

Licensing Sub-Committee

Tuesday 7 May 2024

10.00 am

Online/Virtual

Membership

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

Reserves

Councillor Sunny Lambe

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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

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Access

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Contact

Andrew Weir by email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Althea Loderick

Chief Executive

Date: 25 April 2024



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RECYCLED PAPER

Licensing Sub-Committee

Tuesday 7 May 2024
10.00 am
Online/Virtual

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: WATERLOO FOOD AND WINE, 187 WATERLOO ROAD, LONDON SE1 8UX	1 - 65
	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: 25 April 2024

Meeting Name:	Licensing Sub-Committee
Date:	7 May 2024
Report title:	Licensing Act 2003: Waterloo Food and Wine, 187 Waterloo Road, London SE1 8UX
Ward(s) or groups affected:	St George's
Classification:	Open
Reason for lateness (if applicable):	No

RECOMMENDATION

1. That the licensing sub-committee considers an application made The Chelsea Food and Wine Company Limited to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Waterloo Food and Wine, 187 Waterloo Road, London SE1 8UX.
2. Notes:
 - a) The application seeks to vary the premises licence held in respect of the premises known as Waterloo food and Wine, 187 Waterloo Road, London SE1 8UX. Existing permitted licensable activities are not under consideration at this meeting. The variation application is subject to representations submitted by one responsible authorities and is therefore referred to the licensing sub-committee for determination.
 - b) Paragraphs 8 to 11 of this report provides a summary of the current premises licence issued in respect of the premises. A copy of the current premises licence is attached as Appendix A.
 - c) Paragraphs 12 to 15 of this report provide a summary of the application. A copy of the application is attached to this report as Appendix B.
 - d) Paragraphs 16 to 18 of this report deal with the representations submitted in respect of the application. A copy of the police representation and agreed conditions is attached to this report as Appendix C and supporting evidence to their representation is attached to this report as Appendix D. A Copy of the licensing authority representation is attached to this report as Appendix E.
 - e) 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 procedure, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:
 - The Act itself
 - The guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.
7. The 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 current premises licence

8. The current premises licence was issued on 17 January 2024 following a recent major variation in relation to the update, amend and replace Annex 3 conditions.

9. The hours on the current licence are:
 - The sale by retail of alcohol (off the premises):
 - Monday to Sunday: 08:00 to 00:00
 - The provision of late night refreshment (outdoors):
 - Monday to Sunday: 08:00 to 01:00
 - Opening hours:
 - Monday to Thursday: 06:30 to 01:00
 - Friday and Saturday: 06:30 to 03:00.
10. The designated premises supervisor (DPS) is Asim Mehmood.
11. A copy of the current premises licence is attached as Appendix A.

The variation application

12. On 17 January 2024 The Chelsea Food and Wine Company Limited applied to this Council to vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as Waterloo Food and Wine, 187 Waterloo Road, London SE1 8UX
13. The application is summarised as follows:

“To vary the terminal hour for the sale of alcohol to 01:00 Sunday to Thursday and 03:00 Friday to Saturday, in accordance with the existing permitted hours for Late Night refreshment. No other changes are sought.”
14. The application seeks to increase the hours of sale alcohol Sunday to Thursday from midnight until 01:00 and on Friday and Saturdays from midnight to 03:00.
15. A copy of the application is attached to this report as Appendix B.

Representations from responsible authorities

16. Representations were received from the licensing authority and the police in their role as responsible authorities.
17. The police representation is focussed on the prevention of crime and disorder. The representation from the police is attached to this report as Appendix C. The police have submitted evidence in support of their representation. This evidence from the police is attached to this report as Appendix D.
18. The licensing authority representation is focussed on the prevention of crime and disorder, promotion of public safety and prevention of public nuisance. Their representation is attached to this report as Appendix E.

Representations from other persons

19. There are no representations submitted by other persons.

Conciliation

20. At the time of the writing of this report the representations have not been conciliated.

Premises licensing history

21. On 20 July 2005 a premises licence was issued in respect of the premises to Waterloo Wine Co. At this time the premises was known as the Bottle and Basket. The premises licence allowed:
- The sale by retail of alcohol (off the premises):
 - Monday to Saturday: 08:00 to 23:00
 - Sundays: 10:00 to 22:30
 - Opening hours weekdays: 08:00 to 23:00
22. The premises changed ownership and was subsequently an application to review the premises licence was made on 4 April 2016. The review was initially heard on 26 April 2016. The meeting was adjourned and then reconvened on 24 May 2016. The sub-committee determined to suspend the premises licence for two weeks and attach the conditions that this application seeks to vary. The notice of decision from this sub-committee meeting is attached at Appendix F.
23. On 29 September 2017 a variation application was made to increase the hours of sale of alcohol for consumption off premises. The application was heard by the sub-committee on the 27 November 2017 and the terminal hour was subsequently increased to 00:00 (midnight).
24. On 17 March 2023 the premises was transferred to the incumbent licence holder and Asim Mehmood was specified as the designated premises supervisor.
25. On 20 March 2023 a minor variation application was made to update the plans of the premises to reflect a change of layout.
26. On 15 August 2023 a minor variation application was made to vary the opening hours of the premises to:
- Sunday to Thursday: 06:30 to 01:00
 - Friday to Saturday: 06:30 to 03:00.
27. On 22 August 2023 a minor variation application was made to include late night refreshment in accordance with the opening hours of the premises.
28. On 17 November 2023 a major variation application was made to update, amend and remove conditions on Annex 3 of the licence.

Temporary event notices

29. In the 2023 calendar year, the premises has issued a number of temporary event notices (TENs) covering the following dates and activities:

- On 6 October 2023 a TEN was submitted to extend off sales of alcohol and late night refreshment on:
 - Friday 21 October 2023: 00:00 to 03:00
 - Saturday 22 October: 2023 00:00 to 03:00
- On 12 October 2023 a TEN was submitted to extend off sales of alcohol on:
 - Thursday 27 October 2023: 00:00 to 01:00
 - Friday 28 October 2023 00:00 to 03:00
 - Saturday 29 October 2023 00:00 to 03:00
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol and late night refreshment on:
 - Thursday 3 November: 2023 00:00 to 01:00
 - Friday 4 November 2023: 00:00 to 03:00
 - Saturday 5 November: 2023 00:00 to 03:00
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol on:
 - Thursday 10 November 2023: 00:00 to 01:00
 - Friday 11 November 2023: 00:00 to 03:00
 - Saturday 12 November 2023: 00:00 to 03:00
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol on:
 - Thursday 17 November 2023: 00:00 to 01:00
 - Friday 18 November 2023: 00:00 to 03:00
 - Saturday 19 November 2023: 00:00 to 03:00
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol on:
 - Friday 25 November 2023: 00:00 to 03:00
 - Saturday 26 November 2023: 00:00 to 03:00
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol on:
 - Friday: 2 December 2023: 00:00 to 03:00
 - Saturday: 3 December 2023: 00:00 to 03:00
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol on:
 - Friday 9 December 2023: 00:00 to 03:00
 - Saturday 10 December 2023: 00:00 to 03:00

- On 13 October 2023 a TEN was submitted to extend off sales of alcohol on:
 - Friday 16 December 2023: 00:00 to 03:00
 - Saturday 17 December 2023: 00:00 to 03:00
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol on:
 - Friday 23 December 2023: 00:00 to 03:00
 - Saturday: 24 December 2023 00:00 to 03:00
- On 13 October 2023 a TEN was submitted to extend off sales of alcohol on:
 - Friday: 30 December 2023: 00:00 to 03:00
 - Saturday 31 December 2023: 00:00 to 03:00.

Complaints

30. There are no recent complaints to licensing in relation to the premises.

Map

31. A map showing the location of the premises is attached to this report as Appendix F. Similar premises in the locality (100 metres) include:

Travelodge Hotel, St Georges House, London SE1 8UX, licensed for:

- Sale by retail of alcohol to be consumed on and off the premises:
 - Monday to Sunday: 24 hours
- Late night refreshment:
 - Monday to Sunday: 23:00 to 05:00
- Opening hours:
 - Monday to Sunday: 24 hours

The Crown, 108 Blackfriars, London SE1 8HW, licensed for:

- Sale by retail of alcohol to be consumed on and off the premises:
 - Sunday to Thursday: 10:00 to 00:00
 - Friday to Saturday: 10:00 to 01:00
- Regulated entertainment (facilities for dancing, making music, and live music - indoors):
 - Sunday to Thursday: 10:00 to 00:30
 - Friday to Saturday: 10:00 to 01:30

- Recorded music (Indoors):
 - Sunday to Thursday: 10:00 to 00:00
 - Friday to Saturday: 10:00 to 01:00
- Late night refreshment (indoors):
 - Sunday to Thursday: 10:00 to 00:30
 - Friday to Saturday: 10:00 to 01:30
- Opening hours:
 - Sunday to Thursday: 10:00 to 00:30
 - Friday to Saturday: 10:00 to 01:30

Masters Cafe, Unit 3, 109-115 Blackfriars Road, London SE1 8HW, licensed for:

- Sale by retail of alcohol to be consumed on and off the premises:
 - Monday to Sunday: 10:00 to 22:30
- Opening hours:
 - Monday to Sunday: 07:00 to 23:00.

Southwark Council statement of licensing policy

32. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and it came into effect on 1 January 2021.
33. 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.
34. 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.
35. Members should take into consideration both the Southwark statement of licensing policy and the Section 182 Guidance when making decisions. The links for these are below:

Southwark Policy:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Section 182 Guidance:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Cumulative impact area (CIA)

36. The premises is situated within a cumulative impact area. The area is listed as both a strategic cultural centre and a district town centre. As such there is a presumption against the grant for the variation of existing premises licences.
37. Under the Southwark statement of licensing policy 2021 - 2026 the following closing times are recommended as appropriate within this area for premises operating as:
- Closing time for off licences and alcohol sales in grocers and supermarkets:
 - 00:00 daily.

Climate change implications

38. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
39. Climate change is not a legal factor in the consideration of a grant of a premises license under the current licensing objectives, however members can make enquiries and request an agreement from applicants to promote the reduction of the impact of climate change that may be caused by the operation of the premises.
40. Examples of such agreements may be:
 - Not use single use plastics, such as disposable plastic glasses, when selling alcohol at the premises.
 - Encourage patrons not to drive to venues by providing details of public transport on their webpages/tickets.
41. The council's climate change strategy is available at:

<https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf>

Community, equalities (including socio-economic) and health impacts

Community impact statement

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

Equalities (including socio-economic) impact statement

43. This report does not result in a policy decision and each application is required to be considered upon its own individual merits with all relevant matters taken into account. In considering the recommendations of this report, due regard must be given to the public sector equality duty set out in section 149 of the Equality Act 2010. This requires the council to consider all individuals when carrying out its functions.
44. Importantly, the council must have due regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct; advance equality of opportunity and foster good relations between people who have protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The public sector equality duty also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct.

45. The equalities impact statement for licensing decisions is contained within the Southwark statement of licensing policy 2021 – 2026 at:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>.

46. The equalities impact assessment is available at:

<https://moderngov.southwark.gov.uk/documents/s92016/Appendix%20F%20-%20Equalities%20Impact%20Assessment.pdf>

Health impact statement

47. Health impacts cannot be considered by law when making decisions under the Licensing Act 2003.

Resource implications

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

Consultation

49. 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 at both the front and rear of the premises.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive – Governance and Assurance

50. The sub-committee is asked to determine the application for a premises licence under Section 17 of the Licensing Act 2003.

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

Principles for making the determination

52. The sub-committee is asked to determine the application for a premises licence under Section 17 of the Licensing Act 2003.

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

54. 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.

55. 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.
56. 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

57. 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.
58. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
59. 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.
60. 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.

61. 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

62. 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

63. 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.
64. 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

65. 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.
66. 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.
67. 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.
68. 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.
69. 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.
70. 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.
71. 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.

72. 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

73. 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

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

APPENDICES

Name	Title
Appendix A	The current premises licence issued in respect of the premises
Appendix B	Variation application (881569)
Appendix C	Representation from the police
Appendix D	Supporting evidence from the police
Appendix E	Representation from the licensing authority
Appendix F	Decision notice from 2016 review
Appendix G	Map of the area

AUDIT TRAIL

Lead Officer	Tony Ainge, Strategic Director of Environment, Neighbourhoods and Growth	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	4 April 2024	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Assistant Chief Executive Governance and Assurance	Yes	Yes
Strategic Director of Finance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	4 April 2024	

Licensing Act 2003 Premises Licence

APPENDIX A



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

Premises licence number

881569

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Waterloo Food & Wine 187 Waterloo Road London SE1 8UX	
Ordnance survey map reference (if applicable), 531436179673	
Post town London	Post code SE1 8UX
Telephone number [REDACTED]	

Where the licence is time limited the dates Unlimited

Licensable activities authorised by the licence Sale by retail of alcohol to be consumed off premises Late Night Refreshment – Outdoors
--

The opening hours of the premises For any non standard timings see Annex 2	
Monday	06:30 - 01:00
Tuesday	06:30 - 01:00
Wednesday	06:30 - 01:00
Thursday	06:30 - 01:00
Friday	06:30 - 03:00
Saturday	06:30 - 03:00
Sunday	06:30 - 01:00

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
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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 - 00:00
Saturday	08:00 - 00:00
Sunday	08:00 - 00:00

Late Night Refreshment - Outdoors

Monday	23:00 - 01:00
Tuesday	23:00 - 01:00
Wednesday	23:00 - 01:00
Thursday	23:00 - 01:00
Friday	23:00 - 03:00
Saturday	23:00 - 03:00
Sunday	23:00 - 01:00

Part 2

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

The Chelsea Food And Wine
Company Limited

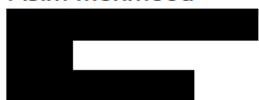


Registered number of holder, for example company number, charity number (where applicable)

05729781

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

Asim Mehmood

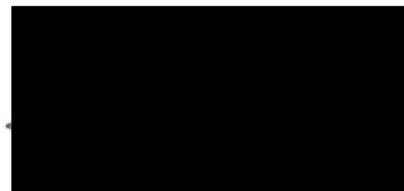


Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence No. [REDACTED]

Authority. London Borough of Redbridge

Licence Issue date 16/01/2024



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

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

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

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

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

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

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

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

Annex 2 - Conditions consistent with the operating Schedule

112 This licence allows for the premises to remain open for non standard timings as stated on the days below. The premises shall operate on New Years Eve for 24 hours.

288 A digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of operating in all lighting conditions and capturing a clear facial image of every person who enters the premises. The CCTV system shall be correctly time and date stamped at all times. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly focused footage.

289 All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to responsible authority officers on request.

340 A member of staff shall be on duty at all times that the premises are in use, who is trained in the use of the CCTV system and who is able to view, and download to a removable storage device, CCTV footage at the immediate request of any responsible authority officers.

305 That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers advising to the effect that CCTV is in operation at the premises. The signage shall be kept free from obstructions at all times.

341 An electronic point of sale (EPOS) system shall be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.

336 A personal licence holder shall be on duty after 20:00 hours until the premises is closed to the public.

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

4AB All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of

their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.

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

4AI A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, the designated premises supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

125 All 'off sales' of alcohol shall be provided in sealed containers to be taken away from the premises.

4BA No beers, lagers or ciders with an alcohol by volume (ABV) of above 6.5% will be displayed, sold or offered for sale at the premises unless prior permission is obtained from Southwark Police Licensing Office and Southwark Council Trading Standards service. A written copy of such permission must be kept at the premises and be made available immediately to responsible authority officers on request. This condition does not apply to Guinness Foreign (ABV 7.5%), Dragon Stout (ABV 7.5%) and Leffe Blonde (ABV 6.6%).

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

Not applicable.

Annex 4 - Plans - Attached

Licence No. 881569
Plan No. N/A
Plan Date 20/03/2023

16/01/2024

Business - Application to vary a premises licence under the Licensing Act 2003

Ref No. 2157944

Please enter the name(s) of the premises licence holders who is applying to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

	The Chelsea Food And Wine Company Limited
Premises licence number	880990

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 description of where the place will be and its proximity to the premises.
3. 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 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. For example state 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.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. 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.
9. 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'.
10. 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.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.

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

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

£	16250
---	-------

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

Address Line 1	187 WATERLOO ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE1 8UX
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Part 2 - Applicant details

Daytime contact telephone number	██████████
Email address	████████████████████
Postal Address if different from premises address	██████████
Town / City	██████
Postcode	████████

Do you want the premises licence to have effect as soon as possible?

Please tick	Yes
-------------	-----

If not from what date do you want the variation to take effect?

(DD/MM/YYYY)	
--------------	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)

	No
--	----

Please describe briefly the nature of the proposed variation (see guidance note 2)

	To vary the terminal hour for the sale of alcohol to 01:00 Sunday to Thursday and 03:00 Friday to Saturday, in accordance with the existing permitted hours for Late Night refreshment. No other changes are sought.
--	--

If your proposed variation would mean that 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

Please select number from range	Less than 5000
---------------------------------	----------------

Notes

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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.

IN ALL CASES COMPLETE BOXES K, L AND M

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

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

--	--

Supply of alcohol (if ticking fill in box J)

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

In all cases complete boxes K, L and M

Will the supply of alcohol be for consumption (Please read guidance note 9)

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

Standard days and timings for Supply of alcohol (Please read guidance note 8)

Day	Start	Finish
Mon	08:00	01:00
Tues	08:00	01:00
Wed	08:00	01:00
Thur	08:00	01:00
Fri	08:00	03:00
Sat	08:00	03:00
Sun	08:00	01:00

State any seasonal variations for the supply of alcohol (Please read guidance 6)

--	--

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 7)

	This licence allows for the premises to remain open for non standard timings as stated on the days below. The premises shall operate on New Years Eve for 24 hours.
--	---

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

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

8. 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.

9. 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'.

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 10)

	n/a
--	-----

Guidance Notes

10. 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.

Hours premises are open to the public (standard timings Please read guidance note 8)

Day	Start	Finish
Mon	06:30	01:00
Tues	06:30	01:00
Wed	06:30	01:00

Thur	06:30	01:00
Fri	06:30	03:00
Sat	06:30	03:00
Sun	06:30	01:00

State any seasonal variations (Please read guidance note 6)

--	--

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 7)

--	--

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

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

8. 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.

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

	n/a
--	-----

I have uploaded relevant part of the previous premises licence (Please send a hard copy in the post)

	[REDACTED]

Reason for not uploading the premises licence

--	--

a) General - all four licensing objectives (b,c,d,e) (Please read guidance note 11)

	The existing conditions address all four licensing objectives. No additional measures considered necessary.
--	---

b) the prevention of crime and disorder

	See a) above
--	--------------

c) public safety

	See a) above
--	--------------

d) the prevention of public nuisance

	See a) above
--	--------------

e) the protection of children from harm

	See a) above
--	--------------

Guidance note 11

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

If the plan of the premises are varying please upload a plan of the premises,

Upload proposed plans	
Upload existing plans	

Checklist

	I understand that I must now advertise my application. I understand that if I do not comply with the above requirements my application will be rejected.
--	---

I/We Hereby declare the Information we have provided is true and Accurate.

I agree to the above statement

	I agree
PaymentDescription	██████████
AuthCode	██████
LicenceReference	██████████
PaymentContactEmail	

Please provide name of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If completing on behalf of the applicant, please state in what capacity.

Full name	██
Date	██████████

(DD/MM/YYYY)	
Capacity	Solicitors on behalf of licensee

Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 14). If completing on behalf of the applicant state in what capacity

Full name	
Date (DD/MM/YYYY)	
Capacity	

Contact name (where not previously given) an address for correspondence associated with this application (please read guidance note 15)

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

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 MAYBE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

GUIDANCE NOTES

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

Please tick to indicate agreement

<input type="checkbox"/>	I am a company or limited liability partnership
--------------------------	---

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK. The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate.

I/We Hereby declare the Information we have provided is true and Accurate.

I agree to the above statement

<input type="checkbox"/>	Yes
--------------------------	-----

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE

STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

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.

Once you complete form you will be redirected to payments and won't be able to return back.

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.



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/24/40

Date: 26/01/2024

Dear Sir/Madam

Re:-Waterloo Food and Wine 187 Waterloo road SE1 8UX

Police are in possession of an application from the above for a Full Variation to their licence to extend the licensable hours for the supply of alcohol off sales. The venue operates as an off licence and off sales currently cease at 0000hrs.

The premises are situated in the Borough and Bankside Cumulative impact area (CIA) as designated by Southwark council. The hours requested far exceed those recommended within the Southwark statement of licensing policy which are closing 0000hrs. The hours requested are as follows

Open to the public

Sun-Thurs-0630hrs-0100hrs

Fri-Sat-0630hrs-0300hrs

Supply of Alcohol for sale by retail

Sun-Thurs-0800hrs-0100hrs

Fri-Sat-0800hrs-0300hrs

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 local area has for a number of years been subject to problems with street drinking, alcohol abuse and the associated crime and disorder.

The applicant has offered no mitigating reasons to support such an application in the cumulative impact area and has also opted not to provide any additional control measures to address all four licensing objectives.

The Home office guidance issued under Sec 182 of the licensing Act 2003 'General principles' state that it is important in setting the parameters within which the premises may operate. Conditions precise and enforceable.

The metropolitan police object to the granting of this variation as the hours requested far exceed those recommended within the Southwark statement of licensing policy, this is without taking into account the fact the premises is situated in the cumulative impact area . The applicant has not provided any mitigating circumstances to support the application and also not attempted to provide any additional control measures to address the licensing objectives in particular that of prevention of crime and disorder.

Submitted for your consideration.
Yours Sincerely

PC Mark Lynch 2246AS

Licensing Officer
Southwark Police Licensing

STATEMENT OF WITNESS

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9)

Statement of (full name): Raymond Henry MOORE

Age of witness (if over 18, write "over 18"): Over 18

This statement (consisting of 2 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I am employed by the London Borough of Southwark as a Principal Trading Standards Officer and as such I am an authorised officer under a range of trading standards legislation as well as the Licensing Act 2003.

On Friday 2nd February 2024 I went to the shop trading as "Waterloo Food and Wine" at 187 Waterloo Road, London, SE1 8UX. I was accompanied by colleagues from the trading standards team, Charlie JERROM and Andy MILES as well as police officer PC Maria O'MAHONEY. We arrived at the premises at about 11:10 hours and there was one person on the premises at the time. This has a premises licence with the London Borough of Southwark, number 881569. This licence is in the name of the Chelsea Food and Wine Company Ltd with the Designated Premises Supervisor being a Mr Asim MEHOMOOD. On arrival Charlie JERROM announced himself and his colleague and spoke with the sole person in the shop who I now know to be [REDACTED]. PC Maria O'MAHONEY if he was a personal licence holder and he showed a photo of a personal licence on his phone which was clearly not him. It was only after some time that PC MAHONEY established his actual identity and that he wasn't a personal licence holder.

This is contrary to condition 841 on the premises licence which states the following:-

"841 There shall be a personal licence holder on the premises at all times alcohol is

Signed: (witness) Date:

(To be completed if applicable: being unable to read the above statement I,of, read it to him/her before he/she signed it

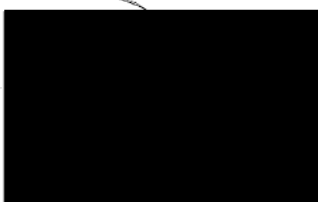
Signed: [REDACTED]

Date: 2 / 2 / 2024)cl4

available for supply for the purpose of supervising such sales. Authorisation must also be in writing and displayed on the premises adjacent to the display of the licence summary where the police or the council's authorised officers can inspect it."

There was, in fact a list of authorisations adjacent to the display but this did not include [REDACTED] name. I now produce a copy of the list of authorisations as an exhibit RAY/CFW/1. To the side of the main counter there were phone accessories such as USB cables; chargers etc. Amongst these were 11 ear pod lightning connectors priced at £9.99. They all had the same serial number. There was a further one of these in the store room. In the shop there were also a number of hand bags displayed including 3 counterfeit Gucci hand bags. With the tourist goods there were also 37 key rings carrying the trademarks of Disney, marvel, prime and Hannah Barbara figures and words. All the counterfeit goods amounted to offences primarily under section 92 of the Trade Marks Act 1994. After about an hour at the shop another person arrived who was [REDACTED]. He had a personal licence issued by the London Borough of Hounslow, number [REDACTED]. Charlie JERRO wrote out paperwork for the goods seized along with an "Age Restricted Products" notice which noted that there was no A3 tobacco Notice displayed; no personal licence holder present on arrival, contrary to condition 841 and that licence condition 841 was breached which is an offence under section 136 of the Licensing Act 2003. I now produce a copy of this paperwork as an exhibit RAY/CFW/2. We left the shop at approximately 13:00hrs and went to another shop owned by the Chelsea Food and Wine Company Ltd, trading as Borough Food and Wine at 107 Borough High Street, London, SE1 1NL. This shop also has a premises licence number 879542 in the name of the company with a designated supervisor, Mr Pritesh Kumar Jashbhai PATEL. There is a similar range of goods. There were six counterfeit apple USB-C Chargers in the store room all with the same serial numbers. In the shop there were just 2 Tom and Jerry branded key rings which were also seized. There was a personal licence holder present and no apparent breach of licence conditions. Charlie JERROM wrote out relevant paperwork for these matters. I produce a copy of this paperwork as an exhibit RAY/CFW/3. A total of 59 counterfeit items were seized from both premises,

Signed



LICENSING ACT 2003
NOTICE UNDER SECTION 57

RAM / CFW / 11

Waterloo Food and Wine, 187 Waterloo Road, London, SE1 8UX

The Chelsea Food & Wine Company Limited as holder of the Premises Licence granted under the provisions of the Licensing Act 2003 in respect of these premises, have nominated Asim Mehmood in his capacity as the Designated Premises Supervisor of these premises (or in his absence, the duty manager) as the appropriate individual to keep a certified copy of the said Licence in their custody or under their control.

Signed [Redacted]
On behalf of the premises licence holder

Dated 08/04/2023

LETTER OF DELEGATION

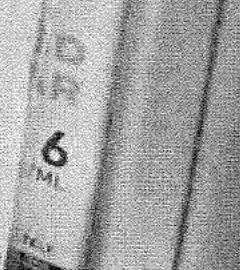
FURTHER TAKE NOTICE the following persons are authorised to sell alcohol and provide such other licensable activities as may be permitted by the premises licence under the authority of the Designated Premises Supervisor and the Premises Licence Holder, as appropriate:

- Y. PATEL, V. PATEL, J. PATEL, N. SHAH, P. PATEL
- R. KASHYAP, S. PATEL

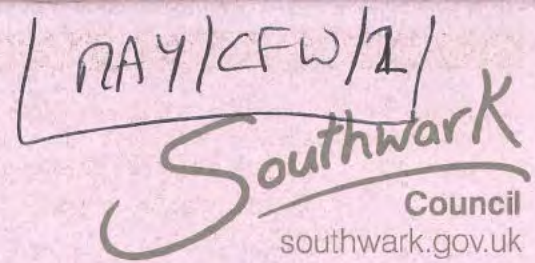
Signed [Redacted]
Designated Premises Supervisor
Signed [Redacted]
On behalf of the premises licence holder

Dated 08/04/2023

Dated 08/04/2023



EVU: 033139



Notice

To The Chelsea Food & Wine Company Limited LA ref

Address 187 Waterloo Road, SE1 8JX

Date 21/07/14 Time 11.08 Officer Charlie Jerrin

Person see [redacted] on* Shop assistant

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 3046

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

Legislation: Trade Marks Act 1994 Licensing act 2013

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

Items seized under the Trade Marks Act 1994
1x EarPods lighting connector (F920193)
1x Gucci handbag - purporting to be Gucci
2x Gucci handbags - purporting to be Gucci (F920194)
Breach of licensing condition 841 - no personal licence at the premises at time of visit. Member of staff showed another individual's personal licence and claimed to be the person on the card.

Signature / declaration [x] 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

[redacted signature]

MAY/CFW/L/



Notice

To Chelsea Road wine company limited LA ref

Address 187 Waterloo Road SE1 8UX

Date 21/02/24 Time 11:08 Officer Charlie

Per [redacted] Position* Shop assistant

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

Notice no. N 3047

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

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

Legislation: Trade Marks Act 1994
Consumer Rights Act 2015

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

(F920190)
37x Various Keyrings containing Marvel, Prime, Lucas and Hannah and Barbara figures no CE Marks
Suspected breaches of the Trade Marks Act 1994
Please provide invoices for all items seized on notices 3046/3047

Signature / declaration [x] 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

[redacted signature]

regard to Evidence

Code of powers and rights to occupier



LA ref

Address 187 Waterloo Road, SE1 8UX

Date 07/02/2014 Time in 11:08 Time out

Officer(s) Charlie Jerrard / Andy Miles / Reg Moore

Person seen [redacted] Position* Shop assistant

**Trading Standards Team
Regulatory Services**
tradingstandards@southwark.gov.uk
Contact centre – 020 7525 2000

* 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. **1371**

Consumer Rights Act 2015 (Schedule 5 paragraph 23(7), Police & Criminal Evidence Act 1984 (PACE) Code B Code of Practice Powers of Entry (paragraph 7.1) – Section 48 (1)(a) of the Protection of Freedoms Act 2012

Visit conducted Without warrant Under warrant

This notice is issued in accordance with the above legislation and codes. PACE Code B will apply if you are suspected of committing an offence and/or entry is under warrant. It informs you about your rights when an authorised officer who has powers of entry wishes to exercise that power. It also explains officers associated powers and any compensation or complaints procedures.

Reason for visit Routine inspection Enquiry / complaint investigation Campaign / project Revisit

The officer named above is a duly authorised officer and is visiting to check compliance against the legislation enforced by this Service. The officer may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary. Further information is shown below and overleaf.

Officers powers

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

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

Where entry is under a warrant any type of premises may be entered - with reasonable force if necessary.

Powers exercised are contained in statutory instruments enforced by this Service including those listed below

Consumer Rights Act 2015 <input type="checkbox"/>	General Product Safety Regulations 2005 <input type="checkbox"/>	Consumer Protection Act 1987 <input type="checkbox"/>
Consumer Protection from Unfair Trading Regulations 2008 <input type="checkbox"/>		Licensing Act 2003 <input type="checkbox"/>
Business Protection from Misleading Marketing Regulations 2008 <input type="checkbox"/>		Food Safety Act 1990 <input type="checkbox"/>
Health & Safety at Work etc. Act 1974 <input type="checkbox"/>	Tobacco Advertising and Promotion Act 2002 <input type="checkbox"/>	
Product specific safety regulations <input type="checkbox"/> (insert detail)	Other <input type="checkbox"/> (insert detail)	

Obstructing a duly authorised officer is an offence punishable by fine and/or imprisonment

Obstruction includes; where a person intentionally obstructs an officer; intentionally failing to comply with instructions by an officer or a requirement imposed; without good reason fails to give an officer assistance or information reasonably required (including opening locked doors or containers); making a reckless statement which is false or misleading; knowingly making a statement which is materially false or misleading.

Consent of landowner or occupier (paragraph 8.6 of the Code*) or PACE Code B

Consent obtained Consent not requested Consent requested but not obtained

This section is to confirm that the occupier has been notified about the purpose of the visit and, for exercising powers of entry and associated powers, what these powers are and how they will be used. *Reasonable effort should also be made to obtain the consent of the landowner or occupier, unless obtaining consent would frustrate the purpose of the visit, for example by causing undue delay. Further information overleaf.

Declaration of landowner or occupier

I confirm receipt of this notice. I understand that I am not obliged to consent and may withdraw consent at any time. I understand if I refuse or withdraw consent officers can still exercise lawful authority to enter and exercise powers. I also understand the consequences or penalty for obstructing officers when exercising their powers. I hereby consent to officers entering the premises for the stated purposes - Yes No Not requested

Name of person signing [redacted]

We have framed that door

Age restricted products (ARPs) – business support report

To Chelsea Supermarket LA ref

Address 187 Wicketlow Road SE1 8UK

Date 07/11/18 Time in 11:05 Time out Officer(s) Cheryl

Person [Redacted] Position* Store manager

Trading Standards
Call centre – 020 7525 2000
Email tradingstandards@southwark.gov.uk

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

Report no. A 207

Reason for visit Routine Enquiry / complaint Campaign / project Revisit

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

ARPs sold / provided

Alcoholic drinks	<input type="checkbox"/>	Blunts	<input type="checkbox"/>	Shisha products	<input type="checkbox"/>	E-cigarettes / vapes	<input type="checkbox"/>	UV sunbeds
Aerosol paints	<input type="checkbox"/>	DVDs	<input type="checkbox"/>	Knives, blades, axes	<input type="checkbox"/>	Cigarettes / tobacco	<input type="checkbox"/>	Replica guns
Butane lighter refills	<input type="checkbox"/>	Lottery	<input type="checkbox"/>	Fireworks (F2,F3)	<input type="checkbox"/>	Treatments / fillers	<input type="checkbox"/>	Corrosive substances
Other (please list)								

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

Officers comments / action you need to take now;

Breach of condition 8(1) no personal licence holder at the premises at time of visit

Staff member provided personal licence

Business comments / requests etc;

Get A3 tobacco notice

Advice leaflet(s) provided FTA training offered

Signed by recipient.....

Store signage & tobacco control

Very good <input type="checkbox"/>	Satisfactory <input type="checkbox"/>	Unsatisfactory <input type="checkbox"/>	Office code
A3 tobacco notice (point of sale)	Correct <input type="checkbox"/>	Incorrect <input checked="" type="checkbox"/>	S40
agecheck zone (entry point)*	Yes <input type="checkbox"/>	No <input type="checkbox"/>	U20
agecheck zone (internal)*	Yes <input type="checkbox"/>	No <input type="checkbox"/>	U21
Shelf edge labels (RU18? etc)*	Yes <input type="checkbox"/>	No <input type="checkbox"/>	U22
Challenge 25 signage*	Yes <input type="checkbox"/>	No <input type="checkbox"/>	U25
Tobacco advertising	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>	S51
Tobacco display regulations	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>	S60
Tobacco labelling (health/duty)	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>	S23
No sale of single cigarettes	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>	S39
Other.....	Correct <input type="checkbox"/>	Incorrect <input type="checkbox"/>	

Measure to assist sales staff, knife sales and licensing

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

(TSARP V 1.1/2322)

43
E V U : 033140.

RAY / CFW / B
Southwark Council
southwark.gov.uk

Notice

To *The Chelsea Food & Wine Company Limited* LA ref

Address *107 Borough High Street SE1 1NL*

Date *07/07/2014* Time *13:17* Officer *Charlie*

Person seen *[Redacted]* Position* *Shop assistant*

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 3048

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

Legislation: *Trade Marks Act 1994*
Consumer Rights Act 2015

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

6x USB-C Charge cables seized under the Trade Marks Act 1994
2x Tom + Jerry Keyrings - purporting to be genuine Tom + Jerry Product - No CE Marks No Labelling (MC00111617)

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
[Redacted]

EVU: 033140



Age restricted products (ARPs) – business support report

To The Chequer Food & Wine Company Limited LA ref

Address 107 Borough High Street SE1 1UL

Date 21/11/17 Time in 11:37 Time out Officer(s) Cheryl C

Person seen [redacted] Position* Shop Assistant

Trading Standards Call centre – 020 7525 2000 Email tradingstandards@southwark.gov.uk

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

Report no. A 209

Reason for visit [X] Routine [] Enquiry / complaint [] Campaign / project [] Revisit []

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

ARPs sold / provided [X]

Table with 6 columns: Alcoholic drinks, Blunts, Shisha products, E-cigarettes / vapes, UV sunbeds, Aerosol paints, DVDs, Knives, blades, axes, Cigarettes / tobacco, Replica guns, Butane lighter refills, Lottery, Fireworks (F2,F3), Treatments / fillers, Corrosive substances, Other (please list)

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

Officers comments / action you need to take now; USB-C Charge Cables, Turner Jerry Keyrings, Seized, 31.7.17 sub process due to... 8/2 notice needs to be displayed on the inside

Business comments / requests etc; N/A

Advice leaflet(s) provided [] FTA training offered []

Signed by recipient [Signature]

Store signage & tobacco control [X]

Table with 2 columns: Description (A3 tobacco notice, agecheck zone, Shelf edge labels, etc.) and Status (Correct/Incorrect) with Office code.

Measure to assist sales staff, knife sales and licensing [X]

Table with 2 columns: Description (EPOS till prompt, Till reminder stickers, etc.) and Status (Yes/No) with Office code.

(TSARP V 1.1/2022)

Charlie Jerram P Southwark.gov.uk



Notice of powers and rights to occupier

To Chelsea Food Wine Company Limited LA ref

Address 107 Borough High Street SE10 1JL

Date 01/02/24 Time in 13:00 Time out

Officer(s) Charlie, Paul, Andy

Person seen [Redacted] Position* Shop Assistant

**Trading Standards Team
Regulatory Services**
tradingstandards@southwark.gov.uk
Contact centre – 020 7525 2000

Notice no. **1372**

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

Consumer Rights Act 2015 (Schedule 5 paragraph 23(7), Police & Criminal Evidence Act 1984 (PACE) Code B Code of Practice Powers of Entry (paragraph 7.1) – Section 48 (1)(a) of the Protection of Freedoms Act 2012

Visit conducted Without warrant Under warrant

This notice is issued in accordance with the above legislation and codes. PACE Code B will apply if you are suspected of committing an offence and/or entry is under warrant. It informs you about your rights when an authorised officer who has powers of entry wishes to exercise that power. It also explains officers associated powers and any compensation or complaints procedures.

Reason for visit Routine inspection Enquiry / complaint investigation Campaign / project Revisit

The officer named above is a duly authorised officer and is visiting to check compliance against the legislation enforced by this Service. The officer may be accompanied by such persons, and may take onto the premises such equipment, as the officer thinks necessary. Further information is shown below and overleaf.

Officers powers

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

- Powers do vary depending on the legislation but in most cases officers will have powers to;
- enter and inspect all parts of the premises
 - observe the operation of the business
 - interview staff during the inspection
 - seize and retain any food, goods, computers or documents that may be required as evidence
 - break open containers or vending machines
 - make test purchases, take samples and photographs
 - inspect and test any goods, equipment or installations
 - seize items that are liable to forfeiture
 - require the production and take copies of recordings (including computer records), documents and video recordings associated with the business
 - access electronic devices to obtain or access information

Where entry is under a warrant any type of premises may be entered - with reasonable force if necessary.

Powers exercised are contained in statutory instruments enforced by this Service including those listed below

Consumer Rights Act 2015 <input type="checkbox"/>	General Product Safety Regulations 2005 <input type="checkbox"/>	Consumer Protection Act 1987 <input type="checkbox"/>
Consumer Protection from Unfair Trading Regulations 2008 <input type="checkbox"/>		Licensing Act 2003 <input type="checkbox"/>
Business Protection from Misleading Marketing Regulations 2008 <input type="checkbox"/>		Food Safety Act 1990 <input type="checkbox"/>
Health & Safety at Work etc. Act 1974 <input type="checkbox"/>	Tobacco Advertising and Promotion Act 2002 <input type="checkbox"/>	
Product specific safety regulations <input type="checkbox"/> (insert detail)	Other <input type="checkbox"/> (insert detail)	<u>Trade Marks Act 1994</u>

Obstructing a duly authorised officer is an offence punishable by fine and/or imprisonment

Obstruction includes; where a person intentionally obstructs an officer; intentionally failing to comply with instructions by an officer or a requirement imposed; without good reason fails to give an officer assistance or information reasonably required (including opening locked doors or containers); making a reckless statement which is false or misleading; knowingly making a statement which is materially false or misleading.

Consent of landowner or occupier (paragraph 8.6 of the Code*) or PACE Code B

Consent obtained Consent not requested Consent requested but not obtained

This section is to confirm that the occupier has been notified about the purpose of the visit and, for exercising powers of entry and associated powers, what these powers are and how they will be used.

*Reasonable effort should also be made to obtain the consent of the landowner or occupier, unless obtaining consent would frustrate the purpose of the visit, for example by causing undue delay. Further information overleaf.

Declaration of landowner or occupier

I confirm receipt of this notice. I understand that I am not obliged to consent and may withdraw consent at any time. I understand if I refuse or withdraw consent officers can still exercise lawful authority to enter and exercise powers. I also understand the consequences or penalty for obstructing officers when exercising their powers.

I hereby consent to officers entering the premises for the stated purposes - Yes No Not requested

Name of person signing... [Redacted] ...Signature ... [Redacted]

To: Licensing Unit	From: Wesley McArthur wesley.mcarthur@southwark.gov.uk 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	Date: 14 February 2024
Subject:	Representation	
Act:	The Licensing Act 2003 (the Act)	
Premises:	Waterloo Food and Wine, 187 Waterloo Road, London, SE1 8UX	
Ref:	882193	

We object to the grant of an application to vary a premises licence, submitted by The Chelsea Food And Wine Company Limited under The Licensing Act 2003 (the Act), in respect of the premises known as Waterloo Food and Wine, 187 Waterloo Road, London, SE1 8UX.

1. The extant licence –

The extant premises licence (licence number 881569) allows for licensable activities and opening hours as follows –

The sale of alcohol to be consumed off the premises:

Monday - Sunday: 08:00 – 00:00 (midnight)

Late night refreshment:

Sunday – Thursday: 23:00 – 01:00

Friday – Saturday: 23:00 – 03:00

The opening hours of the premises are:

Sunday – Thursday: 06:30 – 01:00

Friday – Saturday: 06:30 – 03:00

The premises are a convenience store.

A copy of licence 881569 is attached as appendix 1.

2. The variation application –

The purpose of the variation is described in the application as follows (verbatim) –

- *“To vary the terminal hour for the sale of alcohol to 01:00 Sunday to Thursday and 03:00 Friday to Saturday, in accordance with the existing permitted hours for Late Night refreshment. No other changes are sought.”*

Therefore, the application seeks to allow the sale of alcohol for consumption off the premises as follows:

The supply of alcohol for consumption on the premises:

Sunday – Thursday: 08:00 – 01:00

Friday – Saturday: 08:00 – 03:00

2. The Locale

The premises are located on Waterloo Road, which is a very busy thoroughfare and arterial road. The premises are in a small parade of shops in close proximity to local bus stops. The area has high-density residential housing estates / blocks in the immediate and wider vicinity of the premises, in all directions. Two hotels are located very close to the premises. There are also many commercial premises in the area (including other licensed premises). A map of the local area is attached as appendix 2.

Figure 1: View looking north east across Waterloo Road showing the premises, housing block immediately above and behind the premises, and local hotels near the premises.



Figure 2: View looking south east down Waterloo Road showing housing estates immediately opposite the premises, and further south down Waterloo Road.



3. Statement of Licensing Policy (SoLP)

According to sections 6 & 7 of this council's statement of licensing policy 2021 – 2026 (hereafter referred to as 'the SoLP'), the premises fall within Borough and Bankside District Town Centre and Borough and Bankside Cumulative Impact Area (CIA).

A copy of the SoLP is available via:

[Licensing and Gambling Act policy - Southwark Council](#)

The following closing times are recommended in the SoLP, in respect of the types of licensed premises located in Borough and Bankside District Town Centre, as follows –

Off licences and alcohol sales in grocers and supermarkets:

Monday – Sunday: 00:00

In the interest of transparency, section 7 of the SoLP relates to 'closing times'. The premises are **already** permitted to close at 01:00 hours on Sunday – Thursday, and at 03:00 hours on Friday and Saturday.

4. Our objection

Our objection relates to the promotion of the prevention of crime and disorder, public safety and the prevention of public nuisance licensing objectives.

We say that the late night / early morning sale of alcohol is likely to have a negative effect on the promotion the crime and disorder, public safety and the prevention of public nuisance licensing objectives, and be detrimental to the quality of life for local residents.

Although the SoLP relates to 'closing times', rather than the times permitted for licensable activities, we contend that it is sensible that recommended closing times, and the terminal hours for licensable activities should be considered equitable.

Premises selling alcohol late at night, or into the early morning, have increased risk factors. We do not think it is appropriate to allow premises to sell alcohol late night / in the early morning in a CIA.

We object to *any* extension of the hours permitted for the sale of alcohol.

Premises selling alcohol late at night / in the early morning often become hubs for crime and disorder, anti-social behavior and nuisance. Such premises can attract problem drinkers, such as street drinkers or vulnerable people with alcohol abuse issues. In addition to this, such premises also often attract customers who have been to pubs, bars or clubs in the locale, who are already intoxicated and wish to continue drinking to their own detriment and to the detriment of local residents or other people in the area. Confrontations can often arise between customers who are intoxicated.

The operational hours suggested in the SoLP, and the implementation of CIA's, exist to protect local residents, people traveling through CIA areas and vulnerable people.

The operational hours suggested in the SoLP, and the implementation of CIA's were ratified by councilors at full licensing committee and we suggest that the licensing sub-committee adheres to this council's own policies, which we say have been applied for good reason.

5. Cumulative impact

Paragraph 131 the SoLP 2021 – 2026 states –

- *“Applications made within specified Cumulative Impact Areas (CIAs) are deemed likely to add to the potential impact the policy is intended to avoid. There is therefore an automatic presumption that such applications will be refused, however each application will be judged on its own merits.”*

Paragraph 150 of the SoLP stipulates that regarding the Borough and Bankside CIA –

- *“The classes of premises within the area to which the policy shall apply will be night-clubs / public houses and bars / restaurants and cafes / off-licences, supermarkets and grocers.”*

Therefore, the premises to which this application relates is of a type that is subject to the Borough and Bankside CIA.

As per paragraph 150 of the SoLP, the council has found that certain types of premises are likely to increase the negative cumulative impact in the Borough and Bankside CIA of licensed premises in that area.

We are in agreement with this stance and are therefore of the opinion that the application be refused.

Paragraph 132 of the SoLP states that –

- *“It is normally the case that a representation citing a relevant CIA will have to be determined at a Licensing Sub-Committee hearing.”*

We further note that section 136 of the SoLP states –

- *“The effect of publishing a cumulative impact assessment is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations. 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.”*

In our opinion, the applicant has not demonstrated that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

We also note that the applicant has not addressed cumulative impact **at all** in the application, which is an unfortunate omission that indicates that the applicant may not be aware of the problems caused by licensed premises selling alcohol in the Borough and Bankside CIA.

Further, we contend that granting the application **will** further contribute to the negative local cumulative impact of licensed premises in the Borough and Bankside CIA.

We do not think it is appropriate **at all** to allow premises to sell alcohol late at night / in the early morning in a cumulative impact area.

We also refer 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.”

This means that the above application can be refused on the **sole basis** that it is subject to a cumulative impact area.

We further add that the full council assembly approved the current version of the SoLP and have maintained the Borough and Bankside CIA four times in a row, showing that the problems related to licensed premises in the locale (including off-licences, grocers, supermarkets, convenience stores) are **longstanding and ongoing**.

Taking into account the above, we reiterate that this application be refused.

We may present further submissions prior to, or at, the hearing to determine this application.

Yours sincerely,

Wesley McArthur
Principal Enforcement Officer

Licensing Act 2003

Premises Licence



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

Premises licence number

881569

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Waterloo Food & Wine 187 Waterloo Road	
Ordnance survey map reference (if applicable): 531436179673	
Post town London	Post code SE1 8UX
Telephone number 020 7928 3630	

Licensable activities authorised by the licence

Sale by retail of alcohol to be consumed off premises
Late Night Refreshment – Outdoors

The opening hours of the premises

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

Monday	06:30 - 01:00
Tuesday	06:30 - 01:00
Wednesday	06:30 - 01:00
Thursday	06:30 - 01:00
Friday	06:30 - 03:00
Saturday	06:30 - 03:00
Sunday	06:30 - 01:00

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 - 00:00
Saturday	08:00 - 00:00
Sunday	08:00 - 00:00

Late Night Refreshment - Outdoors

Monday	23:00 - 01:00
Tuesday	23:00 - 01:00
Wednesday	23:00 - 01:00
Thursday	23:00 - 01:00
Friday	23:00 - 03:00
Saturday	23:00 - 03:00
Sunday	23:00 - 01:00

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

The Chelsea Food And Wine
Company Limited
276 Preston Road
Harrow
Middlesex
HA3 0QA

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

05729781

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

Asim Mehmood

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

Licence No.:

Authority:

Licence Issue date: 16/01/2024

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

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula

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

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence;
 - (ii) the designated premises supervisor (if any) in respect of such a licence; or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

112 This licence allows for the premises to remain open for non standard timings as stated on the days below. The premises shall operate on New Years Eve for 24 hours.

288 A digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of operating in all lighting conditions and capturing a clear facial image of every person who enters the premises. The CCTV system shall be correctly time and date stamped at all times. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly focused footage.

289 All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to responsible authority officers on request.

340 A member of staff shall be on duty at all times that the premises are in use, who is trained in the use of the CCTV system and who is able to view, and download to a removable storage device, CCTV footage at the immediate request of any responsible authority officers.

305 That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers advising to the effect that CCTV is in operation at the premises. The signage shall be kept free from obstructions at all times.

341 An electronic point of sale (EPOS) system shall be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.

336 A personal licence holder shall be on duty after 20:00 hours until the premises is closed to the public.

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

4AB All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.

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

4AI A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, the designated premises supervisor shall check the

register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

125 All 'off sales' of alcohol shall be provided in sealed containers to be taken away from the premises.

4BA No beers, lagers or ciders with an alcohol by volume (ABV) of above 6.5% will be displayed, sold or offered for sale at the premises unless prior permission is obtained from Southwark Police Licensing Office and Southwark Council Trading Standards service. A written copy of such permission must be kept at the premises and be made available immediately to responsible authority officers on request. This condition does not apply to Guinness Foreign (ABV 7.5%), Dragon Stout (ABV 7.5%) and Leffe Blonde (ABV 6.6%).

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

Not applicable.

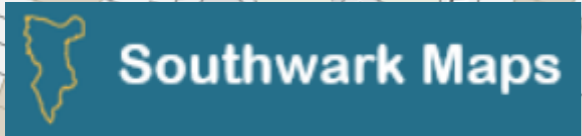
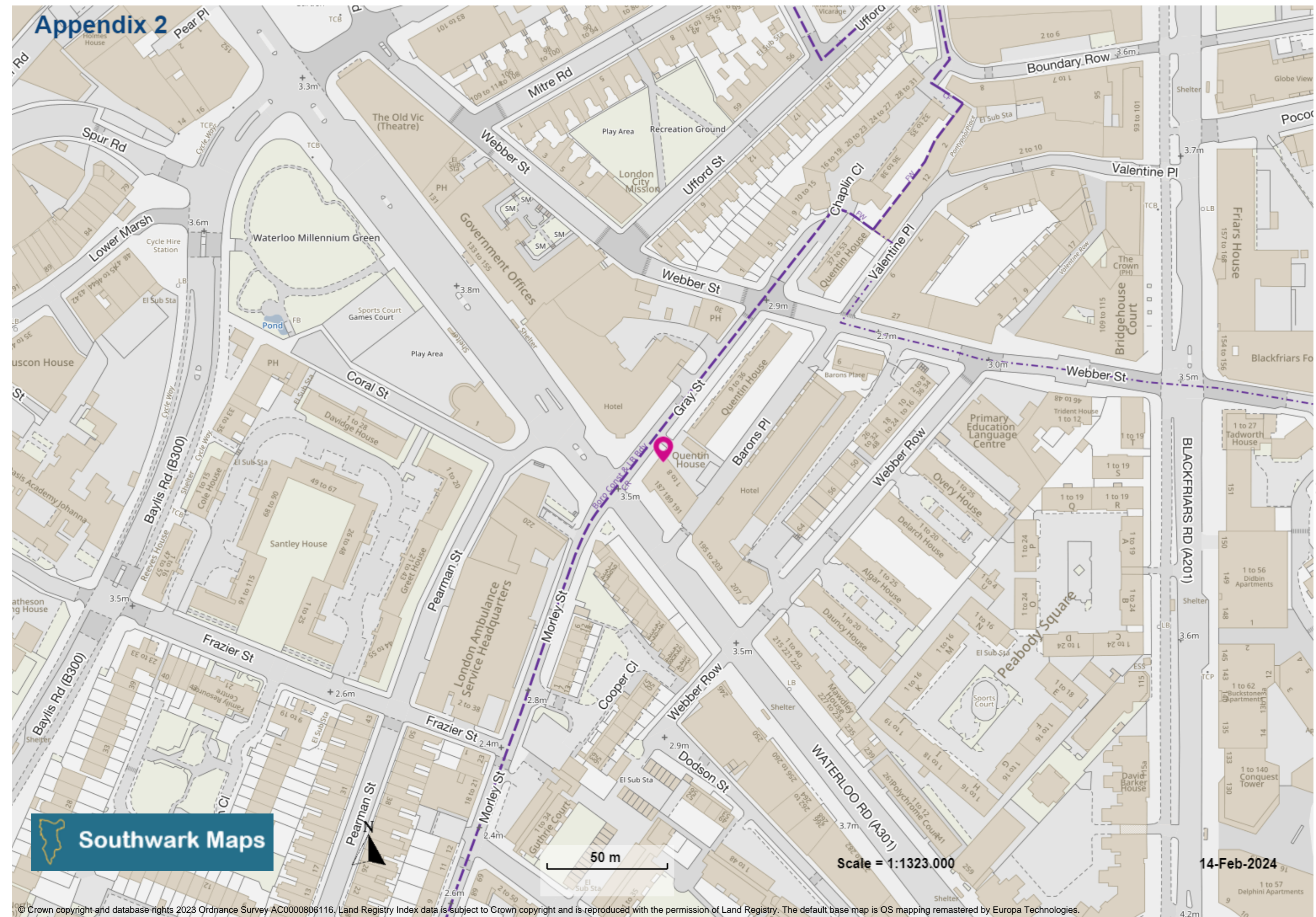
Annex 4 - Plans - Attached

Licence No. 881569

Plan No. N/A

Plan Date 20/03/2023

Appendix 2



50 m

Scale = 1:1323,000

14-Feb-2024



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 24 MAY 2016

LICENSING ACT 2003: BOTTLE & BASKET, 187 WATERLOO ROAD, LONDON SE1 8UX

1. Decision

That the council's licensing sub-committee, having had regard to the application made under Section 51 of the Licensing Act 2003 by the Southwark Council trading standards team for a review of the premises licence issued in respect of the premises known as Bottle & Basket, 187 Waterloo Road, London SE1 8UX and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Suspend the licence for a period of two weeks and

Modify the conditions of the licence as follows:

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

1. That the premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.
2. That all staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
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
4. That a register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, the designated premises supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

5. That an electronic point of sale (EPOS) system be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.
6. That there shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales. Authorisation must also be in writing and displayed on the premises adjacent to the display of the licence summary where the police or the council's authorised officers can inspect it.
7. That no beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises. Signage to this effect shall be clearly displayed at the premises.
8. That all staff working on the premises shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate effect.
9. That an approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products. The CCTV system shall have a 31 day recording facility and will be maintained in full working order at all times that the premises in in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. All CCTV footage shall be kept for a period of 31 days and shall, on request, be made immediately available to the police and/or authorised officers from Southwark Council.
10. That all off-sales of alcohol shall be supplied in closed containers only.

2 **Reasons**

The reasons for this decision are as follows:

The licensing sub-committee heard from the trading standards officer, the applicant for the review who advised on 26 February 2016 trading standards officers and police from the night time economy team carried out a compliance inspection at the premises. Two males were serving behind the counter and when asked whether the owner or DPS were present one of the males advised that he had bought the business (including stock) a week previously for £65,000 and the owner/DPS no longer had anything to do with the business. He later stated that the £65,000 was for stock only and not the sale of the lease. No premises licence had been transferred and he was running the business on a trial basis until the purchase went through.

Checks were made by the trading standards officer confirming that Mr Aydin Ciceki who was held out to be a director of Bottle and Basket UK Ltd was actually not a director of that business. Checks also found that the business operator was in accordance with the Bottle and Basket UK Ltd's 2011 status and was incorrectly registered and in breach of the Food Safety Act.

The trading standards officer also found that the tobacco blunts offered for sale did not comply with The Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002. The male stated that they belonged to the previous owner, contradicting what he had said about the purchase of the stock.

Trading standards found that the male did not know about the systems in place to prevent underage sales, including Challenge 25, there were no training records or refusals of sales registers available. On searching the premises, these documents were found disregarded in a plastic bag in the basement. Furthermore, one of the males working in the shop was an "overstayer" and was arrested.

Further still, the premises had made an underage sale in June 2012 to which the business had accepted a simple caution under Section 146 (1) Licensing Act 2003.

The licensing sub-committee heard from the Metropolitan Police Service representative, who supported the review and went on further to provide details of complaints received of anti-social behaviour and street drinking in the immediate vicinity of the premises. The premises had verbally agreed that they would erect signage that they wouldn't sell beers, lagers or ciders above 7% ABV but they failed to do this.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority, supporting the review. The licensing officer stated that she attended the premises on 19 March 2016 and found that a bottle opener was available behind the counter, which management claimed was for opening soft drinks only. The officer accepted that the management disposed of the bottle opener immediately on request and had since that date, found them to be cooperative. The licensing officer also made reference to the night time economy log and noted that there had been instances of street drinking associated with the premises.

The licensing sub-committee heard from the ward councillor who made representations about the review. He stated that his constituents had complained about the premises being associated with crime and disorder, street drinkers being served and congregating outside the premises and the premises irresponsibly selling high strength beers and ciders. That said, he had received positive comments from some of his constituents who viewed the premises as a local asset.

The licensing sub-committee heard from the legal representative for the premises who said that the four licensing objectives were largely complied with. He stated that the employment of an illegal worker was an irrelevant consideration. The illegal tobacco blunts and food safety registration were breaches of other regulatory regimes and similarly were irrelevant considerations. He added that there had been no repletion of underage sales since 2012. He disputed that sales were made to street drinkers and said that the premises had an important local function.

On 30 March 2016, there had been a change of DPS and the business was in the process of being sold. In the meantime, the premises licence had now been transferred and the transfer of the lease was due to complete in the next few weeks.

The representative stated that they were largely in agreement with all of the conditions proposed by trading standards and the licensing authority but questioned the need for the condition relating to a maximum ABV for beers, lagers and ciders as this could have a negative impact on the business. Similarly, a suspension of the licence could make any purchase of the business unviable.

The licensing sub-committee considered all the written and oral representations before it and deemed that these were serious breaches, including an under age sale in 2012, the breach of other regulatory regimes, the fact that there was no DPS in place for a significant period, meaning sales of alcohol were being sold in breach of the Licensing Act 2003. The representative for the premises stated that the employment of an illegal worker was an irrelevant consideration, despite very recent case law supporting a revocation in such cases (East Lindsey District Council v Abu Hanif (trading as Zara's Restaurant and Takeaway (April 2016))).

The licensing sub-committee also found that there was clear evidence from the responsible authorities that there was street drinking associated with and in the immediate vicinity of the premises. Therefore, it was felt that the condition relating to the maximum ABV for beers, lagers and ciders was necessary and proportionate.

Due to the fact that the lease hasn't yet been transferred and the need for more staff to be trained as personal licence holders, this licensing sub-committee find it necessary and proportionate to suspend the licence for two weeks. This suspension will break the cycle of street drinkers attending the premises ensuring a fresh start for the new owners. Since the premises sells other products other than alcohol this short suspension will have limited effect on the viability of the business.

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

3 **Appeal rights**

This decision is open to appeal by either:

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

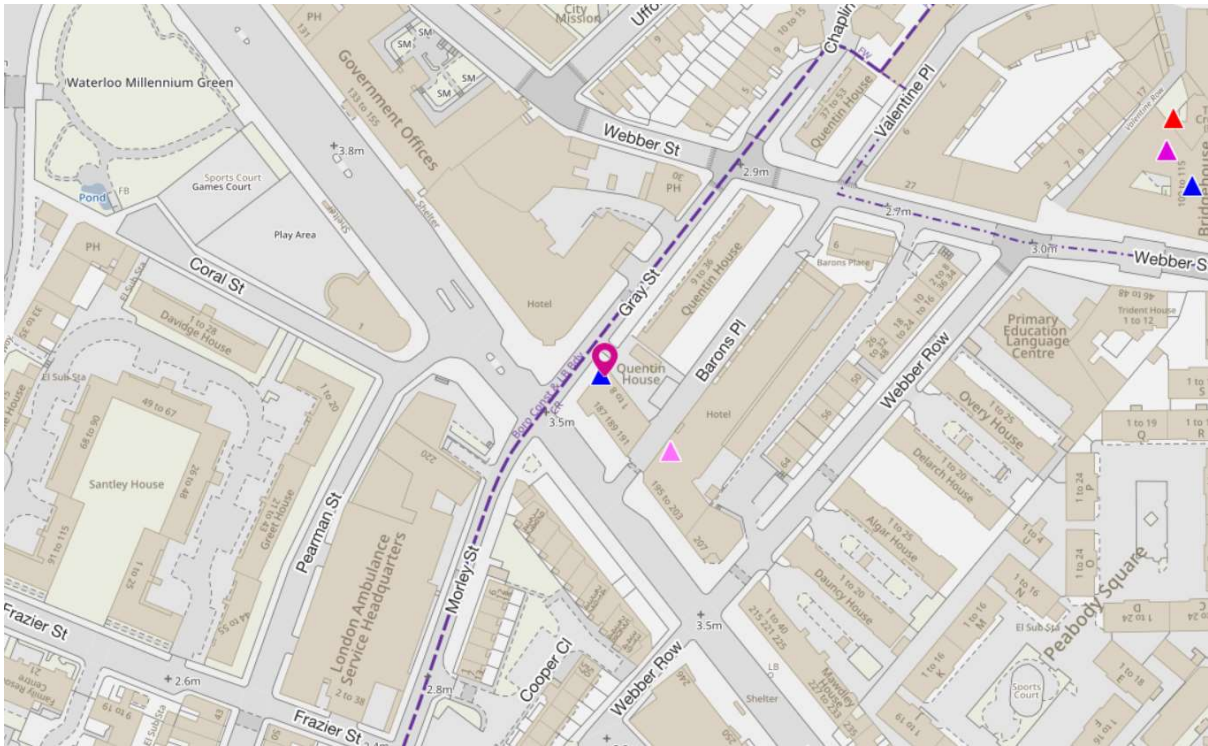
Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates' court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

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

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

Date: 24 May 2016



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