

Licensing Sub-Committee

Wednesday 12 February 2020

10.00 am

Room G06 - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor Lorraine Lauder MBE
Councillor Maria Linforth-Hall

Reserves

Councillor Charlie Smith

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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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: 4 February 2020



Licensing Sub-Committee

Wednesday 12 February 2020
10.00 am
Room G06 - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LONDON LOCAL AUTHORITIES ACT 1991: SABRINA BEAUTY SALON, 151 RYE LANE, LONDON SE15 4TL	1 - 73
6.	LICENSING ACT 2003: DENMARK EXPRESS, 74 DENMARK HILL, LONDON SE5 8RZ	74 - 142

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

PART B - CLOSED BUSINESS

EXCLUSION OF PRESS AND PUBLIC

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

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

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

Date: 4 February 2020

Item No. 5.	Classification: Open	Date: 12 February 2020	Meeting Name: Licensing Sub-Committee
Report title:		London Local Authorities Act 1991: Sabrina Beauty Salon, 151 Rye Lane, London SE15 4TL	
Ward(s) or groups affected:		Rye Lane	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Amanuel Fissehaye for the renewal of a special treatment licence in respect of the premises known as Sabrina Beauty Salon, 151 Rye Lane, London SE15 4TL
2. Notes:
 - a) This application to renew a special treatment licence is made in accordance with Part II of the Regulations made by Southwark Council under section 10(1) of the London Local Authorities Act 1991, specifically for premises offering special treatment. Copies of the applications are attached as Appendix A.
 - b) The premises are planning to provide, nail extensions, manicures and pedicure treatments. A copy of their most recent, but expired licence is attached as Appendix B.
 - c) The application is subject to two objections from the Metropolitan Police Service and Southwark Council Trading Standards Team. A copy of the objections are attached as Appendix C

BACKGROUND INFORMATION

London Local Authorities Act 1991

3. Part II of the London Local Authorities Act 1991 states that no premises shall be used in the borough as an establishment for special treatment except under and in accordance with a special treatment licence granted under this section by the borough council.
4. The council may grant to an applicant and from time to time renew or transfer a licence on such terms and conditions and subject to such restrictions as may be specified and can relate to:
 - a) The maintenance of public order and safety.
 - b) The number of persons who may be allowed to be on the premises at any time.
 - c) The qualifications of the persons giving the special treatment.

- d) The taking of proper precautions against fire, and the maintenance in proper order of means of escape in case of fire, means for fighting fire and means of lighting, sanitation and ventilation of the premises.
 - e) The maintenance in safe condition of means of heating the premises.
 - f) The hours of opening and closing the establishment for special treatment.
 - g) The safety of any equipment used in connection with the special treatment and the way in which the treatment is given.
 - h) The cleanliness and hygiene of the premises and equipment.
 - i) The manner in which the establishment is operated and the way it is advertised.
5. The licence can remain in force for 18 months or such shorter period specified in the licence as the borough council may think fit. Southwark licenses premises to 31 July annually. The licence can continue if a renewal application is received and has not been determined by that date.
6. Section 8 of the Act allows the council to refuse a licence under one or more stated categories, these categories are highlighted in the legal section of this report.

KEY ISSUES FOR CONSIDERATION

7. On 30 October 2019 Amanuel Fissehay made an application to renew the special treatments licence to provide manicure and pedicure treatments at the premises. Details of qualifications supplied with the application will be made available at the hearing.

Objections

8. Two objections to the grant of a renewal for a special treatments licence was submitted by the representative for the Metropolitan Police Service and Southwark trading standards. The reasons given for making the objections are that:
- The persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit an proper persons to hold such a licence
 - The premises have been or are being improperly conducted
 - There is likely to be nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put
 - The persons giving the special treatment are not suitably qualified
 - They are not satisfied as to the safety of equipment used in the special treatment or as to the manner in which the treatment is to be given
 - They are not satisfied as to the safety of the special treatment to be given

9. A copy of the objections are attached as Appendix C
10. Additional supporting evidence from police is attached as Appendix D

Conditions

11. The Act allows the council to set standard conditions and conditions relating to the specific treatments. The standard conditions are listed in Appendix E
12. The specific conditions for the activities in the application relate to artificial nails, manicure and pedicure:
 - The condition of the client's nails should be examined prior to any treatment and if there is any presence or suspicion of any infection etc. they should be referred for medical treatment.
 - All operatives shall be qualified to a minimum requirement of S/NVQ VRQ and BTEC, Level 2 and/or 3 standard or an acceptable equivalent which is approved by the council. Copies of qualifications shall be available for inspection at the premises.
 - An assessment shall be carried out of all products used in connection with the treatment e.g. acetone, ethyl methacrylate etc under the Control of Substances Hazardous to Health Regulations 2002. Copies of safety data sheets for all products used shall be available on the premises.

Briefing from Public Health

13. Public health has provided information on the health risks from special treatment premises. A copy of this is attached as Appendix F

History

14. On 2 November 2018, an application to renew the special treatments licence to provide manicure treatments was submitted by Mr Amanuel Fissehaye.
15. On 30 October 2019, an application to renew the special treatments licence to provide manicure treatments was, submitted by Mr Amanuel Fissehaye.
16. On 9 January 2020, an application to transfer special treatments licence to provide manicure a treatment was, submitted by Mrs Genet Berhe
17. On 30 January 2020, an application to vary the special treatments licence to provide manicure treatments was, submitted by Mr Amanuel Fissehaye.
18. On 31 January 2020, Mrs Genet Berhe withdrew her application to transfer the special treatments licence.

The local area

19. A map of the area is attached to this report as Appendix G. The premise is identified by a rectangle at the centre of the map. For purposes of scale only the circle on the map has a 100 metre radius. The following special treatment premises are within the 100 metre radius:

- Peckham Beauty Salon, 96 Rye Lane, London SE15 4RZ
- Avi Studio Tattoo & Piercing, 142 Rye Lane, London SE15 4RZ
- Amina Beauty Zone, Sky Shopping Centre, Unit 3 137-139 Rye Lane, London SE15
- Safi Nails & Beauty, 84 Rye Lane, London SE15 4RZ
- Queens Peckham, 135a Rye Lane, London SE15 4ST
- Kimmy London, Sky Shopping Centre, Unit 5 137-139 Rye Lane, London SE15

Consultation

20. Consultations arrangements are set down for such applications under the London Local Authorities Act 1991 - Part II.

Resource implications

21. A fee of £372.00 has been paid by the applicant in respect of this application, being the statutory fee payable for restricted special treatment licence. This fee contributes toward the administration of the process and any related enforcement activities.

Community impact statement

22. 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

23. The sub-committee is asked to determine the application for a special treatment licence under Part II of the London Local Authorities Act 1991.

Principles for making the determination

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

Grounds for refusal

25. The council may refuse to grant, renew or transfer a licence on any of the following grounds:
- a) The premises are not structurally suitable for the purpose.
 - b) There is a likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put.
 - c) The persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence.

- d) The persons giving the special treatment are not suitably qualified.
- e) The premises have been or are being improperly conducted.
- f) The premises are not provided with satisfactory means of lighting, sanitation and ventilation.
- g) The means of heating the premises are not safe.
- h) Proper precautions against fire on the premises are not being taken.
- i) They are not satisfied as to the safety of equipment used in the special treatment or as to the manner in which the treatment is to be given.
- j) They are not satisfied as to the safety of the special treatment to be given.
- k) Satisfactory means of escape in case of fire and suitable means for fighting fire are not provided on the premises.
- l) The applicant has, within the period of five years immediately preceding the application to the borough council, been convicted of an offence under this Part of this Act.
- m) The applicant has failed to comply with the requirements of subsection (4) or (6) of section 7 (Applications under Part II) of this Act.

Conditions

26. Power to prescribe standard terms, conditions and restrictions:

- The council may make regulations prescribing standard conditions applicable to all, or any class of, licences, that is to say terms, conditions and restrictions on or subject to which licences, or licences of that class, are in general to be granted, renewed or transferred by them.
- Where the council have made regulations under this section, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or amended.

Reasons

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

Appeals

28. The following parties may appeal a decision of the sub-committee:

- An applicant for the grant, renewal or transfer of a licence whose application is refused.

- An applicant for the grant, renewal or transfer of a licence who is aggrieved by any term, condition or restriction on or subject to which the licence is granted, renewed or transferred.
 - An applicant for the variation of the terms, conditions or restrictions on or subject to which a licence is held whose application is refused.
 - An applicant for the variation of the terms, conditions or restrictions on or subject to which a licence is held who is aggrieved by any term, condition or restriction contained in a further variation made consequent on the variation applied for.
 - The holder of a licence which is revoked under section 9 (Transmission and cancellation of licence) or section 14 (Enforcement of Part II) of this Act.
29. The parties may, at any time before the expiration of the period of 21 days beginning with the relevant date, appeal to the Magistrates' Court acting for the area in which the premises are situated, by way of complaint for an order.
30. In this section "the relevant date" means the date on which the person in question is notified in writing of the refusal of his application, the imposition of the terms, conditions or restrictions by which he is aggrieved or the revocation of his licence, as the case may be.
31. An appeal by either party against the decision of the magistrates' court under this section may be brought to the Crown Court.
32. On an appeal to the magistrates' court or to the Crown Court under this section the court may make such order as it thinks fit and it shall be the duty of the borough council to give effect to such order.
33. Where any licence is revoked under Section 14 (Enforcement of Part II) of this Act or an application for the renewal of a licence is refused, the licence shall be deemed to remain in force:
- Until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.
 - Where an appeal relating to the refusal of an application for such a renewal is successful until the licence is renewed by the council.
34. Where any licence is renewed under section 6 (Licensing under Part II) of this Act and the council specifies any term, condition or restriction which was not previously specified in relation to that licence, the licence shall be deemed to be free of it until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.
35. Where the holder of a licence makes an application under section 12 (Variation of licences) of this Act and the council makes the variation applied for together with a further variation, then the licence shall continue as it was before the application:
- Until the time for bringing an appeal under this section against any term, condition or restriction contained in the further variation has expired.

- Where any such appeal is brought, until the determination or abandonment of the appeal.

Hearing procedures

36. Subject to the licensing hearing regulations, the licensing sub-committee may determine its own procedures. Key elements of the regulations are that
- Hearings will normally be held in public. 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 public.
 - In this context a party and a person representing the party may be treated as a member of the public.
 - The committee will hold its deliberations in private accompanied by the clerk and legal officer.
37. This matter relates to the determination of an application for a special treatment licence under Part II of the London Local Authorities Act 1991 and 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

38. 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.
39. 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.
40. 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.
41. 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.

Strategic Director of Finance and Governance

42. 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
London Local Authorities Act 1991	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748
Conditions document	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Application
Appendix B	Expired licence
Appendix C	Objections
Appendix D	Additional supporting evidence from the police
Appendix E	Standard conditions
Appendix F	Briefing from public health
Appendix G	Local area map

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Charlie Jerrom, Enforcement Licensing Officer	
Version	Final	
Dated	3 February 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	3 February 2020	

30/10/2019

Application for renewal of an existing special treatments establishment licence

Ref No. 1332571

Select fee

£372 for 3 or more operatives which consists of application fee of £260 and compliance fee of £112
--

Please state your full name(s)

Full individual or company name	Amanuel Fissehaye
Trading name	Sabrina Beauty Salon Ltd
Premises contact number	[REDACTED]
Alternative contact number	[REDACTED]
E-mail address	[REDACTED]

SECTION 1 – THE LICENCE TO BE RENEWED

Name of licence holder	Amanuel Fissehaye
Licensed premises trading name	Sabrina Beauty Salon Ltd

Address of licensed trading premises

Address Line 1	151 RYE LANE
Address Line 2	
Town	LONDON
County	
Post code	SE15 4TL
Current licence number	865676

Please confirm the appropriate statement below

I confirm that there has no change to my licence	No
I confirm that there has been no change in my licence, except that the treatments listed here are no longer required and	Yes

or the operatives listed have left our employment	
Please list treatments / operatives to be removed from the licence	
I confirm that there has been a change in licensee and a transfer application is Enclosed with this application	Yes
I confirm that I wish to provide additional licensable treatments at the premises and/ or employ new operatives to provide application is provided together with this application.	No

Checklist

Application form completed in full?	Yes
Where appropriate, transfer form completed	Yes
Where appropriate, variation form completed	Yes

I agree to the above statement

	I agree
PaymentDescription	Application for renewal of an existing special treatments establishment licence
PaymentAmountInMinorUnits	
AuthCode	
LicenceReference	

ESTABLISHMENTS FOR SPECIAL TREATMENTS

Licence No: [REDACTED]

THE LONDON BOROUGH OF SOUTHWARK under the provisions of Part II of the London Local Authorities Act 1991 **hereby licenses**

[REDACTED]

to use the premises

Sabrina Beauty Salon
151 Rye Lane
London
SE15 4TL

as an **Establishment for Special Treatments.**

Other Consents and lease agreement.

A business or other activity requires a number of lawful consents to have been granted before that activity may legitimately take place. Until each consent is in place that activity is not fully authorised, even where one or more consents may be necessary from the same body. Consent under this licensing regime does not constitute consent under any other regime. It remains the position that all necessary consents must be individually obtained before the business activity is lawful.

This licence is in force up to **31/07/2018**, or during the time that the licensee is the occupier of the premises, whichever is the shorter period, and is granted subject to the rules of the Council annexed hereto relating to the management of Establishments for Special Treatments as well as additional conditions attached.

Treatments may only be administered by the person(s) listed below and these persons may only administer the treatments for which they are licensed.

[REDACTED] - Manicure and Pedicure

[REDACTED] Acrylic nail extensions, uv gel, manicure, pedicure, nail technology

[REDACTED] Nail technology

[REDACTED] Nail extensions, manicure, pedicure

[REDACTED] Nail technology

[REDACTED] Information only

[REDACTED] Nail technology

[REDACTED] Nail technology

Conditions

Artificial Nails, Manicure and Pedicure

- a) The condition of the client's nails should be examined prior to any treatment and if there is any presence or suspicion of any infection etc they should be referred for medical treatment.
- b) All operatives shall be qualified to a minimum requirement of S/NVQ VRQ and BTEC, Level 2 and/or 3 standard or an acceptable equivalent which is approved by the Council. Copies of qualifications shall be available for inspection at the premises. Also see j).
- c) An assessment shall be carried out of all products used in connection with the treatment e.g. Acetone, Ethyl Methacrylate etc under the Control of Substances Hazardous to Health Regulations 2002. Copies of safety data sheets for all products used shall be available on the premises.
- d) Products containing Methyl Methacrylate (MMA) shall not be used. Methyl Methacrylate (MMA) is subject to an occupational exposure limit and research has shown that regular exposure to them can cause respiratory etc sensitisation. The use of a suitable alternative product should be considered e.g. Ethyl Methacrylate (EMA).
- e) All products used in the premises should be stored in suitably labelled containers, specifying details of contents, supplier etc.
- f) The premises should be suitably ventilated to minimise the exposure of chemicals by the operative and public. Suitably ventilated treatment tables or other local exhaust ventilation which removes the fumes from the source are the best way of achieving this. The local exhaust ventilation should be fitted with a filter which will trap the dust or alternatively if there is a very strong smell of monomer or solvent then a carbon filter could be used for dust and smell.
- g) Floor coverings shall be made of impervious material which can be easily cleaned.
- h) Any cotton wool etc which has come into contact with nail liquids should be disposed of in suitably covered receptacles
- i) Dispensed nail liquids shall be kept in covered containers at all times when not in use.
- j) Electric drills may only be used by suitably trained operatives, written evidence of training should be available on site. Electric drills should only be used on the artificial nail and not on the clients nail. Drill bits etc shall be cleaned between use on each client.
- k) All equipment capable of being effectively disinfected shall be cleaned and disinfected between each client. Equipment that cannot be effectively cleaned and disinfected should be single use and disposed of after each client e.g. emery boards. Alternatively they can be kept in labelled clean container and reused on the same client.

General

Disposable paper towel shall be used on any couches used in the treatment room which shall be changed between clients.

Issue Date: 02/11/2018



Head of Regulatory Services

██████████
Sabrina Beauty Salon
151a Rye Lane
London
SE15 4TL

Licensing Unit
Direct Dial - 020 7525 5748
Facsimile - 020 7525 5705
Email - licensing@southwark.gov.uk

2 November 2018

Dear Sir/Madam

LONDON LOCAL AUTHORITIES ACT 1991 (PART II) - SPECIAL TREATMENTS LICENCE -

Please find enclosed the Special Treatments annual licence in respect of the above named premises. The following advice is offered as regards to the use of the premises for Special Treatment.

The Council expects the terms, conditions and restrictions of the licence to be observed whenever the licensed area is used for Special Treatment. Any evidence of failure to observe the terms, conditions and restrictions of the licence when the premises are in use for Special Treatment would be a matter to which the Council could have regard in considering any application made for renewal.

Please note that a business or other activity may require a number of lawful consents to have been granted before that activity may legitimately take place. Until such time as all necessary consents are in place, that activity is not fully authorised, even where one or more consents may be necessary from the same body. Consent under this licensing regime does not constitute consent under any other regime. It remains the position that all necessary consents must be individually obtained before the business activity is lawful.

The Council should be advised immediately if there is any change in Management, persons giving treatment or the actual treatments themselves. Additionally the Council should be advised and approval given before any alteration to the premises is undertaken.

The licence, or a copy of it, is to be exhibited at all times on the premises and in such a position that all persons can easily see it. The licence shall be adequately protected against theft, vandalism, or defacement.

A notice showing the name of the person in charge of the premises at the time they are open under the licence should be exhibited in such a position that it can be easily seen.

The council should be advised immediately, if there is any intended change in either the management, operatives providing the treatments at the premises or to the treatments themselves. In each case a variation of the licence will be necessary. New operatives should not commence work nor new treatments be offered at the premises, until approved by the council. Additionally the Council should be advised and approval given before any alteration to the premises is undertaken.

The enclosed licence and list of treatment operatives must be prominently displayed in the premises.

On a different matter I would inform you that the test certificates in respect of the premises are valid to the dates below;

Electrical Installation Certificate **06.10.2020**
Emergency Lighting Certificate

You should diary note this date, as it is your responsibility to ensure that replacement certificate are provided to this office on the due dates.

Yours faithfully

KKRead

Pp Kirty Read
Processing Manager
licensing@southwark.gov.uk

Special Treatment: - [REDACTED] Appendix

REGULATIONS MADE BY SOUTHWARK COUNCIL UNDER SECTION 10(1) OF THE LONDON LOCAL AUTHORITIES ACT 1991

STANDARD LICENSING CONDITIONS IN FORCE FOR PREMISES OFFERING SPECIAL TREATMENT BY LONDON BOROUGH OF SOUTHWARK

NOTES :

(i) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.

(ii) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all statutory requirements.

(iii) These rules are divided into six parts as follows :

Part I - Definitions and General.

Part II - Rules which apply to all premises.

Part III - Rules which apply to all treatments.

Part IV - Rules which apply to safety and maintenance.

PART V - Rules applying to larger premises only where the Council so prescribes.

PART VI - Appendix A - Certification required to be available at the licensed premises.

(iv) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.

People with Disabilities

It is the policy of the Council that access for people with disabilities should be provided at business premises licensed for special treatment. Licensees are, therefore strongly encouraged to provide such facilities so as to enable the admission of people with disabilities and are reminded of the duties imposed by the Equalities Act 2010.

Part I Definitions and General

Definitions

In these rules, unless the context otherwise requires:-

Act means Part II of the London Local Authorities Act 1991 (as amended).

Approval of the Council or Consent of the Council means the written approval or consent of the Council as Licensing Authority in writing.

Approved, Accepted or Permitted means approved, accepted or permitted by the Council in writing.

Council means the London Borough of Southwark.

Special Treatment means massage, electric treatments, light treatments, water treatments, skin piercing and other treatments of a like kind.

Establishment for Special Treatment has the meaning set out in section 4 of the London Local Authorities Act 1991 (as amended).

Fire Authority means the Chief Officer and Chief Executive of the London Fire and Emergency Planning Authority (LFEPA).

Licence Holder/Authorised Person means a person who is responsible for compliance with the standard conditions at all times that the premises are open for business.

Licence means a special treatment licence granted under section 6 of the London Local Authorities Act 1991 (as amended).

Premises means any premises within the Council's area licensed for special treatments and includes all installations, fittings etc.

Operative – the person carrying out the special treatment and, for tattooing and body piercing premises, is an approved operative as named on the licence.

Authorised Officer means an Officer appointed by the Community Safety and Enforcement Department. (This may include officers of the London Fire and Civil Defence Authority.)

British Standard (BS) shall be deemed to refer to the current British Standard.

Public means any person other than a member of staff admitted to the licensed premises.

'Premises' means any premises within the Council's area licensed for special treatment and includes all installations, fittings and things in connection therewith

Dispensation or Modification of Rules

(a) These rules may be dispensed with or modified by the Council in any special case.

(b) Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.

(c) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council and if the Council so require the application must be advertised.

PART II - RULES WHICH APPLY TO ALL PREMISES

Type of Business

1. Unless consent is given by the council the establishment shall be carried on only for the treatment or business and in the trade name of style specified in the licence and at the address mentioned. Only the special treatments listed on a special treatment licence in respect of a premises shall be undertaken at that premises.

The Licence

2. The licence, including the list of operatives and treatments, or a clear copy, shall be conspicuously exhibited at all times to the satisfaction of the Council in the premises, in such a position that it can be easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism and defacement.

Identification of Staff

3. All staff engaged in receiving patrons or in giving treatment or in managing the premises shall wear a name badge in a manner approved by the Council. The name shown shall correspond with that shown on any certificate displayed. The name badge shall be provided to staff by the premises.

Responsibility of Licence Holder/Authorised Person

The licence holder may authorise a responsible person to be in charge of the premises during opening hours.

The licence holder/authorised person shall take all reasonable precautions for the safety of all persons using the premises and ensure compliance at all times with the relevant provisions of the Health and Safety at Work etc Act 1974, and other associated legislation.

The licence holder/authorised person shall be in charge of the premises at all times.

4. The licence holder shall take out employer's liability (where applicable) and public liability insurance cover.

5. The licence holder/authorised person shall ensure that all operatives carrying out 'special

treatments' are suitably trained/qualified and evidence of such shall be submitted to the Council for approval.

6. The licence holder/authorised person shall ensure that no nuisance arises from the business, e.g. odours, noise etc.

Conduct of the Premises

7. No poster, photograph, sketch, painting, advertisement or display shall be displayed which the council regards as unsuitable for general exhibition. If the licensee is notified that the council objects to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed.

8. The licence holder/authorised person shall ensure that no part of the premises is used by persons, for soliciting, any act of indecency or other immoral purposes.

9. The licensee shall ensure that all persons in his employ engaged in the establishment to be properly and decently attired.

Display of Tariff

10. All licensable treatment provided at the premises shall be clearly listed in a priced tariff and prominently displayed. This tariff shall also clearly show the cost of any additional service provided at the premises together with VAT thereon if applicable. A copy of the tariff shall be supplied on request to an authorised officer of the Council.

Authorised Officers

11. Authorised officers, on presentation of their written authorisations and proof of identity shall be admitted at all reasonable times to all parts of the premises.

Electricity

12. That the electrical installation for the premises, including fixed appliances shall be inspected, tested and maintained in accordance with the British Standard 7671 , or superseding regulations should they apply. A periodic inspection report shall be obtained from a 'competent person' at the appropriate intervals and submitted to the council. A competent person would be one of the following:

- i) A professionally qualified electrical engineer
- ii) Member of the Electrical contractors Association (ECA)
- iii) an approved contractor of the National Inspection Council for Electrical Installation Contracting (NICEIC).

Record Keeping

13. Records including name, address, age, date & type of treatment received shall be kept for all treatments, for a period of at least 3 years in regards to customers. See paragraph "Challenge 25" below for further details.

14. Any contra-indications e.g. Heart conditions, diabetes, epilepsy etc for each treatment will be discussed with the client prior to any treatment, and the client shall sign a record card to say that they have been made aware of the risks involved.

15. A record of the operative providing the treatment for each customer is to be kept.

Challenge 25

16. Any person wishing to receive a licensable treatment will need to provide proof of their age if they look under 25.

17. Licensees must advertise this policy so that all clients are made aware that they may be challenged about their age if they look under 25. Signage shall be displayed at the entrance to the premise where the treatment is to be carried out to inform customers that an agecheck "Challenge 25" applies and proof of age may be required.

Acceptable forms of ID are a photo driving licence, passport or the PASS hologram proof of age card such as the Southwark Proof of Age (SPA) card.

18. Where a challenge is made, it must be recorded in a register of refused or accepted treatments in order to demonstrate effective operation of the policy. Proof of age should also be noted on the client's record card, where appropriate. The register and client record cards shall be available for inspection at the premise by Southwark Council's authorised officers.

Maintenance

19. All systems i.e. fire safety equipment, boilers, etc provided in the premises shall be maintained regularly by competent persons, and records available on site for inspection.

20. All equipment used in connection with special treatments shall be serviced/ maintained in accordance with the manufacturers/suppliers recommendation, and records kept.

21. Bench top sterilisers shall be calibrated and maintained in accordance with the Manufacturers recommendations and records available on site.

Training

22. All persons carrying out special treatments shall have received suitable training in the treatments being undertaken and also use of any relevant equipment.

23. All persons involved with taking bookings, reception of clients or carrying out of special treatments shall be given training on the agecheck policy, "Challenge 25"

24. Written evidence of all training (including the date of that training) shall be available on the premises for inspection.

Persons who can give treatment

25. Except as provided by 26 below, treatment shall only be given by qualified persons who have been approved by the Council and in respect to whom two identical full face passport size photographs taken within the twelve month preceding the application for approval, have been submitted to the Council.

26. Treatment may also be given by other persons provided:

- (i) the person giving treatment is under the personal supervision of a person approved by the Council; and
- (ii) the Council's consent has first been obtained in writing and is current at the time of treatment.

It must be understood that before any new treatment or new operator is provided at the premises consent from the Council must be obtained. Council Enforcement Officers or the Police can inspect the premises and any if any treatments or operatives are being provided that are not on the licence they will be required to stop immediately and enforcement action may be taken against the licence holder that can include prosecution. This may also place the special treatments licence for the premises in jeopardy.

PART III - RULES WHICH APPLY TO ALL TREATMENTS

Restriction on Treatment

27. Unless otherwise expressly permitted by the Council, when treatment is given or is being received to any part of the body other than the neck and head or feet and legs below the knee or hands and arms and is not being so given by a fully qualified physiotherapist or other person entered on the register of the

appropriate professional organisation whose qualifications have been approved by the Council, the treatment may be given only to persons of the same sex as the person giving the treatment, and persons of the opposite sex may not be present.

Personal Hygiene

28. Any person carrying out any special treatment must ensure that:

- (i) hands are kept clean and are washed immediately prior to carrying out any treatment.
- (ii) any open boil, sore, cut or other open wound is effectively covered by an impermeable dressing
- (iii) No smoking or consuming food and drink shall be undertaken during the course of the treatment.

Waste Material

29. A sufficient number of suitable receptacles with properly fitting covers shall be provided to the satisfaction of the Council for the purpose of receiving rubbish, dust and refuse from the premises. The receptacles shall be emptied whenever this becomes necessary.

Needles and sharps

30. All needles and sharps used in treatment shall be placed after use in a separate, covered and leak proof container compliant with BS 7320 and UN 3291 and shall be disposed of when full as clinical waste, and proof shall be provided as to the method of disposal to the satisfaction of the Council.

Anaesthetic

31. Administration of local anaesthetic injections other than by medically qualified practitioners is an offence. Under the Medicines Act 1968, local anaesthetic creams, sprays, gels etc. are prescription only medicines and pharmacy medicines which may only be sold by pharmacists for medical application on the patient only. Their use prior to a body piercing is therefore an offence.

Control of Substances Hazardous to Health Regulations 2002

32. Substances which fall under the above Regulations e.g. Barbicide, bleach, nail monomers etc shall be assessed in accordance with the requirements of those Regulations and all the necessary precautions taken to ensure their safe use and storage.

Aftercare

33. Each client shall be provided with written aftercare advice for each treatment they receive, and confirmation of this should be recorded on their client record card.

PART IV - Rules which apply to safety and maintenance

Maintenance of Means of Escape

34. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and identifiable in accordance with the approved arrangements.

35. Any mirrors, pictures, advertisements or notices which may be permitted by the Council shall be attached to or hung upon the walls in positions in which they will not be likely to cause obstruction to egress, and shall be fixed flat against the wall or kept clear of the head-line, i.e. 2 metres above the floor.

36. Advertisement boards or easels shall not be placed in positions in which they are likely to obstruct means of egress or to be overturned. Notice in writing of any proposal to rail off a portion of the premises for the accommodation of such boards or easels shall be given to the Council and the Council's prior consent obtained in the manner prescribed by regulation 21.

Maintenance of Exits

37. All exit doors shall be available for egress during the whole time that the public are on the premises.

Fire Alarms

38. Any fire alarm system shall be checked weekly to ensure it is fully operational. In addition the system shall be serviced yearly by a qualified engineer and all results recorded in the log book.

Fire Fighting Equipment

39. All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment. In the case of hose reels and sprinkler systems the test results shall be recorded in the log book.

Non-Slippery Surfaces

40. All gangways and exitways and the treads of steps and stairways shall be maintained with non slippery and even surfaces.

Edges of Steps

41. The front edge of the tread of steps and stairways shall be made conspicuous, if so required by the Council.

Floor Coverings

42. All floor covering shall be so secured and maintained that they will not be likely to ruck, or to be in any way a source of danger. Any mats shall be fitted into matwells so as to be flush with the surface of the floor. Each treatment room shall be provided with suitable floor coverings which shall be maintained in a clean condition.

Curtains, Hangings, Upholstery Decorations etc

43. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary to the satisfaction of the Council.

Ventilation

44. The licensee shall ensure that the premises are adequately ventilated to all areas of which the staff and clients have access. Any mechanical ventilation system shall be maintained in correct working order and shall comply with British Standard 5720, 1979. The system shall be capable of full operation during the whole of the time the public are on the premises.

Care should be taken to ensure that neither noise nor vibration arising from the running of the equipment will cause annoyance or discomfort.

Sanitation

45. The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and public and in particular shall :

- (i) maintain each sanitary convenience in clean and efficient order;
- (ii) ensure that any room which contains a sanitary convenience is suitable and sufficiently illuminated and ventilated and is kept clean;
- (iii) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water at a suitably controlled temperature; together with an adequate supply of soap and suitable hand drying facilities;
- (iv) ensure that the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes, etc. so that satisfactory sanitation can be maintained;
- (v) where appropriate the sanitary accommodation shall be adequately indicated.

Sanitary Condition of Premises

46. All parts of the premises and any yard of such premises shall be kept in a clean condition to the satisfaction of the Council.

Treatment Room

47. Each treatment room shall :

- (i) be maintained in a clean and structurally sound condition;
- (ii) be adequately illuminated and ventilated;
- (iii) be provided with suitable wash-hand basin or basins readily accessible to each treatment room with a suitable supply of hot and cold water, together with soap and either a supply of disposable towels or a clean towel at all times.
- (iv) suitable and sufficient means for heating to a reasonable room temperature, appropriate for the treatment provided, shall be maintained;
- (v) where more than one person is being treated in a room, it shall be provided with suitable screening to maintain privacy.

Cleanliness

48. Proper means to the satisfaction of the Council shall be provided for securing the cleanliness of all instruments, towels, materials and equipment used in the establishment and for their safe disposal.

Lighting

49. The owner, occupier or any other person concerned in the conduct or management of the premises licensed for special treatment shall ensure that adequate lighting is maintained to the satisfaction of the Council in all parts of the premises to which public and staff have access and is in operation continuously during the whole time the premises are open to the public.

50. The general lighting shall be maintained alight and the lighting to "EXIT" or "WAY OUT" notices shall not in any circumstances be extinguished or dimmed while clients are on the premises, provided that so long as there is sufficient daylight in any part of the premises, artificial light need not be used in that part.

Electrical Installation

51. The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition, as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.

Heating

52. All parts of the premises regularly occupied by the public or employees shall be heated to the satisfaction of the Council.

Portable Heating Appliances

53. Portable heating appliances shall not be used at the premises except with the prior consent of the Council.

Gas Cylinders

54. Appliances utilising cylinders or containers of gas under pressure (apart from CO₂ cylinders and hand held aerosols) shall not be used on the premises except with the prior consent of the Council and in accordance with such conditions as the Council may consider necessary.

NOTE: the use of liquid petroleum gas in cylinders is unlikely to be approved.

Gas Installations

55. The gas installation shall comply with the Gas Safety Regulations 1972 as amended by the Gas Safety (Installation and Use) Regulations 1984, or superseding regulations should they apply.

Gas Meter and Electrical Intake Enclosures

Southwark Council - Regulatory Services, Licensing Team, Hub 1, 3rd Floor, PO Box 64529, SE1P 5LX
Switchboard - 020 7525 5000 Website - www.southwark.gov.uk
Strategic Director Environment & Leisure - Deborah Collins

56. Any gas meter or electricity meter enclosure provided shall be used exclusively for the accommodation of the meter and its connections and the area around the equipment, whether enclosed or not shall be kept clear and unobstructed.

PART V - CONDITIONS APPLYING TO LARGER PREMISES ONLY WHERE THE COUNCIL SO PRESCRIBES

Electrical Certificates

57. Unless otherwise decided by the Council an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers, for the electrical installation associated with the premises licensed for special treatment and any equipment used therein shall be submitted to the Council at least annually or such other time as specified on the certificate. The certificate shall be signed by a qualified engineer.

NOTE: Certificates submitted under this regulation are retained by the Council.

58. The Council normally requires that any such certificate shall be signed by the Corporate Member of the Institute of Electrical Engineers, or by a contractor currently enrolled with the National Inspection Council for Electrical Installation Contracting, or by a suitable qualified representative of a Supply Authority or, with the prior approval of the Council, other persons deemed competent.

Escape Lighting

59. The escape lighting installation, including its load, shall not be altered without the consent of the Council.

60. Any escape lighting battery shall be fully charged before the admission of patrons.

61. If the patrons have left the premises they shall not be re-admitted until normal lighting has been fully restored and the battery or batteries fully recharged.

62. The escape lighting installation shall be tested at least once every 6 months in accordance with BS 5266 Part I and a copy of the certificate retained on the premises.

63. In the event of the failure of the normal system of lighting, (i) where the escape lighting has a 1 hour capacity the public shall be required to leave the building within a maximum period of 30 minutes and (ii) where the escape lighting has a 3 hour capacity the public shall be required to leave the building within a maximum period of 1 hour and shall not be re-admitted until the lighting from the system has been fully restored and the battery fully recharged.

Diagram of Wiring

64. Where required by the Council a diagram and/or schedule indicating clearly the arrangements of the circuits, the position of the distribution boards and the sizes of the cables shall be provided on the premises.

Installation for Unlicensed Portions of Premises

In cases in which the premises form part of larger premises, the electrical services for such part shall not be used for any purpose in connection with the remaining parts of the premises, except with the consent of the Council and in accordance with any conditions of such consent.

PART VI - CERTIFICATION REQUIRED TO BE AVAILABLE AT THE LICENSED PREMISES

Electricity

65. All applicants and licence holders are required to hold valid documentation confirming the safety of the fixed wiring throughout the premises. All works must be carried out by a competent electrical engineer in

accordance with the Electricity at Work Regulations 1989. e.g. NICEIC 'Periodic Inspection Report For An Electrical Installation'.

Sterilisers

66. All applicants and licence holders are required to hold valid documentation confirming the safety/calibration of all sterilisers which are used in connection with the business e.g. autoclaves, ultrasonic cleaners, ultra violet cabinets etc. All works must be carried out by a competent engineer.

Controlled Waste

67. All applicants and licence holders shall hold a copy of the licence of the contractor who is removing the controlled waste.

68. Copies of transfer documents for the removal of controlled waste should also be held.

Insurance

69. A copy of the employers liability (where applicable) and public liability certificates should be available for inspection.

Training

70. All certificates of qualification relevant to the licensed treatments shall be available for inspection.



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: AS/21//19
Date: 20th November 2019

Re:- Sabrina Beauty Salon, 151 Rye Lane, London SE15 4TL

Dear Sir/Madam

Police are in possession of an application from the above for a special treatments licence under the London Local Authorities Act 1991.

On the 30th October 2019 officers from the police Night Time Economy Team, social services and the immigration officers attended as the premises. The premises was trading as a nail bar carrying out special treatments. Eight members of staff working at the venue were arrested for immigration offences all were from China, none had authority to work, and had entered the country illegally.

The premises was sent a warning letter prior to officers attending advising them they should not be trading without a licence as the previous licence had not be renewed and that they should stop until a licence was obtained. No application was received.

The owner attended the premises whilst officers were present and attempted to pay the renewal fee as the licence had expired. He was fully aware that the premises was being used as a special treatments venue and as such was responsible for the staff.

We believe that workers have and will be exploited, and the management have failed to comply with a various legislation relating to working practice, employment law and immigration law.

Under Section 8 of the Local Authorities Act 1991, a licence can be refused for a number of reasons specified in the act.

- Part C specifies, "The persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence"

- Part E Specifies "The premises have been or are being improperly conducted"

Police Object under Section 8 subsection C & E as the management have shown a disregard to the welfare of workers and the correct procedures for obtaining authorisation to carry out special treatments. They have also conducted improperly at the location by allowing unqualified people to carry out special treatments on members of the public possibly putting them at risk of harm.

Yours Sincerely

Graham White PC288MD
Police Licensing Officer

From: Moore, Ray

Sent: Friday, January 31, 2020 6:29 PM

To: Regen, Licensing; [REDACTED]

Cc: Tear, Jayne; Jerrom, Charlie; Franklin, David; 'Graham.S.White@met.police.uk'; 'Ian.Clements@met.police.uk'; Chudasama, Sailesh; Deidda, Clizia; Gander, Paul; 'Keith.Dempster@met.police.uk'; 'jonathan.ducker@met.police.uk'; Miller, Justin

Subject: RE: RE: Objections with respect the application for a special treatments license for "Sabrina Beauty Salon", 151 Rye Lane, London, SE15 4TL -application for license number 870691

I have realised that not all of you can access documents sent by egress... so here are the initial objections again that I originally sent by egress...

As a part of the local authority of the London Borough of Southwark, Trading Standards are objecting to the application for a special treatments license at the above premises with respect to the provisions of the London Local Authorities Act 1991. Specifically, objections are made under the following grounds for refusing a license as set out in Section 8 of the said Act:-

8(b) "there is likely to be nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put;"

8(c) "the persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a license;"

8(d) "the persons giving the special treatment are not suitably qualified;"

8(e) " the premises have been or are being improperly conducted;"

8(i) "they are not satisfied as to the safety of equipment used in the special treatment or as to the manner in which the treatment is to be given;"

8(j) "they are not satisfied as to the safety of the special treatment to be given;"

These objections have been put in at a late date owing to information that came to hand on Friday 24th January 2020 and on Wednesday 29th January 2020.

More specifically, the facts are as follows:-

1. On 30th October 2019, officers from the UK Border Force, Police and LB Southwark Licensing Team visited the above premises and noted that the people working there did not have the right to work in the UK (Note wrt 8(b); 8(c); 8(d) and 8(e). Ray MOORE from the Trading Standards Team was working on that day, and briefly visited the store. He saw Mr Amanuel FISSEHAYE at the premises who he knew from other shops in the area. Mr MOORE was dealing with another nail bar at the time and was not able to examine the product at Sabrina Beauty Salon on that day.
2. On Friday 24th January 2020, Ray MOORE from the Trading Standards Team and Charlie JERROM from the Licensing Team visited the premises and noted that there were 3 people working at the nail stations on the premises. Mr JERROM briefly spoke to the staff before going to the off license run by Mr FISSEHAYE at the other end of that block. It should be

- noted that there are only two names on the application for work at the premises, namely "001 [REDACTED]" and "002 [REDACTED]".
3. On Wednesday 29th January 2020 UK Border Force; Police and London Borough of Southwark Licensing and Trading Standards Teams visited the premises again. On this occasion it was noted that there were 8 work stations in the shop...although one had no nail gels behind it...Mr MOORE made a note of these work stations and drew details of the layout in his "incident report book" while his colleague Mr Andrew MILES took photographs of the premises showing each work station and the products displayed behind them. These photographs are produced as exhibits AJM/01. On this occasion all the people on the premises had the right to work in the UK. It should be noted that the two people listed on the application mentioned above as "001" and "002" were working at work station 4 and 5. The other three on the premises were [REDACTED], [REDACTED] and [REDACTED]. The woman working at work station 3, [REDACTED] later that day produced some invoices that she said related to the nail gels that were being seized. These covered some but not most of the products displayed there and were dated after the visit on 30th October 2019 (see exhibit AJM/03; AJM/04 and AJM/05). The lady from work station 7 [REDACTED] also produced some invoices later in the day and once again these did not cover most of the products there but were dated after 30th October 2019 (see exhibits AJM/06 and AJM/07). Ray MOORE and colleague Andy MILES went through each of the work stations 1 through to 7, examining product and removing those that did not have details of who had brought the product into the EU as required by the provisions of the Cosmetic Products Enforcement Regulations 2013. It should be noted that these are relevant to sections 8(b) to 8(j) of the Act and reasons for objecting to the application. Product is currently being considered with respect to both the safety of the chemicals used and whether any of the products may be counterfeit and not produced by or under the authority of the trade mark holders. Details of product seized are given in attached exhibit RAY/SN/1 which covers the notices for the product seized – notice numbers 1057 to 1061 inclusive. Mr FISSEHAYE signed to say he had received these notices at about 16:30 hours before we left the store.

The invoices produced cover mainly non nail gels and some for "DND" nail gels and were from Hollywood Nails and London Nail Supplies. The DND product does not have details fo who brought the product into the EU and these matters are currently under investigation.

Trading Standards are making these objections with respect to this application on the section 8 grounds given above.

Attached (and in other e-mails forwarded) are the following exhibits:-

Photographs AJM/01
Invoices (Photographs of) AJM/03 to AJM/07
Notices RAY/SN/1

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| Regulatory Services

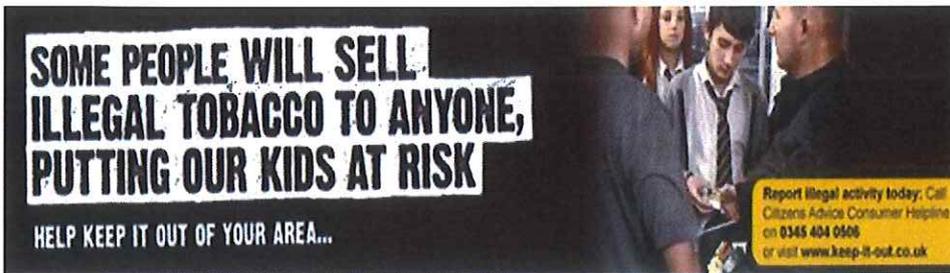
Post: 3rd Floor Hub 2, PO Box 64529 | London SE1P 5LX

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

www.southwark.gov.uk/TradingStandards

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

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



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

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

<p>LB Southwark Trading Standards Service</p> <p style="text-align: center;"><u>Exhibit Label</u></p> <p>Exhibit identity mark: AJM/06 Case number: 2019/40 Description: A photograph (IMG_0907) showing a sales order from London Nail Supply, produced [redacted] from workstation 7 at Sabrina Nails.</p> <p>I identify this exhibit as that referred to in my statement</p> <p>Signed: [redacted]</p>	<p>Photographs taken at: Sabrina Nails, 151 Rye Lane, Peckham, London SE15 4TL on 29/01/2020 by Andrew Miles</p>
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IMG_0907

<p>LB Southwark Trading Standards Service</p> <p style="text-align: center;">Exhibit Label</p> <p>Exhibit identity mark: AJM/07 Case number: 2019/40 Description: Two (2) photographs (IMG_0908 & IMG_0909) showing Invoices from Hollywood Nail Supply, produced by [REDACTED] from workstation 7 at Sabrina Nails.</p> <p>I identify this exhibit as that referred to in my statement</p> <p>Signed: [REDACTED]</p>	<p>Photographs taken at: Sabrina Nails, 151 Rye Lane, Peckham, London SE15 4TL on 29/01/2020 by Andrew Miles</p>
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IMG_0908

Exhibit identity mark: AJM/07
Case number: 2019/40

HOLLYWOOD NAILS SUPPLY

29a Peckham High Street

London, SE15 5EB

Tel: 0207 639 9251

Email: Sales@hollywoodnailssupply.co.uk

www.hollywoodnailssupply.co.uk

Invoice No: [REDACTED]

10/01/20

Friday

#	Items	Price	Total
55	DND Natural Tips	£0.35	£19.25
1	Derment Nail Enamel Dryer Box/12pc	£27.00	£27.00
1	Liquid Monomer - 4 Gallon (P)	£155.00	£155.00
1	La P... Cuticle Oil - Gallon	£12.00	£12.00
1	Non... Primer 500ml	£28.00	£28.00
2	Carbide (SF)	£8.00	£16.00
1	Carbide (SSM)	£10.00	£10.00

Total

£267.25

Cash	£270.00
Change	£2.75

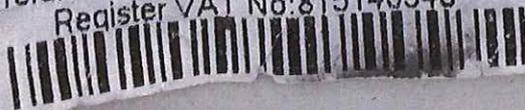
VAT RECEIPT SUMMARY

Rate	NET	VAT
20% VAT	£222.71	£44.54

Return/exchange within 7 days.

No refunds on nail/gel polish and powders

Register VAT No: 815146348



IMG_0909

LB Southwark Trading Standards Service

Exhibit Label

Exhibit identity mark: AJM/01
Case number: 2019/40
Description: Nine (9) photographs (IMG_0876, IMG_0878, IMG_0879, IMG_0881, IMG_0885, 0887, IMG_0889, IMG_0890 & IMG_0891) showing the workstations and the nail gel products being displayed on the shelves behind the workstations inside Sabrina Nails.

I identify this exhibit as that referred to in my statement

Signed:

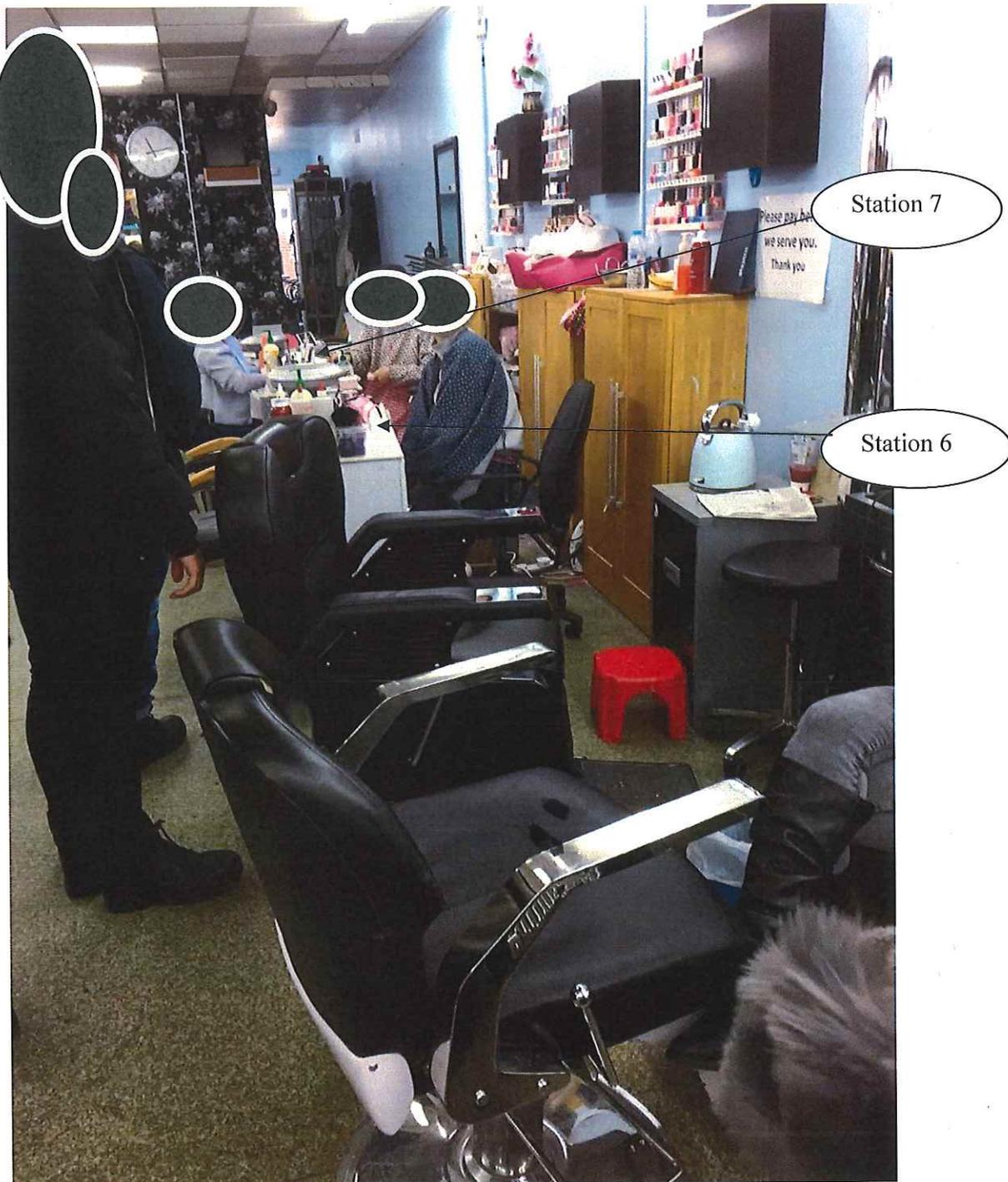


**Photographs taken at:
Sabrina Nails, 151 Rye Lane, Peckham,
London SE15 4TL on 29/01/2020 by
Andrew Miles**



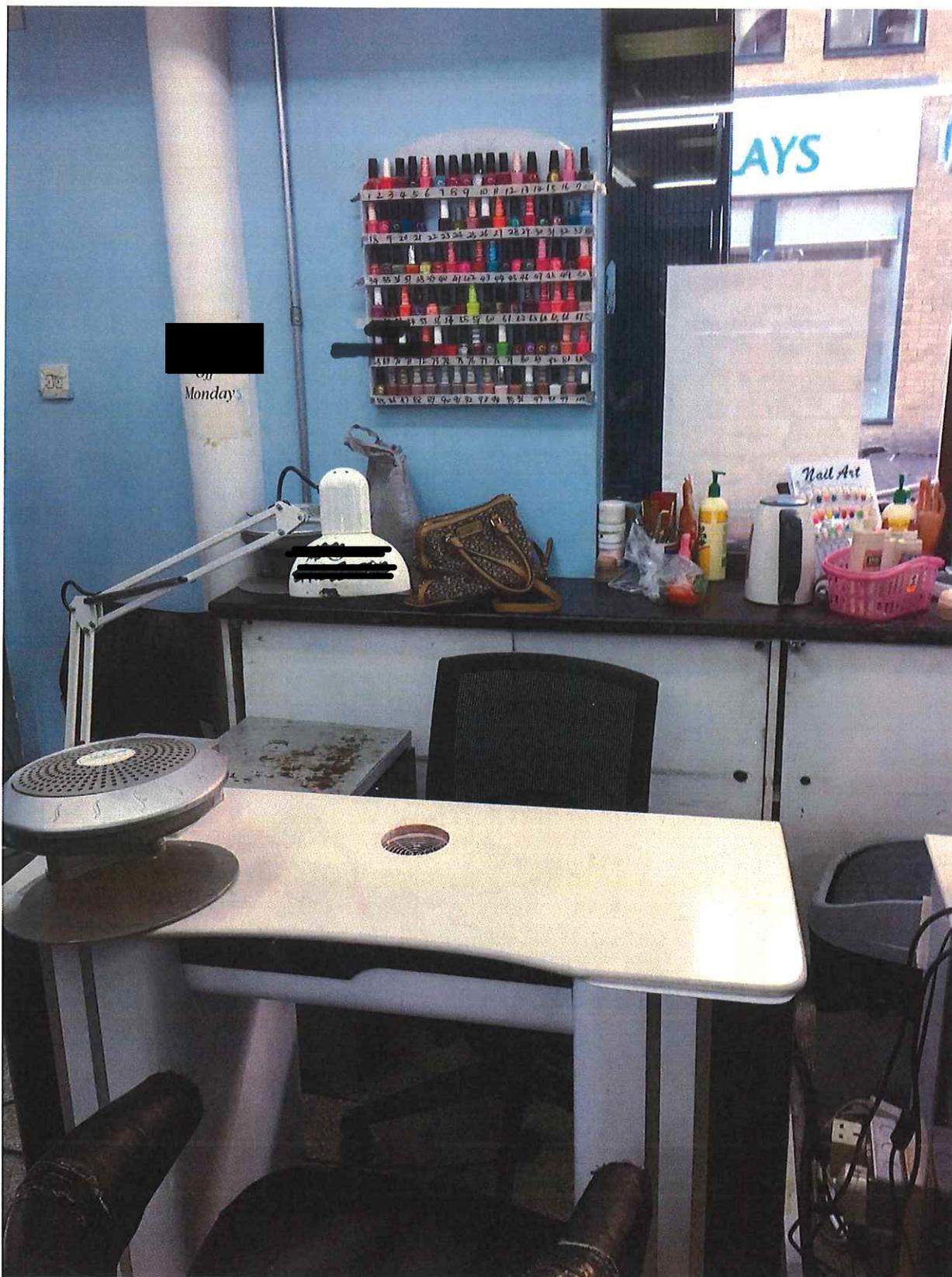
IMG_0876 – showing workstation 5 and work station 4 with an operative treating a client.

Exhibit identity mark: AJM/01
Case number: 2019/40



IMG_0878 - Showing workstations 6 with the operative sitting there. Also workstation 7 where the operative is treating a client.

Exhibit identity mark: AJM/01
Case number: 2019/40



IMG_0879 – Workstation 5

Exhibit identity mark: AJM/01
Case number: 2019/40



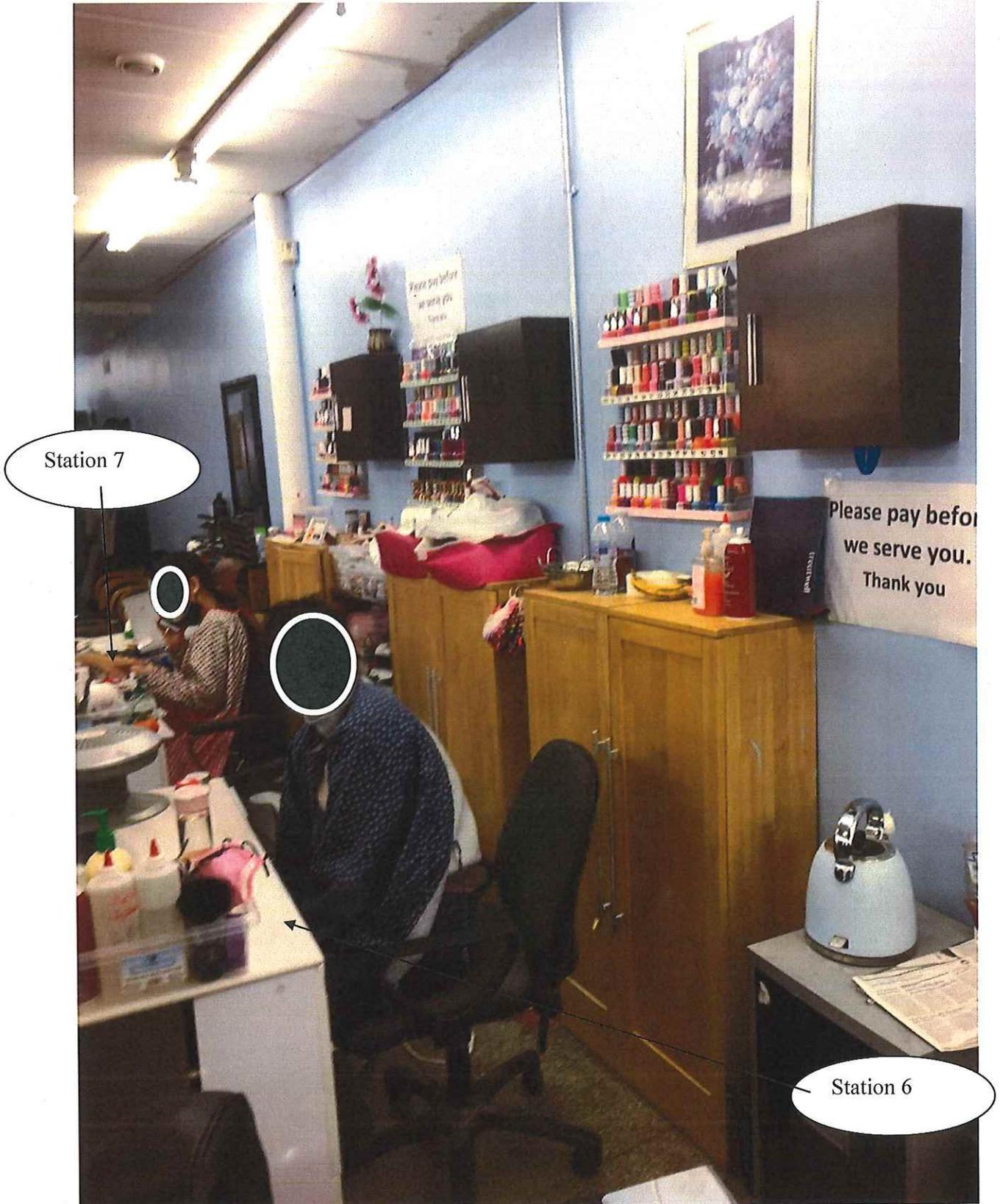
IMG_0881 – Workstation 4

Exhibit identity mark: AJM/01
Case number: 2019/40



IMG_0885 – Showing workstations 1, 2 and 3

Exhibit identity mark: AJM/01
Case number: 2019/40



IMG_0887 – Workstations 6 and 7.

Exhibit identity mark: AJM/01
Case number: 2019/40



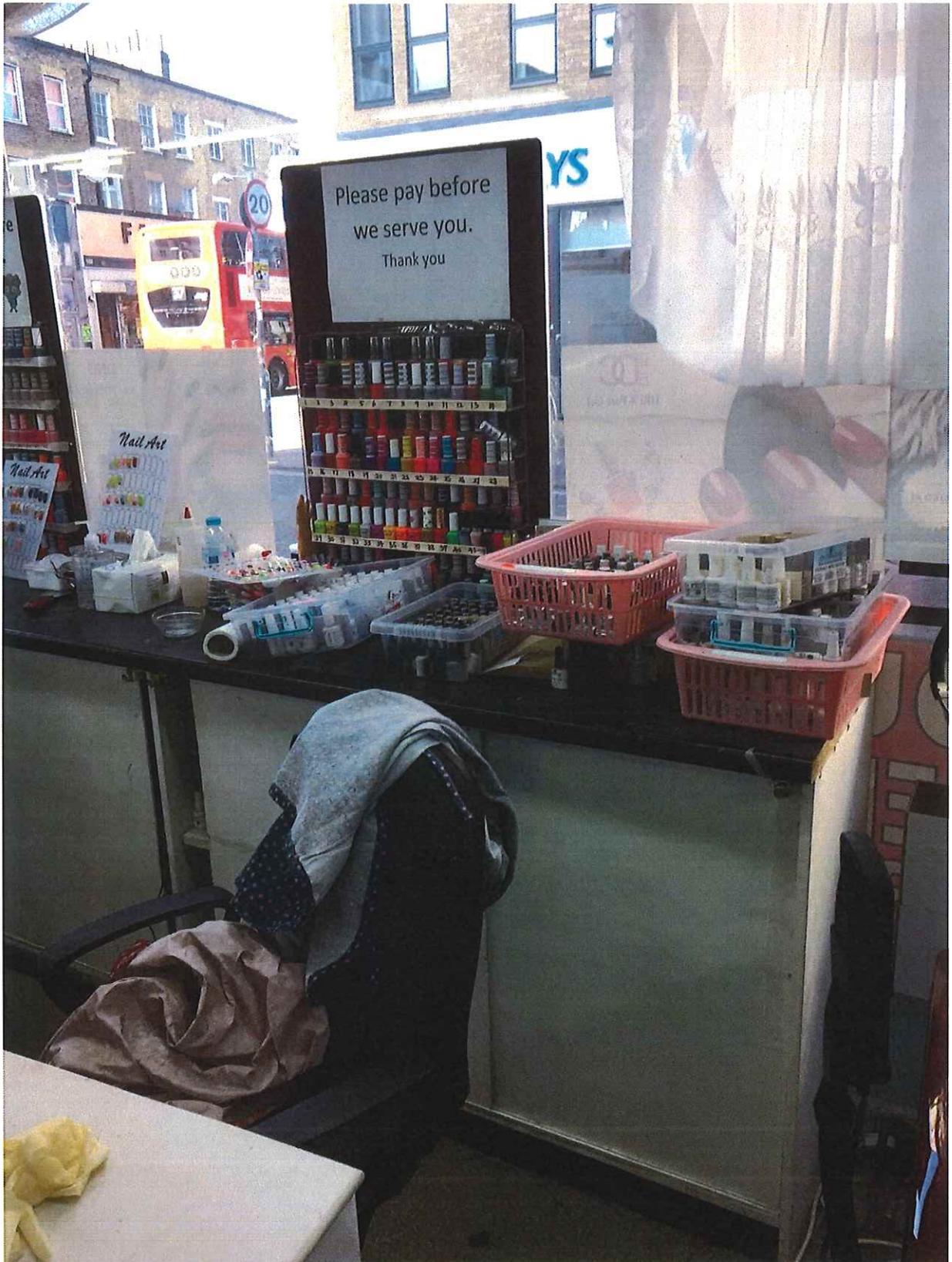
IMG_0889 – showing Stations 6 and 7

Exhibit identity mark: AJM/01
Case number: 2019/40



IMG_0890 – Workstation 7

Exhibit identity mark: AJM/01
Case number: 2019/40



IMG_0891 – Workstation 1

<p>LB Southwark Trading Standards Service</p> <p align="center">Exhibit Label</p> <p>Exhibit identity mark: AJM/06 Case number: 2019/40 Description: A photograph (IMG_0907) showing a sales order from London Nail Supply, produced by [REDACTED] from workstation 7 at Sabrina Nails.</p> <p>I identify this exhibit as that referred to in my statement</p> <p>Signed: [REDACTED]</p>	<p>Photographs taken at: Sabrina Nails, 151 Rye Lane, Peckham, London SE15 4TL on 29/01/2020 by Andrew Miles</p>
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IMG_0907

Notice

To Sabrina Nails LA ref

Address 151 Rye ~~Place~~ Peckham SE15 4TL

Date 29/01/20 Time 11:15am Officer Ray Moore / Andy Miles

Person seen Annabel FISSEHAYE Position business owner/manager

Trading Standards

Call centre – 020 7525 2000

Facsimile – 020 7525 5735

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

Notice no. N **1057**

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

Legislation: Consumer Rights Act 2015
Cosmetic Products Enforcement Regulations 2013.

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

Station ①

- 3x DND nail gels - seal SC00087591
- 74x DND nail gel/varnish - seal KS40466
- 120x Gel Polish - Gelish gels - seal K540467
- 4x Gel Polish - Gelish gels - seal SC00087592
- 50x Beles Gel nail Polish - seal KS40468
- 3x Beles Gel nail Polish - seal SC00087593
- 147x Elite 99 magnetic nail Gel - seal K540469
- 3x Elite 99 magnetic nail Gel - seal SC00087594
- 3x Elite 99 magnet gel Polish - seal SC00087596
- 3x Elite 99 Cosmos gel - seal SC00087595
- 24x FairyGlo gel Polish - seal K540470 *
- 3x FairyGlo gel Polish - seal SC00087597
- 10x Elite 99 magnet gel Polish - seal K540470 *
- 40x Ukiyo gel Polish - seal K540470 *
- 2x Ukiyo gel Polish - seal SC00087598
- 2x Boerlan perfect gel - seal MC00111764
- 194x mixed nail gels - seal K540476
- 3x Hollywood nail Supply - seal MC00111762
- 1x Omeishi nail Polish / 3x Chinese writing - seal SC00087599
- 2x Lux Fee gel Polish - seal MC00111761
- 2x Elite 99 Gel Polish - seal MC00111763

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



Southwark Council Trading Standards – Regulatory Services, 3rd Floor - Hub 1, PO Box 64529, London SE1P 5LX

Website – www.southwark.gov.uk email – tradingstandards@southwark.gov.uk

Strategic Director Environment & Leisure – Deborah Collins

Notice

To Sabrina Nair LA ref

Address 151 Rye Lane Peckham SE15 4TE

Date 29/1/20 Time 16:20pm Officer Ray Moore/Andy Miles

Person seen Ammanuel Position Business owner
FISSEHAYE licencee

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

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

Notice no. N **1058**

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

Legislation: CONSUMER RIGHTS ACT 2015
COSMETIC PRODUCTS ENFORCEMENT REGULATION 2013

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

Station (2) 77x DND nail gels - seal KS40427
38x Dipping powderless - seal KS40428
3x SNS top gel - seal MC00111757
6x SNS gels, 12x Hollywood nail supply }
4x Kiara Sky lacquer, 3x DND nail gel } seal
6x Gelish gels, 5x Boerlai nail gel } KS40429
1x Daisy nail gel, 9 with NO markings,
16x SNS dipping powderless, 1x DCH dipping powder

Station (3)
155x DND nail gels - seal KS40430
18x Klite 99 nail gels, 4x Cateyes gel polish, } seal
3x DND nail gels, 14x Gelish, 3x Hollywood nails } KS40411
1x Memory, 26x Cuccio nail gels, 12x dipping powderless
2x Global Fashion Pro Cateyes gel Polish - seal MC00111758
2x Jadore nail gels - seal MC00111754
2x Quiz cosmetics Sebar nail gel - seal MC00111759
4x HNM nail gels - seal MC00111755
1x Laguna Moon nail gel - seal MC00111760
4x UGel II nail gels - seal MC00111753
2x Veho nail gels - seal MC00111751

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



Notice

To SABRINA NAILS LA ref

Address 151 Rye Lane Peckham, SE15 4TL

Date 29/01/20 Time 16:20pm Officer Ray Morse/Andy Miles

Person seen Ammanuel Fissehaye Position Business Owner
FISSEHAYE licences

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

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

Notice no. **N 1060**

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

CONSUMER RIGHTS ACT 2015

Legislation: COSMETIC PRODUCTS ENFORCEMENT REGULATIONS 2013

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

Station (6)

60x DND nail gels } seal KS40418
33x Various/mixed nail gels

Station (7)

33x DND nail gels plus } seal KS40419
175x Various/mixed nail gels
2x Nisi nail polish - seal MC0011705
2x Fibra Parora nail gel - seal MC0011727
2x LED/uv gel - seal MC0011721
77x Dipping powders - seal KS40420
2x FNL nail gel - seal MC0011720
2x eKbas nail glue - seal MC0011719
2x Lixia nail gel - seal MC0011718
2x CH nail gel polish - seal MC0011717
2x CH nail polish gel - seal MC0011716
200x Various/mixed nail polish seal KS40436
2x Nin. Oh uv glue - seal MC0011714
2x Hua Shi (G) e nail gels - seal MC0011715
57x various/mixed nail gels - seal KS40437
61x Various/mixed nail gels - seal KS40438

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





Notice

To Sabrina Nails LA ref

Address 151 Rye Lane, Peckham SE15 4TL

Date 29/1/20 Time 16:20pm Officer Ray Moore/Andy Mills

Person seen Annmaria FISSEME Position* Business owner Greece

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

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

Notice no. **N 1059**

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

Legislation: CONSUMER RIGHTS ACT 2015
COSMETIC PRODUCTS ENFORCEMENT REGULATIONS 2013

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

Station (4)
 56x DND nail gels – seal KS40412
 42x Gelishish nail gels }
 62x DND nail gels } seal KS40413
 14x Dany nail gels }

201x Cacee nail lacquers } seal KS40414
 4x Color Club nail gels }
 213x Various/mixed nail gels }
 2x Cacee BFE nail lacquer – seal MC00111756

Station (5)
 69x DND nail gels }
 24x Cacee BFE nail lacquer } seal KS40415
 85x Gelish polish nail gel }
 2x Candy lover gel polish – seal MC00111749
 229x Various/mixed nail gels – seal KS40416
 143x dipping Powders – seal KS40417

.....

Signature / declaration (input checked 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



Notice

To SABRINA NAILS LA ref

Address 151 Rye Lane, Peckham SE15 4TL

Date 29/01/20 Time 16:20pm Officer Ray Moore / Andy Miles

Person seen Amrinal Position* Business Owner
FISSEHAYE Licencee

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

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

Notice no. N **1061**

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

Legislation: CONSUMER RIGHTS ACT 2015
COSMETIC PRODUCTS ENFORCEMENT REGULATIONS 2013

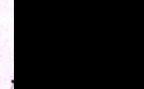
Comments / action you need to take now / items received / seized or detained etc;

STATION 7
42x DND nail gels plus } seal KS40439
42x Various / Mixed nail gels

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



<p>LB Southwark Trading Standards Service</p> <p align="center">Exhibit Label</p> <p>Exhibit identity mark: AJM/03 Case number: 2019/40 Description: Two (2) photographs (IMG_0903 & IMG_0905) showing Invoices from Hollywood Nail Supply, produced by XXXXXXXXXX from workstation 3 at Sabrina Nails.</p> <p>I identify this exhibit as that referred to in my statement</p> <p>Signed: </p>	<p>Photographs taken at: Sabrina Nails, 151 Rye Lane, Peckham, London SE15 4TL on 29/01/2020 by Andrew Miles</p>
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IMG_0903

Exhibit identity mark: AJM/03
Case number: 2019/40

HOLLYWOOD NAILS SUPPLY

29a Peckham High Street
London, SE16 5EB
Tel: 0207 639 9251
Email: Sales@hollywoodnailssupply.co.uk
www.hollywoodnailssupply.co.uk

Invoice No: XXXXXXXXXX

Sunday

03/11/19

#	Items	Price	Total
2	Callus Remover - Gallon	£30.00	£60.00
	***** Discount Price *****	-£5.00	-£10.00
2	Sugar Scrub Orange	£25.00	£50.00
	***** Discount Price *****	-£5.00	-£10.00
1	Premium Sanding Band	£4.50	£4.50
1	NPS Gel Powder	£25.00	£25.00
1	2 Sided Pumice -12pcs	£8.00	£8.00
1	Colour Chart Fan (Clear)	£4.00	£4.00
1	Tough Files (Pack/50pcs)	£24.00	£24.00
1	Natural - Toe Tip	£1.00	£1.00
1	Lamour Natural Phale Tips - 50 pcs	£0.55	£0.55
20	DND French Tips	£0.45	£9.00
89	DND Natural Tips	£0.35	£31.15
1	Acetone - Gallon	£11.00	£11.00
1	Alcohol - Gallon	£11.00	£11.00
9	DC Gel	£8.00	£72.00
1	DND Gel No Cleanse Top Coat (600)	£8.00	£8.00
1	DND Gel Base Coat (500)	£8.00	£8.00

Total £307.20

Total Savings -£20.00

Cash £307.20
Change £0.00

VAT RECEIPT SUMMARY

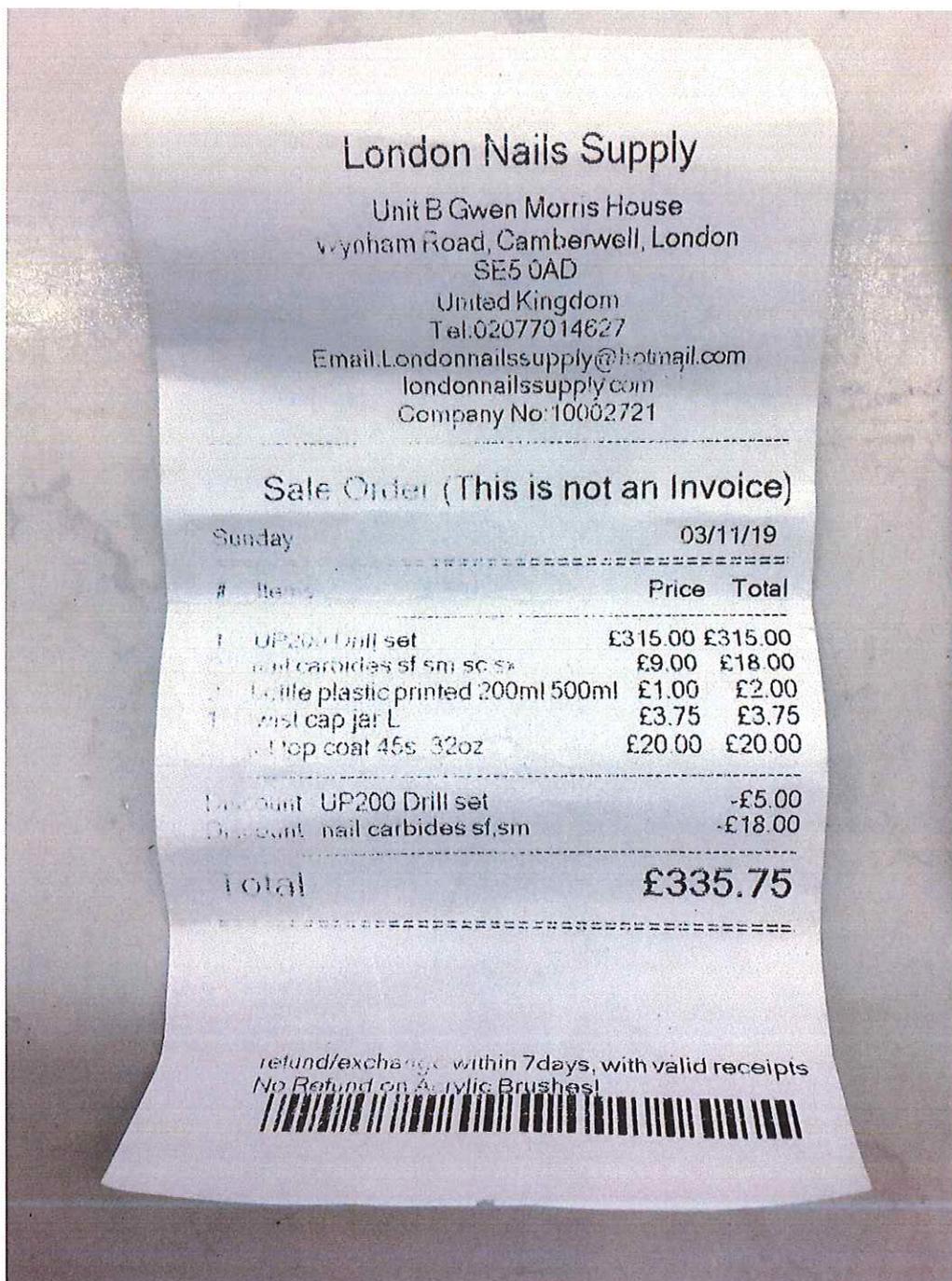
Rate	NET	VAT
20% VAT	£256.00	£51.20

Refund/exchange within 7 days.
No refunds on nail or gel polish.
Register VAT No: 815146348



IMG_0905

<p>LB Southwark Trading Standards Service</p> <p align="center"><u>Exhibit Label</u></p> <p>Exhibit identity mark: AJM/04 Case number: 2019/40 Description: A photograph (IMG_0904) showing a sales order from London Nail Supply, produced by Mrs [REDACTED] from workstation 3 at Sabrina Nails.</p> <p>I identify this exhibit as that referred to in my statement</p> <p>Signed: [REDACTED]</p>	<p>Photographs taken at: Sabrina Nails, 151 Rye Lane, Peckham, London SE15 4TL on 29/01/2020 by Andrew Miles</p>
--	---



IMG_0904

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

From: Regen, Licensing
Sent: Monday, January 13, 2020 12:42 PM
To: Jerrom, Charlie
Subject: FW: Sabrina Beauty Salon

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

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

Sent: Monday, January 13, 2020 11:12 AM

To: Regen, Licensing

Subject: Sabrina Beauty Salon

Please find attached additional evidence including below details.

Attached is a transfer request made on the 9th January 2020 The current Licence holder is Amanuel Fissehaye who owns a number of properties in the Peckham area and runs a supermarket at 151a Rye lane.

The new Licence holder is Genet Berthe who currently resides at [REDACTED] also listed on Voters at that address is Sabrina Amanuel. The business is currently trading as Sabrina Nails and was at the time of the visits by police.

It would appear that the transfer has had no material change to who runs the premises as it appears the previous licence holder was the landlord and the new licence holder was involved previously in the management of the premises.

Regards

Graham White | Constable

MPS Central South BOCU

Neighbourhoods Policing- Partnership & Prevention Licensing Officer –Southwark Mobile 07880 053191 MPS Internal 726756 MPS Telephone 0207 232 6756

NOTICE - This email and any attachments are solely for the intended recipient and may be confidential. If you have received this email in error, please notify the sender and delete it from your system. Do not use, copy or disclose the information contained in this email or in any attachment without the permission of the sender. Metropolitan Police Service (MPS) communication systems are monitored to the extent permitted by law and any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude binding agreements on behalf of the MPS by email and no responsibility is accepted for unauthorised agreements reached with other personnel. While reasonable precautions have been taken to ensure no viruses are present in this email, its security and that of any attachments cannot be guaranteed.

09/01/2020

Application to transfer a special treatments establishment licence

Ref No. 1365236

Full name(s)

	Amanuel Fissehaye
Premises contact number	██████████
Alternative contact number	
E -mail address	████████████████████

SECTION 1 – THE PREMISES

Trading name	Sabrina Beauty salon
--------------	----------------------

Address of trading premises

Address Line 1	151 RYE LANE
Address Line 2	
Town	LONDON
County	
Post code	SE15 4TL

Parts of the premises to be licensed

Please state type of premises	Commercial
Contact telephone number	██████████
Email address	████████████████████
Web site	

Are you applying as :-

	Individual Applicant
--	----------------------

INDIVIDUAL APPLICANT

Full name	Genet Berhe
-----------	-------------

Home address

Address Line 1	██████████
Address Line 2	██████████
Town	██████
County	██████████
Post code	██████████
Contact telephone number	██████████
Email address	██████████████████

Please confirm, by indicating in the appropriate box, whether

	I / we are applying to transfer the licence with all existing licensed treatments and operatives remaining on the licence
--	--

Please remove the following licensed treatments from my / our licence when issued to me / us.

--	--

Please remove the following licensed operatives from my / our licence when issued to me / us.

--	--

I / we wish to transfer the licence and add new licensed

--	--

What is the interest of the applicant in the property to be licensed?

	Other
Other (please state)	Management

If the applicant does not possess the freehold or leasehold of the property, please provide the name and contact address of the owner

Full name	Amanuel Fissehaye
Address Line 1	151 Rye lane
Address Line 2	Peckham
Town	London
County	Wansworth
Post code	Se15 4TL

Will the applicant be the person in charge of the premises on a day to day basis?

	Yes
If no, please provide the name of the person	

Please state the proposed operating hours of

		End Time
Monday	08:00	09:00
Tuesday	08:00	09:00
Wednesday	08:00	09:00
Thursday	08:00	09:00
Friday	08:00	09:00
Saturday	08:00	09:00
Sunday	09:00	07:30

Exemptions (i.e. religious holidays, bank holidays)

--	--

Please state whether it is intended to provide treatments to both sexes or to men or women only?

	Both
--	------

Please state preferred means of contact

	Email
--	-------

SECTION 5 – CHECKLIST

Copy of application provided to the police?	No
Copy of application provided to the fire officer?	No

I agree to the above statement

	I agree
PaymentDescription	Application to transfer a special treatments establishment licence
PaymentAmountInMinorUnits	10700
AuthCode	009085

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

REGULATIONS MADE BY SOUTHWARK COUNCIL UNDER SECTION 10(1) OF THE LONDON LOCAL AUTHORITIES ACT 1991

STANDARD LICENSING CONDITIONS IN FORCE FOR PREMISES OFFERING SPECIAL TREATMENT BY LONDON BOROUGH OF SOUTHWARK

NOTES :

- (i) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.
- (ii) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all statutory requirements.
- (iii) These rules are divided into six parts as follows :
 - Part I - Definitions and General.
 - Part II - Rules which apply to all premises.
 - Part III - Rules which apply to all treatments.
 - Part IV - Rules which apply to safety and maintenance.
 - PART V - Rules applying to larger premises only where the Council so prescribes.
 - PART VI - Appendix A - Certification required to be available at the licensed premises.
- (iv) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.

People with Disabilities

It is the policy of the Council that access for people with disabilities should be provided at business premises licensed for special treatment. Licensees are, therefore strongly encouraged to provide such facilities so as to enable the admission of people with disabilities and are reminded of the duties imposed by the Equalities Act 2010.

Part I Definitions and General

Definitions

In these rules, unless the context otherwise requires:-

Act means Part II of the London Local Authorities Act 1991 (as amended).

Approval of the Council or Consent of the Council means the written approval or consent of the Council as Licensing Authority in writing.

Approved, Accepted or Permitted means approved, accepted or permitted by the Council in writing.

Council means the London Borough of Southwark.

Special Treatment means massage, electric treatments, light treatments, water treatments, skin piercing and other treatments of a like kind.

Establishment for Special Treatment has the meaning set out in section 4 of the London Local Authorities Act 1991 (as amended).

Fire Authority means the Chief Officer and Chief Executive of the London Fire and Emergency Planning Authority (LFEPA).

Licence Holder/Authorised Person means a person who is responsible for compliance with the standard conditions at all times that the premises are open for business.

Licence means a special treatment licence granted under section 6 of the London Local Authorities Act 1991 (as amended).

Premises means any premises within the Council's area licensed for special treatments and includes all installations, fittings etc.

Operative – the person carrying out the special treatment and, for tattooing and body piercing premises, is an approved operative as named on the licence.

Authorised Officer means an Officer appointed by the Community Safety and Enforcement Department. (This may include officers of the London Fire and Civil Defence Authority.)

British Standard (BS) shall be deemed to refer to the current British Standard.

Public means any person other than a member of staff admitted to the licensed premises.

'Premises' means any premises within the Council's area licensed for special treatment and includes all installations, fittings and things in connection therewith

Dispensation or Modification of Rules

- (a) These rules may dispensed with or modified by the Council in any special case.
- (b) Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
- (c) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council and if the Council so require the application must be advertised.

PART II - RULES WHICH APPLY TO ALL PREMISES

Type of Business

1. Unless consent is given by the council the establishment shall be carried on only for the treatment or business and in the trade name of style specified in the licence and at the address mentioned. Only the special treatments listed on a special treatment licence in respect of a premises shall be undertaken at that premises.

The Licence

2. The licence, including the list of operatives and treatments, or a clear copy, shall be conspicuously exhibited at all times to the satisfaction of the Council in the premises, in such a position that it can be easily seen by all persons using the premises. The licence shall be adequately protected against theft, vandalism and defacement.

Identification of Staff

3. All staff engaged in receiving patrons or in giving treatment or in managing the premises shall wear a name badge in a manner approved by the Council. The name shown shall correspond with that shown on any certificate displayed. The name badge shall be provided to staff by the premises.

Responsibility of Licence Holder/Authorised Person

The licence holder may authorise a responsible person to be in charge of the premises during opening hours.

The licence holder/authorised person shall take all reasonable precautions for the safety of all persons using the premises and ensure compliance at all times with the relevant provisions of the Health and Safety at Work etc Act 1974, and other associated legislation.

The licence holder/authorised person shall be in charge of the premises at all times.

4. The licence holder shall take out employer's liability (where applicable) and public liability insurance cover.
5. The licence holder/authorised person shall ensure that all operatives carrying out 'special treatments' are suitably trained/qualified and evidence of such shall be submitted to the Council for approval.
6. The licence holder/authorised person shall ensure that no nuisance arises from the business, e.g. odours, noise etc.

Conduct of the Premises

7. No poster, photograph, sketch, painting, advertisement or display shall be displayed which the council regards as unsuitable for general exhibition. If the licensee is notified that the council objects to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed.
8. The licence holder/authorised person shall ensure that no part of the premises is used by persons, for soliciting, any act of indecency or other immoral purposes.
9. The licensee shall ensure that all persons in his employ engaged in the establishment to be properly and decently attired.

Display of Tariff

10. All licensable treatment provided at the premises shall be clearly listed in a priced tariff and prominently displayed. This tariff shall also clearly show the cost of any additional service provided at the premises together with VAT thereon if applicable. A copy of the tariff shall be supplied on request to an authorised officer of the Council.

Authorised Officers

11. Authorised officers, on presentation of their written authorisations and proof of identity shall be admitted at all reasonable times to all parts of the premises.

Electricity

12. That the electrical installation for the premises, including fixed appliances shall be inspected, tested and maintained in accordance with the British Standard 7671 , or superseding regulations should they apply. A periodic inspection report shall be obtained from a 'competent person' at the appropriate intervals and submitted to the council. A competent person would be one of the following:
 - i) A professionally qualified electrical engineer
 - ii) Member of the Electrical contractors Association (ECA)
 - iii) an approved contractor of the National Inspection Council for Electrical Installation Contracting (NICEIC).

Record Keeping

13. Records including name, address, age, date & type of treatment received shall be kept for all treatments, for a period of at least 3 years in regards to customers. See paragraph "Challenge 25" below for further details.
14. Any contra-indications e.g. Heart conditions, diabetes, epilepsy etc for each treatment will be discussed with the client prior to any treatment, and the client shall sign a record card to say that they have been made aware of the risks involved.
15. A record of the operative providing the treatment for each customer is to be kept.

Challenge 25

16. Any person wishing to receive a licensable treatment will need to provide proof of their age if they look under 25.
17. Licensees must advertise this policy so that all clients are made aware that they may be challenged about their age if they look under 25. Signage shall be displayed at the entrance to the premise where the treatment is to be carried out to inform customers that an agecheck "Challenge 25" applies and proof of age may be required.

Acceptable forms of ID are a photo driving licence, passport or the PASS hologram proof of age card such as the Southwark Proof of Age (SPA) card.

18. Where a challenge is made, it must be recorded in a register of refused or accepted treatments in order to demonstrate effective operation of the policy. Proof of age should also be noted on the client's record card, where appropriate. The register and client record cards shall be available for inspection at the premise by Southwark Council's authorised officers.

Maintenance

19. All systems i.e. fire safety equipment, boilers, etc provided in the premises shall be maintained regularly by competent persons, and records available on site for inspection.
20. All equipment used in connection with special treatments shall be serviced/ maintained in accordance with the manufacturers/suppliers recommendation, and records kept.
21. Bench top sterilisers shall be calibrated and maintained in accordance with the Manufacturers recommendations and records available on site.

Training

22. All persons carrying out special treatments shall have received suitable training in the treatments being undertaken and also use of any relevant equipment.
23. All persons involved with taking bookings, reception of clients or carrying out of special treatments shall be given training on the agecheck policy, "Challenge 25"
24. Written evidence of all training (including the date of that training) shall be available on the premises for inspection.

Persons who can give treatment

25. Except as provided by 26 below, treatment shall only be given by qualified persons who have been approved by the Council and in respect to whom two identical full face passport size photographs taken within the twelve month preceding the application for approval, have been submitted to the Council.
26. Treatment may also be given by other persons provided:
 - (i) the person giving treatment is under the personal supervision of a person approved by the Council; and
 - (ii) the Council's consent has first been obtained in writing and is current at the time of treatment.

It must be understood that before any new treatment or new operator is provided at the premises consent from the Council must be obtained. Council Enforcement Officers or the Police can inspect the premises and any if any treatments or operatives are being provided that are not on the licence they will be required to stop immediately and enforcement action may be taken against the licence holder that can include prosecution. This may also place the special treatments licence for the premises in jeopardy.

PART III - RULES WHICH APPLY TO ALL TREATMENTS

Restriction on Treatment

27. Unless otherwise expressly permitted by the Council, when treatment is given or is being received to any part of the body other than the neck and head or feet and legs below the knee or hands and arms and is not being so given by a fully qualified physiotherapist or other person entered on the register of the appropriate professional organisation whose qualifications have been approved by the Council, the treatment may be given only to persons of the same sex as the person giving the treatment, and persons of the opposite sex may not be present.

Personal Hygiene

28. Any person carrying out any special treatment must ensure that:

- (i) hands are kept clean and are washed immediately prior to carrying out any treatment.
- (ii) any open boil, sore, cut or other open wound is effectively covered by an impermeable dressing
- (iii) No smoking or consuming food and drink shall be undertaken during the course of the treatment.

Waste Material

29. A sufficient number of suitable receptacles with properly fitting covers shall be provided to the satisfaction of the Council for the purpose of receiving rubbish, dust and refuse from the premises. The receptacles shall be emptied whenever this becomes necessary.

Needles and sharps

30. All needles and sharps used in treatment shall be placed after use in a separate, covered and leak proof container compliant with BS 7320 and UN 3291 and shall be disposed of when full as clinical waste, and proof shall be provided as to the method of disposal to the satisfaction of the Council.

Anaesthetic

31. Administration of local anaesthetic injections other than by medically qualified practitioners is an offence. Under the Medicines Act 1968, local anaesthetic creams, sprays, gels etc. are prescription only medicines and pharmacy medicines which may only be sold by pharmacists for medical application on the patient only. Their use prior to a body piercing is therefore an offence.

Control of Substances Hazardous to Health Regulations 2002

32. Substances which fall under the above Regulations e.g. Barbicide, bleach, nail monomers etc shall be assessed in accordance with the requirements of those Regulations and all the necessary precautions taken to ensure their safe use and storage.

Aftercare

33. Each client shall be provided with written aftercare advice for each treatment they receive, and confirmation of this should be recorded on their client record card.

PART IV - Rules which apply to safety and maintenance

Maintenance of Means of Escape

34. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and identifiable in accordance with the approved arrangements.
35. Any mirrors, pictures, advertisements or notices which may be permitted by the Council shall be attached to or hung upon the walls in positions in which they will not be likely to cause obstruction to egress, and shall be fixed flat against the wall or kept clear of the head-line, i.e. 2 metres above the floor.
36. Advertisement boards or easels shall not be placed in positions in which they are likely to obstruct means of egress or to be overturned. Notice in writing of any proposal to rail off a portion of the premises for the accommodation of such boards or easels shall be given to the Council and the Council's prior consent obtained in the manner prescribed by regulation 21.

Maintenance of Exits

37. All exit doors shall be available for egress during the whole time that the public are on the premises.

Fire Alarms

38. Any fire alarm system shall be checked weekly to ensure it is fully operational. In addition the system shall be serviced yearly by a qualified engineer and all results recorded in the log book.

Fire Fighting Equipment

39. All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment. In the case of hose reels and sprinkler systems the test results shall be recorded in the log book.

Non-Slippery Surfaces

40. All gangways and exitways and the treads of steps and stairways shall be maintained with non slippery and even surfaces.

Edges of Steps

41. The front edge of the tread of steps and stairways shall be made conspicuous, if so required by the Council.

Floor Coverings

42. All floor covering shall be so secured and maintained that they will not be likely to ruck, or to be in any way a source of danger. Any mats shall be fitted into matwells so as to be flush with the surface of the floor. Each treatment room shall be provided with suitable floor coverings which shall be maintained in a clean condition.

Curtains, Hangings, Upholstery Decorations etc

43. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where

necessary these shall be periodically tested for flame resistance and re-treated as necessary to the satisfaction of the Council.

Ventilation

44. The licensee shall ensure that the premises are adequately ventilated to all areas of which the staff and clients have access. Any mechanical ventilation system shall be maintained in correct working order and shall comply with British Standard 5720, 1979. The system shall be capable of full operation during the whole of the time the public are on the premises.

- *Care should be taken to ensure that neither noise nor vibration arising from the running of the equipment will cause annoyance or discomfort.*

Sanitation

45. The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and public and in particular shall :

- (i) maintain each sanitary convenience in clean and efficient order;
- (ii) ensure that any room which contains a sanitary convenience is suitable and sufficiently illuminated and ventilated and is kept clean;
- (iii) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water at a suitably controlled temperature; together with an adequate supply of soap and suitable hand drying facilities;
- (iv) ensure that the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes, etc. so that satisfactory sanitation can be maintained;
- (v) where appropriate the sanitary accommodation shall be adequately indicated.

Sanitary Condition of Premises

46. All parts of the premises and any yard of such premises shall be kept in a clean condition to the satisfaction of the Council.

Treatment Room

47. Each treatment room shall :

- (i) be maintained in a clean and structurally sound condition;
- (ii) be adequately illuminated and ventilated;
- (iii) be provided with suitable wash-hand basin or basins readily accessible to each treatment room with a suitable supply of hot and cold water, together with soap and either a supply of disposable towels or a clean towel at all times.
- (iv) suitable and sufficient means for heating to a reasonable room temperature, appropriate for the treatment provided, shall be maintained;
- (v) where more than one person is being treated in a room, it shall be provided with suitable screening to maintain privacy.

Cleanliness

48. Proper means to the satisfaction of the Council shall be provided for securing the cleanliness of all instruments, towels, materials and equipment used in the establishment and for their safe disposal.

Lighting

49. The owner, occupier or any other person concerned in the conduct or management of the premises licensed for special treatment shall ensure that adequate lighting is maintained to the satisfaction of the Council in all parts of the premises to which public and staff have access and is in operation continuously during the whole time the premises are open to the public.
50. The general lighting shall be maintained alight and the lighting to "EXIT" or "WAY OUT" notices shall not in any circumstances be extinguished or dimmed while clients are on the premises, provided that so long as there is sufficient daylight in any part of the premises, artificial light need not be used in that part.

Electrical Installation

51. The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition, as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.

Heating

52. All parts of the premises regularly occupied by the public or employees shall be heated to the satisfaction of the Council.

Portable Heating Appliances

53. Portable heating appliances shall not be used at the premises except with the prior consent of the Council.

Gas Cylinders

54. Appliances utilising cylinders or containers of gas under pressure (apart from CO² cylinders and hand held aerosols) shall not be used on the premises except with the prior consent of the Council and in accordance with such conditions as the Council may consider necessary.

NOTE: the use of liquid petroleum gas in cylinders is unlikely to be approved.

Gas Installations

55. The gas installation shall comply with the Gas Safety Regulations 1972 as amended by the Gas Safety (Installation and Use) Regulations 1984, or superseding regulations should they apply.

Gas Meter and Electrical Intake Enclosures

56. Any gas meter or electricity meter enclosure provided shall be used exclusively for the accommodation of the meter and its connections and the area around the equipment, whether enclosed or not shall be kept clear and unobstructed.

PART V - CONDITIONS APPLYING TO LARGER PREMISES ONLY WHERE THE COUNCIL SO PRESCRIBES

Electrical Certificates

57. Unless otherwise decided by the Council an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers, for the electrical installation associated with the premises licensed for special treatment and any equipment used therein shall be submitted to the Council at least annually or such other time as specified on the certificate. The certificate shall be signed by a qualified engineer.

NOTE: Certificates submitted under this regulation are retained by the Council.

58. The Council normally requires that any such certificate shall be signed by the Corporate Member of the Institute of Electrical Engineers, or by a contractor currently enrolled with the National Inspection Council for Electrical Installation Contracting, or by a suitable qualified representative of a Supply Authority or, with the prior approval of the Council, other persons deemed competent.

Escape Lighting

59. The escape lighting installation, including its load, shall not be altered without the consent of the Council.
60. Any escape lighting battery shall be fully charged before the admission of patrons.
61. If the patrons have left the premises they shall not be re-admitted until normal lighting has been fully restored and the battery or batteries fully recharged.
62. The escape lighting installation shall be tested at least once every 6 months in accordance with BS 5266 Part I and a copy of the certificate retained on the premises.
63. In the event of the failure of the normal system of lighting, (i) where the escape lighting has a 1 hour capacity the public shall be required to leave the building within a maximum period of 30 minutes and (ii) where the escape lighting has a 3 hour capacity the public shall be required to leave the building within a maximum period of 1 hour and shall not be re-admitted until the lighting from the system has been fully restored and the battery fully recharged.

Diagram of Wiring

64. Where required by the Council a diagram and/or schedule indicating clearly the arrangements of the circuits, the position of the distribution boards and the sizes of the cables shall be provided on the premises.

Installation for Unlicensed Portions of Premises

In cases in which the premises form part of larger premises, the electrical services for such part shall not be used for any purpose in connection with the remaining parts of the premises, except with the consent of the Council and in accordance with any conditions of such consent.

PART VI - CERTIFICATION REQUIRED TO BE AVAILABLE AT THE LICENSED PREMISES**Electricity**

65. All applicants and licence holders are required to hold valid documentation confirming the safety of the fixed wiring throughout the premises. All works must be carried out by a competent electrical engineer in accordance with the Electricity at Work Regulations 1989. e.g. NICEIC 'Periodic Inspection Report For An Electrical Installation'.

Sterilisers

66. All applicants and licence holders are required to hold valid documentation confirming the safety/calibration of all sterilisers which are used in connection with the business e.g. autoclaves, ultrasonic cleaners, ultra violet cabinets etc. All works must be carried out by a competent engineer.

Controlled Waste

67. All applicants and licence holders shall hold a copy of the licence of the contractor who is removing the controlled waste.

68. Copies of transfer documents for the removal of controlled waste should also be held.

Insurance

69. A copy of the employers liability (where applicable) and public liability certificates should be available for inspection.

Training

70. All certificates of qualification relevant to the licensed treatments shall be available for inspection.



Briefing Report:

Health and Safety in UK Nail Salons

Place and Wellbeing Department: Public Health

Author: Dr Kerrie Stevenson (Registrar)

Last updated: 22 November 2019

Introduction

The beauty and cosmetics industry contributed £27.2 billion to the UK economy in 2018 (1). Between 2017 and 2018 an additional 166 nail salons opened on UK high streets (1). Across the UK, an estimated 1,000 - 1,500 people are employed as nail technicians, but the actual figure is likely to be much higher owing to a large number of seasonal workers, crossover work with other beauty services such as waxing and hairdressing, and a large number of undocumented workers (1, 2). An estimated 89.3% of employees are women, the majority of whom are reproductive age (2). To the author's knowledge, there is no data relating to the number of nail salons in Southwark, or the number of local people employed in the industry.

There are growing concerns about the health and safety of nail salon employees and their clients; and unfortunately there is a marked lack of data relating to health and safety concerns in UK nail salons. The data that does exist tends to focus on musculoskeletal disorders and chemical exposures (3-5). Concerns relating to people trafficking, exposure to noxious chemicals, musculoskeletal disorders and transmission of infectious disease mean that there is an increasing need to consider how the industry can be better regulated (3, 6). There is more data available from the US nail industry, which highlights similar concerns including poor workers' rights and concerns about people trafficking within the industry (7-9). Regulation and licencing of nail bars in the UK is largely voluntary, meaning there are few incentives to improve health and safety standards and workers' rights within the industry (6).

This briefing paper will provide a broad overview of the issues relating to health and safety in UK nail salons as well as suggestions for improved data collection and regulation.

Workers' Rights and People Trafficking

Within the UK, there are an estimated 13,000 modern slaves working in a number of industries but the exact number is unknown (10, 11). To the author's knowledge, there is no specific data relating to the number of people working in UK nail salons who have been trafficked or may be at risk of trafficking. However, there a large number of anecdotal reports citing this as a major issue across the country (6, 12, 13). There are also reports of nail salons being used as a cover for prostitution or drug dealing, as well as employing children from various countries including Vietnam and China (6, 10). Owing to high rates of illegal workers and seasonal workers within the industry, there are few rights for workers. A US study highlighted issues relating to poor engagement with and access to the healthcare system amongst immigrant nail workers in the US (8). Within the UK, it is thought that many employees are working illegally, without contracts and getting paid in cash (13). As a result, they are not protected by a union or offered paid annual or sick leave. There is an urgent need for better data relating to these practices in salons across the UK, and a need for interdisciplinary working to tackle these issues.

Musculoskeletal Disorders

Musculoskeletal (MSK) disorders are responsible for a loss of an average of 13.8 days of work per person in UK, making it the second largest cause of work-related ill health after mental illness (14). A report published by the UK Health and Safety Executive in 2008 highlighted issues relating to MSK disorders amongst nail salon workers (3). 71 nail technicians from across the UK were interviewed about their health at work, and this was compared with a group of 64 office-based controls. There is a large burden of musculoskeletal disorders in this group, with 38% (27 out of 71) of nail salon workers reporting shoulder problems compared to 3% (2 out of 64) of office workers. In addition, 21% (15 out of 71) of nail salon workers reported

lower back problems, compared with 6.3% (4 out of 64) of office workers. There is a need for further research to explore rates of MSK disorders amongst these workers, and potential workplace interventions to prevent injuries.

Chemical Exposures and Dermatological and Respiratory Illness

The nail industry uses a number of chemicals which can cause diseases of the skin and respiratory systems. One of the most dangerous is ethyl methacrylate (EMA), a compound used in artificial nail extensions (15). A similar compound, methyl methacrylate (MMA), has been banned in the US since 1974 and is linked to a number of illnesses including asthma, allergies, contact dermatitis and conjunctivitis (4). Although not banned in the UK, salons should be using EMA instead of MMA. The Health and Safety Executive's study, which was published in 2008 and referenced above, found that just 5.6% of the salons (4 out of 71) were using MMA (3). All technicians interviewed said they used personal protective equipment (PPE) when using products containing EMA or MMA; this included gloves, masks and natural ventilation, but the precautions taken were not standardised or adequate in all settings. 21% (15 out of 71) of nail technicians reported work-related nasal symptoms compared to 3.1% (2 out of 64) of office workers. 10% (7 out of 71) reported a work-related cough compared to 2% (1 out of 64) of office workers, and 11% (8 out of 70) reported work-related chest tightness compared to 2% (1 out of 63) of office workers. In addition, 7% (5 out of 71) reported work-related eczema compared to 0% (0 out of 64) of office workers. More research is needed to understand the scale of MMA and EMA use in nail salons across the UK, as well as better understanding of health conditions caused by working with commonly used chemicals. There is a need for better regulation of ventilation procedures, PPE and healthcare for these workers who may be at increased risk of a number of illnesses as a result of their occupation.

Transmission of Infectious Diseases

There are a number of potential avenues for transmission of infectious disease in the nail salon environment. These include transmission of nail and skin infections, and blood-borne infections. The Health and Safety Executive's study, which was published in 2008 and referenced above, demonstrated that 70% (49 out of 70) of

the nail salon workers interviewed had encountered a client with a nail infection (3). 78% (38 out of 49) reported that they would not treat a client if they had a nail infection on their natural nails, and 57% (28 out of 49) said they would suggest the client visited their GP for treatment. Just 24% (17 out of 71) of technicians said they would refuse to treat a client if they had a wart. 17% (12 out of 71) said they would work around the area. When dealing with clients with cuts or sores, the common response was for technicians to avoid the area (47%, 33 out of 71). 47% (33 out of 71) said they would cover the area with a dressing.

If a technician had caused a patient to bleed as a result of treatment, 86% (61 out of 71) said they would stop the bleed with pressure, clean and then cover it. Only 66% (47 out of 71) said they would then sterilise or disinfect the tool they had been using. Technicians commonly used the word 'sterilise' to mean disinfect or sanitise with a substance such as alcohol. 80% of all technicians cleaned tools with alcohol fluid or spray only. Amongst all technicians there was poor understanding of the meaning of the word 'sterilise' and most salons did not possess sterilisation equipment (such as bench-top steriliser or autoclave). It should be noted that in this study, bleeding was a rare event with less than a tenth of the study population reporting this as ever having happened. Nonetheless, there is a risk of transmission of blood-borne viruses in these settings including HIV and hepatitis B and C. Various cases have been reported across the world, including in the UK (3, 16, 17). In 2018, the Middlesex-London Health Unit asked customers using a nail bar in a shopping centre to consider getting tested for Hepatitis B, C and HIV after a client had tested positive for a blood borne infection (18). There is also growing concern about transmission of skin infections including *Staphylococcus aureus*, particularly to immunocompromised individuals such as young children and those on chemotherapy who may be particularly susceptible to infection (19). In light of these concerns, and case reports of transmission of infection, local authorities and the UK government must take action to mitigate risks of transmission of infections in the nail industry.

Recommendations

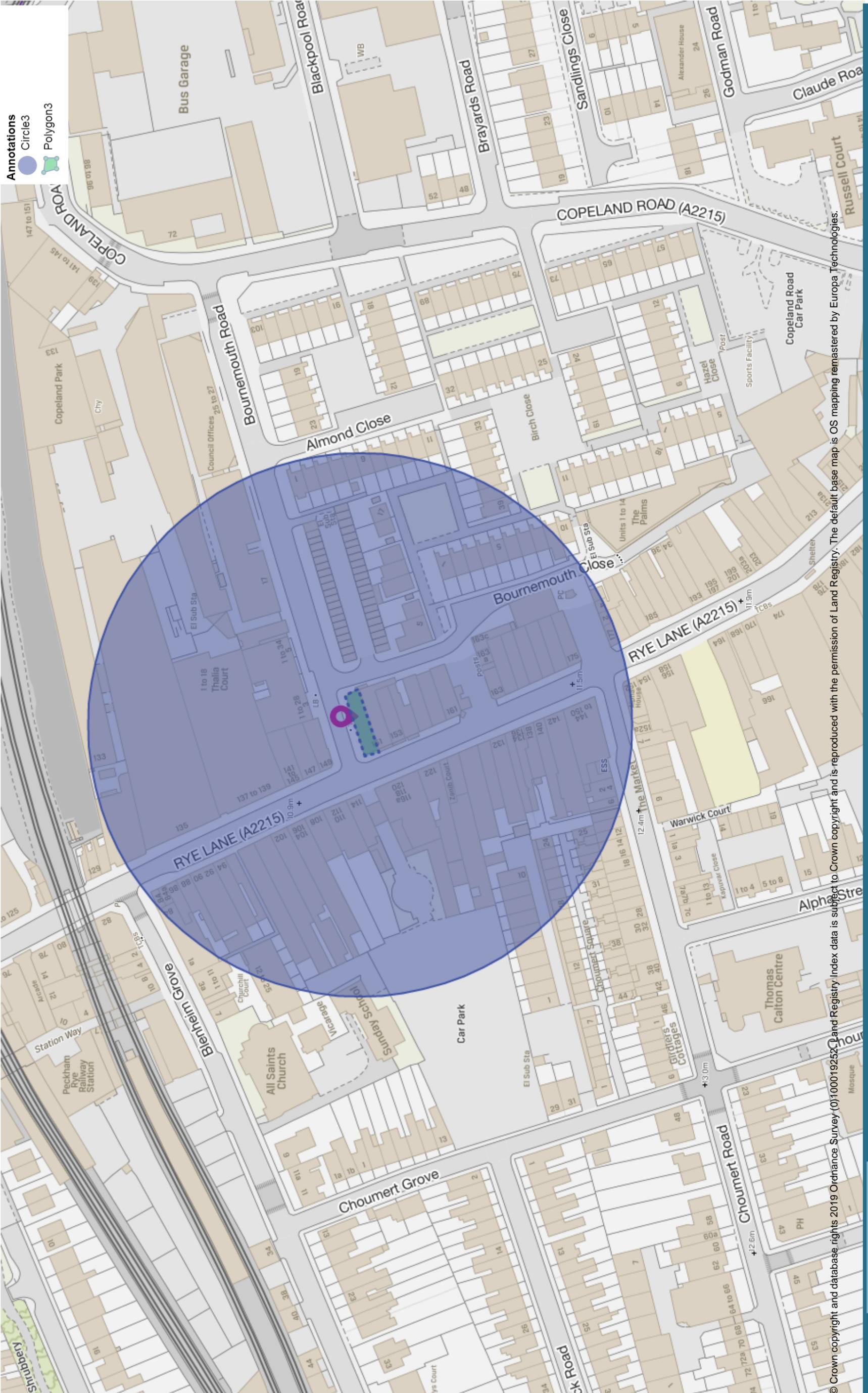
- Initiation of a study to assess the scale of health and safety concerns present in nail salons within the London Borough of Southwark.

- Contact other boroughs and national bodies to glean any unpublished data that would help to gain a better understanding of the scale of the problem on a local and national level.
- Working together with colleagues in licencing, environmental health, healthcare, national government, non-governmental organisation and occupational health, public health teams should consider the practical implications of these concerns. This includes official licencing and better training, inspections and workers' rights across nail salons in the borough. Any models for change should be widely shared with colleagues in other boroughs.
- Suggestions for potential licencing standards include health and safety equipment assessments; regulation of PPE, sterilisation techniques, products used, first aid techniques and workers' rights / immigration status standards.

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SABRINA BEAUTY SALON, 151 RYE LANE, LONDON, SE15 4TL



Annotations

- Circle3
- Polygon3

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26-Nov-2019



Agenda Item 6

Item No. 6.	Classification: Open	Date: 12 February 2020	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Denmark Express, 74 Denmark Hill, London SE5 8RZ	
Ward(s) of group(s) affected		Camberwell Green	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

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

BACKGROUND INFORMATION

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

- The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to
- The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.
7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The premises licence application

8. On 20 December 2019 Hunish Sembhi applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Denmark Express, 74 Denmark Hill, London, SE5 8RZ. The premises are described in the application as being:
- "Small local grocery shop, currently not selling alcohol in Camberwell 24/7."
9. The hours applied for are summarised as follows:
- The sale by retail of alcohol (off sales only)
 - Sunday to Sunday: 09:00 to 00:00
 - Opening hours
 - Monday to Sunday: 24 hours per day.
10. The designated premises supervisor is to be Hunish Sembhi, who holds a personal licence with the London Borough of Lewisham. Hunish Sembhi is also the applicant.
11. The premises licence application form provides the applicant's operating schedule. Parts A, B, C, E, F, G, H, I, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. A copy of the application and premises plan is attached to this report in Appendix A.

Representations from responsible authorities

12. A representation has been received from the Metropolitan Police Service (Licensing Division) which raises concerns regarding two premises licence reviews of the premises, in which the licence was revoked by the Southwark Licensing Sub Committee. There is concern that there has been no real change of ownership since that time as it would appear that the applicant has been at the premises since March 2018. There are further concerns in relation to the premises being located within the Camberwell cumulative impact zone (CIZ).
13. A representation has been provided by this council's public health team with concerns regarding the location of the premises within the CIZ and the high concentration of other licensed premises in the immediate vicinity.
14. A representation has been made by this council's trading standards team. Trading standards have concerns about the premises being sited within the Camberwell CIZ and the review history. The representation states that the current applicant was working at the premises during the last review period. Finally, there is concern that the Land Registry does not support the transfer of the premises' lease.
15. A representation has been submitted by the licensing team in their role as a responsible authority with concerns with the premises sitting within a CIZ..
16. The representations from responsible authorities are all available in Appendix B.

Representations from other persons

17. There are no representations from other persons.

Conciliation

18. All representations were sent to the applicant. However, at the point that this report was submitted only Trading Standards had received a response (which is appended to the trading standards representation in Appendix B).

Premises history

19. A premises was issued in respect of the premises to Bayram Dag on 6 April 2006. The DPS specified in respect of the licence was Bayram Dag.
20. On 11 November 2009 an application to specify Piro Balloglli as the premises' DPS was submitted and an amended licence was issued on 26 November 2009.
21. On 8 February 2013 a licensing inspection of the premises was undertaken. Various breaches of the premises licence issued in respect of the premises were noted and a warning letter was sent to the licensee.
22. On 28 February 2013 an application with immediate effect to specify Ismail Incedal premises' DPS was submitted and an amended licence was issued on 28 February 2013.
23. On 21 August 2015 a licensing inspection of the premises was undertaken. The premises were being operated compliantly.
24. On 5 September 2016 an application with immediate effect to transfer the licence to Ismail Incedal was submitted and an amended licence was issued on 5 September 2016.

25. On 17 October 2017, an application was submitted by this council's trading standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence. The review application was considered by the licensing sub-committee on 16 November 2016 when the then DPS Ismail Icendal be removed as the designated premises supervisor, there was a reduction in hours of the licensable hours and the licence was modified by adding 8 conditions to the licence. A copy of the last licence is available in Appendix C for information.
26. At a Hearing on 13 December 2017, the premises licence was revoked. A copy of the Notice of Decision is available in Appendix D.
27. On 28 November 2018 Hunish Sembhi (the current applicant) applied for a premises licence to be granted under the Licensing Act 2003 in respect of the premises. The application received representations from responsible authorities and went before the Southwark licensing sub-committee on 28 January 2019 and was refused. A copy of that notice of decision is also available in Appendix D.
28. No temporary event notices have been submitted in regards to the premises and there is no history of complaints.

Map

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

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

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

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

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

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

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

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

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

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

- Late night refreshment:

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

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

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

Southwark council statement of licensing policy

30. Council assembly approved Southwark's statement of licensing policy 2019 - 2021 on 27 March 2019. The policy came into effect on 28 March 2019. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
 - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
 - Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective
 - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective
 - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective
 - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
31. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

32. Within Southwark's Statement of Licensing Policy 2016 - 2020, the premises are identified as being within the Camberwell cumulative impact policy (CIP) area and the Camberwell district town centre. Under the Southwark statement of licensing policy 2019 - 2021 the Local CIP applies to night clubs, public houses and bars, off-licences, supermarkets and grocers. The closing time recommended in the statement of licensing policy for off licences, and grocers or supermarkets with off sales of alcohol in this area is 00:00 (midnight) daily.

Resource implications

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

Consultations

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

Community impact statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

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

Principles for making the determination

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

- The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
- Any condition which must under section 19, 20 or 21 be included in the licence.
- To exclude from the scope of the licence any of the licensable activities to which the application relates.
- To refuse to specify a person in the licence as the premises supervisor.
- To reject the application.

Conditions

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

Reasons

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

Hearing procedures

47. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.

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

48. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

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

49. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
50. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
51. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
52. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises

being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

53. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
54. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
55. 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.
56. 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

57. 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

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

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Application for a premises licence
Appendix B	Representations submitted by Responsible Authorities and response to Trading Standards
Appendix C	Previous premises licence
Appendix D	Notices of Decisions from 13 December 2017 and 19 January 2020
Appendix E	Map of the locality

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	23 January 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		31 January 2020

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

20/12/2019

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

Ref No. 1358995

APPENDIX A

Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

HUNISH SEMBHI

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the

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entertainment is provided by or on behalf of the health care provider;

o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and

o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.

8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

10. Please list here steps you will take to promote all four licensing objectives together.

11. The application form must be signed.

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.

14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications

from partnerships which are not limited liability partnerships:

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A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].

- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.

- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

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- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

 - A birth or adoption certificate issued in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

 - A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

 - A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

 - A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

 - A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.

 - A current Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
-
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

 - A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a

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European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - o evidence of the applicant's own identity – such as a passport,

 - o evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and

 - o evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;

- (ii) any page containing the holder's photograph;

- (iii) any page containing the holder's signature;

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- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Premises Details

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

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

£	19000
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

Premises trading name

	DENMARK EXPRESS LTD
--	---------------------

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

Do you have a Southwark postcode?	Yes
Address Line 1	74 DENMARK HILL
Address Line 2	
Town	LONDON
Post code	SE5 8RZ
Ordnance survey map reference	
Description of the location	
Telephone number	[REDACTED]

Applicant Details

Please select whether you are applying for a premises licence as

<input type="checkbox"/>	An individual or individuals
--------------------------	------------------------------

If you are applying as an individual or non-individual please select one of the following:-

<input type="checkbox"/>	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
--------------------------	---

Details of Individual Applicant

Personal Details

Title	Miss
If other, please specify	
Surname	sembhi
Forenames	HUNISH
Date of birth	[REDACTED]
I am 18 years old or over	Yes
Nationality	[REDACTED]

Current Address

Street number or Building name	[REDACTED]
Street Description	[REDACTED]
Town	[REDACTED]

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County	
Post code	

Contact Details

Daytime contact telephone number	
Email Address	

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see guidance below)

Please enter	
--------------	--

Guidance notes

Do you wish to add a second individual applicant?

	No
--	----

Operating Schedule

When do you want the premises licence to start?

	20/01/2020
--	------------

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

--	--

General description of premises (see guidance note 1)

	SMALL LOCAL CONVENIENCE STORE, CURRENTLY NOT SELLING ALCOHOL, IN CAMBERWELL 24/7
--	--

If 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number.

	Less than 5000
--	----------------

Note 1

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a

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description of where the place will be and its proximity to the premises.

Operating Schedule part 2

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

	(Please see sections 1 and 14 of the Licensing Act 2003 and schedule 1 and 2 of the Licensing Act 2003)
--	---

Provision of regulated entertainment (Please read guidance note 2)

Provision of late night refreshment

--	--

Supply of alcohol

	j) Supply of alcohol
--	----------------------

In all cases please complete boxes K, L and M.

J - Supply of Alcohol

Will the supply of alcohol be for consumption (Please read guidance note 8)

	Off the premises
--	------------------

Standard days and timings for Supply of alcohol (Please read guidance note 7)

Day	Start	Finish
Mon	09:00	00:00
Tues	09:00	00:00
Wed	09:00	00:00
Thur	09:00	00:00

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Fri	09:00	00:00
Sat	09:00	00:00
Sun	09:00	00:00

State any seasonal variations for the supply of alcohol (Please read guidance 5)

NONE

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, (Please read guidance note 6)

NONE

Please download and then upload the consent form completed by the designated proposed premises supervisor

<u>DPS-CONSENT-FORM-2019.pdf</u>

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

Premises Supervisor

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

Full name of proposed designated premises supervisor

First names	HUNISH
Surname	SEMBHI

DOB

Date Of Birth	
---------------	---

Address of proposed designated premises supervisor

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

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

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

Personal licence number (if known)	[REDACTED]
Issuing authority (if known)	LEWISHAM LICENCING AUTHORITY

K

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

	SALE OF ALCOHOL ONLY
--	----------------------

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

L - Hours premises are open to public

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Hours premises are open to the public (standard timings Please read guidance note 7)

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

State any seasonal variations (Please read guidance note 5)

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	NONE
--	------

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, (Please read guidance note 6)

	NONE
--	------

M - Steps to promote four licencing objectives

a) General - all four licensing objectives (b,c,d,e) (Please read guidance note 10)

	<p>We are aware that our premises sits within a cumulative impact zone, and the following conditions have been placed in mind of that fact. We are also open to any other suggestions.</p> <p>1 - 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.</p> <p>2 - Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.</p> <p>3 - All staff are trained and aware of the licensing legislation, especially in relation to the prevention of underage sales. They are required to sign a register confirming that they have undertaken training and are aware of their responsibilities. Training is repeated at frequent intervals, at least bi annually. Any person found to be in breach of the company alcohol policy is subject to disciplinary proceedings. Notices are displayed in the premises advising of the licensing legislation.</p> <p>4 - Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training. Staff will also be trained to recognise the signs of proxy purchases. All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training. All training records will be kept at the store for at least 12 months and shall be made available to the Licensing Authority or the Metropolitan Police on request.</p>
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b) the prevention of crime and disorder

	<p>1 - A digital CCTV system shall be installed at the premises covering all areas within the store that the public have access to including the checkouts and the entry/ exit of the premises.</p> <p>2 - The recording system will be able to capture image of evidential quality and such recordings shall be retained for as long as the system is able (whilst retaining the high-quality image) and in any event for a minimum of 31 days.</p> <p>3 - The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon the receipt of a request by an authorised officer of the police or local authority</p> <p>4 - Off sales of alcohol shall be sold in closed containers and taken away from the premises.</p> <p>5 - No alcohol shall be stored or displayed within 2 meters of the entrance/ exit unless behind a staff counter.</p> <p>6 - An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised officer of the police or local authority</p> <p>7 - A refusals register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised officer of the police or the local authority</p> <p>8 - Remote control shutters will be in use when the premises is not open to the public</p>
--	---

	9 - Window service only will be in operation for all sales after midnight. A window portal has already been installed in the front door. This will restrict access into the premises after midnight, preventing public nuisance and access to alcohol after midnight.
--	---

c) public safety

	<p>1 - Fire safety equipment is provided at the premises, and staff are trained on the use of this equipment.</p> <p>2 - 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.</p> <p>3 - That no beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 7% will be displayed, sold or offered for sale from the premises except with the written permission from the police or trading standards or the licensing authority. A copy of that permission must be returned with the licence and be available for inspection by the police or council officers.</p> <p>4 - All escape routes and exits including external exits shall be maintained unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified in accordance with the approved arrangements.</p> <p>5 - The Licensee shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises</p> <p>6 - The Licence holder will work collaboratively with local alcohol treatment centres in the local area to encourage promotion of alcohol related help and treatment programs and increase public awareness of alcohol related problems by advertising within the premises the local help that is available. Including Kings hospital, Maudsley hospital, CGL, Drinkline, Drinkaware and Southwark wellbeing hub. Several of these have already been contacted for posters and leaflets, which will be displayed within the premises.</p> <p>7 - Taxi service numbers will be displayed to discourage drinking and driving and ensure public safety and transportation</p>
--	--

d) the prevention of public nuisance

	<p>1 - That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as off sales should not be opened and consumed in the vicinity of the premises.</p> <p>2 - Signs advising customers and visitors to the premises that a CCTV system is in use will be displayed at the premises.</p> <p>3 - That agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be</p>
--	---

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

	required. No ID no sale. 4 - That notices shall be made requesting that customers leave the premises in a quiet and orderly manner
--	---

e) the protection of children from harm

	<p>1 - The premises licence 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.</p> <p>2 - If anyone attempting to purchase alcohol appears to be under 25 only photographic ID will be accepted as proof of age (passport, photo driving licence or PASS card). If no ID is provided no sale takes place</p> <p>3 - An age till prompt system will be utilised at the premises in respect of age restricted products. The till system will flag any age restricted product and prompt the cashier to check proof of age and ID.</p>
--	---

Guidance note 10

Please list here steps you will take to promote all four licensing objectives together.

Please upload a plan of the premises

	camberwell-floorplan-1.pdf
--	--

Please upload any additional information i.e. risk assessments

	Official-Copy-of-Register-EDOC-REGISTRATION-TGL168778-003-camberwell.pdf
--	--

Checklist

	<p>I have enclosed the plan of the premises.</p> <p>I understand that if I do not comply with the above requirements my application
 will be rejected.</p> <p>I understand that I must now advertise my application (In the local paper within 14 days of applying)</p>
--	--

Home Office Declaration

Please tick to indicate agreement

	<input type="checkbox"/> I am not a company or limited liability partnership
--	--

Proof of Entitlement to work in the UK

Please upload your proof of entitlement to work in the UK or share code issued by the Home Office online right to work checking service. (Please see guidance below)

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

Contact name and address for correspondence	
Telephone No.	
If you prefer us to correspond with you by e-mail, your email address (optional)	

GUIDANCE NOTES

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

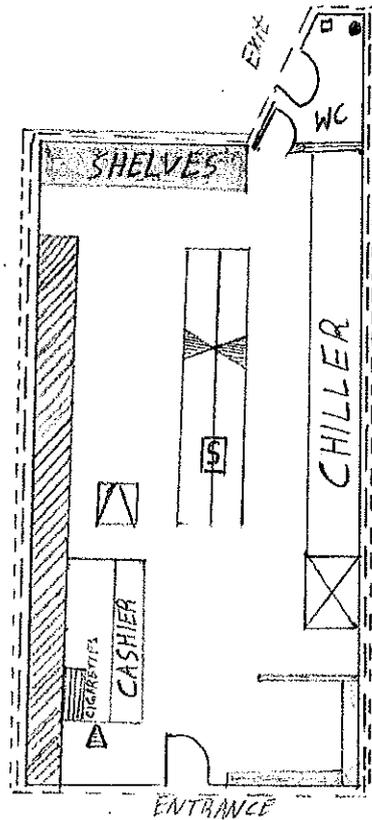
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.

14. This is the address which we shall use to correspond with you about this application.

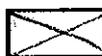
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.



EXISTING GROUND FLOOR

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

**EXISTING GROUND FLOOR
PLAN**

DENMARK EXPRESS LTD
74 DENMARK HILL
LONDON
SE5 8RZ

SCALE : 1/100
DRAWN BY:HUNISH SEMBHI
DATE: 30/11/2018

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/21/012/20

Date: 14th January 2020

Dear Sir/Madam

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

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

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

The Camberwell area already has twelve off licence premises within the immediate vicinity and nearly forty other Licenses authorising alcohol sales.

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

The premises are situated directly between the Alcohol dependent unit in the hospital and Camberwell green where alcohol is regularly consumed by alcohol dependent people.

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

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

The application s to open 24hrs a day but selling alcohol between 09.00hrs and midnight yet they have failed to explain how this will be controlled either by serving hatch or lockable screens covering the alcohol.

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

Police object to the application in full, as any additional off licenses in the saturation zone will add to the cumulative impact of public nuisance, crime and disorder, which the council policy was put in place to stop.

Submitted for your consideration.
Yours Sincerely

PC Graham White 288MD
Licensing Officer
Southwark Police Licensing Unit

To Whom it may concern:

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

On behalf of the Director of Place and Wellbeing (incorporating the role of Director of Public Health) for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in respect of the above.

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

- Prevention of public nuisance
- Protection of children from harm
- Prevention of crime and disorder

General Comments

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

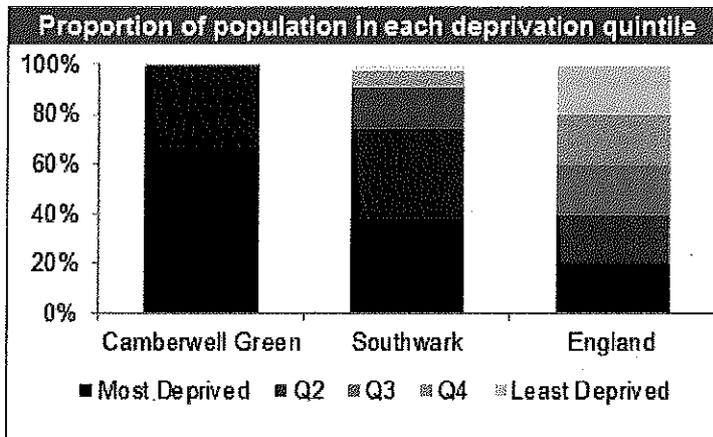
Requested hours of operation	Opening hours	Supply of Alcohol off the premises
Monday - Sunday	24 hours	09:00 – 00:00

Concerns relating to this application

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

Camberwell Green is a ward with high levels of deprivation (Figure 1). Approximately 67% of residents are in the most deprived quintile and the other 33% of residents are in the second most deprived quintile. Additionally, a quarter of working age adults in the Camberwell Green 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 Camberwell CIP area accounts for 9.5% of all rowdy behaviour and street drinking, and 8.4% of all alcohol related non-domestic violence in Southwark (2017 - 2018). More specifically, Camberwell Green is responsible for 6% of all alcohol related ambulance call outs in Southwark (222 in 2017 alone), thus placing it in the second highest quintile.

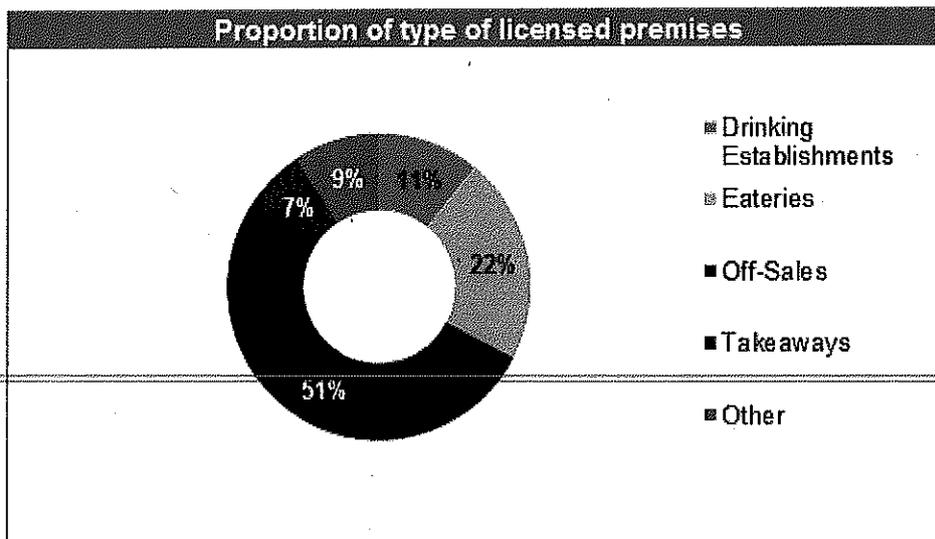
Additionally, the premises is located within a 10 minute walk from two primary schools and one secondary school, 5 pharmacies and, ever more crucially, it is within 500m of two major hospitals – King's College Hospital and the Maudsley Hospital, both of which offer specialist treatment to vulnerable, alcohol dependent patients. Whilst the Applicant's offer to make available promotional materials on local services for alcohol treatment is appreciated, in my professional opinion this would not sufficiently mitigate against the risks.

Furthermore, there are more than 70 other licensed premises in the local area, and as Figure 3 shows, more than half of all licensed premises in the Camberwell Green Ward are off-licenses, thus showing that this area is now saturated.

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



Figure 3 - Number of licensed premises in Camberwell green



Recommendations

Given the evidence presented above, I recommend this application is rejected in its current state.

Should the Licensing Committee be minded to grant this licence, I would advise a later start time for alcohol sale as per the table below:

Requested hours of operation	Supply of Alcohol off the premises
Monday - Sunday	11:00 – 00:00

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

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

Yours sincerely,

Clizia Deidda

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

Clizia Deidda

Public Health Policy Officer (Mental Health, Substance Misuse & Healthcare) | Public Health Division

Place and Wellbeing Department | London Borough of Southwark

160 Tooley Street | London SE1P 5LX

T: 0207 525 7707 | M: 07710 179 570

E: Clizia.deidda@southwark.gov.uk

www.southwark.gov.uk



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

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



Content	❖ Introduction	page 1	
	❖ Summary of Southwark's CIP areas	page 1	
	❖ Violence and disorder hotspot maps	page 2	
	❖ Alcohol-related hotspot locations	pages 3 & 4	
	❖ Temporal summary	page 5	

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

Metadata

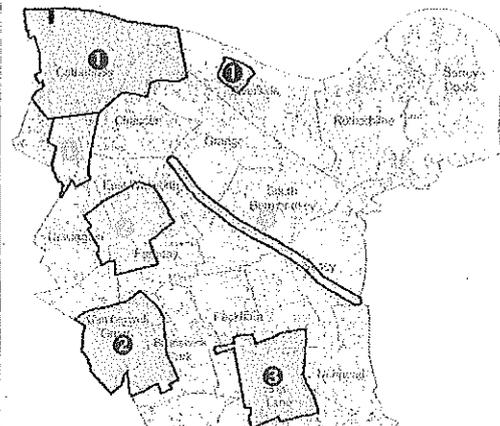
- ❶ Metropolitan Police Service CRIS² for Violence Against the Person³ crime reports (Includes reports with a drink-related feature code [GA, MF, MV]⁴, excludes reports with a domestic abuse flag [DI,DV,DX]⁵)
- ❷ Metropolitan Police Service CAD⁶ for reports of anti-social behaviour (Only reports of rowdy 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)
- ❸ SafeStats⁷ for London Ambulance Service alcohol-related call-out records
- ❹ 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.

Alcohol-related reports by area and year as a percentage of the borough total		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	❶ Borough and Bankside CIP area	15.5%	20.2%	21.3%	21.8%	18.7%	13.5%	-3.1 pp	
	❷ Camberwell CIP area	6.3%	8.4%	7.8%	7.0%	9.6%	9.5%	+2.5 pp	
	❸ Elephant and Castle monitoring area	6.1%	4.8%	5.8%	4.5%	6.4%	6.1%	+1.9 pp	
	❹ Old Kent Road monitoring area	5.6%	4.3%	4.0%	2.3%	2.7%	1.4%	+0.4 pp	
	❺ Peckham CIP area	11.2%	6.6%	7.0%	7.9%	7.8%	10.8%	-0.2 pp	
	❶ Shad Thames area	0.8%	0.3%	0.2%	0.5%	0.7%	0.0%	+0.2 pp	
	❷ 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	❶ Borough and Bankside CIP area	17.6%	19.7%	19.2%	17.7%	21.4%	20.5%	+3.6 pp
		❷ Camberwell CIP area	6.3%	5.9%	6.9%	7.7%	6.1%	6.9%	-1.7 pp
		❸ Elephant and Castle monitoring area	7.3%	7.0%	6.3%	7.3%	6.6%	5.8%	-0.7 pp
❹ Old Kent Road monitoring area		2.5%	3.1%	2.9%	2.4%	2.5%	2.5%	+0.0 pp	
❺ Peckham CIP area		7.4%	6.5%	5.7%	5.5%	5.4%	6.1%	-0.0 pp	
❶ Shad Thames area		0.3%	0.4%	0.5%	0.3%	0.4%	0.4%	+0.1 pp	
❷ 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	❶ Borough and Bankside CIP area	16.5%	19.1%	21.4%	17.2%	19.8%	18.8%	+2.6 pp	
	❷ Camberwell CIP area	9.6%	5.4%	7.5%	5.4%	6.0%	8.4%	+0.6 pp	
	❸ Elephant and Castle monitoring area	11.2%	11.0%	9.5%	8.2%	8.8%	8.4%	+0.6 pp	
	❹ Old Kent Road monitoring area	2.7%	6.0%	4.0%	3.0%	3.7%	3.2%	+0.7 pp	
	❺ Peckham CIP area	8.5%	7.5%	6.0%	7.0%	10.1%	10.4%	+3.1 pp	
	❶ Shad Thames area	0.0%	0.6%	0.3%	0.6%	0.0%	0.0%	-0.6 pp	
	❷ Walworth Road and East Street monitoring area	4.8%	7.5%	5.8%	8.4%	6.5%	5.8%	-1.9 pp	

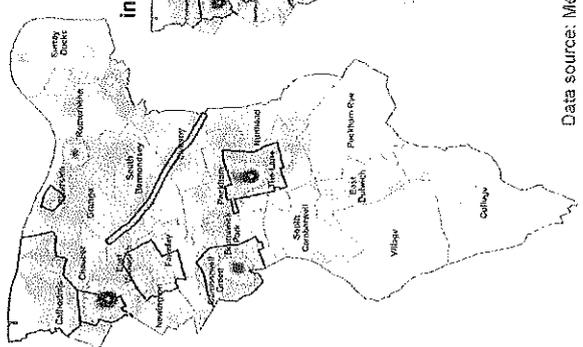
Map key

- ❶ Borough and Bankside CIP area
 - ❷ Camberwell CIP area
 - ❸ Peckham CIP area
 - ❹ Elephant and Castle monitoring area
 - ❺ Walworth Road and East Street monitoring area
 - ❻ Old Kent Road monitoring area
 - ❼ Shad Thames area
- Southwark's wards

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

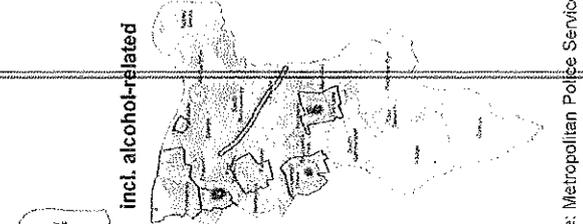
Hotspot maps Based on data covering the 12-month period 1st August 2016 to 31st July 2017

excl. alcohol-related



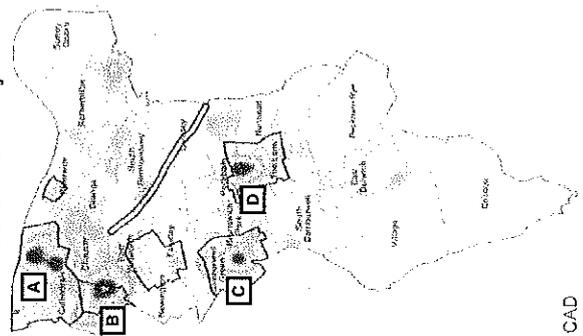
Data source: Metropolitan Police Service CAD

Rowdy behaviour



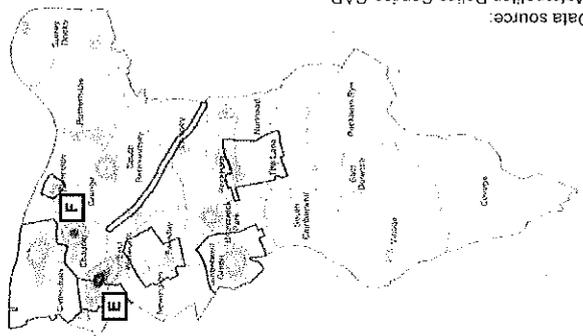
Data source: Metropolitan Police Service CAD

alcohol-related only



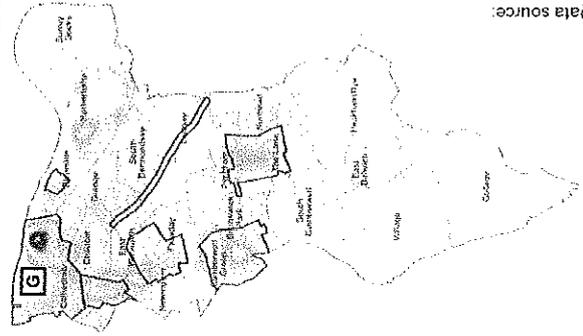
Data source: Metropolitan Police Service CAD

Street drinking



Data source: Metropolitan Police Service CAD

Alcohol-related ambulance callouts

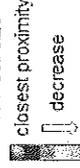


Data source: SafeStats for London Ambulance Service

The maps on this page show the proximity of incident locations to one another, and affirm that Southwark's CIP areas are still relevant.

Please see page 3 for a closer look at each alcohol-related hotspot location, **A** to **L**.

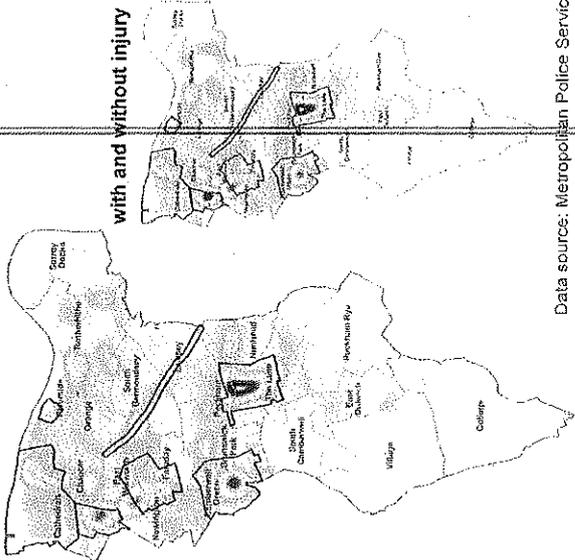
Key
proximity based on 200m bandwidth and 40m cell size



Please be aware that the data have some geographical limitations:
 (i) Ambulance call-outs are mapped to Census output area level
 (ii) 5% of violence records for the period 1st Aug-16 to 31st Jul-17 did not contain co-ordinate data

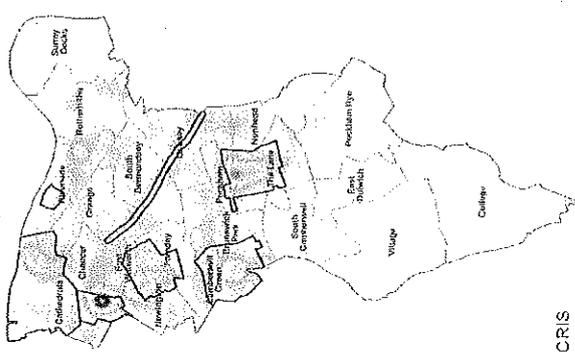
non-domestic violence (excluding alcohol-related)

Harassment and Common Assault



Data source: Metropolitan Police Service CRIS

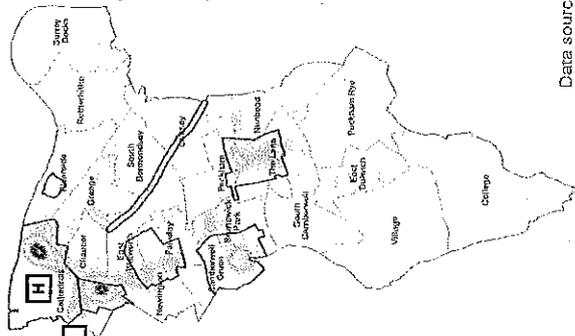
Assault with Injury and Serious Wounding



Data source: Metropolitan Police Service CRIS

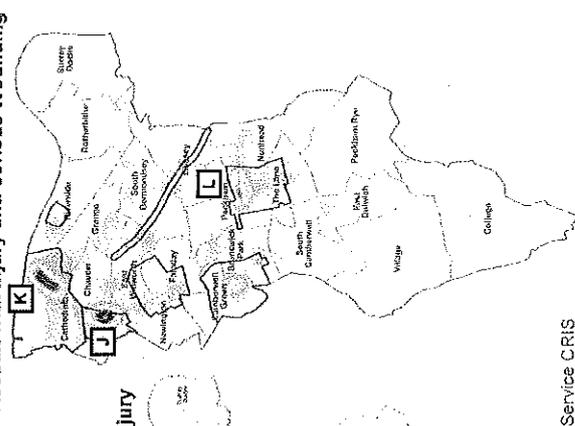
non-domestic violence (alcohol-related only)

Harassment and Common Assault



Data source: Metropolitan Police Service CRIS

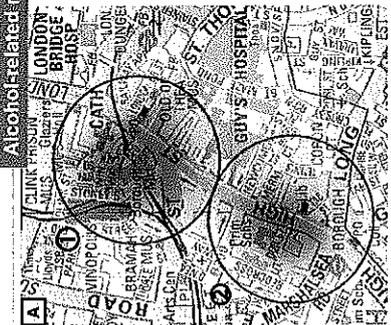
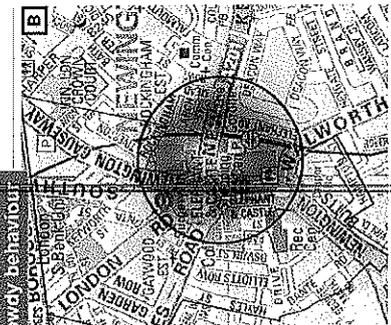
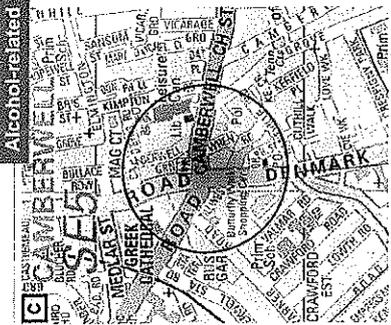
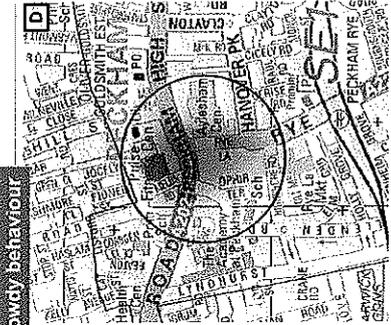
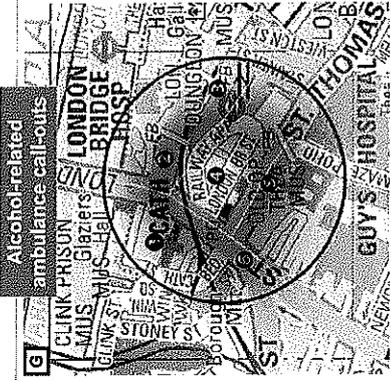
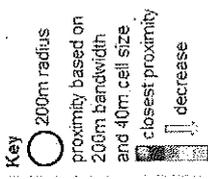
Assault with Injury and Serious Wounding



Data source: Metropolitan Police Service CRIS

Best viewed in conjunction with maps on page 2

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



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):

- 1 Montague Close x12; peak day Sat, peak time of 21:00-22:59.
- 2 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.
- 3 London Bridge Station x38; 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.
- 4 London Bridge Street x20; peak day Sun. Calls received between 00:00 and 02:59, with a peak time of 00:00-00:59.
- 5 St Thomas Street x18; peak day Sat, peak times of 19:00-19:59 and 00:00-01:59.
- 6 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.

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 Kenish Drovers public house [Peckham High Street], peak days Wed, Sat. Peak times of 19:00-19:59 and 23:00-23:59.

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 Cambenwell Library. No peak days. Incidents happened between 12:00 and 17:59.

26x alcohol-related rowdy behaviour reports. 2x repeat locations:

- 4x incidents in / outside The Coronet (3x incidents between 23:15 and 02:25).
- 2x incidents at The Elephant and Castle public house (1x incident just after 18:00 and 1x incident just before 23:00).

In comparison, 161x non-alcohol related rowdy behaviour reports. 2x top repeat locations:

- 28x incidents at the Elephant and Castle shopping centre. Peak days Mon, Tue, Thu. Mon-Thu peak time of 16:00-17:59.
- 4x incidents at The Rockingham Arms. No peak days or peak times.

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:

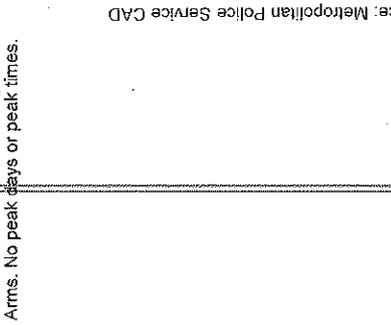
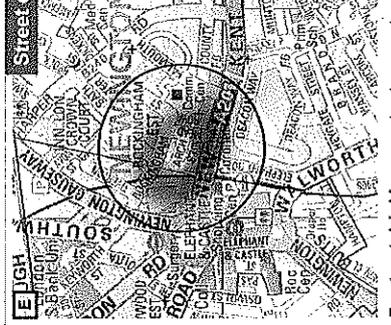
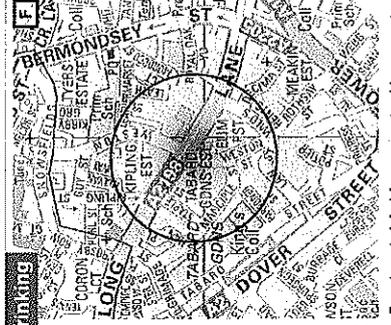
- 47x incidents at London Bridge bus station, mainly Sun-Thu, peak times of 01:00-02:59, 04:00-04:59, and 06:00-06:59.
- 6x incidents at St Christopher's Inn [Borough High Street], Fri-Sun between 23:00 and 01:59.

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).



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

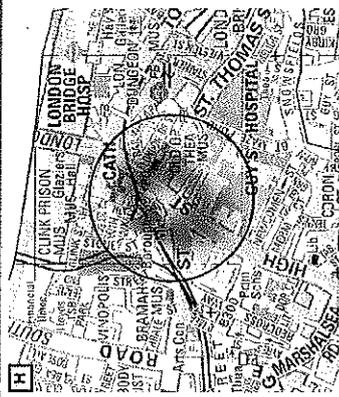
7x street drinking reports. 1x repeat location:

- 5x incidents on Arch Street. Various days and various times.

Data source: SafeStats for London Ambulance Service

Data source: Metropolitan Police Service CAD

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).

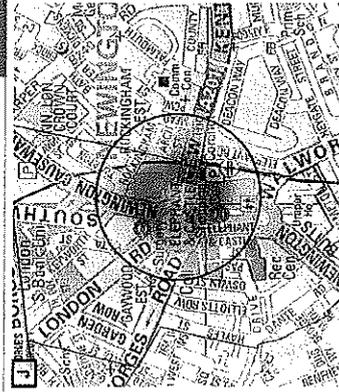


15x alcohol-related harassment and common assault reports. 3x repeat locations:

- 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).



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.

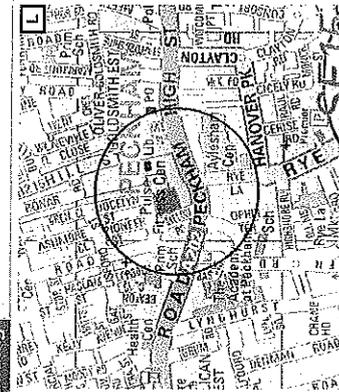


28x alcohol-related assault with injury and serious wounding reports. 5x repeat locations:

- 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).

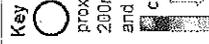


14x alcohol-related assault with injury and serious wounding reports. 2x repeat locations:

- 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 Avonham 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
♦ Sunday to Thursday																									
• Southwark	45	60	48	56	57	72	72	81	93	100	101	99	140	137	148	126	174	164	201	174	132	104	72	57	2,510
• CIP and monitoring areas total	26	28	19	22	30	30	37	40	40	40	40	32	57	57	63	57	90	87	104	99	63	46	33	1,217	
• rest of the borough	19	32	29	34	27	42	35	41	37	60	61	67	85	81	85	73	84	77	97	75	69	32	19	1,293	
① Borough and Bankside CIP area	2	0	10	7	10	18	12	6	15	21	17	28	27	27	30	54	42	44	33	37	16	15	5	501	
② Camberwell CIP area	2	1	3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
③ Elephant and Castle monitoring area	2	1	1	1	1	2	1	1	1	1	1	1	1	1	1	1	20	20	1	1	1	1	1	1	1
④ Old Kent Road monitoring area	1	0	0	3	2	1	1	1	1	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	71
⑤ Peckham CIP area	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
⑥ Shad Thames area	0	1	0	0	0	0	0	0	0	1	1	0	0	0	0	0	2	0	0	1	0	0	0	0	6
⑦ Walworth Road and East Street monitoring area	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
♦ Friday to Saturday																									
• Southwark	17	17	21	22	29	28	35	32	32	32	72	72	88	72	118	127	111	94	81	57	45	45	30	1,381	
• CIP and monitoring areas total	6	6	7	11	13	12	11	10	10	13	10	13	43	40	58	59	58	48	44	37	35	19	11	662	
• rest of the borough	11	11	14	11	16	16	24	22	22	19	62	59	45	32	60	68	53	46	37	35	19	11	11	719	
① Borough and Bankside CIP area	0	0	0	0	0	14	10	10	10	10	0	0	23	19	31	30	37	27	22	13	17	1	1	311	
② Camberwell CIP area	0	0	0	0	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
③ Elephant and Castle monitoring area	1	0	1	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
④ Old Kent Road monitoring area	1	0	1	0	1	0	1	0	1	0	1	1	1	0	0	1	1	1	0	1	0	0	0	0	32
⑤ Peckham CIP area	1	1	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
⑥ Shad Thames area	0	0	0	0	1	0	0	1	0	0	0	1	0	0	0	0	1	1	0	1	0	0	0	0	10
⑦ Walworth Road and East Street monitoring area	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0

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

Glossary of terms

- 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
- CRIS - acronym for Crime Reporting Information System
- 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
- 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
- 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
- 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
- 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
- Southwark's Licensing Policy can be found at: http://www2.southwark.gov.uk/downloads/download/2385/southwark_statement_of_licensing_policy_2016-2020
- Monitoring areas have similar characteristics to CIP areas, but are not governed by CIP conditions

MEMO: Licensing Unit

To	Licensing Unit	Date	17 January 2020
From	Jayne Tear	Telephone	020 7525 0396
Email	jayne.tear@southwark.gov.uk		

Subject Re: Denmark Express Limited, 74 Denmark Hill, London, SE5 8RZ
 -- Application for a premises licence

I write with regards to the above application to for a premises licence submitted by Hunish Sembi under the Licensing Act 2003, which seeks the following licensable activities:

- Supply of alcohol (off the premises) on Monday to Sunday from 09:00 to 00:00
- Overall opening times shall be on Monday to Sunday from 00:00 to 00:00

The general description of the premises states '*Small local convenience store, currently not selling alcohol, in Camberwell 24/7*'.

My representation is based on the Southwark Statement of Licensing policy 2019 – 2021 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

This premise is situated within the Camberwell District Town Centre Area and also falls within the Camberwell Cumulative Impact Policy Area.

My representation is based on the Southwark Statement of Licensing policy 2019 – 2021 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Camberwell policy area as defined in paragraph 145 of the policy and as a convenience store this premises falls into the class of premises in 146 of the policy.

Therefore under 130 of the policy there is a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations. In such circumstances, it is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

The applicant has not addressed the presumption to refuse this application within the operating schedule. I would recommend refusal of this application unless the applicant can demonstrate that the premises will not be contributing to crime and disorder and public nuisance within the policy area.

Southwark's Statement of Licensing Policy 2019 – 2021 can be found on the following link:
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Jayne Tear
 Principal Licensing officer
 In the capacity of Licensing Authority as a Responsible Authority

From: Moore, Ray

Sent: Monday, January 13, 2020 11:43 AM

Subject: FW: Application for a premises license for 74 Denmark Hill

As a responsible authority under the Licensing Act 2003, Trading Standards are in receipt of an application from Hunish SEMBHI (the sole director of Denmark Express Ltd – the applicant) for a premises license for a shop called Denmark Express at 74 Denmark Hill, Camberwell, London, SE5 8RZ and respond accordingly under the licensing objectives - in particular “the prevention of crime and disorder” and “the protection of children from harm”. It should be noted that this same applicant applied for a license for the same premises in December 2019 which was heard at the licensing sub committee on 28th January 2019. It should also be noted that there is one difference between this application and that made in December 2018 – that is, the lease for the premises has now been transferred from the previous premises license holder who had the license revoked, i.e. Mr Ishmail INCEDAL and into the name of the current applicant. However, the other outstanding issues from that previous application remain. I have reproduced the trading standards representation from the 28th January 2019 sub committee hearing below for information. I also attach the Notice of Decision from the original hearing when the license was revoked (13th December 2017) and the Notice of Decision from the last application by this person heard on 28th January 2019.. The following remains to be the case, as from the last hearing:-

1. The premises is situated within the Camberwell Cumulative Impact Zone where there is a presumption to refuse unless the Licensing Authority is satisfied the premises will not have an adverse effect on the licensing objectives... this premises is only a few yards from the junction of Coldharbour Lane and Denmark Hill which is an area notorious for street drinkers to congregate. The shop was previously associated with sales of alcohol to street drinkers.
2. This premises was subjected to 2 reviews with the second one resulting in the revocation of the license – having had a 6.5% conditions imposed at the first review the premises continued to sell high strength lagers and ciders.

3. The current applicant was employed at the premises at the time of the previous reviews and concerns about sales of alcohol to street drinkers.

It is the contention of Trading Standards that this premises will have an adverse impact on the area should it be allowed a premises license.

Last set of representations made by Trading Standards at the hearing on 28th January 2019:-

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

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

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

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

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

It is the contention of Trading Standards in these representations that there has been no change in the controlling mind of the business. The premises opens 24 hours and has applied to sell alcohol from 08:00hrs to midnight. This area has severe problems with both problem drinkers and street drinkers. The application also fails to adequately address the licensing objectives. Trading Standards still has little faith in the management of this premises in achieving compliance with the licensing objectives and recommends that a premises Licence should not be granted.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| Regulatory Services

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

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

www.southwark.gov.uk/TradingStandards

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NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 13TH DECEMBER 2017

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

1. Decision

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

The premises licence is hereby revoked.

2. Reasons

The reasons for the decision are as follows:

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

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

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

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

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

Trading Standards recommended that the premises licence be revoked.

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

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

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

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

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

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

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

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

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

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

4. Appeal rights

The applicant may appeal against any decision:

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

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

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

may appeal against the decision.

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

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

Date: 13 December 2017

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 28 JANUARY 2019

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

1. Decision

That the application made by Hunish Sembhi for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Denmark Express, 74 Denmark Hill, London SE5 8RZ be refused.

2. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that negotiations with the previous licence holder commenced in September 2018 and as yet, no lease or tenancy had been finalised. The applicant did not expect to sign a lease for at least a month. Regardless, the keys to the premises had been handed to the applicant and £10,000 had already been paid to the previous licensee. The applicant also advised that responsible authorities failed to consult with her during the consultation period. This is despite correspondence with the responsible authorities objections having been sent to her. The applicant was also aware that the previous premises had been revoked and invited the licensing sub-committee not to penalise her for the failings of the previous licensee. The sub-committee were also advised that the council's licensing unit did not advise that the premises was located in a saturation zone.

The licensing sub-committee heard from the council's trading standards team who provided details concerning the premises previous extremely poor operating history which resulted in the premises licence being revoked. Since the revocation of the licence, insufficient evidence had been provided to demonstrate a change in the management of the business. The premises are also situated in the Camberwell cumulative impact policy (CIP) zone and the applicant had failed to rebut the presumption to refuse the application.

The licensing sub-committee heard from licensing as a responsible officer who advised that the premises was situated in the Camberwell cumulative impact policy zone which applies to nightclubs, pubs and bars, off-licences, supermarkets, convenience stores and similar premises. Under the CIP there is a rebuttable presumption that new premises licences that are likely to add to the existing cumulative impact will normally be refused or subject to limitations. It was a matter for the applicant to demonstrate that if the application were granted, the premises would ~~not contribute to the negative local cumulative impact on any one or more of the licensing~~ objective. This, the applicant had failed to do.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who stated that there was very little of an operating schedule in the application with no precise and/or enforceable control measures. Reference was also made of the premises being located in the Camberwell CIP and the licensing sub-committee was invited to refuse the application as a result.

The licensing sub-committee noted the representations from the environmental protection team and public health, both of whom recommended that the application be refused.

Having considered the application carefully. The licensing sub-committee noted that the premises had a significant history of non-compliance resulting in the premises licence being revoked. Whilst each application considered should be on its own merits and the applicant was not accountable for the previous operator failings, the sub-committee were directed to paragraphs 89 and 90 of Southwark's statement of licensing policy which provides:

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

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

Contrary to Southwark's statement of licensing policy, definitive evidence was not provided showing a change in management.

The premises are located in the Camberwell CIP and the applicant failed to rebut the presumption to refuse the application. The applicant informed the sub-committee that the council's licensing unit failed to advise that the premises fell in a CIP, making it apparent that the applicant had failed to give any consideration of Southwark's statement of policy. The sub-committee were referred to R (on the application of Westminster City Council) -v- Middlesex Crown Court [2002] EWHC 1104 in which HHJ Baker adjudicated:

"Notwithstanding the applicant being a fit and proper person and the premises would be well run a licence could be refused on the sole ground that the area was already saturated with licence premises....and the cumulative effect of the existing premises was impacting adversely on the area to an unacceptable level".

In the circumstances since the premises is located in the Camberwell CIP, this application is refused.

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

The applicant may appeal against any decision:

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

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

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

may appeal against the decision.

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

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

Date: 27 September 2018

Official copy of register of title

Title number TGL168778 Edition date 17.03.2011

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

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

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

Issued on 03 Dec 2018.

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

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

A: Property Register

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

SOUTHWARK

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

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

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

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

- 6 ~~Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.~~

Title number TGL168778

B: Proprietorship Register

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

Title absolute

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

End of register

Official copy of register of title

Title number TGL168778 Edition date 04.12.2019

- This official copy shows the entries on the register of title on 13 JAN 2020 at 10:23:22.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 13 Jan 2020.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Telford Office.

A: Property Register

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

SOUTHWARK

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

Title number TGL168778

B: Proprietorship Register

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

Title absolute

- 1 (04.12.2019) PROPRIETOR: HUNISH SEMBHI of Flat 9, Caldecourt Place, Wastdale Road, London SE23 1GA and of 74 Denmark Hill, London SE5 8RZ.
- 2 (04.12.2019) The price stated to have been paid on 26 November 2019 was £1,500.

End of register

From: Hunny Gillani
Sent: Tuesday, January 14, 2020 3:47 AM
To: Moore, Ray; Heron, Andrew

Good Morning Ray Moore,

I have received your email contesting my application for a new premises licence at my shop Denmark Express Ltd at 74 Denmark Hill SE5 8RZ.

I have read your refusal arguments and do not agree with the points you have raised. It was the conclusion of the last sub committee meeting that one of the main issues with my application was I had no proof of ownership of the new business which had a bad management history with the previous owner. I was advised by both the councils subcommittee and yourself to finish sorting the transfer of the property's lease and to then reapply. It has taken me a year to sort the lease with great personal hardship, but as you have noted, I now have the lease and land registry in my name. This is the proof required that the previous owner no longer occupies the business. As such proof has now been offered, I contest the second point you raised about the businesses history in being a factor for my applications refusal. The licence sub committee explicitly made the point of saying that each application should be made on its own merits and that I, as a new owner of the business am not accountable for the previous operator failings.

As a new business owner I need at least the chance to prove that I can operate the business responsibly and meet the licencing objectives. The presumption that I cannot meet the licencing objectives and will cause public harm should not be enforced based on the councils history with an irresponsible previous owner.

If in any way I have not appropriately addressed the licencing objectives in my application, then I ask that the relevant person liaises with me in order to rectify the matter. Unless I know how I have failed to meet the licencing objectives, I cannot make the necessary changes in order to enforce them.

I contest the first refusal point you have made. As you know, when initially buying the business, I was unaware of it being in a cumulative impact zone, and my previous application reflected that. However I have now put many conditions in place to address the needs for the CIP zone and am open to further suggestions and conditions. I have attached below a list of all the conditions I have added in this application as proof of extra precautions being taken place due to being in the impact zone. Including extra security measures, installing a window portal in the door for window service after midnight, therefore restricting physical access to alcohol, and installing an age till prompt system for age restricted products to check ID. I have also pledged to do my utmost to work collaboratively with the local alcohol treatment centres and raise public awareness of the hazards of alcoholism.

By profession I am a Healthcare professional working full time for the last 4/5 years as a Medical Representative for South London. My first concern is always for the health and safety of the public and this will be reflected in the way I run my business.

I therefore contest your third and final point for refusal, that I was employed at the premises under the previous owner. You have again made an incorrect assumption and stated it as fact. As mentioned I have been employed by one company for the last 4/5 years working as a Medical Representative, and previous to that worked in pharmacy for another 5 years. You came to this conclusion after I made a 999 call from the shop earlier that year on a visit to the business. As I

previously explained at the last sub committee hearing, the reason that 999 call was made was because a patient from kings' hospital in a hospital gown vomited in the shop and refused to return to the hospital. As a healthcare professional, of course that was my first reaction when dealing with a sick patient. The reason I was at the shop, with my husband and several others might I add, was to inspect the business before committing to buying, so obviously several visits were being made throughout the months. Therefore, the assumption you have made about my employment at the premises is a false and wrong allegation against me. I would like to remind you that, at the previous meeting, the sub committee had dismissed this statement from the case because you presented this assumption as a fact without any actual proof. Not only did you accuse me of working for the previous owner, but also being related to the previous owner! Despite the fact that the previous owners were Turkish and I am of Indian origin. For your information not everybody who is brown is related to each other. I took that rather racist comment as being ignorant and blatant discrimination. All my documents prove I am the new owner of the business and the previous owner has no links with this business.

I am aware that most likely I will have to attend a meeting with the councils sub committee, and shall be bringing legal representation with me this time. I do hope that all parties reading this email understand my sincere point of view. This small business is now my life and my future investment, for the sake of my family and I must do my utmost to ensure it succeeds.

Yours Sincerely

Hunish Sembhi

LICENCE CONDITIONS ADDED TO APPLICATION TO MEET LICENCING OBJECTIVES

GENERAL

- 1 - 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.
- 2 - Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.
- 3 - All staff are trained and aware of the licensing legislation, especially in relation to the prevention of underage sales. They are required to sign a register confirming that they have undertaken training and are aware of their responsibilities. Training is repeated at frequent intervals, at least bi annually. Any person found to be in breach of the company alcohol policy is subject to disciplinary proceedings. Notices are displayed in the premises advising of the licensing legislation.
- 4 - Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. ~~Records will be kept of such training which must be signed and dated by the member of staff who has received that training. Staff will also be trained to recognise the signs of proxy purchases. All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training. All training records will be kept at the store for at least 12 months and shall be made available to the Licensing Authority or the Metropolitan Police on request.~~

CRIME PREVENTION

- 1 - A digital CCTV system shall be installed at the premises covering all areas within the store that the public have access to including the checkouts and the entry/ exit of the premises.

2 - The recording system will be able to capture image of evidential quality and such recordings shall be retained for as long as the system is able (whilst retaining the high-quality image) and in any event for a minimum of 31 days.

3 - The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon the receipt of a request by an authorised officer of the police or local authority

4 - Off sales of alcohol shall be sold in closed containers and taken away from the premises.

5 - No alcohol shall be stored or displayed within 2 meters of the entrance/ exit unless behind a staff counter.

6 - An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised officer of the police or local authority

7 - A refusals register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised officer of the police or the local authority

8 - Remote control shutters will be in use when the premises is not open to the public

9 - Window service only will be in operation for all sales after midnight. A window portal has already been installed in the front door. This will restrict access into the premises after midnight, preventing public nuisance and access to alcohol after midnight.

PUBLIC SAFETY

1 - Fire safety equipment is provided at the premises, and staff are trained on the use of this equipment.

2 - 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.

3 - That no beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 7% will be displayed, sold or offered for sale from the premises except with the written permission from the police or trading standards or the licensing authority. A copy of that permission must be returned with the licence and be available for inspection by the police or council officers.

4 - All escape routes and exits including external exits shall be maintained unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified in accordance with the approved arrangements.

5 - The Licensee shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises

6 - The Licence holder will work collaboratively with local alcohol treatment centres in the local area to encourage promotion of alcohol related help and treatment programs and increase public awareness of alcohol related problems by advertising within the premises the local help that is available. Including Kings hospital, Maudsley hospital, CGL, Drinkline, Drinkaware and Southwark wellbeing hub. Several of these have already been contacted for posters and leaflets, which will be displayed within the premises.

7 - Taxi service numbers will be displayed to discourage drinking and driving and ensure public safety and transportation

NUISANCE

1 - That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as off sales should not be opened and consumed in the vicinity of the premises.

2 - Signs advising customers and visitors to the premises that a CCTV system is in use will be displayed at the premises.

3 - That agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required. No ID no sale.

4 - That notices shall be made requesting that customers leave the premises in a quiet and orderly manner

CHILDREN

1 - The premises licence 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.

2 - If anyone attempting to purchase alcohol appears to be under 25 only photographic ID will be accepted as proof of age (passport, photo driving licence or PASS card). If no ID is provided no sale takes place

3 - An age till prompt system will be utilised at the premises in respect of age restricted products. The till system will flag any age restricted product and prompt the cashier to check proof of age and ID.

APPENDIX C

Licensing Act 2003 Premises Licence



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

Premises licence number

855745

Part 1 - Premises details

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

Where the licence is time limited the dates

Licensable activities authorised by the licence

Sale by retail of alcohol to be consumed off premises

The opening hours of the premises

For any non standard timings see Annex 2

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

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

Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities

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

Sale by retail of alcohol to be consumed off premises

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

Part 2

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

Ismail Incedal



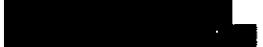
Registered number of holder, for example company number, charity number (where applicable)

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

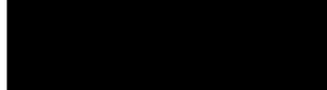
Cennet Incedal



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 Issue date 24/01/2017



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

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

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

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

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

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

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence;

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

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

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises

certificate, any member or officer of the club present on the premises in a capacity which enables the

member or officer to prevent the supply in question; and

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

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

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

The above restrictions do not prohibit:

- i) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel
- ii) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- iii) The sale of alcohol to a trader or club for the purposes of the trade or club ;
- iv) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces .

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

127 Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

- a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- c. To a canteen or mess.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 28 JANUARY 2019

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

1. Decision

That the application made by Hunish Sembhi for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Denmark Express, 74 Denmark Hill, London SE5 8RZ be refused.

2. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the applicant who advised that negotiations with the previous licence holder commenced in September 2018 and as yet, no lease or tenancy had been finalised. The applicant did not expect to sign a lease for at least a month. Regardless, the keys to the premises had been handed to the applicant and £10,000 had already been paid to the previous licensee. The applicant also advised that responsible authorities failed to consult with her during the consultation period. This is despite correspondence with the responsible authorities objections having been sent to her. The applicant was also aware that the previous premises had been revoked and invited the licensing sub-committee not to penalise her for the failings of the previous licensee. The sub-committee were also advised that the council's licensing unit did not advise that the premises was located in a saturation zone.

The licensing sub-committee heard from the council's trading standards team who provided details concerning the premises previous extremely poor operating history which resulted in the premises licence being revoked. Since the revocation of the licence, insufficient evidence had been provided to demonstrate a change in the management of the business. The premises are also situated in the Camberwell cumulative impact policy (CIP) zone and the applicant had failed to rebut the presumption to refuse the application.

The licensing sub-committee heard from licensing as a responsible officer who advised that the premises was situated in the Camberwell cumulative impact policy zone which applies to nightclubs, pubs and bars, off-licences, supermarkets, convenience stores and similar premises. Under the CIP there is a rebuttable presumption that new premises licences that are likely to add to the existing cumulative impact will normally be refused or subject to limitations. It was a matter for the applicant to demonstrate that if the application were granted, the premises would not contribute to the negative local cumulative impact on any one or more of the licensing objective. This, the applicant had failed to do.

The licensing sub-committee heard from the representative from the Metropolitan Police Service who stated that there was very little of an operating schedule in the application with no precise and/or enforceable control measures. Reference was also made of the premises being located in the Camberwell CIP and the licensing sub-committee was invited to refuse the application as a result.

The licensing sub-committee noted the representations from the environmental protection team and public health, both of whom recommended that the application be refused.

Having considered the application carefully. The licensing sub-committee noted that the premises had a significant history of non-compliance resulting in the premises licence being revoked. Whilst each application considered should be on its own merits and the applicant was not accountable for the previous operator failings, the sub-committee were directed to paragraphs 89 and 90 of Southwark's statement of licensing policy which provides:

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

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

Contrary to Southwark's statement of licensing policy, definitive evidence was not provided showing a change in management.

The premises are located in the Camberwell CIP and the applicant failed to rebut the presumption to refuse the application. The applicant informed the sub-committee that the council's licensing unit failed to advise that the premises fell in a CIP, making it apparent that the applicant had failed to give any consideration of Southwark's statement of policy. The sub-committee were referred to R (on the application of Westminster City Council) -v- Middlesex Crown Court [2002] EWHC 1104 in which HHJ Baker adjudicated:

"Notwithstanding the applicant being a fit and proper person and the premises would be well run a licence could be refused on the sole ground that the area was already saturated with licence premises....and the cumulative effect of the existing premises was impacting adversely on the area to an unacceptable level".

In the circumstances since the premises is located in the Camberwell CIP, this application is refused.

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

The applicant may appeal against any decision:

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

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

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

may appeal against the decision.

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

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

Date: 28 January 2019

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 13 DECEMBER 2017

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

1. Decision

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

- Revoke the premises licence.

2. Reasons

The reasons for the decision are as follows:

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

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

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

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

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

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A number of invoices were produced on 13 May 2017. A quantity of invoices appeared missing and it was trading standards views that duty evaded drinks had been purchased (without invoices) and sold on to the public. Not taking into account of stock that may or may not have been in the shop at the time of the previous review, analysis of the purchase of super strength beers and ciders showed 128 cans of K-cider were purchased on 24 November 2016, being only eight days after the first review. A total of 1336 cans of K-cider were purchased in this period. It was apparent that the sale of super strength beers and ciders made up a significant percentage of the overall income of the shop.

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

Trading standards recommended that the premises licence be revoked.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Appeal rights

The applicant may appeal against any decision:

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

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

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

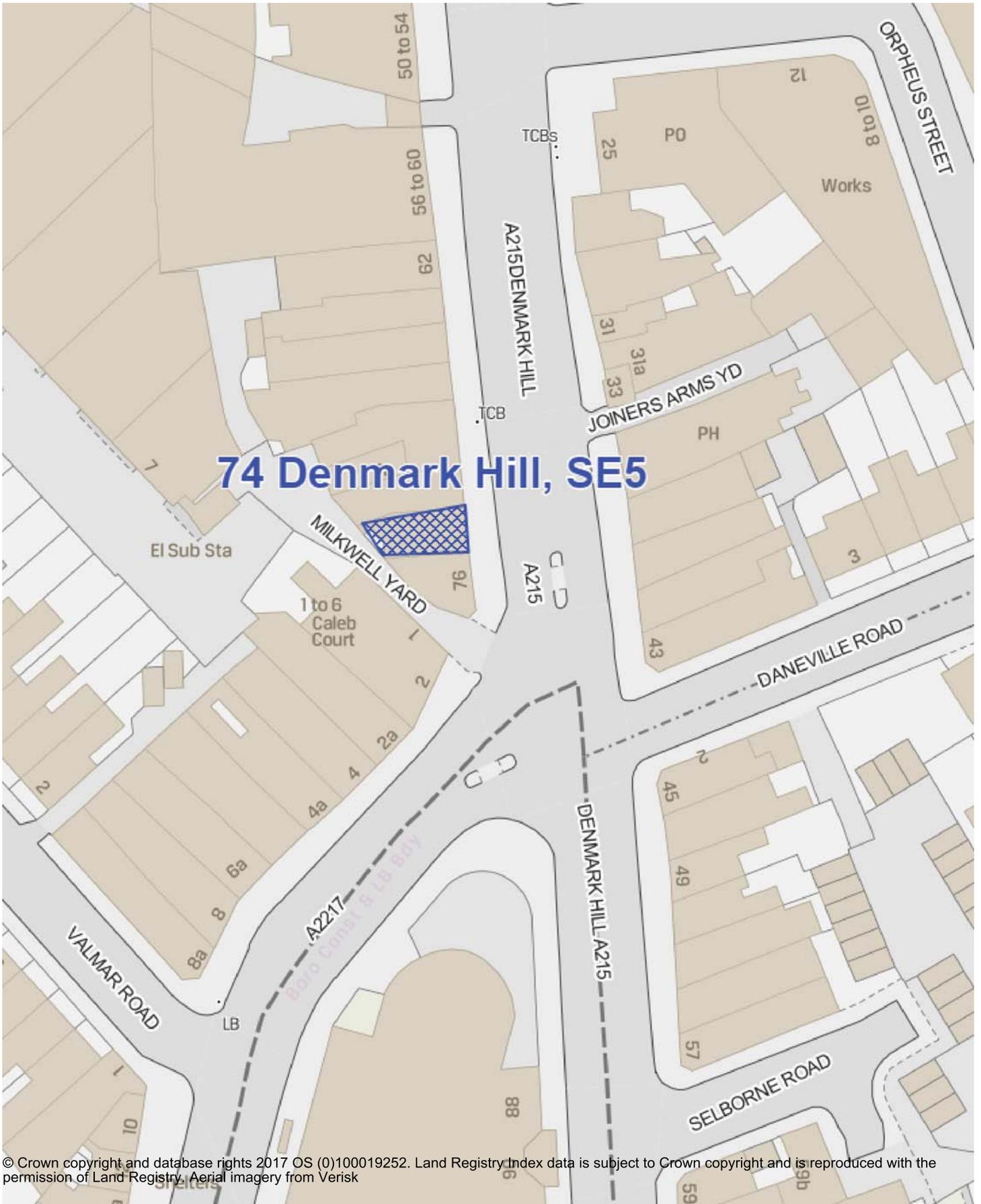
may appeal against the decision.

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

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

Date: 13 December 2017

APPENDIX E



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