

Licensing Sub-Committee

Monday 28 January 2019

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Sirajul Islam
Councillor Ian Wingfield

Reserves

Councillor Sunny Lambe

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

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Contact

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 18 January 2019



Licensing Sub-Committee

Monday 28 January 2019
10.00 am

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

Order of Business

Item No.	Title	Page No.
PART A - OPEN BUSINESS		
1.	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: RADNOR PROPERTIES LTD, 160 - 162 RYE LANE, PECKHAM, LONDON SE15 4NB	1 - 38
6.	LICENSING ACT 2003: DENMARK EXPRESS, 74 DENMARK HILL, LONDON SE5 8RZ	39 - 111
7.	LICENSING ACT 2003: SHELL SOUTHWARK PARK ROAD, 297 - 307 SOUTHWARK PARK ROAD, LONDON SE16 2JN	112 - 138

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

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

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

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

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

Date: 18 January 2019

Item No. 5.	Classification: Open	Date: 28 January 2019	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Radnor Properties Ltd, 160 – 162 Rye Lane, Peckham, London SE15 4NB	
Ward(s) of group(s) affected		Rye Lane	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers whether an application submitted by Radnor Properties Limited for a premises licence be granted under the Licensing Act 2003 in respect of the premises known as 160 – 162 Rye Lane, Peckham, London, SE15 4NB.
2. Notes:
 - a) The application is for a premises licence and was submitted under Section 17 of the Licensing Act 2003. The application is subject to representations and is therefore referred to the licensing sub-committee for determination.
 - b) Paragraphs 9 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 12 to 15 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached to this report as Appendices B & C. A map showing the location of the premises is attached to this report as Appendix D.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to applications 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

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 premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 5 December 2018 Radnor Properties Limited applied to this council for the grant of a premises licence in respect of 160 – 162 Rye Lane, Peckham, London, SE15 4NB.
9. The application is summarised as follows:
- **Recorded music**
 - Sunday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 00:30 the following day
 - **Late night refreshment**
 - Sunday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 00:30 the following day
 - **Sale of alcohol to be consumed on the premises**
 - Sunday to Thursday from 11:00 to 23:30
 - Friday and Saturday from 11:00 to 00:30 the following day
 - **Proposed opening hours of the premises**
 - Sunday to Thursday from 08:00 to 00:00 (midnight)
 - Friday and Saturday from 08:00 to 01:00 the following day.
 - The premises and its intended operation are described as follows:
 - "The premises is a new restaurant located on the ground floor & basement of 160/162 Rye Lane. There will be customer seating to the front of the ground floor with the bar to the side, kitchen, food storage

area and toilets to the rear. There will be additional customer seating in the basement with the bar to the side, office, cold room and toilets to the rear. There will be a maximum of 136 covers on the ground floor and a maximum of 60 covers in the basement.”

10. The premises licence application form provides the applicant’s operating schedule. Parts F, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application then the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application is attached to this report as appendix A.

Designated premises supervisor

11. The proposed designated premises supervisor (DPS) is Brenth McKie.

Representations from responsible authorities

12. A representation was submitted by the Metropolitan Police Service.
13. The Metropolitan Police Service’s representation suggested various control measures that the Metropolitan Police Service recommended should become conditions of any licence issued subsequent to the application. The applicant agreed to amend the application to include the suggested control measures and the Metropolitan Police Service withdrew their representation.
14. Copies of the representation submitted by the police, and related correspondence, are attached as Appendix B.

Representations from other persons

15. Six representations have been submitted by ‘other persons’. Five other persons are local residents and one is a local investor. Four of the representations object to the application and the other two representations support the application. In summary, the representations objecting to the application contend that the proposed operation of the premises is likely to give rise to nuisance, crime, disorder, an increase in litter / trade waste in the locale and that the intended operation of the premises may also be to the detriment of children using a nearby church and nursery. The representations in support of the application contend that a new restaurant would be a welcome addition to the area which has too few restaurant premises.

Conciliation

16. At this time none of the other persons who submitted representations objecting to the application have been conciliated. Their representations remain outstanding and must be considered by the licensing sub-committee.
17. Copies of the representations submitted by the other persons are attached as appendix C.

Premises history

18. No licence has been held in respect of the premises under current, or prior, licensing legislation.

19. On 5 December 2018 Radnor Properties Limited applied to this council for the grant of a premises licence in respect of 160 – 162 Rye Lane, Peckham, London, SE15 4NB.

Deregulation of entertainment

20. On 6 April 2015 entertainment became deregulated and as a result:
- Live unamplified music is deregulated between 08:00 and 23:00 on any premises.
 - Live amplified music and recorded music are deregulated between 08:00 and 23:00 on licensed premises for an audience of up to 500 people.
 - Plays and the performance of dance are deregulated between 08:00 and 23:00 for an audience of up to 500 people.
 - Indoor sporting events are deregulated between 08:00 and 23:00 for an audience of up to 1000 people.
21. Live music and recorded music can become licensable in on-licensed premises if the licensing authority removes the effect of deregulation following a licence review ('licence review mechanism').
22. The showing of films has not been de-regulated.

Map

23. A map showing the location of the premises is attached to this report as appendix D. The following licensed premises are also shown on the map and provide licensable activities as stated:

Swazie Food Store, 1A Choumert Road, London London SE15 4SE licensed for:

- 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.

Jamaica Flavour Limited, 207 Rye Lane, London SE15 4TP licensed for:

- The sale of alcohol to be consumed on the premises:
 - Sunday to Wednesday from 11:00 to 00:00 (midnight)
 - Thursday from 11:00 to 02:00 the following day
 - Friday and Saturday from 11:00 to 03:30 the following day.
- Recorded music:
 - Sunday to Wednesday from 09:00 to 00:00
 - Thursday from 09:00 to 02:00 the following day
 - Friday and Saturday from 09:00 to 03:30 the following day.

- Late night refreshment:
 - Sunday to Wednesday from 23:00 to 00:00
 - Thursday from 23:00 to 02:00 the following day
 - Friday and Saturday from 23:00 to 03:30 the following day.
- Performances of dance:
 - Thursday from 09:00 to 02:00 the following day
 - Friday and Saturday from 09:00 to 03:30 the following day
 - Sunday from 09:00 to 00:00.

Roosters Hut, 177-179 Rye Lane, London SE15 4TP licensed for:

- Late night refreshment:
 - Sunday to Thursday from 23:00 to 02:00 the following day
 - Friday and Saturday from 23:00 to 03:00 the following day.

Four Quarters, 187 Rye Lane, London SE15 4TP licensed for:

- The sale of alcohol to be consumed on the premises, films:
 - Sunday to Wednesday from 11:00 to 00:30 the following day
 - Thursday from 11:00 to 01:00 the following day
 - Friday and Saturday from 11:00 to 01:30 the following day.
- Late night refreshment:
 - Sunday to Wednesday from 23:00 to 00:30 the following day
 - Thursday from 23:00 to 01:00 the following day
 - Friday and Saturday from 23:00 to 01:30 the following day.
- Recorded music:
 - Thursday from 23:00 to 01:00 the following day
 - Friday and Saturday from 23:00 to 01:30 the following day.

Taco Queen, 191 Rye Lane, London SE15 4TP licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Saturday from 09:00 to 23:30
 - Sunday from 09:00 to 22:00.

Rootz, 181 Rye Lane, London SE15 4TP licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Saturday from 11:00 to 23:30
 - Sunday from 10:00 to 17:30.
- Late night refreshment:
 - Monday to Saturday from 23:00 to 00:00.

Morley's Fried Chicken, 163 Rye Lane, London SE15 4TL licensed for:

- Late night refreshment:
 - Sunday to Thursday from 23:00 to 00:00
 - Friday and Saturday from 23:00 to 01:00 the following day.

Stella's African Food, 154 Rye Lane, London SE15 4NB licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Sunday from 10:00 to 22:00.

Bargain Booze, 164 Rye Lane, London SE15 4NB licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Saturday from 08:00 to 22:00
 - Sunday from 10:00 to 22:30.

- **ASDA Supermarket, 174 Rye Lane, London SE15 4NB** licensed for:

- 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.

Zapoi, 138 Rye Lane, London SE15 4RZ licensed for:

- The sale of alcohol to be consumed on the premises, recorded music, live music, late night refreshment:
 - Sunday to Thursday from 23:00 to 23:30
 - Friday and Saturday from 23:00 to 00:30 the following day.

John The Unicorn, 157-159 Rye Lane, London SE15 4TL licensed for:

- The sale of alcohol to be consumed on the premises, recorded music:
 - Sunday to Thursday from 23:00 to 00:00
 - Friday and Saturday from 23:00 to 01:00 the following day.
- Late night refreshment:
 - Sunday to Thursday from 23:00 to 00:30 the following day
 - Friday and Saturday from 23:00 to 01:30 the following day.

Peckham Palms, Unit 1-14, Bournemouth Close, London SE15 4PB licensed for:

- The sale of alcohol to be consumed on and off the premises, recorded music
 - Monday to Sunday from 11:00 to 22:30.

- Films:
 - Monday to Sunday from 11:00 to 23:00.

Southwark council saturation policy for Peckham

24. Council assembly approved the introduction of a special policy for Peckham on the cumulative impact of a concentration of licensed premises (saturation policy) on 12 October 2011. This was renewed in November 2015 when full council assembly approved the 2016 - 2020 Statement of Licensing Policy.
25. The decision to introduce saturation policy was taken with regard to the committee's concern over rising trends of late night alcohol related violence against the person and late night disorder and rowdiness associated with late night licensed premises in the area.
26. The effect of this special policy is that is to create a presumption that applications for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
27. The applicant has been advised to address the committees concerns around cumulative impact at the meeting.
28. **NB** The Peckham Cumulative Impact Policy (saturation policy) does not apply to restaurant premises and so does not apply to this application.

Southwark council statement of licensing policy

29. Council assembly approved Southwark's statement of licensing policy 2016 - 2020 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.
30. 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.
31. The premises are located in Peckham major town centre area. Closing times as stated below are suggested in the statement of licensing policy for the following types of licensed premises located in Peckham town centre area:
- Restaurants and cafes and take-away establishments:
 - Friday and Saturday: 01:00
 - Sunday to Thursday: 00:00.

Resource implications

32. A fee of £100.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band A.

Consultation

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

Community impact statement

34. 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

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

Principles for making the determination

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

Conditions

40. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
41. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
42. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.

43. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
44. Members are also referred to the Home Office revised guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

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

Hearing procedures

46. 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.
47. 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

48. 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.

49. 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.
50. 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.
51. 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.
52. 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.

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.

53. 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.
54. 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

55. 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

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

BACKGROUND DOCUMENTS

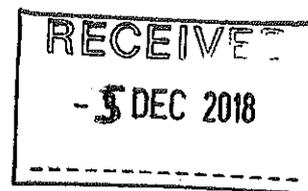
Background Papers	Held At	Contact
Licensing Act 2003 Home Office Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Copy of the application
Appendix B	Copies of the representations submitted by the Metropolitan Police Service and related correspondence
Appendix C	Copies of representations submitted by the other persons
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Ian Smith, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	15 January 2019	
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	16 January 2019	



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We RADNOR PROPERTIES LTD

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 160-162 RYE LANE, PECKHAM, LONDON SE15 4NB			
Post town	LONDON	Postcode	SE15 4NB

Telephone number at premises (if any)	
Non-domestic rateable value of premises	BAND A AGREED AS NO NNDR VALUE SET

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership please complete section (B)
- ii as a partnership (other than limited liability) please complete section (B)
- iii as an unincorporated association or please complete section (B)
- iv other (for example a statutory corporation) please complete section (B)

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

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname					
Date of birth		I am 18 years old or over			
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name RADNOR PROPERTIES LTD

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
0	1	0	1	2	0	1	9

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

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)
 THE PREMISES IS A NEW RESTAURANT LOCATED ON THE GROUND FLOOR & BASEMENT OF 160/162 RYE LANE.
 THERE WILL BE CUSTOMER SEATING TO THE FRONT OF THE GROUND FLOOR WITH THE BAR TO THE SIDE, KITCHEN, FOOD STORAGE AREA AND TOILETS TO THE REAR. THERE WILL BE ADDITIONAL CUSTOMER SEATING IN THE BASEMENT WITH THE BAR TO THE SIDE, OFFICE, COLD ROOM AND TOILETS TO THE REAR. THERE WILL BE A MAXIMUM OF 136 COVERS ON THE GROUND FLOOR AND A MAXIMUM OF 60 COVERS IN THE BASEMENT.

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

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

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | X |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

X

Supply of alcohol (if ticking yes, fill in box J)

X

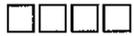
In all cases complete boxes K, L and M

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	X
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23.00		Please give further details here (please read guidance note 4) CD'S ETC		
		23.30			
Tue	23.00				
		23.30			
Wed	23.00		State any seasonal variations for the playing of recorded music (please read guidance note 5) NONE		
		23.30			
Thur	23.00				
		23.30			
Fri	23.00		Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) NONE		
		00.30			
Sat	23.00				
		00.30			
Sun	23.00				
		23.30			

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	X
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23.00		<u>Please give further details here</u> (please read guidance note 4) PROVISION OF HOT FOOD & DRINK.		
		23.30			
Tue	23.00				
		23.30			
Wed	23.00		<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) NONE		
		23.30			
Thur	23.00				
		23.30			
Fri	23.00		<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) NONE		
		00.30			
Sat	23.00				
		00.30			
Sun	23.00				
		23.30			



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)	
Day	Start	Finish		
Mon	08.00		NONE	
		00.00		
Tue	08.00			
		00.00		
Wed	08.00			
		00.00		
Thur	08.00			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6) NONE
		00.00		
Fri	08.00			
		01.00		
Sat	08.00			
		01.00		
Sun	08.00			
		00.00		

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

WE WILL OPERATE OUR BUSINESS IN A RESPONSIBLE MANNER AND ACTIVELY PROMOTE THE LICENSING OBJECTIVES AT ALL TIMES.
 160/162 RYE LANE WILL OPERATE AS A BONA FIDE RESTAURANT WHERE THE SALE OF ALCOHOL IS ANCILLARY TO PERSONS TAKING A TABLE MEAL. A TAKE AWAY SERVICE OF FOOD WILL BE PROVIDED.
 THE MAXIMUM NUMBER OF COVERS SHALL BE 136 ON THE GROUND FLOOR AND 60 IN THE BASEMENT. (SEE PLAN).
 CIZ STATEMENT
 WE HAVE CONSULTED THE POLICE AND LBS LICENSING. WE UNDERSTAND THAT AS A BONA FIDE RESTAURANT THE PREMISES IS EXEMPT FROM THE PECKHAM CIZ POLICY AND THE HOURS ARE WITHIN THE HOURS POLICY. IN ANY CASE WE DO NOT BELIEVE THE PREMISES WILL ADD TO NEGATIVE CUMULATIVE IMPACT.

b) The prevention of crime and disorder

1) THE BUSINESS WILL OPERATE STRICTLY AS A RESTAURANT PROVIDING FOOD FOR CONSUMPTION ON THE PREMISES OR TO BE TAKEN AWAY. THE SALE AND CONSUMPTION OF ALCOHOL WILL BE STRICTLY LIMITED TO THOSE TAKING A TABLE MEAL AT THE RESTAURANT, SEATED AT A TABLE AND WITH SERVICE STRICTLY BY WAITING STAFF ONLY. CUSTOMERS MAY BE ALLOWED TO TAKE HOME A SEALED PART CONSUMED BOTTLE OF WINE.
 2) NO ALCOHOLIC DRINKS, GLASSES OR GLASS BOTTLES EXCEPT FOR SEALED PART CONSUMED BOTTLES OF WINE MAY BE REMOVED FROM THE PREMISES AT ANY TIME.
 3) CCTV COVERING THE INTERIOR & EXTERIOR OF THE RESTAURANT WILL BE INSTALLED AND SHALL BE KEPT OPERATIONAL AT ALL TIMES THE PREMISES ARE OPEN TO THE PUBLIC. IT SHALL BE CAPABLE OF TAKING A HEAD & SHOULDERS SHOT OF PERSONS ENTERING THE PREMISES, BE CAPABLE OF STORING IMAGES FOR A MINIMUM OF 31 DAYS AND A MEMBER OF STAFF CAPABLE OF DOWNLOADING IMAGES FOR THE POLICE OR AUTHORISED OFFICERS SHALL BE ON DUTY AT ALL TIMES THE PREMISES ARE OPEN.
 4) CHALLENGE 25 SHALL BE OPERATED AS THE PROOF OF AGE POLICY AND ONLY A VALID PASSPORT, PHOTO DRIVING LICENCE, MOD / HM ARMED FORCES PHOTOGRAPHIC IDENTITY CARD OR A PROOF OF AGE CARD WITH THE PASS LOGO OR HOLOGRAM ON IT MAY BE ACCEPTED AS PROOF OF AGE. ALL REFUSALS OF THE SALE OF ALCOHOL SHALL BE RECORDED IN THE INCIDENT BOOK WHICH SHALL BE KEPT AND PRODUCED TO POLICE & AUTHORISED OFFICERS ON REQUEST.
 5) RELEVANT NOTICES WILL BE PROMINENTLY DISPLAYED BY THE ENTRY/EXIT DOOR AND SERVERY AS APPROPRIATE ADVISING CUSTOMERS:
 THAT CCTV & CHALLENGE 25 ARE IN OPERATION;
 ADVISING CUSTOMERS OF THE PROVISIONS OF THE LICENSING ACT REGARDING UNDERAGE & PROXY SALES;
 ASKING CUSTOMERS TO LEAVE QUIETLY AND NOT LOITER OUTSIDE THE RESTAURANT;
 THAT NO DRINKS, GLASSES OR BOTTLES MAY BE TAKEN OUTSIDE THE RESTAURANT AT ANY TIME.
 6) AN INCIDENT BOOK SHALL BE KEPT AT THE PREMISES, AND MADE AVAILABLE TO THE POLICE OR AUTHORISED OFFICERS, WHICH WILL RECORD THE FOLLOWING:
 A) ALL CRIMES REPORTED,
 B) LOST PROPERTY,
 C) ALL EJECTIONS OF CUSTOMERS,
 D) ANY COMPLAINTS RECEIVED,
 E) ANY INCIDENTS OF DISORDER,

- F) ANY SEIZURE OF DRUGS OR OFFENSIVE WEAPONS,
 G) ANY FAULTS IN AND WORK CARRIED OUT ON THE CCTV SYSTEM,
 H) ANY REFUSAL IN THE SALE OF ALCOHOL,
 I) ANY VISIT BY A RELEVANT AUTHORITY OR EMERGENCY SERVICE,
 J) A CAD NUMBER WHERE POLICE ARE CALLED.
- 7) ALL STAFF WILL BE TRAINED FOR THEIR ROLE ON INDUCTION AND BE GIVEN REFRESHER TRAINING EVERY SIX MONTHS. WRITTEN TRAINING RECORDS WILL BE KEPT FOR EACH STAFF MEMBER AND BE PRODUCED TO POLICE & AUTHORISED OFFICERS ON REQUEST. TRAINING WILL INCLUDE IDENTIFYING PERSONS UNDER 25, MAKING A CHALLENGE, ACCEPTABLE PROOF OF AGE & CHECKING IT, MAKING & RECORDING A REFUSAL, AVOIDING CONFLICT, RESPONSIBLE ALCOHOL RETAILING & SAFEGUARDING CHILDREN.
- 8) NO CHILD OR YOUNG PERSON UNDER 18 MAY BE PERMITTED TO CONSUME ALCOHOL ON THE PREMISES AT ANY TIME.
- 9) A LOCAL CAB OFFICE NUMBER WILL BE DISPLAYED & STAFF WILL CALL A CAB FOR DEPARTING CUSTOMERS ON REQUEST.
- 10) THE MAXIMUM NUMBER OF COVERS SHALL BE 136 ON THE GROUND FLOOR AND 60 IN THE BASEMENT.
- 11) A WRITTEN DISPERSAL POLICY SHALL BE DRAFTED BY THE APPLICANT AND SUBMITTED TO THE LICENSING AUTHORITY.
- 12) NO MORE THAN 10 SMOKERS WILL BE PERMITTED OUTSIDE THE FRONT OF THE RESTAURANT AT ANY TIME AND STAFF WILL MONITOR THE FRONTAGE BY USE OF THE CCTV & PHYSICAL CHECKS. A SUITABLE CONTAINER WILL BE PROVIDED FOR CIGARETTE BUTTS.

c) Public safety

A FIRE RISK ASSESSMENT & EMERGENCY PLAN WILL BE PREPARED AND REGULARLY REVIEWED.
 STAFF WILL BE GIVEN APPROPRIATE FIRE SAFETY TRAINING.

d) The prevention of public nuisance

- 1) RELEVANT NOTICES WILL BE PROMINENTLY DISPLAYED BY THE ENTRY/EXIT DOOR AND SERVERY AS APPROPRIATE. (SEE BOX B PREVENTION OF CRIME & DISORDER CONDITION 5 FOR FULL DETAILS.)
- 2) THE FRONT OUTSIDE AREA OF THE PREMISES SHALL BE KEPT TIDY AT ALL TIMES AND BE SWEEPED AT CLOSE.
- 3) NO DELIVERIES WILL BE RECEIVED OR RUBBISH INCLUDING BOTTLES OR GLASS REMOVED FROM THE PREMISES BETWEEN 21.00 & 07.00 DAILY.
- 4) AN INCIDENT BOOK SHALL BE KEPT AT THE PREMISES AND MADE AVAILABLE TO THE POLICE OR AUTHORISED OFFICERS.
 (SEE BOX B PREVENTION OF CRIME & DISORDER CONDITION 6 FOR FULL DETAILS.)
- 5) A PHONE NUMBER FOR THE PREMISES SHALL BE MADE AVAILABLE IF REQUIRED UPON REQUEST TO THE POLICE, LICENSING AUTHORITY & OTHER RESPONSIBLE AUTHORITIES AND SHALL BE DISPLAYED IN THE WINDOW TO ENABLE RESIDENTS TO EXPRESS ANY CONCERNS CAUSED BY THE OPERATION OF THE PREMISES. ANY COMPLAINTS AND THE OUTCOME WILL BE RECORDED IN THE INCIDENT BOOK.
- 6) ALL DOORS & WINDOWS SHALL BE KEPT CLOSED EXCEPT FOR ENTRY OR EGRESS DURING MUSICAL OR REGULATED ENTERTAINMENT.

e) The protection of children from harm

- 1) RELEVANT NOTICES WILL BE PROMINENTLY DISPLAYED BY THE ENTRY/EXIT DOOR AND SERVERY AS APPROPRIATE. (SEE BOX B PREVENTION OF CRIME & DISORDER CONDITION 5 FOR FULL DETAILS.)
- 2) CHALLENGE 25 SHALL BE OPERATED AS THE PROOF OF AGE POLICY AND ONLY A VALID PASSPORT, PHOTO DRIVING LICENCE, MOD / HM ARMED FORCES PHOTOGRAPHIC IDENTITY CARD OR A PROOF OF AGE CARD WITH THE PASS LOGO OR HOLOGRAM ON IT MAY BE ACCEPTED AS PROOF OF AGE. ALL REFUSALS OF THE SALE OF ALCOHOL SHALL BE RECORDED IN THE INCIDENT BOOK. THE INCIDENT BOOK SHALL BE KEPT AND PRODUCED TO POLICE & AUTHORISED OFFICERS ON REQUEST.
- 3) ALL STAFF WILL BE TRAINED FOR THEIR ROLE ON INDUCTION AND BE GIVEN REFRESHER TRAINING EVERY SIX MONTHS. (SEE BOX B PREVENTION OF CRIME & DISORDER CONDITION 7 FOR FULL DETAILS.)
- 4) NO UNACCOMPANIED CHILDREN UNDER 16 SHALL BE PERMITTED ON THE PREMISES AFTER 21.00.
- 5) NO CHILD OR YOUNG PERSON UNDER 18 MAY BE PERMITTED TO CONSUME ALCOHOL ON THE PREMISES AT ANY TIME.

Checklist:

Please tick to indicate agreement

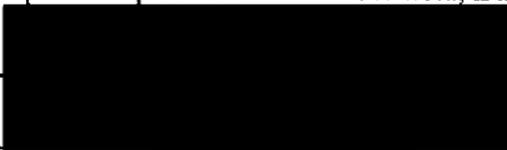
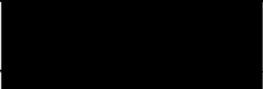
- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X
- I understand that if I do not comply with the above requirements my application will be rejected. X
- X
[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

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

Part 4 – Signatures (please read guidance note 11)

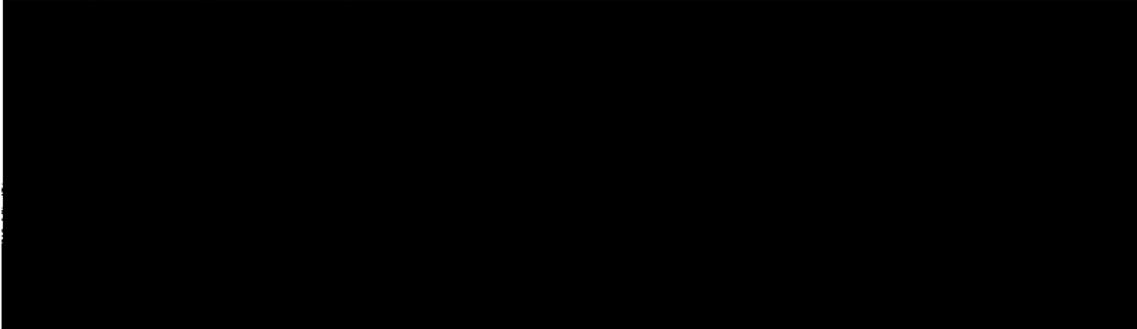
Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	29/11/18 
Capacity	AUTHORISED LICENSING CONSULTANT

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)





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/21/002/19

Date: 2nd January 2019

Dear Sir/Madam

Re:- Radnor Properties Ltd, 160-162 Rye Lane, London, SE15 4NB

Police are in possession of an application from the above for a new premises licence. The application is for a restaurant located on the ground floor and basement of the premises. The premises is situated within the Peckham Town Centre

The applicant has offered restaurant conditions within the operating schedule, Home office Guidance issued under section 182 of the licensing act 2003 states the conditions need to be precise and enforceable. The premises requires comprehensive conditions, a number have been offered in the operating schedule but the wording would need to be changed to avoid ambiguity.

We object to the granting of the application in its current format. In order for this application to be acceptable under the prevention of crime and disorder licensing objective we ask the applicant to consider the following control measures.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.
2. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
3. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
4. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.

5. Intoxicating liquor shall not be sold or supplied for consumption on the premises otherwise than to persons taking table meals or substantial food there and as an ancillary to that person's meal.
6. No alcohol shall be taken outside of the premises at any time.
7. Customers shall use no outside area after 22.00hrs other than those who temporarily leave the premises to smoke a cigarette and No more than 5 people at one any time.

Submitted for your consideration, Police would welcome the opportunity to conciliate should the need arise.

Yours Sincerely

PC Graham White 288MD
Licensing Officer
Southwark Police Licensing Unit

From: [REDACTED]
Sent: 10 January 2019 10:00
To: MD Mailbox - Southwark Licensing <SouthwarkLicensing@met.police.uk>
Subject: Radnor properties 160/162 Rye Lane

Dear Graham & Wesley,

We can confirm that Radnor Properties accept the Police requested conditions for 160/162 Rye Lane. We trust this will address Police concerns.

Wesley

Where the Police worded conditions supersede those we have offered please use the Police conditions to avoid duplication.

Kind regards,

[REDACTED]
[REDACTED]
--
[REDACTED]

From: Graham.S.White@met.pnn.police.uk [mailto:Graham.S.White@met.pnn.police.uk]
On Behalf Of SouthwarkLicensing@met.pnn.police.uk
Sent: Thursday, January 10, 2019 10:22 AM
To: McArthur, Wesley
Cc: [REDACTED]
Subject: RE: Radnor properties 160/162 Rye Lane

Wes,
See below all conditions agreed. We withdraw are objection
Regards
Graham

PC Graham White 288MD

Licensing Officer
Southwark Police Licensing Unit
323 Borough High Street
London
SE1 1JL
Tel: 0207 232 6756 (726756)
SouthwarkLicensing@met.police.uk
Graham.S.White@met.police.uk
www.met.police.uk

Party 1**From:** [REDACTED]
[REDACTED]**Sent:** Friday, December 14, 2018 3:37 PM**To:** Regen, Licensing**Subject:** Representation regarding the licensing application 866140

To whom it may concern,

I am writing to make a representation regarding the licensing application 866140 for 160-162 Rye Lane.

My objection falls under the category of the prevention of nuisance.

I am strongly of the belief that a licensed bar and music venue in this residential location, surrounded by many flats, would have a negative impact on the lives of many residents due to the noise from the venue, as well as from people leaving or smoking outside.

Additionally, another bar in this area, with people leaving at the same time as from surrounding bars, would create an increase likelihood of anti-social behavior on Rye Lane and the surrounding streets.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]

Date: 27th December 2018

Recipient - licensing@southwark.gov.uk

Subject - Formal Objection to License Application 866140

License number:	866140
Trading name and address:	Radnor Properties Limited 160-162 Rye Lane SE15 4NB
Ward:	The Lane

To whom it may concern,

Firstly, I'd like to express my frustration and disappointment that I have received no formal notification of the proposed license application. It was only through rejecting to the planning application for 162 Rye Lane's proposed conversion to a A3/A4 unit (received in the post from Southwark Council on 27th November 2018) did I manage to find this license application through trawling the council website.

As such, I am concerned that other neighboring residents have not received the license application and are therefore unaware of the 2nd January 2019 deadline to respond. I'd like to fully understand why there has been no formal notification of the license application to residents (if letters were sent out please provide the exact date) before submitting a formal complaint in view of delaying the last date for objection until all neighboring residents have had sufficient time to respond.

Notwithstanding the above, as owner and resident of a neighboring property, I hereby write to formally object to the aforementioned licensing application for the following reasons:

Prevention of crime and disorder and maintaining public safety

The proposal of a further late night drinking establishment has become a sad mark of Rye Lane, as this once bustling shopping district has turned into a characterless late night clubbing strip; eroding the community's once vibrant multicultural feel. The proposed development contradicts all 3 of the principles contained within section 8.91 (Promoting healthy and safe communities) of the National Policy and Planning Framework. The proposed sale of alcohol on site is neither contributing to healthy social interaction in the community nor promoting any kind of safe or accessible environment with community wellbeing at its heart. On the contrary, late night drinks spots encourage disorderly and drunken behavior and result in increased crime. Indeed my flat has been burgled in the last year adding to a further 2 already experienced in my block. The addition of another alcohol license (and with it more drunk visitors to Peckham) will further heighten a sense of fear when returning home late at night given the increased footfall of drunken clubbers directly outside the blocks front entrance.

Theft, knife crime, violence, sexual harassment and drug use (all of which are commonplace outside late night drinking spots and have also been seen on Rye Lane) will undoubtedly be associated with this new alcohol licence which is in no way in keeping with the immediately adjacent properties aesthetics or feel. Southwark Council has an obligation to keep their streets and neighborhoods safe for all residents to enjoy. It is the permanent residents who contribute to the local economy of the area. There is a pram store and Christian Apostolic Church immediately next to my property. The council needs to support ward's that will promote the safety all individuals and lead to Rye Lane having a sustainable family friendly future whilst being mindful of all the aims and policies the Council has adopted in the last 12months to reduce the level of crime and fear of crime on Peckham's streets. In contrast, the prospect of more drunk visitors in direct proximity to my home further increases the threatening late-night atmosphere that already exists on Rye Lane and will undoubtedly result in residents being hassled (physically and verbally) as they try and enter their properties not more that 20 yards

away from the night clubs entrance.

Prevention of public nuisance – Waste and Noise

Waste – Currently Rye Lane suffers from an extremely high volume of waste dumped at street level on the pavement, which – whilst highly unsightly – also impedes pedestrians and often makes access difficult to the entranceway of my property. Such a large amount of waste has also led to vermin problems with rats and foxes. These pests tear opening refuse sacks leading to rubbish being strewn across the street. Any increase in alcohol waste from the proposed nightclub will further exacerbate this problem to the detriment of all residents who access their home at street level on Rye Lane. Plastic and glass bottle waste already plague the streets of Rye Lane and are a public safety hazard. Further to this, the greater volume of drunken night clubbers will undoubtedly add to increased amounts of pavement vomit, sticky alcohol spillages, cigarette butts and urine directly next to the entranceway of my property. This cannot be acceptable by the council's standards of promoting a clean and safe environment for people to live in Peckham especially as churchgoers and children attending the nearby nursery way also use this shared entrance way.

Noise – Perhaps the most serious existing problem to residents on Rye Lane is the constant late night noise pollution caused by drunk and disorderly night clubbers and heavy-bass dance music. Even when these clubs close, individuals continue to make a tremendous amount of noise into the early hours. One club already exists directly opposite the proposed license application and it is constantly effecting the sleep, health and well being of residents in neighboring flats including mine; I have 4 large front-facing bedroom windows over looking Rye Lane. The proposed sale of alcohol direct next to the residential block where my flat is housed will further add to this noise problem and will make any kind of sleep impossible. The late serving hours of 00:30 on weekends will mean heavy drunk party goers spilling out onto the street in front of my flat exacerbating the existing problem from the club opposite the property. Given the highly negative impact the proposed sale of alcohol would have on the aforementioned points, I'd wish to see evidence of a comprehensive Noise Impact Assessment and how the results would impact residents. This would need to include concurrent engagement with residents and the LPA on what is deemed to be too loud at certain times of day. This really isn't the location for a venue of this type and there are too many residential properties in the area.

Protection of children from harm

The residential block of flats of which my house is one has a number of children living in it – all of whom will be affected by further location to sell alcohol into the early hours. The entrance way to my property, which is shared by the Christian Apostolic Church, has a number of children using it 24/7 not only to access the flats but also to attend the Church and the nursery housed in the same building. The prevalence of alcohol nearby makes this entrance way a location for alcohol fueled clubbers to urinate, vomit and smoke just off street level and directly where children come and go everyday! Promoting such drunk and disorderly behavior in direct proximity to a Church and nursery, which are designed to be safe havens for the development of Peckham's local children, would be wholly irresponsible and would continue to exacerbate the existing alcohol fueled and gang related crime that plagues Peckham's streets.

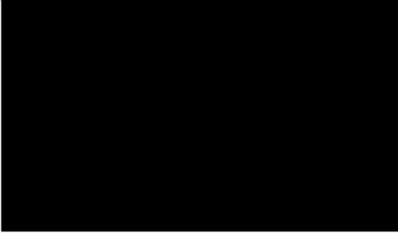
There are clearly identifiable problems with existing late-night Rye Lane establishment's sale of alcohol and their effect on the health and security of residents cannot continue to be ignored.

The prospect of another one of these alcohol licenses in Peckham (in direct proximity to a number of residential units), brings with it a certain increase in crime, a continued degradation of the community high street and intolerable noise levels all fueled by the lengthy serving hours proposed. For these reasons it is impossible see how this alcohol license forms any kind of added value to the community but instead makes living in close proximity uncomfortable, unsafe, and unhealthy for residents and passers by.

For the reasons outlined above I would like to make clear my objection to the proposed license application.

I look forward to hearing from you regarding the notification of this license application to other neighboring residents as soon as possible.

Yours sincerely,



Party 3

From: [REDACTED]
Sent: Wednesday, January 02, 2019 6:30 AM
To: Regen, Licensing
Subject: licence number: 866140

Dear Sirs

I am in support of the above licence application.

I am a resident who lives on Rye Lane. There is not a single decent recent restaurant on Rye Lane where I can sit down and eat a nice meal. Having a sit down restaurant where I could take clients too would be great. This end of rye lane lacks any real footfall and introducing a decent large restaurant would really benefit the community and draw in a busier high street. I am in full support of this.

Regards

On Wed, 2 Jan 2019 at 10:40 am, Regen, Licensing
<Licensing.Regen@southwark.gov.uk> wrote:

Good morning,

Thank you for your email. In order for us to accept your support representation, we require your name and full postal address.

Kind regards,
Claire

Claire Beswick

Unit Support Officer
London Borough of Southwark

Tel: 020 7525 2285
Email (for Licensing): Licensing@southwark.gov.uk
or (Anti-social behaviour): SASBU@southwark.gov.uk

Postal Address: Regulatory Services, Licensing Team, Hub 1, 3rd Floor, P.O Box 64529, SE1P 5LX
Visitor's Address: 160 Tooley Street, London, SE1 2QH

From: [REDACTED]
[REDACTED] January 02, 2019 10:42 AM
To: Regen, Licensing
Subject: RE: licence number: 866140

Hello

[REDACTED]
[REDACTED]
[REDACTED]

Party 4

From: [REDACTED]
Sent: Wednesday, January 02, 2019 6:31 AM
To: Regen, Licensing
Subject: licence number: 866140

Dear Sirs

I am in support of the above licence application.

As a local investor I think an independent local restaurant/bar is what Rye Lane needs to make it an area worth coming too. With more and more retail shops vacating the high street for shopping is becoming a thing of the past. A restaurant that will allow more and more people to visit Rye Lane it would also bring more families to the area. Considering there are very few actual restaurants on Rye Lane it would generate an interest to the street and help other retails on the road generate footfall

Regards

[REDACTED]

[REDACTED]

Direct Dial [REDACTED]

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

From: "Regen, Licensing" <Licensing.Regen@southwark.gov.uk>
Date: 02/01/2019 10:41 am (GMT+00:00)
To: [REDACTED]
Subject: RE: licence number: 866140

Good morning Rohit,

Thank you for your email. In order for us to accept your support representation, we require full postal address

Kind regards,
Claire

Claire Beswick

**Unit Support Officer
London Borough of Southwark**

Tel: 020 7525 2285
Email (for Licensing): Licensing@southwark.gov.uk
or (Anti-social behaviour): SASBU@southwark.gov.uk

Postal Address: Regulatory Services, Licensing Team, Hub 1, 3rd Floor, P.O Box 64529, SE1P 5LX

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

From: [REDACTED]
Sent: Wednesday, January 02, 2019 11:02 AM
To: Regen, Licensing
Subject: Re: licence number: 866140

[REDACTED]
[REDACTED]
[REDACTED]

Regards

[REDACTED]
[REDACTED]

Mobile [REDACTED]

Party 5

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

From: [REDACTED]
Sent: Wednesday, January 02, 2019 7:14 PM
To: Regen, Licensing
Cc: [REDACTED]
Subject: Objection to licence 866140

To whom it may concern,

As the owner and occupier of the flat directly next door to the property (160-162 Rye Lane, SE15 4NB) on the first floor, I object to the alcohol application applied for (license number: 866140) on the basis of waste, noise and disorderly conduct.

Waste:

The inefficient waste & refuse facilities on Rye Lane continues to be a huge problem, which attracts mice/rats/pigeons and negatively contributes to resident's rightful enjoyment of their properties. Increased food & liquid waste from A3/4 units with alcohol licenses will likely exasserbate this issue.

Noise:

The noise from Rye Lane continues late into the evening most nights, and is particularly loud during weekends/summer because of the numerous late alcohol licence holders in A3/4 units. The noise impacts residential use of my property by affecting sleep, feeling of safety etc. which impacts my rightful enjoyment to my property.

Disorderly conduct:

Weekends on Rye Lane are already prone to drunk & disorderly behaviour and 166 Rye Lane has suffered 3 breakins/robberies in the last 2 years. In fact, prior to development 160-162 Rye Lane was used as a squat and the squatters used our entrance at 166 Rye Lane to access the 160-162 squat by then climbing across roofs. Corridors along Rye Lane are routinely used by the homeless and drug users/dealers, and illegal/irregular settlements are rife. The proposal to create more evening/alcohol-serving establishments will likely increase the disordly conduct surrounding my property.

Yours,

[REDACTED]
[REDACTED]

Party 6

From: [REDACTED]
Sent: Wednesday, January 02, 2019 5:07 PM
To: Regen, Licensing
Subject: Licence number: 866140

Dear Southwark Council's Licensing Team,

Re licence number: 866140

As an owner in a building directly next door and above the proposed premises on Rye Lane, I'm writing to object to the issuing of the above licence number.

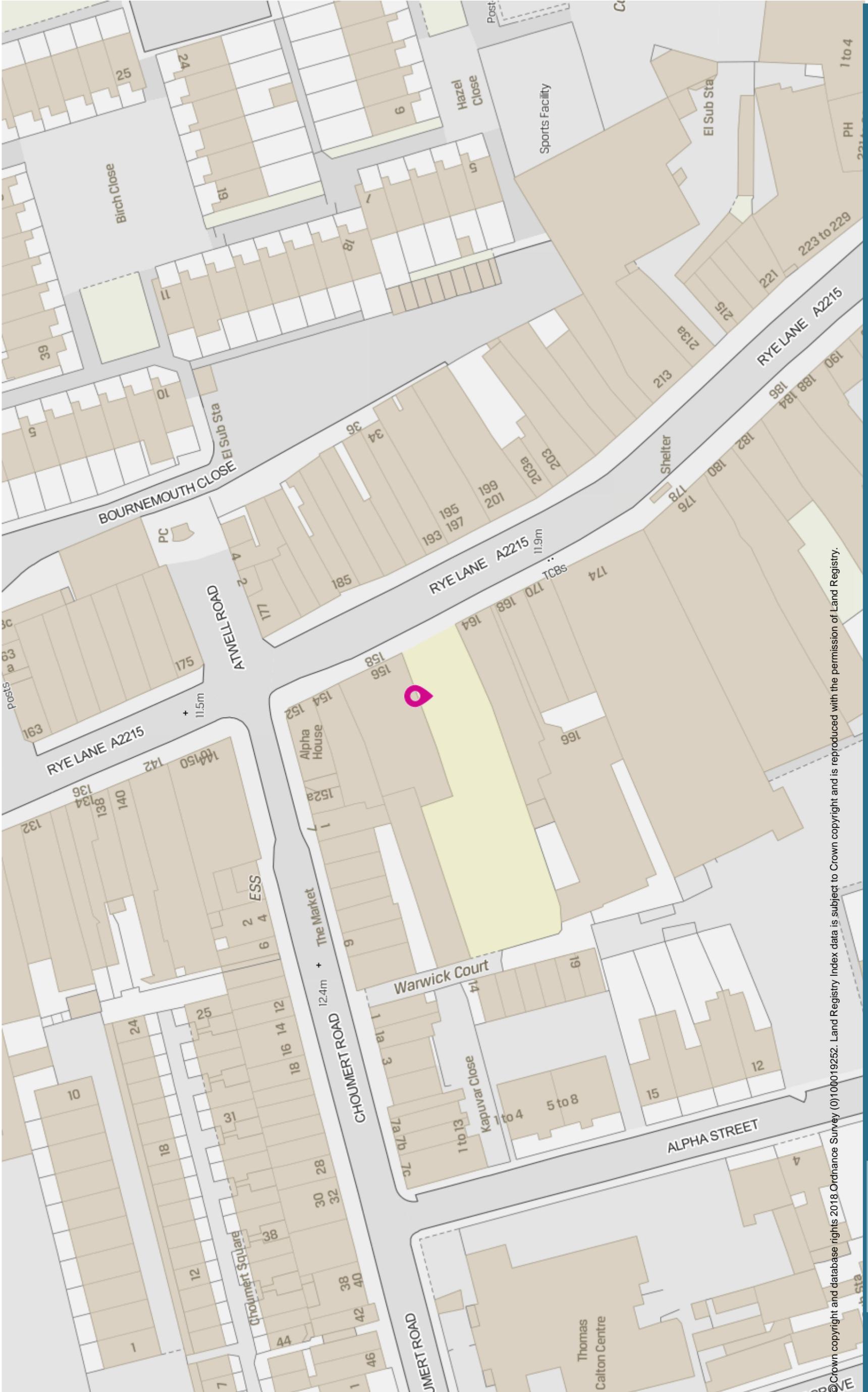
In an area that already has plenty of late-night venues, I feel that having additional amounts of customer traffic directly outside the main entrance to the property from the street will be a nuisance. It may also be intimidating if people are intoxicated, and obviously having more intoxicated people on Rye Lane at night is less than ideal, from a disorder, nuisance and public safety perspective. The noise levels are already very high in the area as it is, so it will not serve local residents well to inflict even more on them.

What's more, the amounts of litter and detritus left outside on the pavement are also high, so this is lively to exacerbate the problem.

Yours sincerely,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



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15-Jan-2019



Item No. 6.	Classification: Open	Date: 28 January 2019	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Denmark Express, 74 Denmark Hill, London SE5 8RZ	
Ward(s) of group(s) affected		Camberwell Green	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Hunish Sembhi for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Denmark Express, 74 Denmark Hill, London SE5 8RZ.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from responsible authorities and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 12 to 17 of this report deal with the representations submitted in respect of the application. Copies of the representations submitted by the Responsible Authorities are attached to this report in Appendix B. A map showing the location of the premises is attached to this report as Appendix E.
 - d) A copy of the Council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

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 premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 28 November 2018 Hunish Sembhi applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Denmark Express, 74 Denmark Hill, London, SE5 8RZ. The premises are described in the application as being:
- "Small local grocery shop, currently not selling alcohol. Open 24 hours."
9. The hours applied for are summarised as follows:
- The sale by retail of alcohol (off sales only):
 - Sunday to Thursday from 08:00 to 00:00
 - Friday and Saturday from 08:00 to 02:00.
 - Opening hours:
 - Monday to Sunday 24 hours a day.
10. The designated premises supervisor is to be Hunish Sembhi, who holds a personal licence with the London Borough of Lewisham. He is also the applicant.
11. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, H, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application and premises plan is attached to this report in Appendix A.

Representations from responsible authorities

12. A representation has been received from the Metropolitan Police Service (Licensing Division) which raises concerns regarding two premises licence reviews, in which the

licence was revoked by the Southwark licensing sub-committee. There is concern that there is no real change of ownership since that time as it would appear that the applicant has been at the premises since March 2018. There are further concerns in relation to the premises being located within the Camberwell cumulative impact zone (CIZ).

13. A representation has been provided by this council's public health team with concerns regarding the location of the premises within the CIZ and the high concentration of other licensed premises in the immediate vicinity.
14. A representation has been made by this council's trading standards team with concerns of the premises being sited within the Camberwell CIZ, the review history and states that the current applicant was working at the premises during the last review period. Finally, attention is drawn to the fact that the Land Registry still shows the previous premises licence holders as being the leaseholders of the property.
15. The representation made by trading standards is supported by the council's environmental protection team.
16. A representation has been submitted by the licensing department in their role as responsible authority with concerns regarding the previous review and provides a copy of the notice of decision from that hearing.
17. A representation has been received from the council's trading standards department with concerns that the previous premises licence had been revoked and that the leaseholders remain the same. The premises falls within a CIZ and the Operating Schedule of the application fails to negate that aspect.

The representations from Responsible Authorities are all available in Appendix B.

Representations from other persons

18. There are no representations from other persons.

Conciliation

19. All representations were sent to the applicant. However, at the point this report was submitted no attempt had been made by the applicant to contact the responsible authorities.

Premises history

20. A premises was issued in respect of the premises to Bayram Dag on 6 April 2006. The DPS specified in respect of the licence was Bayram Dag.
21. On 11 November 2009 an application to specify Piro Ballogli as the DPS of the premises was submitted and an amended licence was issued on 26 November 2009.
22. On 8 February 2013 a licensing inspection of the premises was undertaken. Various breaches of the premises licence issued in respect of the premises were noted and a warning letter was sent to the licensee.
23. On 28 February 2013 an application with immediate effect to specify Ismail Incedal premises' DPS was submitted and an amended licence was issued on 28 February 2013.
24. On 21 August 2015 a licensing inspection of the premises was undertaken. The premises were being operated compliantly.

25. On 5 September 2016 an application with immediate effect to transfer the licence to Ismail Incedal was submitted and an amended licence was issued on 5 September 2016.
26. On 17 October 2017, an application was submitted by this council's Trading Standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence. The review application was considered by the licensing sub-committee on 16 November 2016 when the then DPS Ismail Incedal be removed as the designated premises supervisor, there was a reduction in hours of the licensable hours and the licence was modified by adding eight conditions to the licence. A copy of the last licence is available in Appendix C for information.
27. At a hearing on 13 December 2017, the premises licence was revoked. A copy of the notice of decision is available in Appendix D.
28. No temporary event notices (TENs) have been submitted in regards to the premises.

Map

29. A map of the local area is attached as Appendix E. There are multiple premises in the immediate vicinity, namely:

Pesh Flowers, 31 Denmark Hill, London SE5 8RS:

- Sale of alcohol to be consumed off the premises:
 - Monday to Saturday until 23:00
 - Sunday until 22:30

Joiners Arms, 35 Denmark Hill, London SE5 8RS:

- Sale of alcohol to be consumed on and off the premises, live music, recorded music:
 - Sunday to Thursday until 00:00 (midnight)
 - Friday and Saturday until 01:00 the following day.

Lamoon Restaurant, 39 Denmark Hill, London SE5 8RS:

- Sale of alcohol to be consumed on and off the premises, recorded music & late night refreshment:
 - Monday to Saturday until 00:00
 - Sunday until 23:30.

Chicken Express, 53 Denmark Hill, London SE5 8RS:

- Late night refreshment:
 - Monday to Sunday until 01:00 the following day.

Pizza Hut, 57 Denmark Hill, London SE5 8RS:

- Late night refreshment:
 - Monday to Sunday until 00:30 the following day.

Ginseng Noodle Bar, 4 Coldharbour Lane, London SE5 9PR:

- Late night refreshment:
 - Monday to Saturday until 00:30
 - Sunday until 00:00.
- Sale of Alcohol:
 - Monday to Saturday until 00:00
 - Sunday until 23:30.

Southwark council statement of licensing policy

30. Council assembly approved Southwark's statement of licensing policy 2016 - 2020 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.

31. 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.

32. Within Southwark's statement of licensing policy 2016 - 2020, the premises are identified as being within the Camberwell cumulative impact policy (CIP) area and the Camberwell district town centre. Under the southwark statement of licensing policy 2016 - 2020 the Local CIP applies to night clubs, public houses and bars, off-licences, supermarkets and grocers. The closing time recommended in the statement of licensing policy for off licences, and grocers or supermarkets with off sales of alcohol in this area is 00:00 (midnight) daily.

Resource implications

33. A fee of £190.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value.

Consultation

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

Community impact statement

35. 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

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

Principles for making the determination

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

- Any condition which must under section 19, 20 or 21 be included in the licence.
- To exclude from the scope of the licence any of the licensable activities to which the application relates.
- To refuse to specify a person in the licence as the premises supervisor.
- To reject the application.

Conditions

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

Reasons

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

Hearing procedures

47. 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.
48. 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

49. 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.
50. 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.
51. 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.
52. 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.
53. 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.

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.

54. 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.
55. 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

56. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations submitted by Responsible Authorities
Appendix C	Previous premises licence
Appendix D	Notice of Decision from 13 December 2017
Appendix E	Map of the locality

AUDIT TRAIL

Lead Officer	Ian Smith, Strategic Director of Environment and Leisure	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	11 January 2019	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		16 January 2019



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We HUNISH SEMBHI
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
74 DENMARK HILL			
Post town	CAMBERWELL	Postcode	SE5 8RZ
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 19 000	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

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

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname SEMBHI			First names HUNISH		
Date of birth [REDACTED]		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality [REDACTED]					
Current residential address if different from premises address		[REDACTED]			
Post town [REDACTED]			Postcode [REDACTED]		
Daytime contact telephone number [REDACTED]					
E-mail address (optional) [REDACTED]					

SECOND INDIVIDUAL APPLICANT (if applicable) **N/A**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

N/A

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
28	11	2018

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Small Local grocery shop, currently not selling Alcohol. Open 24 hours

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

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

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

N/A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B N/A

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C N/A

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D N/A

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E N/A

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F N/A

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

G N/A

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H N/A

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I N/A

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) NONE		
Mon	08:00	00:00			
Tue	08:00	00:00			
Wed	08:00	00:00			
Thur	08:00	00:00			
Fri	08:00	02:00			
Sat	08:00	02:00			
Sun	08:00	00:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
			NONE		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name		HONISH SEMBHI
Date of birth		[REDACTED]
Address		[REDACTED]
Postcode	[REDACTED]	
Personal licence number (if known)		
[REDACTED]		
Issuing licensing authority (if known)		
LICENSING AUTHORITY LEWISHAM		

□□□□

K N/A

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	00:00	00:00	NONE 24 HOUR SHOP
Tue	00:00	00:00	
Wed	00:00	00:00	
Thur	00:00	00:00	
Fri	00:00	00:00	
Sat	00:00	00:00	
Sun	00:00	00:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

REMOTE CONTROL SHUTTERS
 SALE REFUSAL BOOK
 STAFF TRAINING LOG
 EMERGENCY SAFETY LIGHTING

b) The prevention of crime and disorder

SECURITY CAMERAS
 24 HOUR STAFF
 WINDOW SERVICE AFTER MIDNIGHT
 SECURITY ALARM

c) Public safety

FIRE EXTINGUISHERS, FIRE BLANKETS
 SMOKE ALARM
 WET FLOOR SIGNS
 FIRST AID BOX

d) The prevention of public nuisance

LEAVE QUIETLY SIGNS
 CHALLENGE 25 SIGNS
 NO CONSUMPTION OF ALCOHOL ON PREMISES
 ALCOHOL STELVES BY THE COUNTER

e) The protection of children from harm

CCTV CAMERAS
 CHALLENGE 25
 NO ID NO SALE
 NO SALE OF ALCOHOL OR TOBACCO TO UNDER 18'S SIGNS
 STAFF TRAINING
 REFUSAL OF SALES LOG

Checklist:**Please tick to indicate agreement**

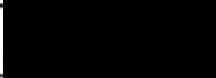
- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

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

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	27/11/18
Capacity	APPLICANT

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

N/A

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

Consent of individual to being specified as premises supervisor

I HUNISH SEMBHI
[full name of prospective premises supervisor]

of 

[home address of prospective premises supervisor]

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

DESIGNATED PREMESIS SUPERVISOR
[type of application]

by

HUNISH SEMBHI
[name of applicant]

relating to a premises licence N/A
[number of existing licence, if any]

for DENMARK EXPRESS LTD
74 DENMARK HILL
LONDON
SE5 8RZ

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

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

HUNISH SEMBHI
[name of applicant]

concerning the supply of alcohol at

DENMARK EXPRESS LTD
LONDON
SE6 8RZ

[name and address of premises to which application relates]

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

Personal licence number

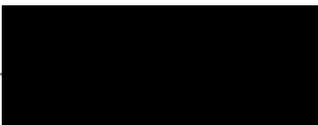

[insert personal licence number, if any]

Personal licence issuing authority

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

9 HOLBEACH ROAD
SE6 4TW
0208 314 7237

Signed

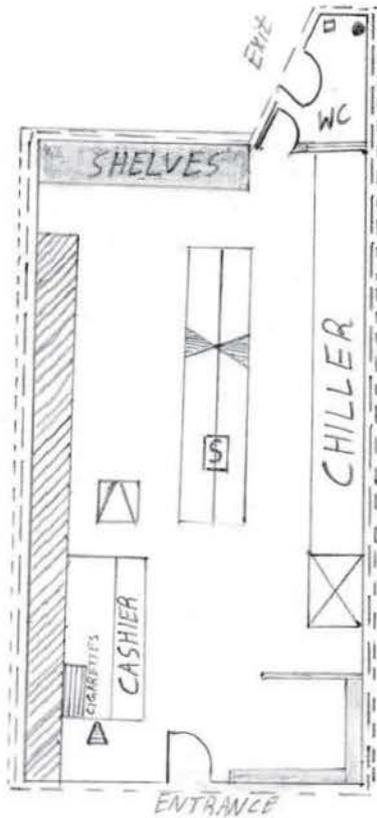


Name (please print)

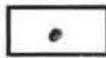
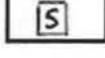
HUNISH SEMBHI

Date

27/11/18



EXISTING GROUND FLOOR

- | | | | |
|---|----------------------------------|---|-----------------|
|  | SHELVES |  | ALCOHOL SHELVES |
|  | CHILLER |  | FIRST AID BOX |
|  | FRIDGE |  | FIRE BLANKET |
|  | CIGARETTES | | |
|  | CASHIER | | |
|  | SMOKE DETECTOR | | |
|  | SAFETY LIGHTING | | |
|  | CARBON DIOXIDE FIRE EXTINGUISHER | | |

**EXISTING GROUND FLOOR
PLAN**

DENMARK EXPRESS LTD

74 DENMARK HILL

LONDON

SE5 8RZ

SCALE : 1/100

DRAWN BY:HUNISH SEMBHI

DATE: 30/11/2018

APPENDIX B**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/21/3380/18

Date: 18th December 2018

Dear Sir/Madam

Re:- Denmark Express Ltd, 74 Denmark Hill, London SE5 8RZ

Police are in possession of an application from Hunish Sembhi for the above premises for a new premises licence. The premises has been the subject of two reviews by trading standards the first in 2016 when the DPS was removed and conditions imposed and again in 2017 when the licence was revoked. The premises appealed to the magistrate's court, which was later withdrawn.

The premises are situated in the Camberwell Cumulative impact Zone as designated by Southwark Council. The High Court approval of Cumulative impact policies came in Westminster City Council v Middlesex Crown Court. In brief, it stated 'A licence could be refused on the sole ground that the area was already saturated with licensed premises'

Camberwell is subject to considerable problems with alcohol misuse including a large problem with street drinking. The area has been subject to considerable investment in the area to improve the local amenities. Kings College hospital and the Maudsley Hospital are situated in the area and have Alcohol treatment centres within both which attract alcohol dependent people to the area. I have attached a statement by PC McKay a local officer from 2017 explaining the issues in the area, which I believe is still relevant today. A BBC documentary by Louis Theroux 'Drinking to Oblivion' in 2016 was filmed in Camberwell and shows the considerable issues around the area.

The metropolitan police object to the granting of the licence in full, as any further premises selling alcohol will only add to the cumulative impact, attract alcohol dependent people, and add to the local crime and disorder.

No lease agreement between the property owner and the applicant and all other relevant documents, relating to the operation of the premises have been supplied. With the operating history of the venue, we would expect this as a minimum to insure the previous licence holder is unable to reclaim control of the licence.

The application was put in on the 3rd December 2019 and the leaseholder was still shown as Ismail Incedel the licence holder when the previous reviews were submitted.

The applicant has supplied and phone number within the application under her personal details and this number was used on the 21st March 2018 at 18.43 hrs who gave her name as Ms Sembhi to the police operator to call police to 74 Denmark Hill. From the information within that call, it is clear she is working at the shop and appears to be in charge.

Officers from Police, Trading standards and the Border agency have carried out a visit as recent as the 1st August 2018, a number of issues were found, and a notification of offences was issued (copy attached). A test purchase was carried out on a can of 7% Cider above the 6.5% limited allowed and this was failed. Checks were carried out on staff by border agency staff and one was arrested for immigration offences, as they were not allowed to work.

The applicant has failed to offer any conditions that would address the presumption to refuse the application under the Southwark council cumulative impact policy and should be refused on this alone.

Police object to the application, as we believe that there has been no change in the controlling interest of the business and it is to circumvent the due process of the last review that resulted in the previous licence being revoked.

Submitted for your consideration.
Yours Sincerely

PC Graham White 288MD
Licensing Officer
Southwark Police Licensing Unit

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC MARK MCKAY** URN:

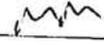
--	--	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 240927**

This statement (consisting of: **3**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: 19/5/2017

Tick if witness evidence is visually recorded (supply witness details on rear)

I am PC Mark MCKAY 192MD and I am the dedicated ward officer for Camberwell Green, Southwark Borough. I am making this statement to highlight issues related to street drinking and the role responsible off-licences can play in tackling this entrenched issue. This statement is to be used at the licensing review into Adams News, of 6 Coldharbour Lane, SE5. I am happy to attend the hearing if necessary. 

Background

I joined Camberwell Green Safer Neighbourhood Team in September 2015. It was immediately obvious street drinking was a serious and entrenched issue in the ward. Areas where it has been an acute problem include the junction of Denmark Hill and Coldharbour Lane where there is also a short alleyway, Milkwell Yard. In this area there are several off-licences within a fifty-yard-stretch of high street. This area has gained notoriety for alcohol-related anti-social behaviour as it has historically proved especially prevalent here. Street drinkers will buy low-priced super-strength alcohol then congregate in groups of up to eight or nine outside shops. They will drink until they are drunk, shout, swear, fight, drop litter and generally cause harassment, alarm and distress to the public. The group has been large enough to block the pavement to pedestrians. This is extremely distressing for members of the public, which include parents walking their children to the nearby Crawford Primary School. They will also venture into Milkwell Yard to urinate, often just yards from people's homes - Milkwell Yard is an alleyway with a dead-end and is the sole entrance to a handful of residential flats. This makes it an extremely undesirable and disgusting place for people to live. When I first joined the team almost two years ago, encountering street drinkers at this location was a daily occurrence. Our interactions would almost always inevitably lead to officers seizing alcohol from drunken street drinkers who then become angry and aggressive. Staff at Paddy Power, in Coldharbour Lane, also raised concerns about street drinkers loitering outside the shop front. Many have consequently been banned from entering the bookmakers. In Valmar Road, about fifty yards along Coldharboue Lane, drinkers can congregate and drink quite literally on the front doorstep of houses. 
Historically, Camberwell Green has also been a hot-spot for street drinking. About ten years ago extensive

Signature:  Signature witnessed by:

RESTRICTED (when complete)

Continuation of Statement of **PC MARK MCKAY**

collaborative work between this team and partner agencies made serious inroads to curb the number of street drinkers on the green. However, while the numbers of drinkers may have reduced, entrenched pockets remain. Again, there are several off-licences around Camberwell Green, Camberwell Church Street, Camberwell Road and Camberwell New Road. There are also hostels around the green which house alcoholics. Camberwell Green and Denmark Hill are also transport hubs for bus and overground rail services. This means they are high footfall areas with large transient populations. The Peabody Estate lies on the eastern side of Camberwell Green. Access into the estate is through an open vehicle entrance. Like Milkwell Yard, street drinkers use the Peabody Estate as a location to urinate and hide from public view. This causes significant distress to residents. In July 2016, Camberwell Green re-opened after extensive renovation work. This included installing three benches in a newly-pedestrianised area adjacent to blocks A, B & C. Again, they would drink until they were drunk. They would also shout and fight amongst themselves. This was distressing for residents living in these blocks as the noise was sometimes so loud it could heard through closed windows. In May 2016 these benches were removed, though picnic benches in the green remain. MM

The high concentration of hostels housing those living chaotic lifestyles and off-licenses selling cut-price alcohol has the potential to create a perfect storm of alcohol-fuelled anti-social behaviour. While the situation is not as severe as it once was, street drinking remains entrenched around Camberwell Green and Coldharbour Lane. As a result, tackling street drinking and related anti-social behaviour has been a ward priority for Camberwell Green since at least September 2015, though I'm told it has been a priority for years before this. MM

In November 2006 Southwark Council made the borough an alcohol controlled zone under the Criminal Justice and Police Act 2001 to combat alcohol-fuelled violence and associated anti-social behaviour. This meant council wardens and police can confiscate alcohol from anyone causing a nuisance in public, while those failing to comply could be arrested and fined up to £500 on conviction. MM

In April 2016 BBC Two broadcast a documentary presented by journalist Louis Theroux on alcoholics at King's College Hospital, in Denmark Hill. This involved Theroux interviewing street drinkers in Coldharbour Lane and Camberwell Green. This provides a fitting illustration of how severe and entrenched an issue street drinking remains in Camberwell. MM

Many street drinkers are alcoholics. Due to this, it is not enough to tackle the issue through enforcement. We also signpost street drinkers to support services when we interact with them. Only with effective intervention is it possible to break the cycle of addiction, which for too many is the underlying cause of their behaviour. MM

Progress since 2015

Previously, alcohol would be seized and fixed fines issued, but interactions were not consistently recorded. This approach was a short-term 'quick fix' with limited long-term impact as drinkers would return to congregate in hot spot areas. Starting in November 2015, Camberwell Green Safer Neighbourhood Team has worked in close-partnership with Southwark Council to address ongoing alcohol-related anti-social behaviour. Joint-enforcement operations and council warden reports have proved effective in painting a comprehensive picture and identifying

Signature: 

Signature witnessed by:

Continuation of Statement of **PC MARK MCKAY**

ringleaders among the street drinking population. Joint patrols and operations took place in November 2015, March 2016 and April 2016. Intelligence from these operations, local knowledge and community feedback enabled us to adopt a targeted and systematic enforcement approach. This meant formally recording every time alcohol was seized with a set escalation process followed. Our team also adopted innovative and previously-untried police powers under the 2014 Anti-Social Behaviour, Crime and Police Act. 

First time offenders received verbal warnings and fines were issued to those already warned. Community Protection Notices (CPNs) warnings, and CPNs were issued to repeat offenders as a mid-level enforcement intervention. To be eligible for a CPN an individual's behaviour must have had a detrimental impact on the quality of life of people in the community and be of a persistent nature. This was evidenced from statements taken from residents, businesses and a school's head teacher. Conditions on an individual's behaviour within a marked area would be applied to CPNs. Breaching a CPN is a criminal offence in itself. This meant those who breached one could be charged and be made the subject of a Criminal Behaviour Order (CBO), which replaced Anti-social Behaviour Orders (ASBOs). Conditions attached to a CBO could make it a criminal offence for an individual to enter a marked area regardless of their behaviour. This meant persistent offenders could be arrested for entering Camberwell whether they were drinking or not. Applying for a CBO is an extreme measure and has been applied to just two street drinkers in Camberwell so far, in September and November 2016. 

This approach has had a positive impact with interactions with street drinkers falling significantly, especially around Coldharbour Lane. However, the number of interactions on Camberwell Green has slightly increased, though they are mostly different individuals than those who gathered around Coldharbour Lane. That said, the overall number of interactions is down on a year-by-year comparison. Street drinking can also be a seasonal issue. The true test will be whether drinkers begin to gather around Coldharbour Lane again as warmer weather takes hold. 

The off-license's role 

Under Section 141 of the 2003 Licensing Act it is an offence to sell alcohol to someone who is drunk. Despite this, many off-licenses make their trade through sales of alcohol to intoxicated street drinkers. Selling super-strength and low-priced alcohol sold by the can is a sales technique which appears to deliberately target street drinkers. It is irresponsible. Licence holders at off licenses can adopt a responsible approach to business by not selling these drinks at all. 

Alcohol-fuelled anti-social behaviour like shouting, low-level fighting and public urination are not the most serious crimes - far from it. However, there can be a significant detrimental impact on the quality of life of law-abiding residents forced to endure this behaviour. Everyone has the right to respect of their private and family life. This includes living without being disturbed by drunken raucous behaviour. Off licenses have a role to play in helping the police and partner agencies achieve this. This means abiding by relevant legislation and their licensing conditions. Failure to do so makes it that little bit harder for police officers and employees of other agencies to tackle alcohol-related anti-social behaviour. 

Signature:



Signature witnessed by:



**METROPOLITAN
POLICE**

Police Copy

Notification of alleged offences under the Licensing Act 2003

Venue Name: Berrin Supermarket REF: (CAD/CRIS etc.)

Address: 74 Denmark Hill
SE5 8RZ Date: 1/8/18 Time: 11:10

Details of person in charge at the relevant time: Sudum ASCHAR 22/09/1990

187B High Street Beckenham BR3 1AH DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

Mr [redacted] has made two seperate sales of alcohol today. One sale of a can of Foster's Lager & a second sale of Brothers festival pear cider 7% alcohol volume

Issuing officer: [redacted] (J/M) Print [redacted]

I acknowledge receipt of this form: (venue) [redacted]

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

INC06870-21MAR18

PRINTED AT 11:13 18:DEC:18 white 288md

192581

SINGLE INCIDENT PRINTOUT

PAGE 1

INCIDENT No. 6870:21MAR18

INCIDENT No. 6870 entered at 18:43 on 21MAR18 by CHS/CHS in CCC/IR

INCIDENT IS "PRIORITY"

INCIDENT WAS ENTERED "EXTERNALLY"

Rec By :E (Emergency)

Call Tel :

Call Name :

Call Type:V (Victim)

Call Mail:

Cntct Tel:

Att Locn :74 DENMARK HILL, SE5:DENMARK FOOD & WINE

Map :Page 162, Grid Reference 532546,176392

GPA :MD Division: [MD:LX]

Inc Locn :74 DENMARK HILL, SE5:DENMARK FOOD & WINE

Map :Page 162, Grid Reference 532546,176392

GPA :LC Division: [LX:WW]

Call Locn:74 DENMARK HILL, SE5:DENMARK FOOD & WINE

Map :Page 162, Grid Reference 532546,176392

GPA :LC Division: [LX:WW]

Opening 1:314 (Suspicious Circumstances)

2:215 (ASB - Nuisance)

Open Text:

Urgency :S (Significant)

VRMs :

Proposal :(BOCU at 18:56/21MAR18):

LX21E LX20L LX2E 956LX 263LX 405LX 767LX 7164LX 454LX 677LX

Assigned :

DeAssign :492PL, MD22N

TOA :19:08:37/21MAR18

DO Name :

DO Tel :

CRIS :NOT CRIMED

Class 1 :314 (Suspicious Circumstances)

Qual 1 :701 (Assistance Requested / Rendered)

Res 1 :613 (Other Public Agency Dealing)

Clo Text :

O Dealing:

Metops :

CHS Demid:20180321033603

Linked :

CONTINUED ...

INC06870-21MAR18
SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

PRINTED AT 11:13 18:DEC:18 white 288md

192581

SINGLE INCIDENT PRINTOUT

PAGE 2

INCIDENT No. 6870:21MAR18

Location Field : (For previous Incidents at this location use
action:LCD or LCL - use DARIS to extend search)
Gazetteer Comments : (May have existed or altered since Incident creation -
Use MSS SMF:SPECARCHIVE)

Location Based Comments

** Attendance and Incident and Caller Location **

DENMARK HILL,SE5 (45 - 100)

MC: 2- 78 EVEN AND 1-169 ODD. ME - REMINDER.

LS:80-300 EVEN.

ALL NUMBERED PROPERTY IS IN SE5

DENMARK HILL - SEE 'KINGS COLLEGE HOSP, SE5' FOR ALL RELEVANT COMMENTS

90 DENMARK HILL - SEE "CENTREPOINT,SE5" FOR ALL RELEVANT COMMENTS

[REDACTED SECTION]

- SEE HE/T65 - REF: 1211879/17 @ CPTMC

Remarks:

Time Date Opid Termid

21MAR18 CHS CHS (pre 1st routing)
CREATED IN: CHS AT: 2018-03-21 18:43:25 CAD AT: 2018-03-21 18:45:54
=====

ENTERED BY: CHS (c082022) AT: 2018-03-21 18:45:54
FEMALE HAS COME INTO THEIR SHOP, OPENED A BOOTLE OF WINE AND SITTING
DOWN DRINKING IN THEIR SHOP REFUSING TO LEAVE OR MOVE AND TELLING THEM
TO CALL POLICE,
BELVIED SHE IS FROM THE NEARBY HOSPITAL AS SHE STILL HAS ON A HOSPITAL
GOWN.
WHITE FEMALE, MID 40'S , IN A HOSPITAL GOWN,
18:50:41 21MAR18 720040 H2685
MD ^ LX - FROM LBC'S THIS IS YOURS
19:10:02 21MAR18 080744 B3357
LAS^MPS
Organisation:LONDON AMBULANCE SERVICE Assistance:AMBULANCE
Location: Mapref:162/532546,176392

INC06870-21MAR18
74 DENMARK HILL, SE5:DENMARK FOOD & WINE

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

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192581

SINGLE INCIDENT PRINTOUT

PAGE 3

INCIDENT No. 6870:21MAR18

Time	Date	Opid	Termid

Location Sent As:			
74 DENMARK HILL ,SE5 ":DENMARK FOOD & WINE"			
MPS Contact :MD			
Number :SEE FILE			
Caller [REDACTED]			
Number: [REDACTED]			
Unit: Assigned:Y (Y/N) On Scene:Y (Y/N) Attending:Y (Y/N/U) ETA: Mins			
Casualty 1 Chief Complaint:F WITH MHI - BLVd ABSCONDED FROM KCH			
Approx Age: 040 :Y (Y)ears (M)onths (W)eeks (D)ays Sex:F (M/F/U)			
Severe Bleeding:N (Y/N/U) Conscious:Y (Y/N/U) Breathing:Y (Y/N/U)			
Chest Pain:N (Y/N/U) Shot/Stabbed:N (Y/N/U) (Y)es (N)o (U)nkown			
Remarks :			
Patient Contact Number: U/K PR Radio Number: AWAIT			
OFFICER WITH THIS F REQUIRES LAS TO TAKE F BACK TO KCH			
19:10:04	21MAR18	LAS	
MPS^LAS MESSAGE PROCESSED SUCCESSFULLY - REF:LAS/3901/21032018			
19:14:19	21MAR18	LAS	
MPS^LAS Reference: LAS/3901/21032018			
Organisation:LAS			
Action :POLICE			
REMARKS :			
METROPOLITAN POLICE: POLICE requested for OTHER - FULL DETAILS BELOW			
,WE HAVEA LINKED CALL - WE ARE CURRENTLY HOLDING MULTIPLE HIGH			
PRIORITY CALLS - WILL BE A WHILE I'M AFRAID			
19:15:46	21MAR18	080744 B3357	
LAS^MPS			
Organisation:LONDON AMBULANCE SERVICE			
Action :INFORMATION			
UNIT: ASSIGNED:Y (Y/N) ON SCENE:Y (Y/N) ATTENDING:Y (Y/N/U) ETA: MINS			
REMARKS :			
IN THAT CASE, CANCEL			
19:16:36	21MAR18	LAS	
MPS^LAS Reference: LAS/3901/21032018			
Organisation:LAS			
Action :POLICE			
REMARKS :			

INC06870-21MAR18

METROPOLITAN POLICE: POLICE requested for OTHER - FULL DETAILS BELOW
,RECEIVED , MANY THANKS

19:38:27 21MAR18 088649 B3358

^492PL - SPOKEN TO KCH AND FEMALE WAS LET OUT AND MD22 TAKING HER
HOME

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

PRINTED AT 11:13 18:DEC:18 white 288md

192581

SINGLE INCIDENT PRINTOUT

PAGE 4

INCIDENT No. 6870:21MAR18

Time Date Opid Termid

20:41:37 21MAR18 225447 B3361

^492PL - NO ALLEGATION OF THEFT BY SHOP. NCFPA

Previous Actions:

Time Date Opid Termid ACTION

Time	Date	Opid	Termid	ACTION
18:45:54	21MAR18	CHS	CCC:CCB	SYSTEM(EXTERNAL) O() 314:SUSPICIOUS CIRCUMSTANCES,215:ASB - NUISANCE
"	"	"	"	PI
18:46:11	"	720040	DIV:LX	AK
18:50:33	"	CHS	CCC:CCB	LOCC()()
"	"	"	"	PI
18:50:42	"	720040	DIV:LX	PI/MD
"	"	"	"	AK
18:50:53	"	088649	DIV:MD	AK
18:56:13	"	720040	DIV:LX	GPA(LC)
18:56:15	"	"	"	PS/CM
18:58:50	"	216953	"	CM
19:08:37	"	080744	DIV:MD	AV/492PL
"	"	"	"	TOA/492PL
19:10:02	"	"	"	EXP/LAS
19:10:04	"	LAS	CCC:LAS	AK
19:10:07	"	080744	DIV:MD	AK
19:14:19	"	LAS	CCC:LAS	CP
"	"	"	"	IMP/INFO
19:15:33	"	080744	DIV:MD	CI/MD22N
19:15:35	"	"	"	AK
"	"	236107	CCC:IVMA	MA/DELIVERED TO MD22N
19:15:38	"	"	"	AV/MD22N
19:15:46	"	080744	DIV:MD	EXP/LAS/INFO
19:15:47	"	236107	CCC:IVMA	VI/MD22N

INC06870-21MAR18

"	"	LAS	CCC:LAS	AK
"	"	080744	DIV:MD	AK
19:16:36	"	LAS	CCC:LAS	IMP/INFO
"	"	236107	CCC:IVMA	VI/MD22N
19:16:38	"	080744	DIV:MD	AK
19:38:27	"	236107	CCC:IVMA	VI/MD22N
20:36:26	"	088649	DIV:MD	AC()
"	"	"	"	AQ()
"	"	"	"	AR()

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

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192581

SINGLE INCIDENT PRINTOUT

PAGE 5

INCIDENT No. 6870:21MAR18

Time	Date	Opid	Termid	ACTION
-----	-----	-----	-----	-----
20:36:31	21MAR18	"	DIV:MD	DA/492PL MD22N
20:36:32	"	"	"	PS/CM
20:39:19	"	236107	CCC:IVMA	VI/MD22N
20:42:11	"	225447	DIV:MD	ACR/NC
20:42:12	"	"	"	CM
03:39:42	23MAR18	240380	CCC:CADL	VI/p240380
15:22:48	03DEC18	192581	"	VI/p192581
15:23:33	"	"	"	IP//white 288md/1/p192581@met.police.uk
11:13:29	18DEC18	"	"	VI/p192581
11:13:56	"	"	"	IP//white 288md/1/p192581@met.police.uk

... END OF PRINT ...

INC06870-21MAR18

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

Heron, Andrew

From: O'Gorman, Sinead
Sent: 13 December 2018 10:17
To: Heron, Andrew
Subject: FW: RE: Denmark Express Ltd, 74 Denmark Hill, London, SE5 8RZ
Attachments: Alcohol crime and harm report.docx

From: Deidda, Clizia
Sent: Wednesday, December 12, 2018 5:20 PM
To: Regen, Licensing
Cc: Public Health Licensing; Shapo, Leidon
Subject: RE: Denmark Express Ltd, 74 Denmark Hill, London, SE5 8RZ

To Whom it may concern:

RE: Denmark Express Ltd, 74 Denmark Hill, London, SE5 8RZ

On behalf of the Director of Place 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):

General Comments

The applicant requests a new application for the sale of alcohol off the premises.

Requested hours of operation	Opening hours	Supply of Alcohol off the premises
Sunday - Thursday	00:00 – 00:00	08:00 – 00:00
Friday - Sunday	00:00 – 00:00	08:00 – 02:00

Concerns relating to this application

This premises is located within the Camberwell Cumulative Impact Policy (CIP) area and in my opinion the applicant has not adequately rebutted the presumption that this premises will add to the cumulative impact of alcohol harms in the local area.

This premises is located in the Camberwell Green ward, where more than half of all licensed premises are off-sales (Figure 1). In addition to this, Camberwell Green is responsible for 6% of all alcohol related ambulance call outs in Southwark (thus placing it in the second highest quintile).

Figure 1 – Number of licensed premises in Newington

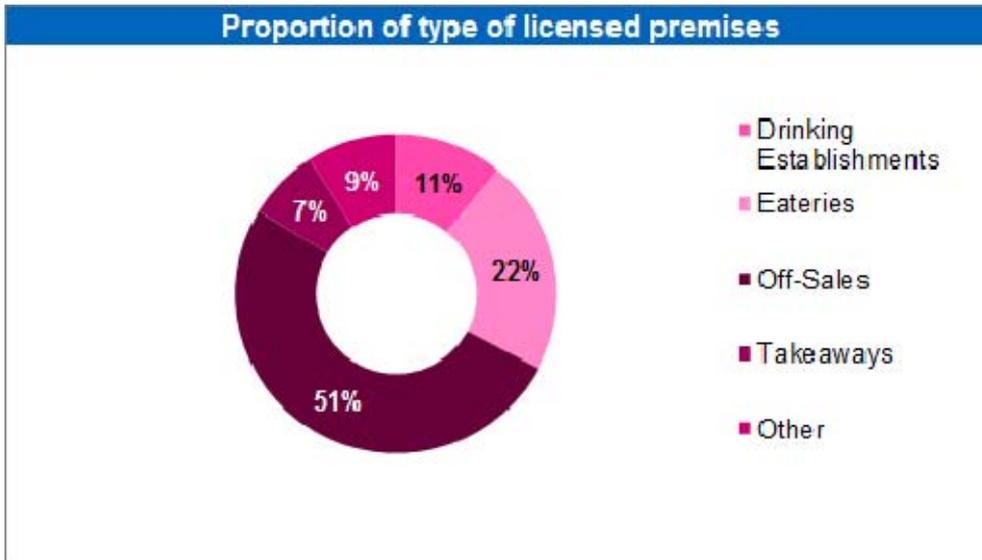
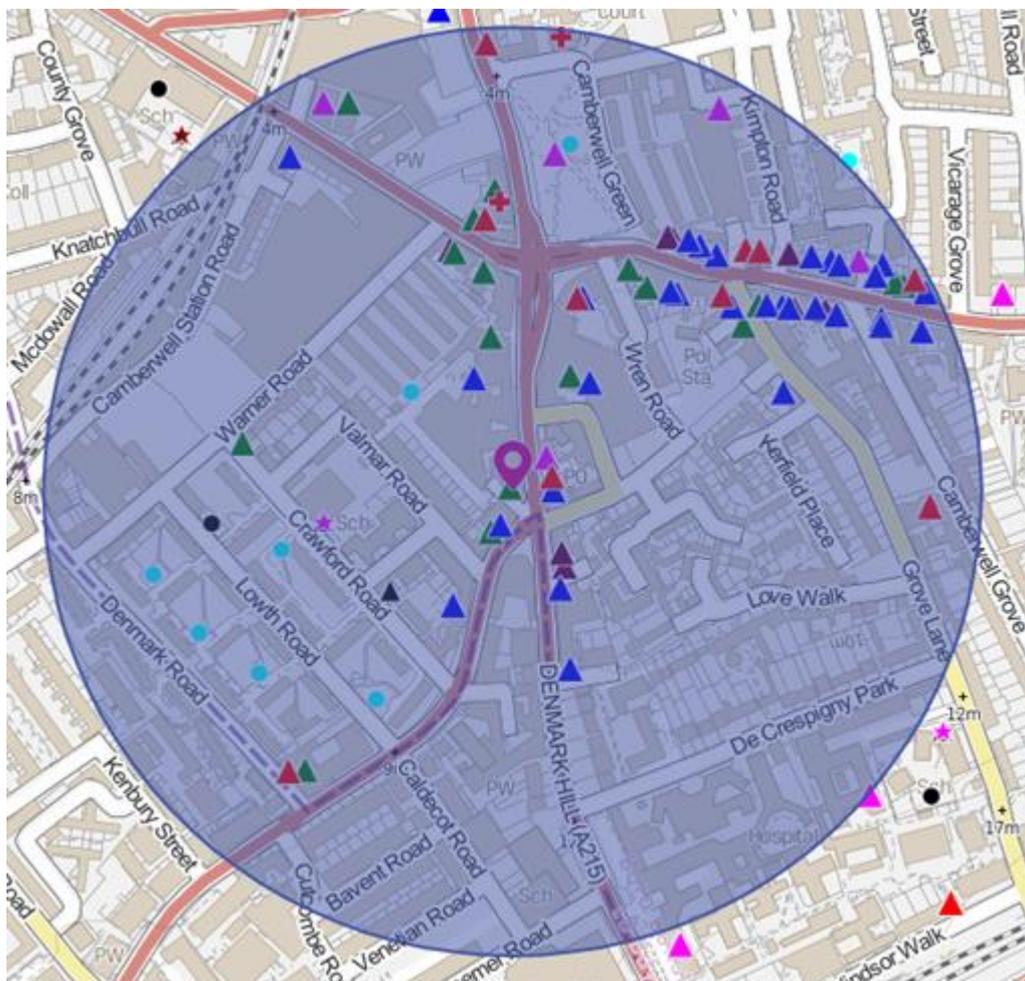


Figure 2 shows that the premises is located within walking distance of several other licensed premises and drinking establishments in a residential area. In addition to this, the premises is located within 400m of a GP practice, a primary school and 8 play areas. As a result of this, children and other vulnerable residents/visitors are likely to come in contact with individuals buying alcohol from the premises or intoxicated.

Furthermore, it has been shown (report attached to email) that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015).

Figure 2 – Map excerpt showing location of the premises and proximity to other premises.



- ▲ Licensed premises - Drinking Establishments
- ▲ Licensed premises - Eateries
- ▲ Licensed premises - Off-Sales
- ▲ Licensed premises - Other
- ▲ Licensed premises - Takeaways
- ★ School phase of education - Primary
- Play areas for children
- Play areas for young people

Recommendations

I recommend that the opening hours be amended to:

Current licensed times	Opening Hours	Supply of Alcohol off the premises
Sunday - Thursday	00:00 – 00:00	10:00 – 00:00
Friday - Saturday	00:00 – 00:00	10:00 – 00:00

Also, I recommend that no beers, lagers, ciders or similar alcohols to be sold in cans with an Alcohol By Volume (ABV) in excess of 6.5% or in bottles larger than 750ml with an ABV in excess of 6.5%.

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

Yours sincerely,

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

Clizia Deidda
 Public Health Policy Officer (Mental Health, Substance Misuse & Healthcare) | Public Health Division
 Place and Wellbeing Department | London Borough of Southwark
 160 Tooley Street | London SE1P 5LX

Buying alcohol at later times is associated with drinking excessive amounts of alcohol, which in turn increases the likelihood of harm to the drinker and others.

There is evidence of this from a number of scientific studies from high-income countries across the last 3 decades. Extending the terminal hour of alcohol sales has increased alcohol-related harm (Smith 1988a, b; Smith 1990; Ragnarsdottir et al. 2002). Recently it was shown that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015). Within the UK, extensions of the hours of alcohol sales have been associated with increased per capita consumption of beer, increases in the number of alcohol-related diagnoses in hospitals, and increases in violent crime (Bruce 1980; Duffy & De Moira 1996). Within London, increases in alcohol-related overnight attendances to the ED and alcohol-related admission rates were associated with the 2005 implementation of the 2003 Act. The increases included a rise in the number of alcohol-related attendances as a consequence of injury and assault (Newton et al. 2007).

In light of this evidence, several scientific reviews have concluded that restricting the hours of alcohol sales is an effective strategy for reducing excessive alcohol consumption and related harms (Grover & Bozzo 1999; Stockwell & Gruenewald 2004; Smith 1988; Popova et al. 2009). A number of international bodies, including the World Health Organisation, have recommended the control of hours of alcohol sales as a means to reduce alcohol misuse and alcohol-related harms. We in the Public Health team at Southwark Council are heeding this advice by recommending stronger policies to reduce alcohol misuse and alcohol-related harm. Indeed, stronger policies have been associated with a reduced likelihood of youth drinking and youth binge drinking (Xuan et al. 2015), and binge drinking in the general population (Xuan et al. 2015). One of our recommendations is that the hours of alcohol sales be restricted. We are seeking a terminal hour of 0000 for all off-licenses.

I would like some restriction on high-strength beers, lagers, and ciders, given that many purchasers of these drinks are alcohol misusers, and that one of these drinks exceeds the NHS's Safer Drinking Guidelines.

The NHS's Safer Drinking Guidelines state that males should not regularly drink more than 3-4 units of alcohol, and that females should not regularly drink more than 2-3 units. We decided to ask for the 5% because:

- One 330mL bottle of 5% beer/lager/cider contains 1.7 units of alcohol
- One 440mL can of 4.5% beer/lager/cider contains 2 units of alcohol
- One 440mL can of strong beer/lager/cider contains 4.5 units of alcohol

Bruce D. Changes in Scottish drinking habits and behaviour following the extension of permitted evening opening hours. *Health Bull.* 1980;38(3):133–7

de Goeij MCM, Veldhuizen EM, Buster MCA, Kunst AE. The impact of extended closing times of alcohol outlets on alcohol-related injuries in the nightlife areas of Amsterdam: a controlled before-and-after evaluation. *Addiction.* 2015; 110: 955-964

Duffy JC, De Moira ACP. Changes in licensing law in England and Wales and indicators of alcohol-related problems. *Addiction Res.* 1996;4(3):245–71

Grover PL, Bozzo R. Preventing problems related to alcohol availability: environmental approaches. DHHS, SAMHSA, CSAP; 1999

Newton A, Sarker SJ, Pahal GS, van den Bergh E, Young C. Impact of the new UK licensing law on emergency hospital attendances: a cohort study. *Emerg Med J.* 2007;24:532–4

Popova S, Giesbrect N, Bekmuradov D, Patra J. Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. *Alcohol Alcohol.* 2009;44:500–16

Ragnarsdottir T, Kjartansdottir A, Davidsdottier S. Effect of extended alcohol serving hours in Reykjavik, Iceland. In: Room R, editor. *The effects of Nordic alcohol policies.* Helsinki, Finland: Nordic Council for Alcohol and Drug Research; 2002. pp. 145–54

Rossow I, Norström T. The impact of small changes in bar closing hours on violence. The Norwegian experience from 18 cities. *Addiction;* 107(3): 530–537

Smith DI. Effect on casualty traffic accidents of changing Sunday alcohol sales legislation in Victoria, Australia. *J Drug Issues.* 1990;20(3):417–26

Smith DI. Effectiveness of restrictions on availability as a means of preventing alcohol-related problems. *Contemp Drug Prob.* 1988:627–84

Smith DI. Effect on casualty traffic accidents of the introduction of 10 p.m. Monday to Saturday hotel closing in Victoria. *Aust Drug Alcohol Rev.* 1988;7:163–6

Smith DI. Effect on traffic accidents of introducing flexible hotel trading hours in Tasmania, Australia. *Br J Addict.* 1988;83:219–22

Stockwell T, Gruenewald P. Controls on the physical availability of alcohol. In: Heather N, Peters TJ, Stockwell T, editors. *International handbook of alcohol dependence and problems.* Chichester, UK: Wiley; 2004. pp. 699–719

TRADING STANDARDS**Heron, Andrew**

From: Regen, Licensing
Sent: 17 December 2018 09:09
To: Lotsu, Godwin
Cc: Heron, Andrew
Subject: FW: Application for a premises license for 74 Denmark Hill
Attachments: BerfinNOD.pdf; 74 Denmark Hill Leasehold Register 03.12.18.pdf

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: Moore, Ray
Sent: Monday, December 17, 2018 8:31 AM
To: Regen, Licensing; '74denmarkhill@gmail.com'; Alcohol@homeoffice.gsi.gov.uk ; Qau Safeguarding; Costin, Holly; DIP Team; FireSafetyRegulationSE@london-fire.gov.uk (FSR-AdminSupport@london-fire.gov.uk); Graham White; Highwayslicensing; Moore, Ray; Planning.Enquiries; Public Health Licensing; Reg Env Protection; Reg Health and Safety; Sharpe, Carolyn; southwark.repro@pbms.co.uk; Taylor, Dan; Tear, Jayne; West Team diary
Subject: Application for a premises license for 74 Denmark Hill

As a Responsible Authority under The Licensing Act, Trading Standards are in receipt of an application from Hunish Sembhi (the sole director of Denmark Express Ltd) for a Premises Licence for a shop called Denmark Express Ltd at 74 Denmark Hill, Camberwell, London SE5 8RZ and respond accordingly under the Licensing Objectives.

Firstly, the premise is situated within the Camberwell Cumulative Impact Zone where there is a presumption to refuse unless the Licensing Authority is satisfied the premise will not have an adverse effect on the licensing objectives.

Secondly, this premises has recently been subject to a review and revocation of the premises license. It should be noted that this was the second review that this premises had been subject to. A copy of the notice of decision (sub committee 13/12/2017) is ATTACHED.

Thirdly, the previous premises licenses were under the control of Mr and Mrs Incedal... a current check on the Land Registry (completed on 3/12/2018) shows that leasehold for the shop premises is held by (since 17.03.2011) PROPRIETOR: ISMAIL INCEDAL of 9 Fermain Court, West De Beauvoir Road, London N1 5SX. Copy of leasehold registry ATTACHED

Fourthly, the current applicant, Ms Hunish SEMBHI, was working at the premises under the previous premises license that was revoked.

It is the contention of Trading Standards in these representations that there has been no change in the controlling mind of the business. The premises opens 24 hours and has applied to sell alcohol from 08:00hrs to midnight. This

area has severe problems with both problem drinkers and street drinkers. The application also fails to adequately address the licensing objectives. Trading Standards still has little faith in the management of this premises in achieving compliance with the licensing objectives and recommends that a premises Licence should not be granted.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| Regulatory Services

Post: 3rd Floor Hub 2, PO Box 64529 | London SE1P 5LX

Direct line 020 7525 0816 | Fax 020 7525 5735 | Call Centre 020 7525 2000

www.southwark.gov.uk/TradingStandards

Need proof of age? Visit www.southwark.gov.uk/pal

Need advice on consumer issues? Visit Citizens Advice via www.direct.gov.uk/consumer



<http://www.southwark.gov.uk/business/trading-standards-and-food-safety/illegal-tobacco-e-cigarettes-and-shisha>

Please consider the environment - do you really need to print this email?

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 13 DECEMBER 2017

LICENSING ACT 2003: BERFIN SUPERMARKET – 74 DENMARK HILL, LONDON, SE5 8RZ

1. Decision

That the application made by Southwark Trading Standards, for a review of a premises licence, granted under the Licensing Act 2003 in respect of the premises known as Berfin Supermarket of 74 Denmark Hill, London, SE5 8RZ is granted as follows:

The premises licence is hereby revoked.

2. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the trading standards officer, the applicant for the review who stated that this was the second review of the premises licence, the first being heard in November 2016, when the premises licence holder was removed and the licence modified and there was a reduction in licensable hours.

On 24 May 2017 the designated premises supervisor failed a test purchase where a can of Carlsberg Special Brew (8% ABV) was sold in breach of condition 841. As a result, Trading Standards and Southwark's Night Time Economy team carried out a joint inspection at the premise. A huge quantity of beers, lagers and ciders were offered for sale in breach of that condition. A total 1012 cans/bottles plus 22 litres of Amberdown white cider; in excess of 500 litres of alcohol in breach of this maximum strength condition some six months after that condition was imposed. It was noted also displayed in the shop were large quantities of Nigerian (Foreign) Guinness (7.5% ABV) and Dragon Stout (7.5% ABV). No permission had been sought from the Police to sell these products. Due to quantity of cans and bottles, officers were only able to seize the items on display in the shop. Displayed on the fridge door there was a notice stating named beers, ciders and lagers "*Will not be allowed to be sold after 11pm due to high alcohol volume*". Neither the premises licence holder nor the DPS were not fully conversant in the correct operation of the CCTV and were unable to demonstrate its operation to Trading Standards and the Police, in breach of condition 793.

Trading Standards returned the following day and sought the production of all invoices for the purchase of alcohol from 1 November 2016 to 25 May 2017. During this visit officers witnessed two females with obvious alcohol dependency problems seeking to buy cans of K-cider but were advised it was no longer available.

A number of invoices were produced on 31 May 2017. A quantity of invoices appeared missing and it was trading standards views that duty evaded drinks being purchased (without invoices) and sold on to the public. Not taking into account of stock that may or may not have been in the shop at the time of the previous review, analysis of the purchase of super strength beers and ciders and showed 128-cans of K-cider were purchased on 24 November 2016, being only 8-days after the first review. 1336-cans of K-cider were purchased in this period. It was apparent that the sale of super strength beers and ciders made up a significant percentage of the overall income of the shop.

The premises licence holder was interviewed on 13 June 2017 who admitted that he made all day to day decisions and bought all the stock in the shop, he avoided answering questions around street drinkers and alcoholics in the vicinity or the alcohol treatment centre in the immediate area and that he knew it was illegal to purchase duty evaded alcohol.

Trading Standards recommended that the premises licence be revoked.

The licensing sub-committee heard from the representative for the Metropolitan Police Service who supported trading standards review of the premises licence who stated that this was the second review in a year and that the premises had again operated in breach of the licence conditions, including those imposed by the committee in November 2016. The Camberwell area, where the premises is situated has a significant problem with alcohol misuse, street drinking by alcohol dependent people. A community impact statement had been submitted from an officer from the safer neighbourhood team that detailed the extent and seriousness of alcohol abuse in the area and that the area had gained notoriety for alcohol related anti-social behaviour. Statistics from the UK crime map demonstrated the high level of incidents reported to the police; something which the premises was contributing to. It was emphasised that no permission had been sought to sell any named beers or cider with an ABV above 6.5% and also, they premises was unable to operate the CCTV on a compliance visit as directed by the condition placed on the licence. Police view the magnitude of the breaches as serious and fully support the application by trading standards review of the premises licence and the recommendation that the licence be revoked as further measures would have little or no impact on the running of the premises.

The licensing sub-committee heard from the officer representing licensing as a responsible officer whose representation was based on prevention of crime and disorder and also prevention of public nuisance licensing objectives. Reference was made to November 2016 review of the premises licence which had been submitted by trading standards which had also been made on grounds of prevention of crime and disorder and protection of children from harm, the outcome of which was that the premises licence holder remained as the licensee and his wife became the DPS. The officer also raised concern that during the interview under caution, the licence holder refusal to discuss the very serious issue of street drinkers and the known alcohol abuse in the Camberwell area, which suggested that the licensee any concern and/or understanding the extent of alcoholism in the area and those undergoing treatment and the impact this has on those vulnerable individuals or those that live in the local area generally. Because of the continued pattern of disregard for legislation created to control the sale of alcohol the officer was of the opinion that neither the premises licence holder nor the DPS were capable of running a licensed premises, particularly since the premises licence holder is the controlling factor in the running of the premises. No change in a DPS or modified conditions again will resolve the management issues at the premises and therefore, supported trading standards review and their request for the revocation of the premises licence.

The licensing sub-committee heard from the representative for the premises licence holder who advised that both the licensee and the DPS were apologetic and remorseful for non-compliance of their licence conditions. Particularly with the licensee, there was language barrier and understood from the translator from the November 2016 review that there had only been a reduction in the licensable hours. He had not been made aware of the additional conditions imposed by the translator, and did not read either the notice of decision from the previous review or the new licence issued as a result of the review. It was accepted that there was a risk that the premises licence could be revoked, but asked that the sub-committee give one last chance: impose a suspension and additional conditions as the licensee's family relied on the income from the premises.

This review of the premises licence revolved around a lack of management and compliance of the premises licence conditions, in particular the sale of the so called super strength beers and ciders. This licensing sub-committee gave the premises licence holder an opportunity to continue his operation in November 2016 when he was removed as DPS and the licence conditions modified. The licence holder failed to read the notice of decision (or the issued licence) and take steps to understand it, yet his wife was appointed DPS. Whilst she claimed to have read both documents, she continued to allow the sale of the super strength beers and ciders. The DPS gave direct evidence to this sub-committee and stated that other premises in the area were allowed to sell the super strength beers and ciders and could not understand why Berfin Supermarket could not. The DPS also blamed Southwark's licensing team for failing to advise which specific beers and ciders could not be sold, despite the % ABV being clearly labelled on all alcohol products.

This licensing sub-committee do not accept the licence holder's argument that the breaches was as a result of a language barrier and that he did not understand the implications after the first review. This is neither a defence, nor is it acceptable.

It is the management of premises such as Berfin Supermarket that puts the public's health at risk and is possibly having a negative impact on anti-social behaviour and crime and disorder. It is the unanimous opinion of this licensing sub-committee's that must not operate in such a way especially in such a high risk area.

The premises have demonstrated a total disregard to the measures imposed on them at the previous review by this licensing sub-committee. This position was further compounded when neither the premises licence holder, nor the DPS were able to explain what challenge 25 is, despite a condition being placed on the licence in November 2016 that all staff must be trained in the in the prevention if sales of alcohol to underage persons and the challenge 25 scheme in operation in the business. It is quite apparent that this has not happened in breach of condition 8AB of the licence.

The officer from trading standards advised that enforcement action is pending. The sub-committee is of the view that it is in the public interest to prosecute given the circumstances of this case.

Since April 2017, under Excise Note 2002 it is a criminal offence for both wholesalers and trade buyers found buying alcohol from non-approved wholesalers and there are both civil and criminal penalties for wholesalers trading without having submitted their application to HMRC came into force from 1 April 2016 trade buyers who buy alcohol from unapproved wholesalers from 1 April 2017. The licence holder acknowledged in interview that to buy duty evaded alcohol and/or failure to have invoices was illegal. This licensing sub-committee expects that trading standards makes the necessary referral to HMRC.

When granting and/or reviewing a premises licence, this licensing sub-committee must have trust in that an individual or company will run the premises well and comply with the measures placed on the licence. On this occasion, there are no suitable conditions to that can be added to the licence and the committee has no confidence that any period of suspension will have an impact on the premises. In those circumstances, there is no other alternative but to revoke this premises licence.

4. Appeal rights

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

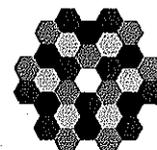
- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 13 December 2017



Official copy of register of title

Title number TGL168778

Edition date 17.03.2011

This official copy shows the entries on the register of title on 03 DEC 2018 at 12:21:24.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 03 Dec 2018.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry, Telford Office.

A: Property Register

This register describes the land and estate comprised in the title. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

SOUTHWARK

- 1 (14.01.2000) The Leasehold land shown edged with red on the plan of the above Title filed at the Registry and being 74 Denmark Hill, Camberwell, London (SE5 8RZ).

NOTE 1: As to the part numbered 1 on the title plan only the ground floor and basement is included in the title.

NOTE 2: As to the part numbered 2 on the title plan only the ground floor is included in the title.

- 2 (14.01.2000) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
 Date : 26 November 1999
 Term : 25 years from 18 October 1999
 Rent : as therein mentioned
 Parties : (1) Shakeel Harun
 (2) Iftikhar Ahmed
- 3 (14.01.2000) There are excepted from the effect of registration all estates, rights, interests, powers and remedies arising upon, or by reason of, any dealing made in breach of the prohibition or restriction against dealings therewith inter vivos contained in the Lease.
- 4 (14.01.2000) The land has the benefit of but is subject to certain reservations and provisions as to party walls, windows, lights, drains, watercourses and rights to discharge water contained in a Deed dated 13 July 1922.
- NOTE: Copy Deed filed under 267808.
- 5 (14.01.2000) The lessor's title is registered.
- 6 Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

Title number TGL168778

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (17.03.2011) PROPRIETOR: ISMAIL INCEDAL of 9 Fermain Court, West De Beauvoir Road, London N1 5SX.
- 2 (26.02.2004) The price stated to have been paid on 5 February 2004 was £12,000.

End of register

Heron, Andrew

From: Jerrom, Charlie on behalf of Regen, Licensing
Sent: 24 December 2018 10:14
To: Heron, Andrew
Subject: FW: Application for a premises license for 74 Denmark Hill

Follow Up Flag: Follow up
Flag Status: Completed

fyi

From: Legassick, Bill
Sent: Friday, December 21, 2018 4:26 PM
To: Regen, Licensing
Subject: Application for a premises license for 74 Denmark Hill

Licensing

I support the representation made by the Trading Standards on the 17th December 2018.

Bill Legassick
Principal Environmental Health Officer

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

Office address (By appointment only): Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

Tel: 020 7525 4253 | Fax: 020 7525 5705 | e mail: Bill.Legassick@southwark.gov.uk

visit: <http://www.southwark.gov.uk/air-quality>



Please consider the environment - do you really need to print this email?

LICENSING**MEMO: Licensing Unit**

To	Licensing Unit	Date	31 December 2018
From	David Franklin	Telephone	020 7525 0396
Email	david.franklin@southwark.gov.uk		

Subject: Denmark Express Ltd, 74 Denmark Hill, London SE5 8RZ

I write with regard to the application for a premises licence submitted by Mrs Hunish Sembhi under the Licensing Act 2003 for the premises Denmark Express Ltd, 74 Denmark Hill, London SE5 8RZ.

The premises is described by the applicant as: *"A small grocery shop, currently not selling alcohol, Open 24 hours."*

The application is for:

Sale of alcohol for consumption off the premises

Sun to Thurs 08:00 to 00:00 hours

Fri and Sat 08:00 to 02:00 hours

Opening hours

Mon to Sun 00:00 to 00:00 hours

The proposed designated premises supervisor is Mrs Hunish Sembhi.

This premises is situated in the Camberwell cumulative impact area where there is a presumption to refuse applications that have not adequately addressed this presumption.

The premises is also within the Camberwell District Town Centre Area. The Southwark Statement of Licensing policy 2016 - 2020 states that the appropriate closing times Off-Licences and alcohol sales in grocers and supermarkets is 00:00 hours daily

The application offers some points within the operating schedule that can be converted to conditions, however they do not address how they may prevent the sale of alcohol from affecting crime and disorder and public nuisance in the area.

This premises previously had a premises licence for off sales of alcohol which was revoked by the licensing sub-committee following a review by Trading Standards. The decision to revoke was initially appealed however this appeal was withdrawn on 06 September 2018. The reasons for the revocation are contained within the Notice of Decision and I submit a copy of the notice of decision dated 13 December 2018.

The land registry for the premises shows no change to the freeholder since 2008 and no new leases since 2011. There is no information accompanying the application to show that the current applicant has any legal right to conduct licensable activities at the premises and it is unclear if the current applicant is an associate or employee of the previous premises licence holder.

I therefore recommend that this variation is refused under the licensing objectives for prevention of crime and disorder and public nuisance,

David Franklin
In the capacity of the Licensing Responsible Authority

Licensing Act 2003 Premises Licence



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

Premises licence number

855745

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Berfin Supermarket 74 Denmark Hill	
Ordnance survey map reference (if applicable): 176539532519	
Post town London	Post code SE5 8RZ
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**

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

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

Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities

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

Sale by retail of alcohol to be consumed off premises

Monday	08:00 - 00:00
Tuesday	08:00 - 00:00
Wednesday	08:00 - 00:00
Thursday	08:00 - 00:00
Friday	08:00 - 01:00
Saturday	08:00 - 01:00
Sunday	08:00 - 00:00

Part 2

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

Ismail Incedal

[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

Cennet Incedal

[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]

Licence Issue date 24/01/2017

[REDACTED]

Head of Regulatory Services
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

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

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

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

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

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

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

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

(i) the holder of the premises licence:

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

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

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

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

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

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;
- (2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

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

- 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.

255 a. Fire extinguishers and equipment shall be efficiently maintained in satisfactory working order and kept available for instant use. They shall be in the charge of a suitable person specially nominated for the purpose.

b. Portable fire extinguishers shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an antifreeze agent shall be examined and recharged in compliance with manufacturer's instructions.

c. Where provided hydraulic hose reels shall be tested once a year to check that they are in working order and produce a satisfactory jet of water, and the test shall be recorded in a log book.

d. All testing of fire extinguishers and equipment shall be at the expense of the licensee.

311 That notices shall be displayed and announcements made requesting that customers leave the premises in a quiet and orderly manner

340 That there will be a minimum of two staff on the premises after 2300 hours

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

788 That an approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. The CCTV installed inside the premise shall be positioned to capture the sale of alcohol. The CCTV system shall have a minimum of 31 days recording facility and will be positioned to capture the sale of alcohol and tobacco products. The CCTV system shall have a minimum of 31 days recording facility and will be maintained in full working order at all times and be continually recording at all times the premise is in use under the licence.

789 The CCTV System must be capable of capturing a clear facial image of every person who enters the premise. All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to the police and/or authorised officers from Southwark Council.

793 That all staff working at the premise shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate request by police and/or authorised officers from Southwark Council

840 That there shall be a personal licence holder on the premises after 22.00 hours until closing time where alcohol is available for supply for the purpose of supervising such sales

841 That no beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises, unless prior written permission has been obtained from a Metropolitan Police Licensing Officer for Southwark. Such permission must be kept at the premises and made available immediately on request to relevant authorities.

8AA That the premises shall operate an age check 'Challenge 25' policy That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.

8AB That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.

8AC That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.

8AI That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the designated premises supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

Annex 4 - Plans - Attached

Licence No. 855745
Plan No. 336.05/01
Plan Date July 2005



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 13 DECEMBER 2017

LICENSING ACT 2003: BERFIN SUPERMARKET, 74 DENMARK HILL, LONDON, SE5 8RZ

1. Decision

That the council's licensing sub-committee, having considered and application by trading standards for a review of the premises under Section 51 of the Licensing Act 2003 in respect of the premises known as Berfin Supermarket, 74 Denmark Hill, London SE5 8RZ and having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

- Revoke the premises licence.

2. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the trading standards officer, the applicant for the review who stated that this was the second review of the premises licence; the first being heard in November 2016, when the premises licence holder was removed from being the designated premises supervisor, the licence was modified and there was a reduction in licensable hours.

On 24 May 2017 the current designated premises supervisor (DPS) failed a test purchase where a can of Carlsberg Special Brew (8% ABV) was sold in breach of condition 841. As a result, trading standards and Southwark's night time economy team carried out a joint inspection at the premises.

A huge quantity of beers, lagers and ciders were offered for sale in breach of that condition. A total of 1012 cans/bottles plus 22 litres of Amberdown white cider; in excess of 500 litres of alcohol in breach of this maximum strength condition some six months after that condition was imposed. It was also noted that there were large quantities of Nigerian (Foreign) Guinness (7.5% ABV) and Dragon Stout (7.5% ABV) available for sale. No permission had been sought from the police to sell these products.

Due to quantity of cans and bottles, officers were only able to seize the items on display in the shop. Displayed on the fridge door there was a notice stating named beers, ciders and lagers "Will not be allowed to be sold after 11pm due to high alcohol volume". Neither the premises licence holder nor the DPS were not fully conversant in the correct operation of the CCTV and were unable to demonstrate its operation to Trading Standards and the Police, in breach of condition 793.

Trading standards returned the following day and sought the production of all invoices for the purchase of alcohol from 1 November 2016 to 25 May 2017. During this visit officers witnessed two females with obvious alcohol dependency problems seeking to buy cans of K-cider but were advised it was no longer available.

A number of invoices were produced on 31⁰⁸ May 2017. A quantity of invoices appeared missing and it was trading standards views that duty evaded drinks had been purchased (without invoices) and sold on to the public. Not taking into account of stock that may or may not have been in the shop at the time of the previous review, analysis of the purchase of super strength beers and ciders showed 128 cans of K-cider were purchased on 24 November 2016, being only eight days after the first review. A total of 1336 cans of K-cider were purchased in this period. It was apparent that the sale of super strength beers and ciders made up a significant percentage of the overall income of the shop.

The premises licence holder was interviewed on 13 June 2017 who admitted that he made all day to day decisions and bought all the stock in the shop, he avoided answering questions around street drinkers and alcoholics in the vicinity or the alcohol treatment centre in the immediate area and that he knew it was illegal to purchase duty evaded alcohol.

Trading standards recommended that the premises licence be revoked.

The licensing sub-committee heard from the representative for the Metropolitan Police Service who supported the review of the premises licence by trading standards. They stated that this was the second review in a year and that the premises had again operated in breach of the licence conditions, including those imposed by the committee in November 2016.

The Camberwell area, where the premises are situated has a significant problem with alcohol misuse, street drinking by alcohol dependent people. A community impact statement had been submitted from an officer from the safer neighbourhood team that detailed the extent and seriousness of alcohol abuse in the area and that the area had gained notoriety for alcohol related anti-social behaviour. Statistics from the UK crime map demonstrated the high level of incidents reported to the police; something which the premises were contributing to.

It was emphasised that no permission had been sought to sell any named beers or cider with an ABV above 6.5% and also, they premises was unable to operate the CCTV on a compliance visit as directed by the condition placed on the licence. The police view the magnitude of the breaches as serious and fully support the application by trading standards review of the premises licence and the recommendation that the licence be revoked as further measures would have little or no impact on the running of the premises.

The licensing sub-committee heard from the officer representing licensing as a responsible authority whose representation was based on prevention of crime and disorder and also prevention of public nuisance licensing objectives.

Reference was made to November 2016 review of the premises licence, which had been submitted by trading standards and had also been made on grounds of prevention of crime and disorder and protection of children from harm. The outcome of that review was that the premises licence holder remained as the licensee and his wife became the DPS. The officer also raised concern that during the interview under caution, the licence holder refused to discuss the very serious issue of street drinkers and the known alcohol abuse in the Camberwell area. This suggested that the licensee did not have any concern and/or understanding the extent of alcoholism in the area and those undergoing treatment and the impact this has on those vulnerable individuals or those that live in the local area generally.

Because of the continued pattern of disregard for legislation created to control the sale of alcohol the officer was of the opinion that neither the premises licence holder nor the DPS were capable of running a licensed premises, particularly since the premises licence holder is the controlling factor in the running of the premises. No change in a DPS or modified conditions again will resolve the management issues at the premises and therefore, supported trading standards review and their request for the revocation of the premises licence.

The licensing sub-committee heard from ¹⁰⁹the representative for the premises licence holder who advised that both the licensee and the DPS were apologetic and remorseful for non-compliance of their licence conditions. Particularly with the licensee, there was language barrier and understood from the translator from the November 2016 review that there had only been a reduction in the licensable hours. He had not been made aware of the additional conditions imposed by the translator, and did not read either the notice of decision from the previous review or the new licence issued as a result of the review. It was accepted that there was a risk that the premises licence could be revoked, but asked that the sub-committee give one last chance: impose a suspension and additional conditions as the licensee's family relied on the income from the premises.

This review of the premises licence revolved around a lack of management and compliance of the premises licence conditions, in particular the sale of the so called super strength beers and ciders. This licensing sub-committee gave the premises licence holder an opportunity to continue his operation in November 2016 when he was removed as DPS and the licence conditions modified. The licence holder failed to read the notice of decision (or the issued licence) and take steps to understand it, yet his wife was appointed DPS. Whilst she claimed to have read both documents, she continued to allow the sale of the super strength beers and ciders. The DPS gave direct evidence to this sub-committee and stated that other premises in the area were allowed to sell the super strength beers and ciders and could not understand why Berfin Supermarket could not. The DPS also blamed Southwark's licensing team for failing to advise which specific beers and ciders could not be sold, despite the % ABV being clearly labelled on all alcohol products.

This licensing sub-committee do not accept the licence holder's argument that the breaches was as a result of a language barrier and that he did not understand the implications after the first review. This is neither a defence, nor is it acceptable.

It is the management of premises such as Berfin Supermarket that puts the public's health at risk and is possibly having a negative impact on anti-social behaviour and crime and disorder. It is the unanimous opinion of this licensing sub-committee's that must not operate in such a way especially in such a high risk area.

The premises have demonstrated a total disregard to the measures imposed on them at the previous review by this licensing sub-committee. This position was further compounded when neither the premises licence holder, nor the DPS were able to explain what challenge 25 is, despite a condition being placed on the licence in November 2016 that all staff must be trained in the in the prevention if sales of alcohol to underage persons and the challenge 25 scheme in operation in the business. It is quite apparent that this has not happened in breach of condition 8AB of the licence.

The officer from trading standards advised that enforcement action is pending. The sub-committee is of the view that it is in the public interest to prosecute given the circumstances of this case.

Since April 2017, under Excise Note 2002 it is a criminal offence for both wholesalers and trade buyers found buying alcohol from non-approved wholesalers and there are both civil and criminal penalties for wholesalers trading without having submitted their application to HMRC came into force from 1 April 2016 trade buyers who buy alcohol from unapproved wholesalers from 1 April 2017. The licence holder acknowledged in interview that to buy duty evaded alcohol and/or failure to have invoices were illegal. This licensing sub-committee expects that trading standards makes the necessary referral to HMRC.

When granting and/or reviewing a premises licence, this licensing sub-committee must have trust in that an individual or company will run the premises well and comply with the measures placed on the licence. On this occasion, there are no suitable conditions to that can be added to the licence and the committee has no confidence that any period of suspension will have an impact on the premises. In those circumstances, there is no other alternative but to revoke this premises licence.

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

4. Appeal rights

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

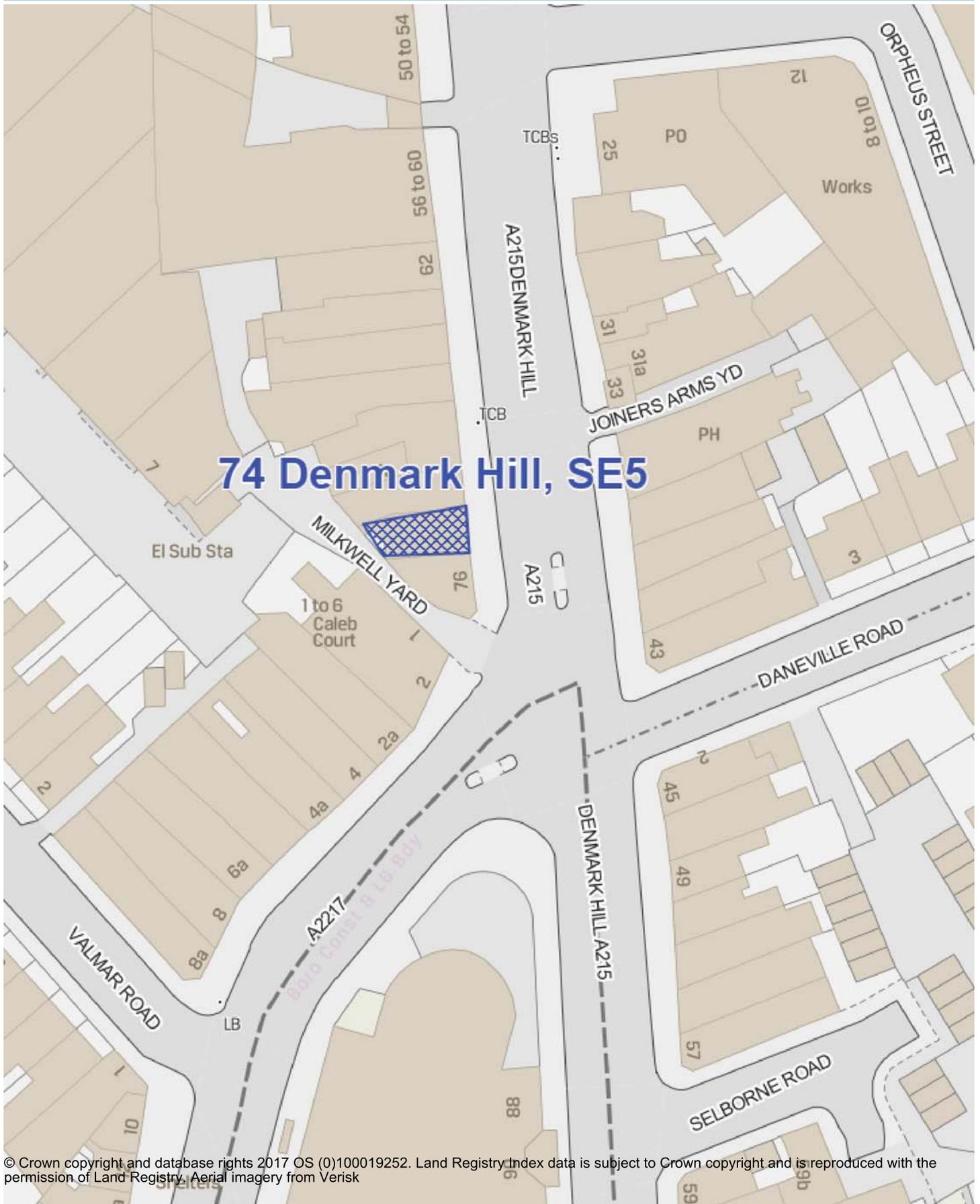
- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 13 December 2017



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1-Nov-2017

Scale = 1 : 661.500

Item No. 7.	Classification: Open	Date: 28 January 2019	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Shell Southwark Park Road, 297 – 307 Southwark Park Road, London SE16 2JN	
Ward(s) of group(s) affected		North Bermondsey	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers whether an application submitted by Shell UK Oil Products Limited for a premises licence be granted under the Licensing Act 2003 in respect of the premises known as Shell Southwark Park Road, 297 – 307 Southwark Park Road, London, SE16 2JN.
2. Notes:
 - a) The application is for a premises licence and was submitted under Section 17 of the Licensing Act 2003. The application is subject to representations and is therefore referred to the licensing sub-committee for determination.
 - b) Paragraphs 9 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
 - c) Paragraphs 12 to 15 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached to this report as Appendix B. A map showing the location of the premises is attached to this report as appendix C.
 - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to applications 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

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 premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 5 December 2018 Shell UK Oil Products Limited applied to this council for the grant of a premises licence in respect of Shell Southwark Park Road, 297 – 307 Southwark Park Road, London, SE16 2JN.
9. The application is summarised as follows:
- **Late night refreshment**
 - Monday to Sunday from 23:00 to 05:00 the following morning
 - **Sale of alcohol to be consumed off the premises**
 - Monday to Sunday from 00:00 to 24:00 (24 hours)
 - **Proposed opening hours of the premises**
 - Monday to Sunday from 00:00 to 24:00.
 - The premises and its intended operation are described as follows:
 - “This is a well-established convenience store located on a petrol forecourt. The site trades under Shell UK Oil Products Limited and is operated by Vive In Perpetuum Limited. The convenience store has a retail area of approximately 800 sqft. The purpose-built store has been designed to serve both the local community along with passing trade. The convenience store operates 24 hours per day, seven days per week. The store stocks a range of fresh foods and dairy produce, groceries and other domestic products and also offers 'express lunch' facilities. In addition, dry fuel products such as BBQ charcoal/kindling/logs will be available. Off sales of alcohol are a standard expected feature of the convenience store service...”

10. The premises licence application form provides the applicant's operating schedule. Parts I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application then the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application is attached to this report as Appendix A.

Designated premises supervisor

11. The proposed designated premises supervisor (DPS) is Corrigan Lockett.

Representations from responsible authorities

12. Representations have been submitted by this council's licensing responsible authority and the Metropolitan Police Service.
13. The licensing responsible authority's representation notes that the premises are located in a residential area. The representation states that according to this council's statement of licensing policy takeaways are not considered appropriate for residential areas and that the closing time recommended for restaurants is 23:00 daily. The representation contends that it appears that the premises will operate primarily as a supermarket and recommends that the operating times of the premises be amended so that alcohol sales take place between 10:00 and 23:00 daily. The representation recommends that the provision of late night refreshment be refused.
14. The Metropolitan Police Service's representation suggests various control measures that the Metropolitan Police Service recommended should become conditions of any licence issued subsequent to the application. The suggested conditions relate to the provision of CCTV at the premises, advisory signage that should be displayed, the provision of a late night service hatch and a restriction on the sale of beers, lagers or ciders with an alcohol by volume (ABV) of 6.5% or more except with written permission from the police or council's Trading Standards or Licensing services.
15. Copies of the representations submitted by responsible authorities are attached as Appendix B.

Representations from other persons

16. No representations were submitted by other persons.

Conciliation

17. At the time of the writing of this report none of the responsible authorities who submitted representations have been conciliated. Their representations remain outstanding and must be considered by the licensing sub-committee.

Premises history

18. No licence has been held in respect of the premises under current, or prior, licensing legislation.

19. On 5 December 2018 Shell UK Oil Products Limited applied to this council for the grant of a premises licence in respect of Shell Southwark Park Road, 297 – 307 Southwark Park Road, London, SE16 2JN.

Map

20. A map showing the location of the premises is attached to this report as appendix C. The following licensed premises are also shown on the map and provide licensable activities as stated:

Ancient Foresters, 282 Southwark Park Road, London SE16 2HB licensed for:

- The sale of alcohol to be consumed on and off the premises:
 - Monday to Thursday from 10:00 to 01:00 the following day
 - Friday and Saturday from 10:00 to 02:00 the following day
 - Sunday from 12:00 to 23:00.
- Live music, recorded music, anything similar to live or recorded music and performances of dance:
 - Monday to Thursday from 10:00 to 01:00 the following day
 - Friday and Saturday from 10:00 to 02:00 the following day
 - Sunday from 12:00 to 23:00.
- Late night refreshment:
 - Monday to Thursday from 10:00 to 01:30 the following day
 - Friday and Saturday from 10:00 to 02:30 the following day
 - Sunday from 12:00 to 23:30

AKR Superstore, 285 Southwark Park Road, London SE16 3TP licensed for:

- 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.

Costcutter, 257-259 Ground Floor Southwark Park Road, London SE16 3TP licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Sunday from 09:00 to 23:00.

Times Kebab, 283 Southwark Park Road, London SE16 3TP, licensed for:

- Late night refreshment:
 - Monday to Sunday from 23:00 to 00:00 (midnight).

Letran Café, 269 Southwark Park Road, London SE16 3TP licensed for:

- The sale of alcohol to be consumed on the premises:
 - Monday to Sunday from 11:30 to 22:30.

Morley's Fried Chicken, 275 Southwark Park Road, London SE16 3TP licensed for:

- Late night refreshment
 - Monday to Sunday:23:00 to 03:00.

B & N Supermarket, 300 Southwark Park Road, London SE16 2HB licensed for:

- 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.

Southwark council statement of licensing policy

21. Council assembly approved Southwark's statement of licensing policy 2016 - 2020 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.

22. 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.
23. The premises are located in a residential area. Closing times as stated below are suggested in the statement of licensing policy for the following types of licensed premises located in residential areas:
- Off-licences and alcohol sales in grocers and supermarkets:
 - 23:00 daily
 - Restaurants:
 - 23:00 daily

NB: According to the statement of licensing policy it is not considered suitable for takeaways to be located in residential areas.

Resource implications

24. A fee of £190.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band B.

Consultation

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

Community impact statement

26. 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

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

Principles for making the determination

29. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.

30. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
31. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
 - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
 - Any condition which must under section 19, 20 or 21 be included in the licence.
 - To exclude from the scope of the licence any of the licensable activities to which the application relates.
 - To refuse to specify a person in the licence as the premises supervisor.
 - To reject the application.

Conditions

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

Reasons

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

Hearing procedures

38. 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.
39. 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

40. 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.

41. 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.
42. 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.
43. 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.
44. 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.

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.

45. 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.
46. 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

47. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Copy of the application
Appendix B	Copies of the representations submitted by responsible authorities
Appendix C	Map of the local area

AUDIT TRAIL

Lead Officer	Ian Smith, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	15 January 2019	
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	16 January 2019	

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

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		<input type="checkbox"/>	Please tick yes
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
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Surname		First names	
Date of birth over		I am 18 years old or	<input type="checkbox"/> Please tick yes
Nationality			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

Name SHELL UK OIL PRODUCTS LIMITED
Address SHELL CENTRE
Registered number (where applicable) 3625633
Description of applicant (for example, partnership, company, unincorporated association etc.) PRIVATE LIMITED COMPANY
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
02	01	2019

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

DD	MM	YYYY

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

This is a well-established convenience store located on a petrol forecourt. The site trades under Shell UK Oil Products Limited and is operated by Vive In Perpetuum Limited. The convenience store has a retail area of approximately 800 SQ FT.

The purpose-built store has been designed to serve both the local community along with passing trade. The convenience store operates 24 hours per day, 7 days per week. The store stocks a range of fresh foods and dairy produce, groceries and other domestic products and also offers 'express lunch' facilities. In addition, dry fuel products such as BBQ charcoal/kindling/logs will be available. Off sales of alcohol are a standard expected feature of the convenience store service.

The internal and external digital CCTV system will benefit from a recorder and recordings can be made available to Police and other enforcement agencies as needed.

The convenience store will be operated by the Manager, assisted by a team of full and part time staff. The Designated Premises Supervisor is trained and certified through an accredited scheme and is responsible for training all staff utilising the Lockett & Co due diligence package and keeping training records, The Challenge 25 initiative will be used and supported by the refusals system with records kept in the refusals log

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

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

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23:00	05:00	<u>Please give further details here</u> (please read guidance note 4) THE PROVISION OF HOT DRINKS AND HEATED SNACK FOODS (E.G PANINIS, SAUSAGE ROLLS AND PASTIES)		
Tue	23:00	05:00			
Wed	23:00	05:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) NONE		
Thur	23:00	05:00			
Fri	23:00	05:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) NONE		
Sat	23:00	05:00			
Sun	23:00	05:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	00:00	24:00			
Tue	00:00	24:00			
Wed	00:00	24:00			
Thur	00:00	24:00			
Fri	00:00	24:00			
Sat	00:00	24:00			
Sun	00:00	24:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name CORRIGAN DEAN LOCKETT	
Date of birth [REDACTED]	
Address [REDACTED] [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) NONE
Day	Start	Finish	
Mon	00:00	24:00	
Tue	00:00	24:00	
Wed	00:00	24:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) NONE
Thur	00:00	24:00	
Fri	00:00	24:00	
Sat	00:00	24:00	
Sun	00:00	24:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images will be retained for a period of no less than 31 days. Access to the equipment and recordings will be provided to the Police or other relevant officers of a responsible authority within 24 hours of the request being made.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken (minimum of every 6 months). Written training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request.

An incident log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request.

A Challenge 25 policy will be operated at the premise. Acceptable forms of identification are a passport, photo-card driving licence and PASS accredited identification card.

Spirits (with the exception of spirit mixers and premixed spirit drinks) will be located behind the counter.

The Premises Licence holder shall be permitted to display bulk stacks, wine towers and chilled promotional offerings throughout the store that may not necessarily be shown on the plan. The locations may be subject to change but will be contained within the red lined licensable area shown on the plan attached to the Premises Licence. The display of bulk stacks will not be located where they may impact on the ability of customers to use exits or escape routes without impediment.

b) The prevention of crime and disorder

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images will be retained for a period of no less than 31 days. Access to the equipment and recordings will be provided to the Police or other relevant officers of a responsible authority within 24 hours of the request being made.

Spirits (with the exception of spirit mixers and premixed spirit drinks) will be located behind the counter.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training will also be undertaken (minimum of every 6 months). Written training records can be made available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.

c) Public safety

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images will be retained for a period of no less than 31 days. Access to the equipment and recordings will be provided to the Police or other relevant officers of a responsible authority within 24 hours of the request being made.

d) The prevention of public nuisance

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images will be retained for a period of no less than 31 days. Access to the equipment and recordings will be provided to the Police or other relevant officers of a responsible authority within 24 hours of the request being made.

An incident log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request.

e) The protection of children from harm

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images will be retained for a period of no less than 31 days. Access to the equipment and recordings will be provided to the Police or other relevant officers of a responsible authority within 24 hours of the request being made.

A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request.

A Challenge 25 policy will be operated at the premise. Acceptable forms of identification are a passport, photo-card driving licence and PASS accredited identification card.

Spirits (with the exception of spirit mixers and premixed spirit drinks) will be located behind the counter.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

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

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	4th December 2018
Capacity	DULY AUTHORISED AGENTS

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

From: Franklin, David
Sent: Wednesday, January 02, 2019 1:23 PM
To: Regen, Licensing
Cc: McArthur, Wesley
Subject: Shell Southwark Park, 297-307 Southwark Park Road London SE16 2JN.docx

MEMO: Licensing Unit

To	Licensing Unit	Date	02 January 2019
From	David Franklin	Telephone	020 7525 0396
Email	david.franklin@southwark.gov.uk		

Subject: Shell Southwark Park, 297-307 Southwark Park Road London SE16 2JN

I write with regard to the application for a premises licence submitted by Shell UK Oil Products Limited under the Licensing Act 2003 for the premises Shell Southwark Park, 297-307 Southwark Park Road London SE16 2JN.

The premises is described by the applicant as:

“This is a well-established convenience store located on a petrol forecourt. The site trades under Shell UK Oil Products Limited and is operated by Vive In Perpetuum Limited. The convenience store has a retail area of approximately 800 SQ FT.

The purpose-built store has been designed to serve both the local community along with passing trade. The convenience store operates 24 hours per day, 7 days per week. The store stocks a range of fresh foods and dairy produce, groceries and other domestic products and also offers 'express lunch' facilities. In addition, dry fuel products such as BBQ charcoal/kindling/logs will be available. Off sales of alcohol are a standard expected feature of the convenience store service. The internal and external digital CCTV system will benefit from a recorder and recordings can be made available to Police and other enforcement agencies as needed.

The convenience store will be operated by the Manager, assisted by a team of full and part time staff. The Designated Premises Supervisor is trained and certified through an accredited scheme and is responsible for training all staff utilising the Lockett & Co due diligence package and keeping training records, The Challenge 25 initiative will be used and supported by the refusals system with records kept in the refusals log”

The application is for:

Late night refreshment indoors
 Mon to Sun 23:00 to 05:00 hours

Sale of alcohol for consumption off the premises
 Mon to Sun 00:00 to 24:00 hours

Opening hours
 Mon to Sun 00:00 to 24:00 hours

The premises is situated within a residential area. The Southwark Statement of Licensing policy 2016 - 2020 states that the appropriate closing times for off-licences and alcohol sales in grocers and supermarkets in this area is 23:00 hours daily. Takeaways are not considered appropriate for this area however the closing time for restaurants and cafes is 23:00 hours daily

The application offers a number of points within the operating schedule that can be converted to conditions.

Licensing Act 2003 section 176 prohibits alcohol sales at service areas, garages etc. The statutory guidance for licensing authorities issued under section 182 of the Act gives guidance on section 176 and says in paragraph 5.2 "*In determining whether any premises should be licensed, the following parts of the 2003 Act are relevant*" and included in the subsequent list is "*Section 176 - Prohibits the sale of alcohol at motorway service areas; and restricts the circumstances in which alcohol may be sold at garages*"

The guidance gives further advice as follows

"Garages and motorway service areas

5.22 Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas (MSAs) and from premises which are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used primarily as a garage if they are used for one or more of the following:

- the retailing of petrol;*
- the retailing of derv (diesel);*
- the sale of motor vehicles; and*
- the maintenance of motor vehicles.*

5.23 It is for the licensing authority to decide, based on the licensing objectives, whether it is appropriate for that premises to be granted a licence, taking into account the documents and information listed in section 17(3) and (4) which must accompany the application.

5.24 If a licence is granted in respect of a premises and the primary use of that premises subsequently changes (for example, the primary use becomes that of a garage rather than a shop) it would no longer be legal to sell alcohol on that premises. If a relevant representation is made, the licensing authority must decide whether or not the premises are used primarily as a garage. The licensing authority may ask the licence holder to provide further information to help establish what the primary use of the premises is."

From the applicants' description of the premises it would indicate that the premises is intended to operate primarily as a convenience store where petrol sales are ancillary to the store sales and as such section 176 should not apply to this particular premises.

The premises therefore will fall under the category of a grocers or supermarket and I would recommend to promote the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance that the Licensing Sub-Committee considers restricting the times of operation to:

Late night refreshment indoors

Refused. This will still allow for hot food to be taken away between 05:00 and 23:00 hours

Sale of alcohol for consumption off the premises

Mon to Sun 10:00 to 23:00 hours

Opening hours

Mon to Sun 00:00 to 24:00 hours

David Franklin

In the capacity of the Licensing Responsible Authority

From: Graham.S.White@met.pnn.police.uk [<mailto:Graham.S.White@met.pnn.police.uk>]

Sent: Wednesday, January 02, 2019 2:02 PM

To: Regen, Licensing

Subject: Shell Southwark Park Road

Please find attached police objection to the above application
Regards

PC Graham White 288MD

Licensing Officer

Southwark Police Licensing Unit

323 Borough High Street

London

SE1 1JL

Tel: 0207 232 6756 (726756)

SouthwarkLicensing@met.police.uk

Graham.S.White@met.police.uk

www.met.police.uk



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

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: **MD/21/001/19**

Date: **2nd January 2019**

Dear Sir/Madam

Re:- Shell UK, 297-307 Southwark Park Road, London SE16 2JN

Police are in receipt of an application from the above for a new premises licence to be granted under the licensing act 2003.

The premises is a service station, with associated convenience store. The applicants are asking for late night refreshment and the sale of alcohol off the premises as follows.

Late Night Refreshment

Mon-Sun 23:00 to 05:00

Alcohol Sales (Off the premises only)

Mon-Sun 24hrs

It should be noted that this premises is situated on a busy thoroughfare, likely to attract a significant amount of passing trade. It is also situated in very close proximity to a large number of residential dwellings.

Whilst we appreciate that a number of patrons will be using the site to purchase fuel only, we also feel that a 24hr supply of alcohol could also attract a significant number of patrons late at night and into the early hours, and therefore could have a detrimental impact on the licensing objectives.

The type of patrons that might be attracted to use these facilities late at night or early morning are likely to be those that have already been consuming alcohol and require more. This in itself has far-reaching implications for potential crime and disorder and public nuisance.

Southwark's statement of licensing Policy 2016 asks applicants of new licenses to consider the guidance in relation to opening hours. Consideration should be given to the premises location and its likelihood to impact on the licensing objectives. It also asks applicant to consider what additional control measure could be put in place to counter any negative impact.

The applicant in this case has offered nothing other than CCTV, staff training and the safe display of spirits behind the counter, for the prevention of crime and disorder licensing objective.

It would appear that little or no consideration has been given to Southwark's statement of licensing policy. The recommended hours for the sale of alcohol for off licenses in residential areas is 2300hrs on each day of the week. The police object to the granting of the application in its current format.

This application is for significantly longer hours but with little in the way of control measures.

If the committee consider granting hours outside that recommended in the policy I would like to see the following conditions on the licence. I would also like to see the following wording on the conditions already offered.

1. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing an image of every person who enters the premises.
2. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made available as soon as reasonably possible or in any event within 24 hours of the request to Officers of the Police and the Council.
3. That Drink-drive warning posters will be displayed at point of sale
4. That the premises will operate a closed door policy from 23:00hrs to 05:00hrs with all sales of alcohol and late night refreshment to be made through the night hatch;
5. No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises expect with the written permission from the Police, Trading Standards or the Licensing Authority. A copy of that permission must be retained with the licence and be available for inspection by the Police of Council officers.

The applicant could reconsider this application, to include a significant reduction in the hours for the sale of alcohol or a significant number of additional control measures.

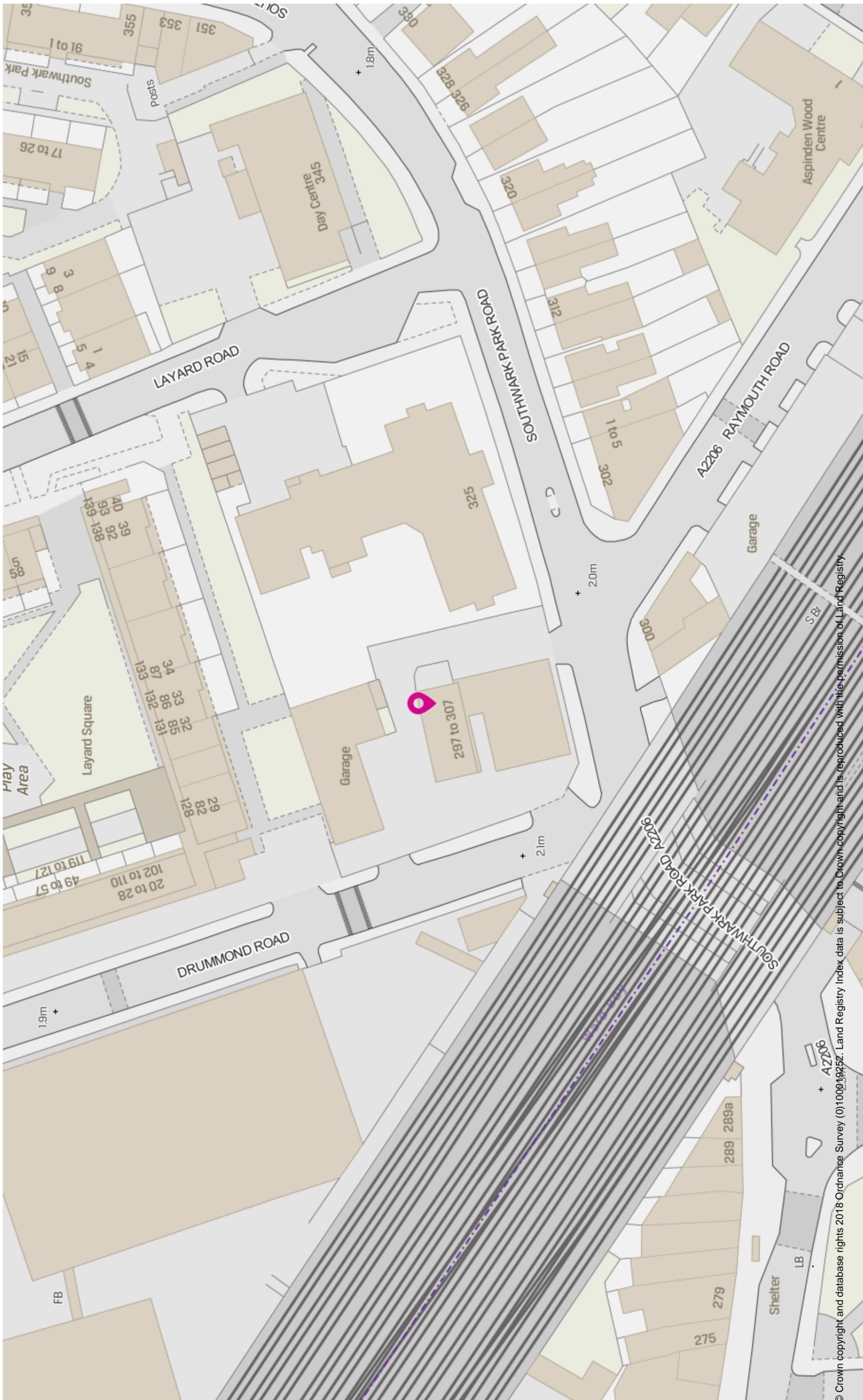
The Following is submitted for your consideration.

Yours Sincerely

PC Graham White 288MD

Southwark Police Licensing Unit

Tel: 0207 232 6756



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