

Open Agenda



Licensing Sub-Committee

Thursday 18 July 2019
10.00 am
Room G06 - 160 Tooley Street, London SE1 2QH

Membership

Councillor Lorraine Lauder MBE
Councillor Maria Linforth-Hall
Councillor Charlie Smith

Reserves

Councillor Ian Wingfield

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.

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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: 9 July 2019



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Licensing Sub-Committee

Thursday 18 July 2019
10.00 am
Room G06 - 160 Tooley Street, London SE1 2QH

Order of Business

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

1. ELECTION OF THE CHAIR

To elect a chair for this meeting.

2. APOLOGIES

To receive any apologies for absence.

3. CONFIRMATION OF VOTING MEMBERS

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

4. 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.

5. 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.

6. LICENSING ACT 2003: BHINDER OFF LICENCE, 149 PECKHAM HIGH STREET, LONDON SE15 5SL

1 - 50

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

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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: 9 July 2019

Item No. 5.	Classification: Open	Date: 18 July 2019	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Bhinder Off Licence, 149 Peckham High Street, London SE15 5SL	
Ward(s) or groups affected:		Peckham	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made on behalf of Southwark Council's trading standards service under Section 51 of the Licensing Act 2003 (the Act) for the review of the premises licence held by Parwinder Kaur and Jagdish Singh Bhinder in respect of the premises known as Bhinder Off Licence, 149 Peckham High Street, London, SE15 5SL
2. Notes:
 - a) The grounds for the review are stated in paragraph 14 of this report. A copy of the premises licence review application is attached as Appendix A.
 - b) The application for review of the premises licence is supported in representations submitted by two responsible authorities. Copies of the representations are attached as Appendix B. Details of the representations are provided in paragraphs 17 to 19 of this report.
 - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix 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 an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

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

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

KEY ISSUES FOR CONSIDERATION

The premises licence

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

Designated premises supervisor (DPS)

12. The current Designated Premises Supervisor (DPS) specified in respect of the licence is Jagdish Singh Bhinder. Jagdish Singh Bhinder holds a personal licence issued by the London Borough of Southwark.

The review application

13. On 28 May 2019 an application was submitted on behalf of Southwark Council's trading standards service under Section 51 of the Licensing Act 2003 for the review of the premises licence held by Parwinder Kaur and Jagdish Singh Bhinder in respect of the premises known as Bhinder Off Licence, 149 Peckham High Street, London SE15 5SL.
14. The review application was submitted in respect of the prevention of crime and disorder licensing objective and relates to an alleged offence witnessed at the premises on 12 March 2019 as follows:
 - The sale, display or offer for sale of beers / lagers with an alcohol by volume (ABV) of more than 6.5% without written authority from the Police Licensing Unit. This is an alleged breach of condition 845 of the premises licence issued in respect of the premises, and constitutes a possible contravention of section 136 of the Licensing Act 2003.
15. Full details of the grounds for the review are provided within the copy of the application for the review which is attached to this report as Appendix A.
16. The application invites the licensing sub-committee to consider all options open to the sub-committee; however the applicant suggests that particular consideration is given to condition 845 and exemptions that may be allowed in respect of condition 845. The applicant proposes that condition 845 should specify any exemptions to condition 845, and that if the licensee's wish to specify further exemptions to condition 845 they should do so by submitting a minor variation application that can be considered by all responsible authorities.

Representations from responsible authorities

17. The Metropolitan Police Service and this council's public health authority have submitted representations in support of the review application. Copies of the representations are attached to this report in Appendix B.
18. The Metropolitan Police Service's representation recommends that the premises licence be revoked.
19. The public health authority recommends an amendment to condition 845 and also that the hours permitted for the sale of alcohol at the premises be reduced.

Representations from other persons

20. No representations have been submitted by other persons.

Operating history

21. A premises licence was issued in respect of the premises to Jagjot Singh Lidder on 11 January 2006. The DPS specified in respect of the licence was Kuldip Singh Lidder.
22. On 2 August 2006 an application was submitted to specify Jagjot Singh Lidder as the DPS in respect of the premises. An amended licence stating Jagjot Singh Lidder as the DPS was issued on 16 August 2006.

23. On 19 March 2009 a licensing inspection of the premises was undertaken. The person in charge of the premises at the time of the inspection was Jagdish Singh Bhinder. The premises were found to be being operated compliantly.
24. On 19 January 2011 a licensing inspection of the premises was undertaken. The person in charge of the premises at the time of the inspection was Jagdish Singh Bhinder. Two breaches of the premises licence issued in respect of the premises were noted during the inspection in that a personal licence holder was not present at the premises and a refusal book wasn't available at the premises.
25. On 14 March 2011 a re-inspection of the premises was undertaken. The premises were found to be being operated compliantly.
26. On 20 February 2015 a licensing inspection of the premises was undertaken. The person in charge of the premises at the time of the inspection was Jagdish Singh Bhinder. The premises were found to be being operated compliantly.
27. On 11 March 2015 an application, to have immediate effect, was submitted to transfer the licence to Jagdish Singh Bhinder and Parwinder Kaur. On the same date an application, to have immediate effect, was submitted to specify Jagdish Singh Bhinder as the DPS of the premises. Both applications were granted and an amended licence was issued on 11 March 2015.
28. On 4 May 2016, an application was made on behalf of Southwark Council's trading standards service under Section 51 of the Licensing Act 2003, for a review of the premises licence held by Parwinder Kaur and Jagdish Singh Bhinder in respect of the premises known as Bhinder Off Licence 149 Peckham High Street, London SE15 5SL.
29. On 11 June 2016 an ad-hoc licensing visit to the premises was undertaken. At the time of the visit the premises were found to be being operated compliantly.
30. On 28 June 2016 a licensing sub-committee hearing was held to consider the review application submitted on 4 May 2016. The decision of the licensing sub-committee was to suspend the premises licence issued in respect of the premises for two weeks and to impose various conditions on the licence, including condition 845 to which this review application specifically relates. A copy of the notice of decision relating to the licensing sub-committee hearing of 28 June 2016 is attached to the trading standards review application in Appendix A.
31. On 12 March 2019 trading standards and licensing officers visited the premises and the sale, display or offer for sale of beers / lagers with an alcohol by volume (ABV) of more than 6.5% without written authority from the police licensing unit was observed. This is an alleged breach of condition 845 of the premises licence issued in respect of the premises and constitutes a possible contravention of section 136 of the Licensing Act 2003.
32. On 28 May 2019, an application was made on behalf of Southwark Council's trading standards service under Section 51 of the Licensing Act 2003, for a review of the premises licence held by Parwinder Kaur and Jagdish Singh Bhinder in respect of the premises known as Bhinder Off Licence 149 Peckham High Street, London SE15 5SL.

The local area

33. A map of the area is attached to this report as Appendix D. The premises are identified by a black diamond at the centre of the map. The following licensed premises are also shown on the map:

The Red Bull, 116 Peckham High Street, London SE15 5ED licensed for:

- The provision of live music, recorded music and the sale of alcohol for consumption off the premises:
 - Sunday to Thursday from 09:00 to 23:00
 - Friday and Saturday from 09:00 to 00:00 (midnight)
- The sale of alcohol for consumption on the premises:
 - Sunday to Thursday from 09:00 to 22:30
 - Friday and Saturday from 09:00 to 23:30
- The provision of late night refreshment:
 - Friday and Saturday from 23:00 to 00:00

Payless, 121-125 Peckham High Street, London SE15 5SF licensed for:

- The sale of alcohol to be consumed off the premises:
 - Sunday to Thursday from 06:00 to 01:00
 - Friday and Saturday from 06:00 to 02:00

Peckham News, 133 Peckham High Street, London SE15 5SI licensed for:

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

The Clayton Arms, 1 Clayton Road, London SE15 5JA licensed for:

- The provision of films, indoor sporting events, recorded music and the sale of alcohol for consumption on or off the premises:
 - Monday to Thursday from 10:00 to 00:00
 - Friday and Saturday from 10:00 to 01:00
 - Sunday from 11:00 to 00:00
- The provision of live music:
 - Monday to Saturday from 10:00 to 23:00
 - Sunday from 11:00 to 23:00
- The late night refreshment:
 - Sunday to Thursday from 23:00 to 00:00
 - Friday and Saturday from 23:00 to 01:00.

Southwark council saturation policy for Peckham

34. 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 March 2019 when full council assembly approved the 2019 - 2021 Statement of Licensing Policy.
35. 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.
36. 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.
37. The premises has been advised to address the committees concerns around cumulative impact at the meeting.

Southwark council statement of licensing policy

38. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
 - Section 3 - Purpose and Scope of the Policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications.
 - Section 5 – Determining Applications for Premises Licences and Club Premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 – Local Cumulative Impact Policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
 - Section 7 – Hours of Operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification. To be read in conjunction with Appendix B to the policy.
 - 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.
39. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

Resource implications

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

Consultation

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

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

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

Principles for making the determination

45. Under Section 52 the licensing authority must hold a hearing to determine the review and any relevant representations.
46. The four licensing objectives are:
- The prevention of crime and disorder
 - The protection of public safety
 - The prevention of nuisance
 - The protection of children from harm.
47. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the

following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:

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

Reasons

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

Hearing procedures

54. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party.
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant:
 - To the particular application before the committee, and
 - The licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

55. This matter relates to the review of the premises licence under section 51 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

56. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
57. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct

themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.

58. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
59. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
60. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
61. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
62. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
63. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

64. Members are required to have regard to the Home Office 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

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

BACKGROUND DOCUMENTS

Background papers	Held At	Contact
Licensing Act 2003 Home Office revised guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file	Licensing Unit Hub 1 Third Floor 160 Tooley Street SE1 2TZ	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Review application
Appendix B	Representations submitted by responsible authorities
Appendix C	The premises licence
Appendix D	Map of area

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure
Report Author	Wesley McArthur, Principal Licensing Officer
Version	Final
Dated	3 July 2019
Key Decision?	No
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER	
Officer Title	Comments sought
Director of Law and Democracy	Yes
Strategic Director of Finance and Governance	Yes
Cabinet Member	No
Date final report sent to Constitutional Team	4 July 2019

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Ray MOORE (On behalf of Trading Standards)

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Binder Off License 149 Peckham High Street Peckham	
Post town London	Post code (if known) SE15 5SL

Name of premises licence holder or club holding club premises certificate (if known) Parwinder KAUR Jagdish Singh BHINDER	
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Number of premises licence or club premises certificate (if known) 852118	
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Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

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

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Southwark Council – Trading Standards

Ray MOORE
Trading Standards Officer
Regulatory Services
3rd Floor Hub 1
PO Box 64529
London SE1P 5LX

Telephone number (if any)

0207 525 0816

E-mail address (optional)

Ray.moore@southwark.gov.uk

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

Please tick one or more boxes

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

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

Prevention of Crime and disorder –

- Contravention of Section 136 of the Licensing Act 2003 – Breaching a license condition, i.e. selling beers; lagers and ciders that were over 6.5% alcohol by volume when they did not have an exemption.

The facts of the matter are as follows:-

On Tuesday 12th March 2019 Ray MOORE from the Trading Standards Team and Charlie JERROM from the Licensing Team were out with Night Time Economy Police doing visits to licensed premises. This premise had previously been visited by Mr MOORE and colleagues and had been the subject of a review to the licensing sub committee owing to the presence of illegal alcohol. This had resulted in a suspension of the license and the imposition of conditions. See Item 1 for notice of decision. Mr MOORE was aware that amongst those conditions was condition 845 "That 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 unless written authority is obtained from the Police Licensing Unit in advance. The written authority must be kept and made available for inspection immediately on request by any responsible authority." Mr MOORE was surprised to see Oranjeboom 8.5% lager on sale. Mr Jagdish Singh BHINDER (joint premises license holder and DPS) was behind the counter. When Mr MOORE asked him about this he produced a list of exemptions from Southwark Licensing Police. Such exemptions are intended for specialist products – Oranjeboom 8.5% is not a specialist product but a straightforward super strength lager which is stronger than Carlsberg Special Brew. This list included an "Oranjeboom 7.5%" and a "Perla Black 7.5%". Some years ago Oranjeboom reduced its strength by 1% in line with Carlsberg Special Brew; Skol and Tenants Super. There has never been a Perla 7.5% although, once again, this is not a specialist product. Mr MOORE seized the following items under the provisions of the Consumer Rights Act 2015 and the Consumer Protection from Unfair Trading Regulations 2008:-

214 x 500ml cans of Oranjeboom lager 8.5% alcohol

78 x 500ml cans of Perla Black lager 7.5% alcohol

Notice of items seized and exemptions e-mail from Licensing Officer, Graham WHITE – Item 2

Mr MOORE wrote to Mr BHINDER on that same day requesting invoices for products and inviting him to be PACE interviewed about the alleged offence on Tuesday 12th March 2019. Mr BHINDER did send in some invoices but did not attend an interview about the alleged offence.

However, on 20th March Mr MOORE received an e-mail with attached letter from Mr BHINDER's solicitors which had the attached exemptions list. – Item 3. Mr MOORE

replied explaining that the items seized were not on the exemptions list.

On 10th April 2019 Mr MOORE received an e-mail and letter from Mr BHINDER's solicitors. (Item 4). Once again this gave no explanation as to why he had not attended for an interview. Instead they said that those products had been a mistake when the exemptions were drafted and offered not to sell them anymore – which they couldn't anyway. Mr MOORE replied with a letter asking that other items be removed from the exemptions in a letter dated 26th April 2019. To date there has been no response to this letter.

The issue of the sale of high strength beers and ciders continues to be a problem in the London Borough of Southwark and has a major impact on public health and the well being of the local population. The issue of illegal alcohol in general continues to be a major issue across the borough and is not compatible with the licensing objectives. It would appear that the client's solicitors have tried to get around the effect of the condition imposed by the previous licensing sub committee.

The sub-committee is invited to consider all options available but in particular to consider the issue of this condition and exemptions that may be made around it. My suggestion would be that the condition should specify any exemptions and that if a business wishes to add further exemptions it should do so by putting in a minor variation that all responsible authorities could consider. There are undoubtedly occasions where an exemption is appropriate. For instance where a micro brewery wishes to produce small bottles of a specialist beer that might retail at £5 a bottle. It should be noted that there were 50 cases of Guinness Extra 7.5% alcohol in this premises when we visited on 17th March 2019. 50 cases in an ordinary off license cannot be considered to be a "specialist" product by any stretch of the imagination.

Please tick yes

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

If yes please state the date of that application

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

Please tick yes

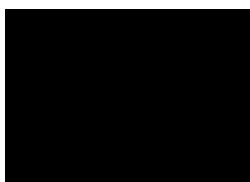
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

Date 24th May 2019

Capacity Trading Standards Officer acting on behalf of Southwark Council

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

Notes for Guidance

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



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 28 JUNE 2016

LICENSING ACT 2003: BHINDER OFF LICENCE, 149 PECKHAM HIGH STREET, LONDON SE15 5SL

1. Decision

That the council's licensing sub-committee, having had regard to the application made under Section 51 of the Licensing Act 2003 by the Southwark Council trading standards team for a review of the premises licence issued in respect of the premises known as Bhinder Off Licence, 149 Peckham High Street, London SE15 5SL and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Suspend the licence for a period of two weeks

and

Modify the conditions of the licence as follows:

That the following additional conditions as agreed by the licensing sub-committee shall apply:

1. That the premises shall operate an agecheck '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.

2. 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), and the signature of the trainee, the signature of the trainer, the date of training and a declaration that the training has been received.

3. 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.
4. 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.
5. That there shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales
6. That 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 unless written authority is obtained from the Police Licensing Unit in advance. The written authority must be kept and made available for inspection immediately on request by any responsible authority.
7. 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 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. 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
8. 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.
9. That all off-sales of alcohol shall be supplied in closed containers.

2

Reasons

The reasons for this decision are as follows:

The licensing sub-committee heard from the trading standards officer, the applicant for the review who advised that the review application was made on behalf of Southwark Council's trading standards service. On 29 January 2016 trading standards and the police attended Bhinder Off Licence to check for compliance of the premises licence, trading standards legislation and other criminality. On display were bottles of alcohol that had been imported without payment of duty or which had otherwise been unlawfully imported. A refusals book had also not been maintained, in breach of condition 340. Officers also noticed that there was a huge amount of beers, ciders and lagers with an ABV of more than 6.5% being offered for sale. The designated premises supervisor (DPS) was subsequently interviewed under caution and admitted all offences and informed the trading standards officer that he had bought all the super strength beers, ciders and lagers from the owner/DPS of Bottles Off-Licence (whom he was related to), who were prohibited from selling such products under their licence. He was unable to provide invoices for the alcohol, stating that he had bought the alcohol for £400 from a man he had never met and had not seen since.

The trading standards officer called a local ward councillor as a witness who supported the review application and gave evidence of anti-social behaviour fuelled by alcohol. He also witnessed a high level of street drinkers in the local area. Whilst the ward councillor was unable to say that alcohol was purchased from the premises, he felt curbing the sales of the high strength beers, cider and lagers from licensed premises would alleviate such issues in the vicinity.

The licensing sub-committee heard from the Metropolitan Police Service representative, who supported the review and stressed their concerns that Bhinder Off-Licence had clear links with Bottles Off Licence who had just had their premises licence revoked.

The licensing sub-committee then heard from the licensing officer representing the council as a responsible authority, supporting the review and stated that the current premises licence had few conditions within the operating schedule for the control of the sale of alcohol to children, intoxicated persons and street drinkers.

The licensing sub-committee heard from the legal representative for the premises who advised that the licence holders ran were husband and wife and the premises was run as a family business. The business was the only source of income for the family, which was reasonably successful. Mr Bhinder accepted that the alcohol subject seized by trading standards on 29 January 2016 was purchased for £400 and in good faith, that he requested an invoice from the person who sold the goods, but one was never provided. They also agreed all of the conditions proposed by the responsible authorities, with the exception of the condition concerning super strength beers, ciders and lagers, which the legal representative said was disproportionate.

The licensing sub-committee considered all the written and oral representations before it and deemed that these were serious breaches.

The premises licence held is a very generous 24-hour licence that is located within the Peckham cumulative impact area with that, comes additional responsibilities. The Peckham cumulative impact policy was renewed in November 2015 as there is a high level of crime and disorder and nuisance occurring in the area that pose a threat to public safety. Furthermore, paragraph 204 of Southwark's statement of licensing policy 2015-2020 specifies that a measure in support of the public safety licensing objective is to restrict the sale of beer or cider over a specified ABV. Coupled with the evidence of the local ward councillor, this licensing sub-committee are satisfied that it would be proportionate

The licensing sub-committee accepts that the breaches are not related to the hours of operation and as such, have agreed not to reduce the premises hours of operation.

The sale of alcohol that has been imported without payment of duty (or which had otherwise been unlawfully imported) is serious. In selling such non-duty paid alcohol not only seeks to avoid taxes and gets an unfair commercial advantage of neighbouring premises, it is also irresponsible, with the potential health consequences. The licensing sub-committee are concerned with the premises connection with the Bottles Off-Licence and the purchase of their super strength beers, ciders and lagers from the owner/DPS of Bottles Off-Licence knowing they were prohibited from selling such products under there licence. For this reason, this sub-committee imposes a two week suspension of the 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.

3 Appeal rights

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates' court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

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

Date: 28 June 2016

Notice

Binder Food & Wine Ltd
 To Mr J Binder LA ref
 Address 149 Peckham High St, London, SE15
 Date 12/3/19 Time 10:45 Officer Ray Moore
 Person seen J. Binder Position Director

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

Reason for notice Items seized Receipt for items Voluntary surrender / sample Other

Legislation: Consumer Rights Act 2015

Comments / action you need to take now / items received / seized or detained etc;

Licensing Act 2003

Consumer Protection from Unfair Trading Regulations 2008

I have seized the following items as they do not comply with the (Licensing) Licence conditions and S45

1x 69p 6x 24x50ml Orange 8.5% alc super strength lager
 3x 50ml Orange 8.5% alc " " file K539451
 2x 50ml " " " " file K539452
 1x 50ml " " " " file K539453

In the store room:-

1x orange 8.5% alc 24x50ml Pd 7.6% alc -
 2x 50ml 2x Pd 7.6% alc K539454
 2x 50ml " " " " file K539455

Please also provide Traceable invoices for the above products

1x 9x 24x50ml Orange 8.5% alc
 4x 24x50ml Pd 7.6% alc

Signature / declaration (as appropriate)

- I acknowledge receipt of this notice
- I am the legal owner of the items listed above and voluntarily surrender them to Southwark Council, relinquishing all ownership
- I confirm return of the items listed above

Recipient's signature




ray.moore@southwark.gov.uk

Trading Standards
 Call centre – 020 7525 2000- 0816
 Facsimile – 020 7525 5735

Notice no. N 0641

Inspections, officer powers and your rights

Southwark Council endeavours to adopt a positive and proactive approach towards ensuring compliance. We have regard to the Regulators' Code, Code of Practice on Powers of Entry and relevant codes issued under PACE (Police and Criminal Evidence Act). We believe that close partnership between local business and the Council means:

- better consumer and business protection
- fair and consistent regulation
- clarity about what is required and by when
- action required is proportionate to the risks identified

Officers are always pleased to help if you need advice on any of the areas we regulate including; fair trading, price marking, product safety, tobacco control, weights and measures and age verification. Business advice on these subjects and more can be found via the Council's website along with our enforcement policy and service standards. To access the codes mentioned visit the GOV.UK website.

Officer powers

Authorised officers have a legal right to enter and inspect business premises when they are open for business or at any reasonable time. They may give notice of a visit, or make an appointment if appropriate, but often will not, as to do so may defeat the purpose of the inspection or not be practicable. You should ask to see an officer's official credentials or identification before allowing them to proceed. It is good practice to do so as criminals do sometimes pose as bogus officials.

Powers do vary depending on the legislation but in most cases officers will have powers to;

- enter and inspect all parts of the premises
- observe the operation of the business
- interview staff during the inspection
- seize and retain any food, goods, computers or documents that may be required as evidence
- break open containers or vending machines
- enter by using reasonable force with a warrant
- make test purchases, take samples and photographs
- inspect and test any goods, equipment or installations
- seize items that are liable to forfeiture
- access electronic devices to obtain or access information
- require the production and take copies of recordings (including computer records), documents and video recordings associated with the business

It may be an offence to obstruct, fail to comply with a requirement imposed, or fail to give any assistance or information reasonably required by the officer, or to give false or misleading information (this includes providing access to locked or secure areas). On conviction the offence is punishable by fine and/or imprisonment.

Your rights

- When you are required or advised to do something you have the right on request to a written explanation of what you need to do, by when and why, and whether it is a legal requirement or a recommendation of good practice
- When immediate enforcement action is taken you have the right to a written explanation as to why this action was necessary
- When other enforcement action is taken or proposed you have the right to have your point of view heard and for any alternative action (which must be equally effective) to be discussed
- When enforcement action is taken, you have the right to be told of any appeals mechanisms

Follow up inspections are likely if non-compliances have been identified. If you are concerned about the possible implications for your business ask the inspecting officer what happens next.

Seizure of property

- Where property is seized officers should have regard to PACE Code B
- Before items are seized from occupied premises the officer must show the occupier their credentials if reasonably practicable
- The officer will also take reasonable steps to inform the person from whom items have been seized about the seizure and provide a written record of what has been seized
- Items seized will not be retained for longer than three months, unless the goods are reasonably required to be detained for a longer period for a purpose for which they were seized, in which case they will not be detained for longer than required for that purpose. This does not apply to goods seized for testing, that are liable to forfeiture or that are required as evidence
- Appeal rights may exist under the legislation concerned. These generally involve taking action in the Magistrates Court. You should seek independent legal advice if you wish to appeal against any seizure
- Compensation for loss or damage resulting from a seizure of goods may be payable where there has been no infringement or breach of legislation. In the event of dispute such compensation, or right to it, shall be determined by arbitration

Access to seized property

- The occupier or representative can be allowed supervised access to items seized to examine or photograph them, or should be provided with a photograph or copy where possible, in either case within a reasonable time following any request and at their own expense
- Such requests may not be granted if there are reasonable grounds for believing this would prejudice the investigation of any offence or criminal proceedings; lead to the commission of an offence by providing access to unlawful material; or compromise the personal safety of security staff and/or the security of storage facilities

Further information & complaints

Please contact us for further advice and guidance or e-copies of codes mentioned – contact details are shown overleaf.

If you are unhappy with the notice then you can complain using the Council's complaints procedure by writing to the Environmental Health & Trading Standards Manager at the address overleaf or use our corporates complaints and feedback facility at www.southwark.gov.uk/complaints

Our Ref: ASG/SH/B00603-0002/Bhinder

Your Ref:

Date: 09 August 2016

Mr J S Bhinder

Dear Mr Bhinder

Re: Licensing - Bhinder Off Licence 149 Peckham High Street London SE15 5SL

I enclose herewith the email received from PC Graham White today setting out the list of beers and lagers which you are allowed to serve with an ABV of more than 6.5%.

Please can you keep the list in a safe place as you may be required by the authorities to produce the same.

You informed me that you are quite happy with the list and you no longer wish to proceed with an appeal against the decision of the Southwark Licensing Authority.

Please note that my fees for dealing with this matter are £650.00 plus VAT of (£130.00). Please can you therefore let me have a cheque for £780.00. As soon as I receive the cheque from you, I will forward to you a receipted account.

Yours sincerely

[Redacted]

To: Graham.S.White@met.pnn.police.uk
Subject: BHINDER OFF LICENCE 149 PECKHAM HIGH STREET

Thank you for your email,

Please take this as confirmation that the following may be sold at Bhinder Off licence, 149 Peckham High Street. Please keep this email as confirmation with the Licence at the premises and be made available for inspection on request by officers of the council and police.

1. Nigerian Guinness - 7.5% - 330ml & 600ml bottles
 2. Dragon Stout – 7.5% - 284ml Bottle
 3. Irish Guinness – 7.5% - 330ml bottle
 4. Ocovin – 7.5% - 500ml can
 5. Oranjeboom Black – 7.5% - 500ml Can
 6. Perla Black – 7.5% - 500ml can
 7. Bar'ley wine Gold label – 8% - 330ml can
 8. Debo – 7% - 500ml Can

We reserve the right to withdraw permission to sell any of the above if the premises is found not to be a responsible operator. This includes the sale to minors and intoxicated customers.

This email will be kept on our files for our records and a copy sent to Southwark council Licensing.

Regards

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

Our Ref ASG/SI/A00093-
0020/Miscellaneous

Your Ref:

Date: 20 March 2019

Ray Moore
Trading Standards Enforcement Officer
CS&E,
3rd Floor Hub 2
PO Box 64529
London
SE1P 5LX

By email also: ray.moore@southwark.gov.uk

Dear Sir

Re: Licensing Act 2003

Section 136, ale of beers and ciders over 6.5% - Invitation to interview

**Food Safety and Hygiene (England) Regulations 2013 – production of
traceable invoices for a food product**

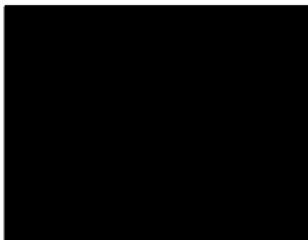
**Consumer Protection from Unfair Trading Regulations 2008 – Regulation
12 engaging in a commercial practice creating the impression that a product
can legally be sold when it cannot.**

We act for Mr Jagdish Singh Bhinder. He has forwarded to us your letter to him of 12th March 2019.

We wish to discuss the contents of your letter. We are not sure whether you are aware of the contents of the email of PC Graham White dated 8th August 2016 sent to our firm with regard to the Off Licence at 149 Peckham High Street. A copy of the email is enclosed.

Our Mr [REDACTED] will telephone you this afternoon to discuss matters.

Yours faithfully



This firm is regulated by the Solicitors Regulation Authority Ref No [REDACTED]

We are not prepared to accept formal service of documents by electronic mail

Contracted with the Legal Aid Agency

From: Graham.S.White@met.pnn.police.uk
Sent: 08 August 2016 11:34
To: [REDACTED]
Subject: BHINDER OFF LICENCE 149 PECKAM HIGH STREET

Thank you for your email,

Please take this as confirmation that the following may be sold at Bhinder Off licence, 149 Peckham High Street. Please keep this email as confirmation with the Licence at the premises and be made available for inspection on request by officers of the council and police.

1. Nigerian Guinness - 7.5% - 330ml & 600ml bottles
2. Dragon Stout – 7.5% - 284ml Bottle
3. Irish Guinness – 7.5% - 330ml bottle
4. Ocovic – 7.5% - 500ml can
5. Oranjeboom Black – 7.5% - 500ml Can
6. Perla Black – 7.5% - 500ml can
7. Barley wine Gold label ~ 8% - 330ml can
8. Debo – 7% - 500ml Can

We reserve the right to withdraw permission to sell any of the above if the premises is found not to be a responsible operator. This includes the sale to minors and intoxicated customers.

This email will be kept on our files for our records and a copy sent to Southwark council Licensing.

Regards

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

From: [REDACTED]
Sent: 05 August 2016 12:17
To: White Graham S - MD <Graham.S.White@met.pnn.police.uk>
Cc: MD Mailbox - Southwark Licensing <SouthwarkLicensing@met.pnn.police.uk>
Subject: BHINDER OFF LICENCE 149 PECKAM HIGH STREET

Dear Sir

Please see letter attached.

Our Ref ASG/PB/B00603-0002

Your Ref

Date: 10th April 2019

Mr Ray Moore
 Principal Trading Standards Enforcement Officer
 Southwark Council
 Environment & Leisure Regulatory Services
 3rd Floor Hub 2
 PO Box 64529
 London SE1P 5LX

By email also: ray.moore@southwark.gov.uk

Dear Mr Moore

Re: Licensing Act 2003

**Section 136, ale of beers and ciders over 6.5% - Invitation to interview
 Food Safety and Hygiene (England) Regulations 2013 – production of
 traceable invoices for a food product
 Consumer Protection from Unfair Trading Regulations 2008 – Regulation
 12 engaging in a commercial practice creating the impression that a product
 can legally be sold when it cannot**

Thank you for your e-mail dated 20th March 2019.

I note what you say in your e-mail. The items listed in Mr Graham White's email of 8th August 2016 were agreed by our client. However, the 7.5% relating to Oranjeboom Black appears to be an error as Oranjeboom Black was never 7.5% but 8.5%. Further in PC Graham White's email Perla Black is referred to as 7.5% when in fact Perla Black has always been 7.6%.

The e-mail from PC Graham should be rectified.

Having mentioned the above, our client wishes to resolve this matter and has agreed not to sell Oranjeboom Black and Perla Black with percentages over 7.5%.

Our client wishes to resolve the matter and perhaps you would kindly contact us to confirm whether you still wish to discuss matters with our client and if so, whether a meeting can be arranged.

I look forward to hearing from you.

Yours sincerely



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/21/091/19

Date: 19th June 2019

Re:- Binders off Licence, 149 peckham High Street, London SE15 5SL

Dear Sir/Madam

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

The review application details Breaches of the premises licence, selling beers, lagers and ciders over 6.5% with no exemption.

The condition is placed on a number of licences across the borough in an attempt to reduce alcohol fuelled violence, street drinking and anti-social behaviour by alcohol dependent people. It is targeted at areas that have specific problems associated with the consumption of high strength beers, lagers and ciders, Peckham being one of those areas in Southwark.

The allowing of exemptions is to permit the sale of specialist products that would not be purchased by problem drinkers and I would expect them to be short-term promotions with a high cost and not just a blanket long-term exemption of products attractive to street and problem drinkers.

The police fully support the review application and the premises has shown a lack of management and control over what alcohol is sold and the conditions on the licence. It has also shown a disregard to the damage and consequences of its actions would have on the local area.

The Metropolitan Police fully support the application by Trading Standards for the review of the premises licence and find it difficult to recommend anything other than that the licence is revoked.

Yours Sincerely

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

From: Deidda, Clizia
Sent: Monday, June 17, 2019 3:48 PM
To: Regen, Licensing
Cc: Moore, Ray; Tear, Jayne; 'Graham.S.White@met.pnn.police.uk'; Shapo, Leidon; Public Health Licensing
Subject: RE: Binder Off Licence, 149 Peckham High Street, SE15 5SL

To Whom it may concern:

RE: Binder Off Licence, 149 Peckham High Street, SE15 5SL

This representation is made in respect of the following licensing objectives:

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 express my concerns over the alleged issues with the management of the above premises and support the review initiated by Trading Standards in their role as a Responsible Authority. The alleged issues are as follows:

- Breach of condition 845 on the premises licence "That 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 unless written authority is obtained from the Police Licensing Unit in advance. The written authority must be kept and made available for inspection immediately on request by any responsible authority"

General Comments

Binder Off Licence is located on Peckham High Street and already benefits from an extended 24 hours licence Monday to Sunday. The only granted licensable activity is the sale of alcohol to be consumed off the premises.

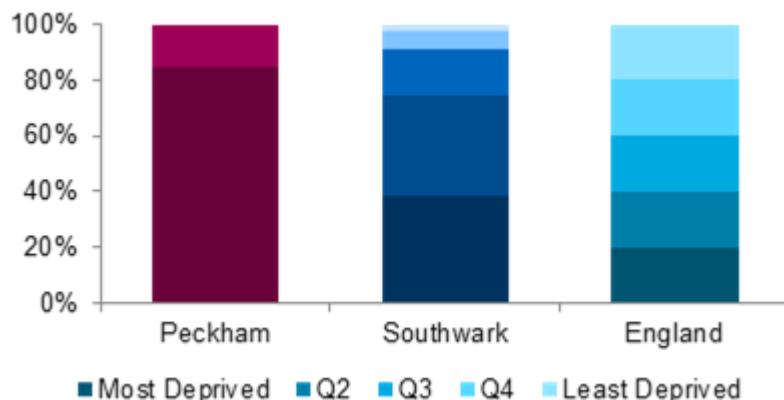
Requested times	Opening Hours	Alcohol sales Off Premises
Monday - Sunday	24 hrs	24hrs

Concerns relating to this application

This premises is located in the Peckham ward and is within the Peckham Cumulative Impact Policy (CIP) area; a geographical zone within which the current saturation of licensed premises is having a negative impact on the local area. These negative impacts include crime, anti-social behaviour (see attached report) and alcohol-related health harms.

Peckham is a ward with high levels of deprivation (Figure 1). Approximately 84% of residents are in the most deprived quintile and the other 16% of residents are in the second most deprived quintile. Additionally 30% of working age adults in the Peckham ward are claiming out-of-work benefits. This is relevant because the evidence shows that deprived populations are disproportionately affected by alcohol related harm.

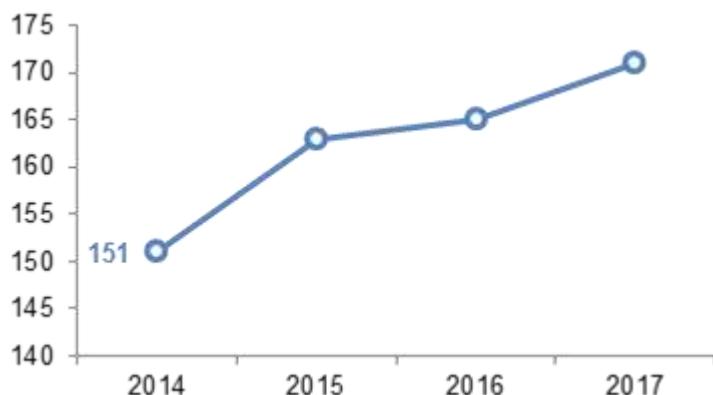
Figure 1 – Proportion of population in each deprivation quintile



Furthermore, the attached report shows that the Peckham CIP area contributes to 10.8% of Southwark's rowdy behaviour and street drinking, 6.1% of alcohol-related ambulance call outs and 10.4% of Southwark's non-domestic violence.

More specifically, Peckham is responsible for 3% of all alcohol-related ambulance call-outs in the borough (171 in 2017 alone), and this trend has been increasing sharply since 2014 (Figure 2).

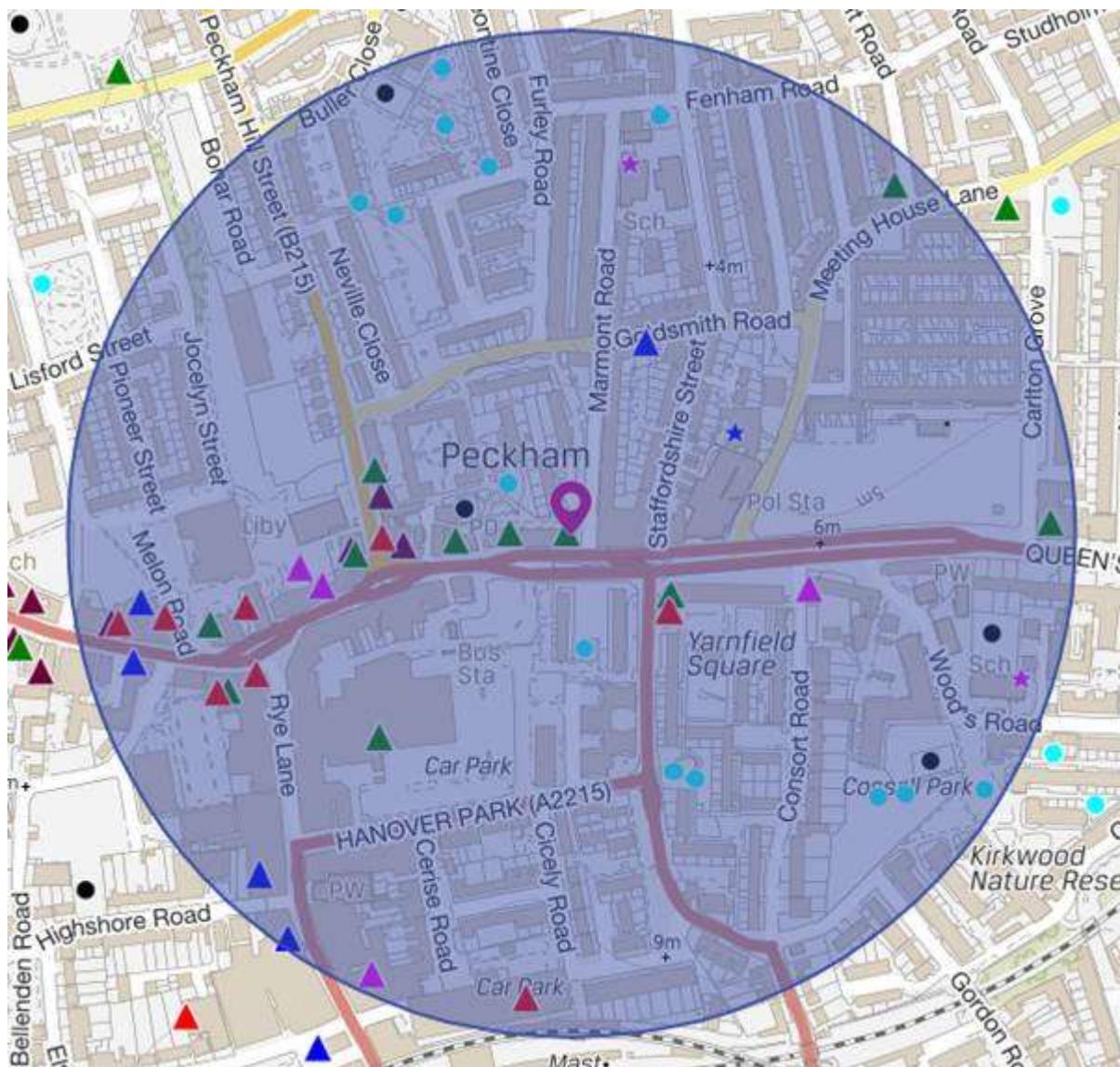
Figure 2 – Number of alcohol related ambulance call outs in Peckham



Hence, it is evident that alcohol-related crime and disorder and public nuisance are causes for concern within this ward. This highlights the need for all operators to run responsible businesses in line with their licence conditions.

As a general comment, I also have concerns regarding the hours of operation and I would suggest a later start time for alcohol sales: early-morning alcohol purchasers are more likely to be alcohol misusers and may thereby contribute to antisocial behaviour such as street drinking. In fact, early morning drinking is considered one of the indicators for alcohol misuse (this is regularly screened for in the AUDIT, CAGE and T-ACE Alcohol misuse screening questionnaires). Additionally, the premises is located within a 10 minute walk from two primary schools and one nursery. It is therefore likely that children will live close to this premises and are likely to be negatively impacted by the poor management of these premises. For example, early in the morning children could be exposed to street drinking on their way to school. In addition to this, this premises is in close vicinity of numerous other licenced establishments (Figure 3).

Figure 3 – map showing the proximity of the premises to other licensed establishments and schools



▲ Licensed premises - Drinking Establishments

▲ Licensed premises - Eateries

▲ Licensed premises - Off-Sales

▲ Licensed premises - Other

▲ Licensed premises - Takeaways

★ School phase of education - Primary

Recommendations

In light of the evidence presented above, I would like to invite the Licensing Sub-Committee to consider all options available, and in particular:

For the hours of operation to be brought back in line with the Statement of Licensing Policy for off-licences:

Requested times	Opening Hours	Alcohol sales Of Premises
Monday - Sunday	06:00 – 00:00	10:00 – 00:00

- A new condition relating to the strength of the alcohol sold, such as: “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% and that any off sales of alcohol shall be provided in sealed containers and taken away from the premises”

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
 T: 0207 525 7707 | M: 07710 179 570
 E: Clizia.deidda@southwark.gov.uk
www.southwark.gov.uk

Alcohol-related violence and disorder in Southwark's Cumulative Impact Policy¹ (CIP) areas

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❖ Please see page 5 for the **Glossary of terms**

Metadata

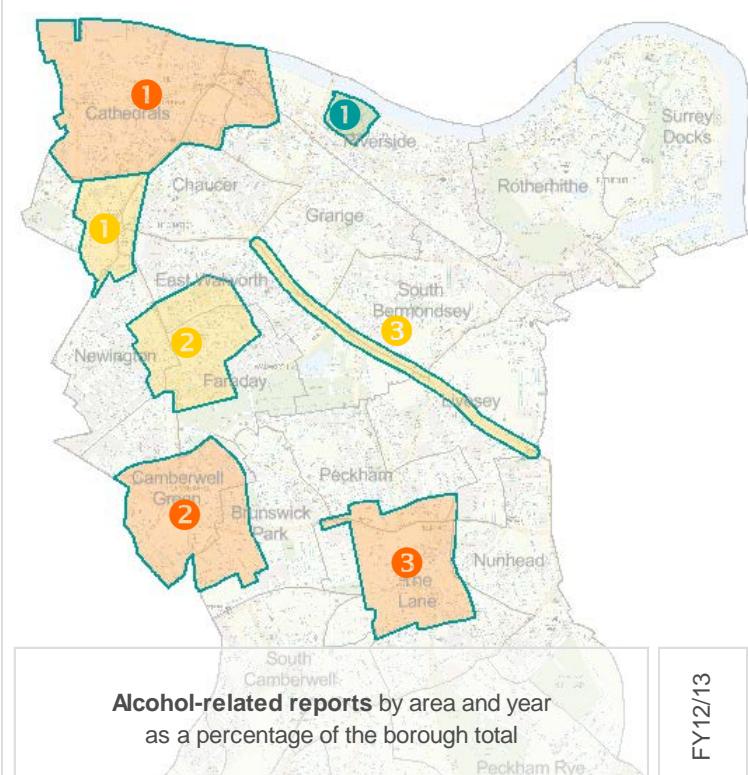
- ① Metropolitan Police Service CRIS² for Violence Against the Person³ crime reports
(Includes reports with a drink-related feature code [GA, MF, MV]⁴, excludes reports with a domestic abuse flag [DI,DV,DX]⁵)
- ② Metropolitan Police Service CAD⁶ for reports of anti-social behaviour (Only reports of rowdy behaviour [code 202] and street drinking [code 209] have been included. Code 202 and 209 reports with an alcohol qualifier [code 600] are included by default)
- ③ SafeStats⁷ for London Ambulance Service alcohol-related call-out records
- ④ Please note that due to limitations with the datasets, A&E and British Transport Police data were not included in this report

Introduction

The purpose of this document is to provide the reader with an overview of recorded alcohol-related **violence and disorder** in Southwark and its Cumulative Impact Policy (CIP) areas, and to help inform decision on proposed changes to CIP conditions set out in Southwark's **Licensing Policy⁸**.

Summary

As shown by the map below, Southwark has three ● **CIP areas** and three ● **monitoring areas⁹**. As requested by Southwark's Licensing Committee, ● **Shad Thames** has been included in this report.



The table below shows the proportion each area accounts for of the borough total. It shows that in most instances, the proportions do not change much from one financial year to the next. One exception worth mentioning is the 6.4 percentage point increase from FY15/16 to FY16/17 in non-domestic, alcohol-related Violence. The figures behind this change show a 12.8% increase in the CIP areas total against a borough-wide decrease of 7.2%.

Of the six CIP and monitoring areas, Borough and Bankside accounts for the largest proportion of alcohol-related reports.

For the 2016/17 financial year, **Southwark's CIP areas** accounted for the following % of reports in the borough:

- ❖ 36% of alcohol-related rowdy behaviour and street drinking;
- ❖ 24% of non-alcohol related rowdy behaviour;
- ❖ 33% of alcohol-related ambulance call-outs;
- ❖ 36% of alcohol-related violence;
- ❖ 24 % of non-alcohol related violence.

For the same period, **Southwark's monitoring areas** accounted for the following % of reports in the borough:

- ❖ 14% of alcohol-related rowdy behaviour and street drinking;
- ❖ 12% of non-alcohol related rowdy behaviour;
- ❖ 14% of alcohol-related ambulance call-outs;
- ❖ 19% of alcohol-related violence;
- ❖ 13 % of non-alcohol related violence.

In comparison to the CIP and monitoring areas, **Shad Thames** accounted for a very, very small % of reports in the borough:

- ❖ 0.7% of alcohol-related rowdy behaviour and street drinking;
- ❖ 0.4% of non-alcohol related rowdy behaviour;
- ❖ 0.4% of alcohol-related ambulance call-outs;
- ❖ 0% of alcohol-related violence;
- ❖ 0.3 % of non-alcohol related violence.

Even per square meter, report numbers were very low for Shad Thames.

	FY12/13	FY13/14	FY14/15	FY15/16	FY16/17	FYTD17/18	change FY16/17 cf. FY15/16
CIP areas							
❖ Rowdy behaviour and street drinking	33.0%	35.3%	36.2%	36.7%	36.0%	33.8%	-0.7 pp
❖ Ambulance call-outs	31.3%	32.2%	31.7%	31.0%	32.9%	33.4%	+1.9 pp
❖ non-domestic Violence	34.6%	31.9%	34.9%	29.5%	35.9%	37.7%	+6.4 pp
monitoring areas							
❖ Rowdy behaviour and street drinking	16.5%	16.3%	16.3%	11.8%	13.1%	9.5%	+1.3 pp
❖ Ambulance call-outs	13.1%	15.6%	14.7%	14.7%	13.7%	13.6%	-1.0 pp
❖ non-domestic Violence	18.6%	24.5%	19.3%	19.6%	18.9%	17.5%	-0.6 pp
Rowdy behaviour and street drinking							
① Borough and Bankside CIP area	15.5%	20.2%	21.3%	21.8%	18.7%	13.5%	-3.1 pp
② Camberwell CIP area	6.3%	8.4%	7.8%	7.0%	9.6%	9.5%	+2.5 pp
① Elephant and Castle monitoring area	6.1%	4.8%	5.8%	4.5%	6.4%	6.1%	+1.9 pp
③ Old Kent Road monitoring area	5.6%	4.3%	4.0%	2.3%	2.7%	1.4%	+0.4 pp
③ Peckham CIP area	11.2%	6.6%	7.0%	7.9%	7.8%	10.8%	-0.2 pp
① Shad Thames area	0.8%	0.3%	0.2%	0.5%	0.7%	0.0%	+0.2 pp
② Walworth Road and East Street monitoring area	4.8%	7.2%	6.5%	5.0%	4.0%	2.0%	-1.0 pp
Ambulance call-outs							
① Borough and Bankside CIP area	17.6%	19.7%	19.2%	17.7%	21.4%	20.5%	+3.6 pp
② Camberwell CIP area	6.3%	5.9%	6.9%	7.7%	6.1%	6.9%	-1.7 pp
① Elephant and Castle monitoring area	7.3%	7.0%	6.3%	7.3%	6.6%	5.8%	-0.7 pp
③ Old Kent Road monitoring area	2.5%	3.1%	2.9%	2.4%	2.5%	2.5%	+0.0 pp
③ Peckham CIP area	7.4%	6.5%	5.7%	5.5%	5.4%	6.1%	-0.0 pp
① Shad Thames area	0.3%	0.4%	0.5%	0.3%	0.4%	0.4%	+0.1 pp
② Walworth Road and East Street monitoring area	3.3%	5.5%	5.4%	5.0%	4.6%	5.3%	-0.3 pp
non-domestic Violence							
① Borough and Bankside CIP area	16.5%	19.1%	21.4%	17.2%	19.8%	18.8%	+2.6 pp
② Camberwell CIP area	9.6%	5.4%	7.5%	5.4%	6.0%	8.4%	+0.6 pp
① Elephant and Castle monitoring area	11.2%	11.0%	9.5%	8.2%	8.8%	8.4%	+0.6 pp
③ Old Kent Road monitoring area	2.7%	6.0%	4.0%	3.0%	3.7%	3.2%	+0.7 pp
③ Peckham CIP area	8.5%	7.5%	6.0%	7.0%	10.1%	10.4%	+3.1 pp
① Shad Thames area	0.0%	0.6%	0.3%	0.6%	0.0%	0.0%	-0.6 pp
② Walworth Road and East Street monitoring area	4.8%	7.5%	5.8%	8.4%	6.5%	5.8%	-1.9 pp

Data sources: Metropolitan Police Service CAD for ASB and CRIS for crime; SafeStats for London Ambulance Service call-outs

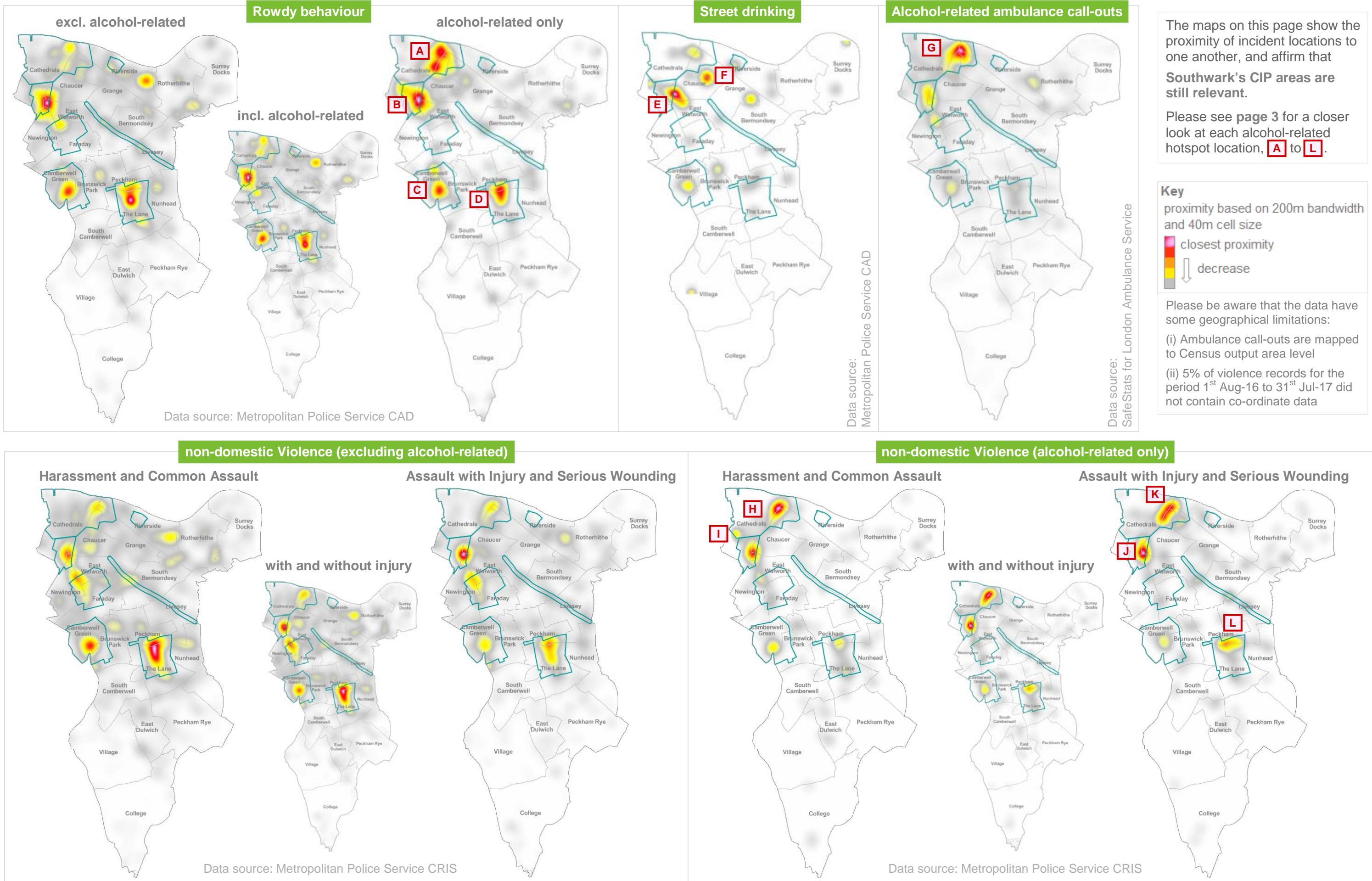
Map key

- ① Borough and Bankside CIP area
- ② Camberwell CIP area
- ③ Peckham CIP area
- ① Elephant and Castle monitoring area
- ② Walworth Road and East Street monitoring area
- ③ Old Kent Road monitoring area
- ① Shad Thames area



Southwark's wards

Hotspot maps Based on data covering the 12-month period 1st August 2016 to 31st July 2017

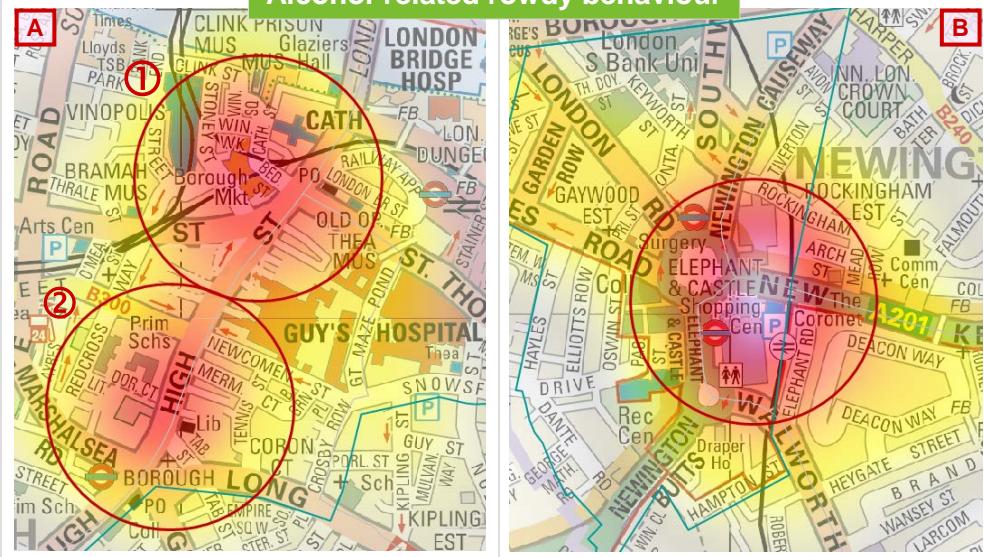


Hotspot locations

Based on data covering the 12-month period 1st August 2016 to 31st July 2017

Best viewed in conjunction with maps on page 2

Alcohol-related rowdy behaviour



- ① 22x alcohol-related rowdy behaviour reports.** 2x repeat locations:
 • 7x incidents at London Bridge bus station, mainly between the hours of 14:15 and 15:40, and 22:40 and 22:50;
 • 7x incidents in / directly around Borough Market, mainly between the hours of 14:30 and 19:30.

In comparison, **92x non-alcohol related rowdy behaviour reports.** 2x top repeat locations:
 • 47x incidents at London Bridge bus station, mainly Sun-Thu, peak times of 01:00-02:59, 04:00-04:59, and 06:00-06:59.
 • 6x incidents at St Christophers Inn [Borough High Street], Fri-Sun between 23:00 and 01:59.

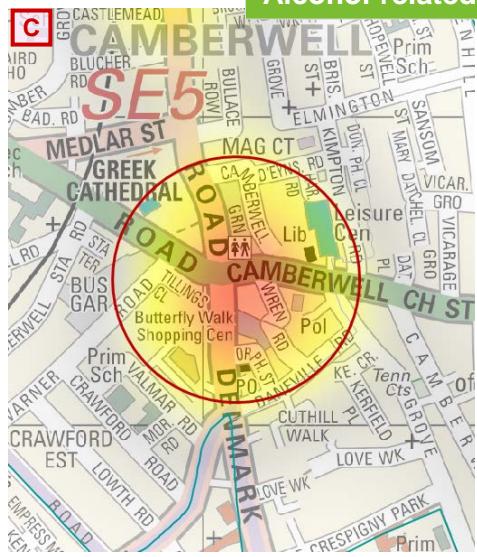
- ② 13x alcohol-related rowdy behaviour reports.** No repeat locations. Peak day Tue, reports made between 12:00 and 16:00. Weekend (Sat-Sun) peak time of 22:00-23:59.

In comparison, **49x non-alcohol related rowdy behaviour reports.** Peak days Mon, Wed, Fri. Mon-Thu peak time of 18:00-19:59, and Fri-Sun peak time of 00:00-00:59.

1x repeat location:

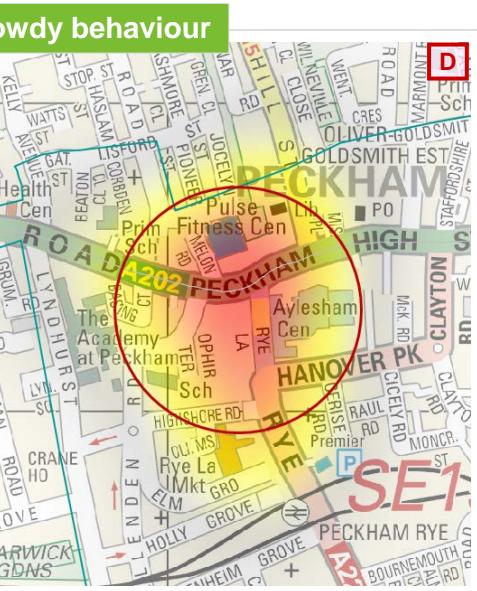
- 4x incidents at Pret A Manger [no.11 Borough High Street] (3x incidents on Mon, 08:40-08:50).

Alcohol-related rowdy behaviour



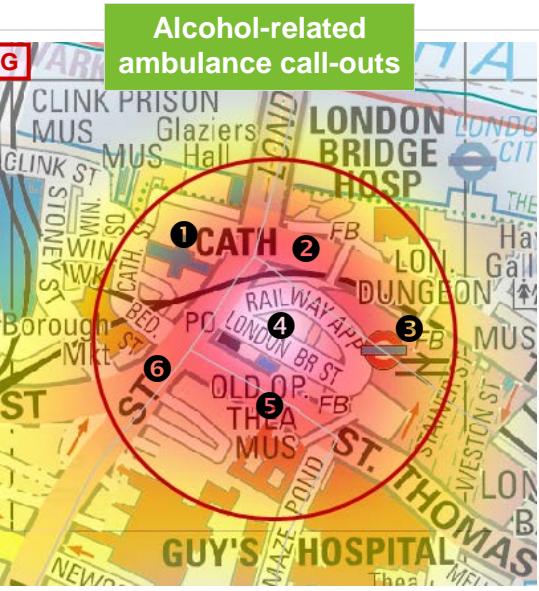
- 19x alcohol-related rowdy behaviour reports.** 1x repeat location:
 • 5x incidents at McDonalds [Butterfly Walk], mainly Thu-Sat, peak time of 23:50-01:30.

In comparison, **135x non-alcohol related rowdy behaviour reports.** 3x top repeat locations:
 • 25x incidents at McDonalds [Butterfly Walk], peak days Wed-Fri. Peak time of 15:00-18:59.
 • 6x incidents at William Hill [Camberwell Church Street] (5x incidents on Sat, 14:00-22:59).
 • 5x incidents at Camberwell Library. No peak days. Incidents happened between 12:00 and 17:59.



- 17x alcohol-related rowdy behaviour reports.** 1x repeat location:
 • 8x incidents at Peckham bus station [Peckham High Street], mainly Sun, Mon, Tue, between 03:00 and 05:59.

In comparison, **97x non-alcohol related rowdy behaviour reports.** 2x top repeat locations:
 • 14x incidents at Peckham bus station [Peckham High Street], peak day Sat. Peak time of 00:00-05:59.
 • 11x incidents at The Kentish Drovers public house [Peckham High Street], peak days Wed, Sat. Peak times of 19:00-19:59 and 23:00-23:59.



- 195x alcohol-related ambulance call-outs.** Peak days Fri-Sun, followed by Wed. Just over half of calls received between 21:00 and 01:59, with peak time of 23:00-00:59.

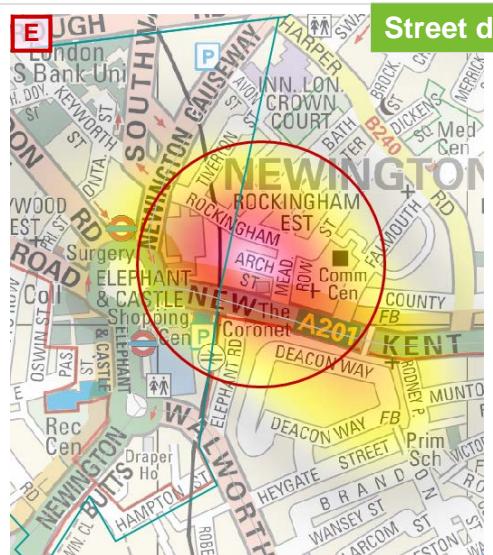
The ambulance service data published on SafeStats do not hold address information (e.g. street names, building names, property numbers); records are mapped to Census output area level, which is based on postcode areas.

For the purpose of this document, postcode-level records were counted by road. Not being an exact science, the results from this process should be viewed accordingly.

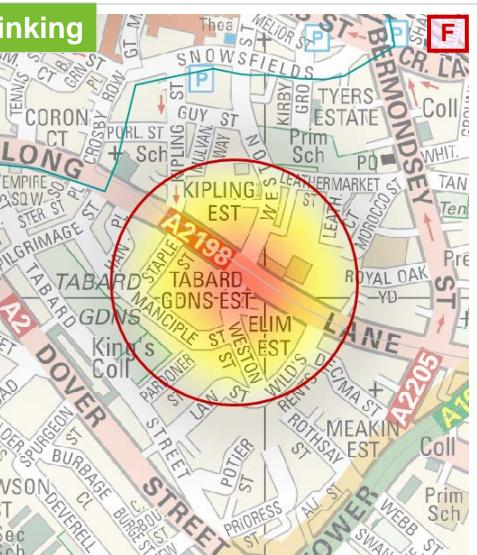
Call-outs by road (count of postcode level data):

- Montague Close x12; peak day Sat, peak time of 21:00-22:59.
- Duke Hill Street x61; peak days Fri-Sun, followed by Wed. Just over half of calls received between 21:00 and 02:59, with a peak time of 00:00-02:59.
- London Bridge Station x39; peak days Fri-Sun, followed by Wed. Just over half of calls received between 21:00 and 02:59, with a peak time of 00:00-02:59.
- London Bridge Street x20; peak day Sun. Calls received between 00:00 and 02:59, with a peak time of 00:00-00:59.
- St Thomas Street x18; peak day Sat, peak times of 19:00-19:59 and 00:00-01:59.
- Borough High Street x33; (stretch between no's 19 and 81) Peak days Mon, Tue, Sat. Peak times of 18:00-18:59, 20:00-20:59, 23:00-23:59, and 01:00-01:59.

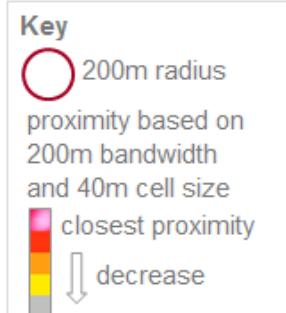
Data source: Metropolitan Police Service CAD



- 7x street drinking reports.** 1x repeat location:
 • 5x incidents on Arch Street. Various days and various times.

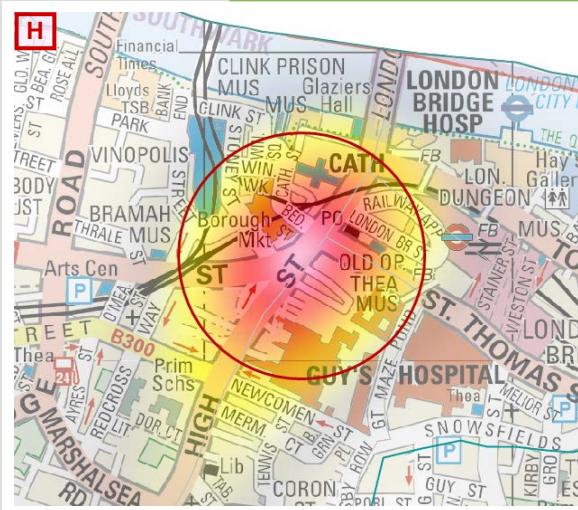


- 5x street drinking reports.** No repeat locations. Peak day Thu. No peak times.



Data source: SafeStats for London Ambulance Service

Alcohol-related Harassment and Common Assault

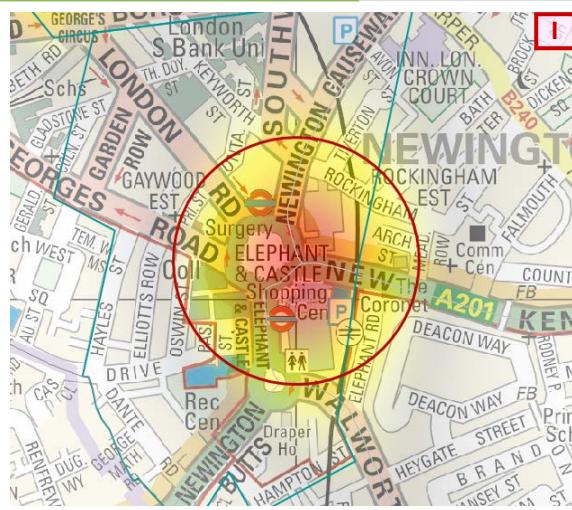


17x alcohol-related harassment and common assault reports. 3x repeat locations:

- 3x offences outside St Christophers Inn [Borough High Street] (2x offences between 00:00 and 00:59 and 1x offence at 14:45).
- 2x offences at Café Rossi [Borough High Street] (1x offence at 22:00 and 1x offence just after 02:30).
- 2x offences at Pret A Manger [no.51 Borough High Street] (1x offence just after 13:30 and 1x offence at 08:30).

In comparison, **54x non-alcohol** related harassment and common assault reports. 2x top repeat locations:

- 4x offences at Borough Market. Mainly weekdays, between 12:00 and 18:15.
- 4x offences at St Christophers Inn [Borough High Street]. (3x offences on Sat between 00:30 and 02:30).



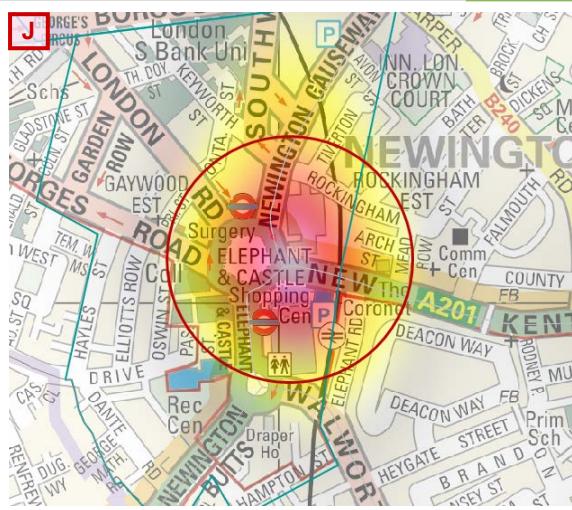
15x alcohol-related harassment and common assault reports. 3x repeat locations:

- 3x offences at The Coronet [New Kent Road] (2x offences on Sat, at 02:00 and 07:30, and 1x offence on Sun at 03:45).
- 2x offences at The Rockingham Arms [Newington Causeway] (1x offence just after 19:30 and 1x offence at 22:00).
- 2x offences at Iceland [Elephant and Castle shopping centre] (1x offence just after 14:00 and 1x offence at 19:30).

In comparison, **77x non-alcohol** related harassment and common assault reports. 4x top repeat locations:

- 6x offences at The Rockingham Arms [Newington Causeway]. All offences Thu-Mon. Various times between 10:00 and 00:45.
- 5x offences directly outside Elephant & Castle underground station. (2x offences on Tue and 2x offences on Sun. Various times between 16:15 and 04:15).
- 5x offences at The Coronet [New Kent Road] (2x offences on Sat between 01:00 and 03:00 and 2x offences on Sun between 03:30 and 05:30).
- 4x offences at Tesco [Elephant and Castle shopping centre]] (3x offences on Sat between 14:30 and 21:00).

Alcohol-related Assault with Injury and Serious Wounding

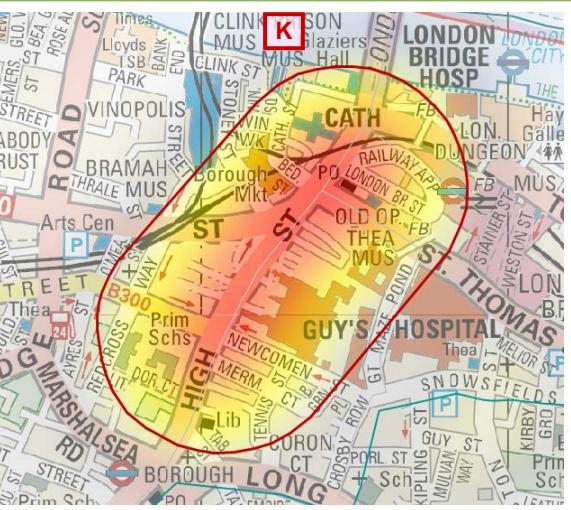


17x alcohol-related assault with injury and serious wounding reports. 2x repeat locations:

- 3x offences at The Coronet [New Kent Road] (All offences on Sat between 02:30 and 05:30).
- 2x offences at The Rockingham Arms [Newington Causeway] (Both offences on Mon, at 19:45 and 23:15).

In comparison, **66x non-alcohol** related assault with injury and serious wounding reports. 2x top repeat locations:

- 13x offences at The Coronet [New Kent Road] (5x offences on Sat, 00:30-05:30 and 6x offences on Sun, 01:35-06:50).
- 12x offences at the Elephant and Castle Shopping Centre. Peak day Tue. Peak time 16:00-19:59.

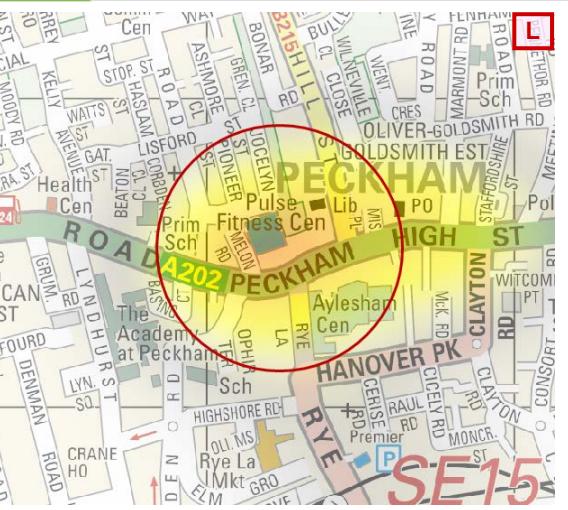


28x alcohol-related assault with injury and serious wounding reports. 5x repeat locations:

- 4x offences at Number 1 Bar [Duke Street Hill] (1x offence on Fri at 02:00, 2x offences on Sat, at 00:00 and 01:20, 1x offence on Sun at 05:55).
- 3x offences at Belushi's [Borough High Street] (1x offence on Thu just after 02:00 and 2x offences on Sat, at 01:30 and 02:30).
- 2x offences at St Christophers Inn [Borough High Street] (1x offence on Wed at 01:25 and 1x offence on Fri at 01:00).
- 2x offences outside Giuseppe's [Borough High Street] (Both offences on Sat, at 02:30 and 02:50).
- 2x offences Sainsbury's [Borough High Street] (1x offence on Wed just after 02:00 and 1x offence on Sun at 05:00).

In comparison, **63x non-alcohol** related assault with injury and serious wounding reports. 2x top repeat locations:

- 8x offences at Number 1 Bar [Duke Street Hill] (1x offence on Thu at 20:15, 1x offence on Fri just after 01:00, 4x offences on Sat, between 01:50 and 06:00, 1x offence on Sun at 06:00).
- 4x offences at Belushi's [Borough High Street] (1x offence on Thu at 20:45, 2x offences on Sat between 00:50 and 01:20, 1x offence on Sun at 01:15).

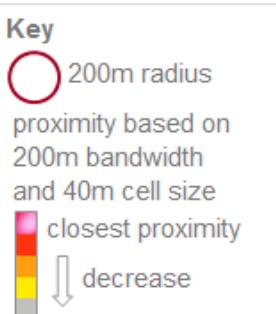


14x alcohol-related assault with injury and serious wounding reports. 2x repeat locations:

- 4x offences at O'Bar [Peckham High Street] (All offences on Sun, between 01:20 and 06:00).
- 3x offences outside the post office [no.121-125 Peckham High Street] (1x offence on Mon at 01:00, 1x offence Wed at 07:20, 1x offence on Sun at 01:30).

In comparison, **57x non-alcohol** related assault with injury and serious wounding reports. Top repeat locations:

- 3x offences at Morrisons [The Aylesham Centre] (2x offences on Wed, just after 10:00 and just after 11:00, and 1x offences on Sat just after 12:00).



Data source: Metropolitan Police Service CRIS

Temporal

The table below shows that for

- Sundays to Thursdays, peak times in the CIP and monitoring areas are 22:00-01:59 and in the rest of the borough 18:00-02:59
- Fridays to Saturdays, peak times in the CIP and monitoring areas are 20:00-02:59 and in the rest of the borough 22:00-01:59

Alcohol-related reports for FY2016/17 by area and hour (combines rowdy behaviour and street drinking, ambulance call-outs, and non-domestic violence)		06:00 - 06:59	07:00 - 07:59	08:00 - 08:59	09:00 - 09:59	10:00 - 10:59	11:00 - 11:59	12:00 - 12:59	13:00 - 13:59	14:00 - 14:59	15:00 - 15:59	16:00 - 16:59	17:00 - 17:59	18:00 - 18:59	19:00 - 19:59	20:00 - 20:59	21:00 - 21:59	22:00 - 22:59	23:00 - 23:59	00:00 - 00:59	01:00 - 01:59	02:00 - 02:59	03:00 - 03:59	04:00 - 04:59	05:00 - 05:59	Total
• Southwark		45	60	48	56	57	72	72	81	89	108	106	89	140	137	146	126	174	164	201	174	132	104	72	57	2,510
• CIP and monitoring areas total		26	28	19	22	30	30	37	40	52	49	53	32	55	56	63	53	90	87	104	99	63	51	40	38	1,217
• rest of the borough		19	32	29	34	27	42	35	41	37	59	53	57	85	81	83	73	84	77	97	75	69	53	32	19	1,293
① Borough and Bankside CIP area		10	8	10	5	7	10	18	14	15	15	21	11	26	27	27	30	54	42	44	33	37	16	15	6	501
② Camberwell CIP area		2	6	4	3	7	7	8	6	5	8	4	8	8	5	6	12	11	6	12	13	4	7	4	9	165
① Elephant and Castle monitoring area		5	2	4	5	6	4	2	4	5	6	6	5	4	13	7	1	10	13	20	20	4	7	11	8	172
③ Old Kent Road monitoring area		1	3	0	3	2	1	1	6	5	4	0	0	2	1	0	3	3	6	4	10	3	7	2	4	71
③ Peckham CIP area		4	4	0	3	4	3	5	5	15	10	14	7	8	6	11	4	6	10	15	14	10	9	3	7	177
① Shad Thames area		0	1	0	0	0	0	0	0	1	1	0	0	0	0	0	0	2	0	0	1	0	0	0	0	6
② Walworth Road and East Street monitoring area		4	4	1	3	4	5	3	5	7	5	7	1	7	4	12	3	4	10	9	8	5	5	5	4	125
❖ Sunday to Thursday																										
• Southwark		17	17	21	22	29	28	48	35	45	63	52	72	51	56	88	73	118	127	111	94	81	58	45	30	1,381
• CIP and monitoring areas total		6	6	7	11	13	12	22	11	20	30	27	33	24	22	43	40	58	59	58	48	44	23	26	19	662
• rest of the borough		11	11	14	11	16	16	26	24	25	33	25	39	27	34	45	33	60	68	53	46	37	35	19	11	719
① Borough and Bankside CIP area		2	2	4	2	5	2	14	5	9	7	9	8	8	9	23	19	31	30	37	27	22	13	17	6	311
② Camberwell CIP area		0	2	0	2	3	4	4	1	6	4	6	4	5	3	7	3	5	5	4	6	4	3	4	2	87
① Elephant and Castle monitoring area		2	1	0	1	0	3	3	1	2	6	2	8	3	2	5	4	11	11	9	10	3	1	3	4	95
③ Old Kent Road monitoring area		1	0	1	2	0	1	0	1	0	2	1	1	0	0	1	1	4	3	1	0	5	3	2	2	32
③ Peckham CIP area		1	1	0	2	2	0	0	1	3	7	3	5	3	3	3	8	3	7	3	3	5	2	0	2	67
① Shad Thames area		0	0	0	0	1	0	0	1	0	0	0	1	0	0	0	2	1	0	1	0	0	0	0	0	10
② Walworth Road and East Street monitoring area		0	0	2	2	2	2	1	1	0	4	6	6	5	5	4	3	3	1	3	2	4	1	0	3	60
❖ Friday to Saturday																										

Data source: Metropolitan Police Service CAD for ASB and CRIS for crime; SafeStats for London Ambulance Service call-outs

Glossary of terms

¹ Cumulative Impact Policy (CIP) - The government introduced cumulative impact policies as a tool for licensing authorities to limit the growth of licensed premises in problem areas

² CRIS - acronym for Crime Reporting Information System

³ Violence Against the Person (VAP) is an offence group as defined by the Home Office, and consists of three sub-groups: Homicide, Violence with Injury, and Violence without injury. A full list of VAP offences is available from:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627449/count-violence-jul-2017.pdf

⁴ Alcohol-related feature codes used by the Metropolitan Police Service -

- GA - alcohol consumed at scene by suspect / accused
- MF - suspect / accused had been drinking prior to committing offence
- MV - victim had been drinking prior to offence

⁵ The Association of Chief Police Officers (ACPO) defines domestic abuse as any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, aged 16 and over, who are or have been intimate partners or family members, regardless of gender and sexuality. The Metropolitan Police Service adds the following flags to crime reports that meet the ACPO criteria -

- DV - domestic incident
- DI - domestic in LGBT relationship
- DX - domestic incident resolved

⁶ CAD - acronym for Computer Aided Dispatch. Used by Metcall, the Metropolitan Police Service's Central Communications Command responsible for receiving emergency and non-emergency calls from the public

⁷ SafeStats is a data portal provided by the Greater London Authority (GLA) through which datasets from the following agencies can be obtained:

- Metropolitan Police Service
- British Transport Police
- London Ambulance Service
- Transport for London
- London Fire Brigade

⁸ Southwark's Licensing Policy can be found at:

http://www.2.southwark.gov.uk/downloads/download/2385/southwark_statement_of_licensing_policy_2016-2020

⁹ Monitoring areas have similar characteristics to CIP areas, but are not governed by CIP conditions

Licensing Act 2003

Premises Licence



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

Premises licence number

852118

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
BINDER OFF LICENCE 149 Peckham High Street	
Ordnance survey map reference (if applicable): 176794534382	
Post town London	Post code SE15 5SL
Telephone number 020 7277 9884	

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

Part 2

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

Parwinder Kaur Jagdish Singh Bhinder
[REDACTED]
[REDACTED]
[REDACTED]
[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

Jagdish Singh Bhinder
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

Licence No.: [REDACTED]

Authority: [REDACTED]

Licence Issue date: 9 August 2016



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, 0800 to 2300 hours
- b.On Sundays, other than Christmas Day, 1000 to 2230 hours
- c.On Christmas day, 1200 to 1500 hours and 1900 to 2230 hours
- d.On Good Friday, 0800 to 2230 hours

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.

293 Staff shall be trained in line with the four licensing objectives.

333 Individuals that look under the age of 21 shall be asked for proof of age identification.

334 That an age identification scheme shall be established and maintained.

The scheme shall require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol

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

840 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.

841 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), and the signature of the trainee, the signature of the trainer, the date of training and a declaration that the training has been received.

842 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.

843 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.

844 That there shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales.

845 That 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 unless written authority is obtained from the Police Licensing Unit in advance. The written authority must be kept and made available for inspection immediately on request by any responsible authority.

846 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 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. 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.

847 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.

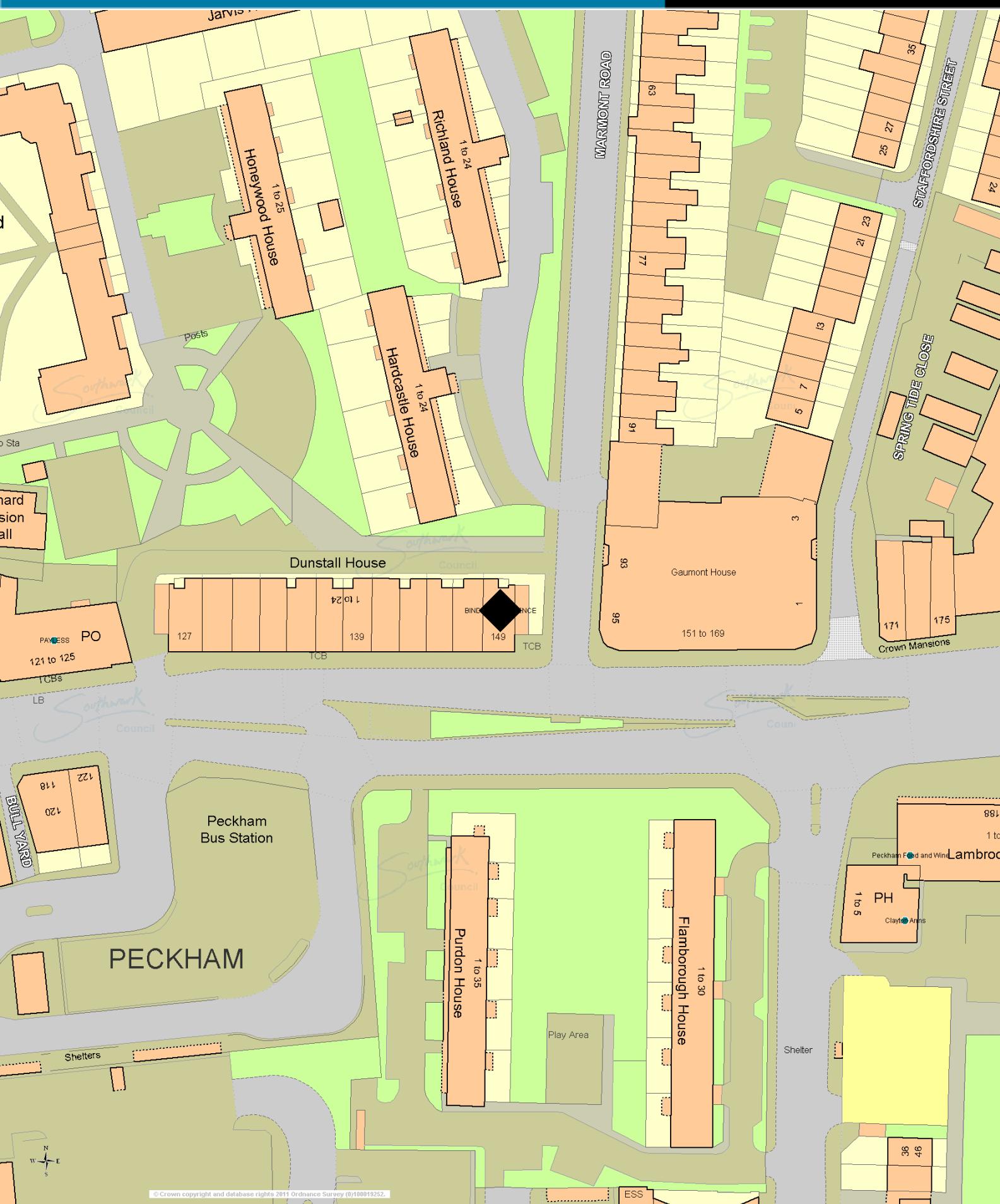
848 That all off-sales of alcohol shall be supplied in closed containers.

Annex 4 - Plans - Attached

Licence No. 852118

Plan No. N/A

Plan Date August 2005



LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2019-20

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

Name	No of copies	Name	No of copies
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