived here nearly 12 years ago. He has almost 40 years of experience in his business during which time he has never been in any kind of trouble or any accusation wrongdoing. This Notice of Application is to review his licence on the basis that his shop is associated with crime and disorder and harming children by underage selling. I understand that the young lady who was trying to buy tobacco products in this case looked to be easily over 20. What crime or disorder is associated in this shop?

Mr Gangadeen is known by me to offer credit to some customers and even to deliver to those who are ill or otherwise indisposed. When reviewing this Application it is only fair and equitable to take into consideration the positive and generous aspects of Mr. Gangadeen's activities in his shop.

I wish this letter to be taken into your consideration and that this review will end positively for Mr. Gangadeen so that he may continue to helpfully and positively serve the community as he always has.

Yours faithfully

A black rectangular redaction box covering the signature of the sender.

Sent from Samsung Mobile

PERSON 2

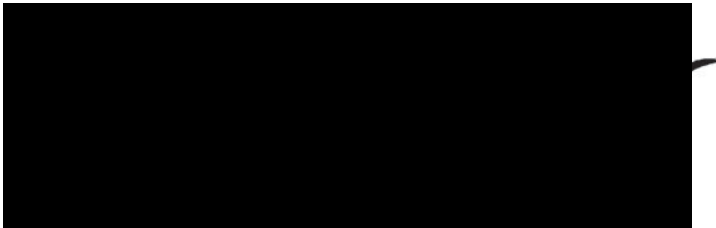
**Representation Regarding:
Premises Licence Review for Half Moon Food & Wine SE24 9HU**

Date: 26.09.18

To whom it may concern,

I am writing with regard to the application for the review of the premises licence for Half Moon Food and Wine (SE24 9HU). I was shocked to learn of the proceedings being brought against this establishment and would like to offer this statement in support of Mr Gangadeen's good character. As a daily visitor to Half Moon Food and Wine I have never witnessed any criminal activity by Mr Gangadeen or his team and would question any assertion that this premises is associated with crime or disorder. Indeed during the six years I have lived in this area I have only known Mr Gangadeen and his team to be trusted and valued members of the Herne Hill community.

Your Kindly,



PERSON 3

Dear Sir/Madam,

October 14th 2018

1. I am one of the committee members of the Herne Hill Forum (HHF), a successful amenity group which has been running for about 14 years so is well known and respected throughout the neighbourhood.
2. We have been requested by local trader Mr Ken Gangadeen of AK Food & Wine to support him in respect of the upcoming review of his premises licence. That review has been sought by Mr Ray Moore on behalf of Trading Standards on the grounds of
 1. “the prevention of crime and disorder” and
 2. “the protection of children from harm”.

HHF is aware that these are two of the four grounds for objecting to the grant of or withdrawal of a premises licence under the Licensing Act 2003 .

3. HHF endeavours to support all of our traders as part of a thriving community. Accordingly I have been asked to review the evidence prior to HHF making any comment. I requested the evidence from Trading Standards and received it in the form of 15 sheets of paper stapled together comprising
 1. a copy of the application for the review (3 sheets)
 2. supporting documents (12 sheets)
4. I would like to start with some preliminary comments about the quality of the information in those documents as evidence. They are not presented in any chronological sequence, there is no narrative to outline any case, and the whole presentation seems to be very much on the basis “lets throw as much mud as possible and see how much sticks”. As a rate payer, whilst applauding the fact that such applications may be made and reviewed to ensure they comply with the Licensing Act eg in order to keep our children safe, I am truly disappointed in the quality of the work that I, and others, are paying for through our rates as evidenced by this bundle.
5. In order to make some sense of the information therein, and to try to see the wood from the trees, I have constructed a chronological table of events (copy attached in spread sheet format).

Some points to note:

1. Mr Ken Gangadeen has been trading for 11 years, 10 without any adverse findings in respect of his licence.
2. 3 test visits have been carried out by Trading Standards in the last 12 months, 2 of which he failed and for which he received a written warning in December 2017. The third, and most recent on 28 August 2018, he passed, having properly checked the ID of an under age test female and declined to sell her the requested cigarettes.
3. There have also been a further 2 allegations of improper sales of alcohol and/or tobacco which have been provided by the Met Police based solely on information received from unnamed third parties. The first allegation was on 15 November 2017 and resulted in one of the test purchases in 2 above. The more recent was on 29 August 2018 and related to incidents one month and 2 months earlier.
4. The request for review is citing these latter 2 incidents as grounds for the review. We do not

understand why so much time has passed since these incidents before a review was requested, particularly as in the interim Mr Gangadeen had passed another test visit perfectly!

6. Looking at the evidence presented in relation to the grounds of the review, which as noted above are namely :
 - (i) “the prevention of crime and disorder” and
 - (ii) “the protection of children from harm”.
 - The incidents being cited were not part of a properly organised Trading Standards test purchase but simply a follow up by the Met Police who had tried, post event, to get evidence from Mr Gangadeen's own CCTV to corroborate the allegation. This was only partially successful because of the lapse of time.
 - Unlike in the test cases we have no idea whether the test subjects were actually under 18, or clearly looked like they were under 18, because no supporting evidence is presented.
7. To sum up:
 - After 10 years of trading without breaching the Licencing Act , there have been 3 test purchases by Trading Standards in the last 12 months, 2 of which Mr Gangadeen failed , following which he received written warnings, and are now last year’s history.
 - On August 28th this year he passed a further test case , having asked the prospective purchaser for identification; but there was also an allegation by an undisclosed person, made via the web, who appears not to have been interviewed; but nonetheless this allegation of two breaches was investigated by the police who have admitted that they could find no relevant CCTV footage for one of the allegations (a“gift” of a bottle of cider), and for the other one that they did find footage (sale of a tobacco pouch) but no statement is made as to whether the footage supported the allegation, or otherwise.

All in all, I do not believe that the flimsy evidence put forward by Trading Standards merits a review of Mr Gangadeen’s licence.
8. Whilst I accept that Mr Gangadeen's record is not squeaky clean, it is also clear that despite not having not passed two earlier tests by Trading Standards, the fact that he passed the most recent test in August indicates that he has listened to advice and warnings given, and now as a matter of course, requests ID to check the age of the prospective customers.
9. So the panel now have to decide whether to
 - (i) Dismiss the application for review of the licence in its entirety, given that the hard evidence in respect of the two incidents on which this application is based is so very inadequate; or
 - (ii) Revoke the licence for the sale of tobacco and alcohol for , say , one year , significantly reducing Mr Gangadeen's turnover and thereby risk putting him out of business, which in our view would be an overly harsh judgement. As the panel will be aware hardly a week goes past now small businesses failing because of the current harsh trading conditions. Moreover the panel may not be aware that a business a few doors away from A K Food and Wine closed down a couple of months ago simply because of these hard trading conditions.
10. If the panel feel that neither of those options is entirely appropriate may I suggest, (if it is possible and you consider it appropriate) , a third option, namely that Mr Gangadeen's

licence be renewed with conditions, for example, that he implements the policy that Trading Standards have previously suggested to him, i.e. that he asks for, and checks, the ID of anyone who appears to be under 25 and places signage in his shop to that effect.

The contents of this representation have been considered and approved by the Officers of of the Herne Hill Forum, and will also be put to the Committee of the Herne Hill Forum this evening. If and when approved I will confirm that is indeed the case, with a copy of the minutes shortly after.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

Heron, Andrew

From: Regen, Licensing
Sent: 02 October 2018 07:57
To: Heron, Andrew
Subject: FW: Half Moon Food and Wine

Kirby Read
Processing Manager
Southwark Council | Licensing | Regulatory Services
Tel: 0207 525 5748 | Fax: 020 7525 5705
EHTS Helpline: 020 7525 4261 | Call Centre: 020 7525 2000
Email: licensing@southwark.gov.uk

In future if you wish to submit an application, a quicker way would be to apply online

Postal Address:
Licensing Team | 3rd Floor, Hub 1 | PO Box 64529 | London | SE1P 5LX

Visitor's Address:
160 Tooley Street | London | SE1 2QH

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

From: [REDACTED]
Sent: Monday, October 01, 2018 4:32 PM
To: Regen, Licensing
Subject: Half Moon Food and Wine

Dear Sir,

I understand that a Notice of Application for the review of a premises licence has been issued to Half Moon Food and Wine. I am writing to vouch for the owner of Half Moon Food and Wine. Ken and his staff are scrupulous about checking ID and not selling alcohol to under aged children. As the parent of three young adults/teenagers, I am all too aware of the problem of shops selling alcohol to under aged children but Half Moon Food and Wine is certainly not one such shop.

Ken provides a valuable service to the local community; he came to my daughter's rescue when she was being harassed by a man at the bus stop outside his shop. He is friendly and courteous and makes time to help elderly and disabled shoppers.

There are plenty of drug and alcohol misuse problems locally; illegal drugs are openly consumed and traded on Winterbrook Road near the junction of Half Moon Lane for example. I would respectfully suggest that Southwark Council use their limited resources tackling antisocial and illegal behaviour such as this rather than harassing a hard working shop keeper who provides a much needed service to all of us.

Yours faithfully

[REDACTED]

Heron, Andrew

From: Beswick, Claire on behalf of Regen, Licensing
Sent: 03 October 2018 11:52
To: Heron, Andrew
Subject: FW: Contact form for: Licensing Team

Fyi

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

From: www.southwark.gov.uk Website [<mailto:noreply@southwark.gov.uk>]

Sent: Wednesday, October 03, 2018 11:10 AM

To: Regen, Licensing

Subject: Contact form for: Licensing Team

A visitor to the www.southwark.gov.uk website has used the Email Us facility to send you an email from a contact on a webpage.

Contact Name: Licensing Team

Page Name: How to lodge a representation Page Type: Content Page

Link: <http://www.southwark.gov.uk/admin/system/ShowEntity?entity=bridge%3A%2F%2Fsouthwark-internet%2Fmodules%2Fm.Content~%2F~%2F.Entry%2F2224>

Senders Email Address: [REDACTED]

Message:

Dear Licensing,

I am emailing you in reference to the application for the review of the premises license for Half Moon food and wine on Half Moon Lane, Herne Hill, SE24 9HU.

I was very surprised to see that the council have started proceedings against this business and would like to state my support of Ken Gangadeen, his loyal staff and establishment. My family and I have lived at [REDACTED] 9HN, just yards from Ken's shop, since 2013. In the past 5 years, Ken and his staff have become our friends and is a shop that we trust and use on a daily basis. The shop provides a personal service for every day items, in contrast to the big chain supermarket convenience stores that dominate Herne Hill centre. I often see and partake in conversations with Ken and his many loyal regulars and I believe that he adds a great deal to the local community. My family and I always feel safe when visiting the shop and believe they actively discourage anti social behaviour, in an area that suffers from that problem to quite a high degree.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]



LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2018-19

NOTE: Original held by Constitutional Team; all amendments/queries to
Andrew Weir - Tel: 020 7525 7222

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Councillor Renata Hamvas	1	Debra Allday, legal team	1
Councillor Sandra Rhule	1	Andrew Heron, licensing team	1
Councillor Ian Wingfield	1	Jayne Tear, licensing team	1
Councillor Maria Linforth-Hall (reserve)	By email	Ray Moore, trading standards team	1
		Angel Harrow, trading standards team	1
		Matthew Stanley, public health	1
		Eva Simcock, children's social care	1
		Tim Murtagh (spares)	4
		Total printed copies:	14
		Dated: 9 November 2018	