



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 17 MAY 2022

S.17 LICENSING ACT 2003: PECKHAM FOOD AND WINE, 176 PECKHAM HIGH STREET, PECKHAM, LONDON SE15 5EG

1. Decision

That the application made by Mr. Muhammad Baloch for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as of Peckham Food and Wine, 176 Peckham High Street, Peckham, London SE15 5EG and subject to the appointment of a designated premises supervisor is granted.

2. Hours

The sale of alcohol to be consumed off the premises	Monday to Sunday 09:00 hours to 23:00 hours
Opening hours of the premises	Monday to Sunday: 07:00 hours to 23:00 hours.

3. Conditions

1. That no alcohol will be stored or displayed within 2-metres of the entrance/exit unless behind the staff counter.
2. That no beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.
3. That when the premises are open to the public and the licence is not in operation, all alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.
4. That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises



namely: Asif Ali, Kiran Israr, Saeeda Yasmeen and Shazia Imran Islam and Mohammad Islam.

5. That alcohol is displayed as set out in the plan submitted with the application.
6. That an electronic point of sale system (EPOS or POS) is installed and operated at the premises.
7. A written dispersal policy is kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy.

4. Reasons

This was an application made by Mr. Muhammad Baloch for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as of Peckham Food and Wine, 176 Peckham High Street, Peckham, London SE15 5EG.

The licensing sub-committee heard from the applicant's representative who advised that the premises was a convenience store offering a range of groceries and goods in addition to the sale of alcohol. Concerning the responsible authorities referring to the premises being located in a cumulative impact area (CIA), the applicant's representative stated that they were not specifically referred to in the Licensing Act 2003. There were public houses on each side of the Peckham Food and Wine premises and any cumulative impact would be at 23:00 hours when the pubs were closing. Peckham Food and Wine would have a steady egress of customers therefore, no cumulative impact would occur. There had also been a previous premises licence, so the argument that a "new licence" was largely irrelevant. Furthermore, the CIA presumption did not relieve the responsible authorities in providing evidence as to how the cumulative impact would be affected by the operation of a new premises. None of the responsible authorities had provided direct evidence to demonstrate their cause of concern. Concerning the issues relating to the proposed DPS raised by trading standards, the applicant had withdrawn this aspect of the application and until a new DPS had been identified by him, he would act as the DPS. Obviously, until the applicant had obtained his personal licence, the premises could not sell alcohol.

The licensing sub-committee heard from the officer from trading standards whose representations were submitted with regard to all four of the licensing objectives.



The officer accepted that the applicant was not connected to the previous owners when the licence had been revoked. The concerns raised by Trading Standards were relevant because the area was particularly challenging. In addition, the proposed DPS (withdrawn by the applicant) had previously been refused an application in 2021. It was the officer's view that this questioned the applicant's abilities of due diligence.

The Metropolitan Police Service informed the sub-committee that the premises had previously been subject to a trading standards premises licence review in 2017, when the premises licence was revoked, and that an appeal against the licence revocation was rejected by the Magistrates' Court. The officer also stated that the premises were located in the Peckham CIA and that the locale has a large problem with street drinking, alcohol abuse and associated crime and disorder; the applicant had failed to address cumulative impact at all in the application.

The environmental protection team confirmed that their representation related to the prevention of public nuisance licensing objective. The premises were located in a cumulative impact area and any increase in alcohol sales in the already saturated CIA was likely to contribute to the negative cumulative impact on public nuisance caused by street drinking, drunkenness, street fouling, and rowdy conduct in the street. Further, the environmental protection team stated that the applicant had failed to address cumulative impact within the body of its application, or at all.

The licensing sub-committee heard from the officer representing licensing as a responsible authority submitted a representation with regard to all four licensing objectives. The licensing responsible authority notes that the premises are located in a cumulative impact area. Licensing as a responsible authority contends that the applicant has failed to address both cumulative impact, and the presumption to refuse applications that are subject to a cumulative impact policy. The premises were subject to a premises licence review submitted by this council's trading standards service in 2017, when the premises licence was revoked, and that an appeal against the revocation was rejected by the Magistrates' Court. An application for a premises licence submitted in 2021 was refused by the licensing sub-committee and the officer was of the view that the previous licensee or DPS may still have an interest in the business. Licensing as a responsible authority recommends that the application is refused unless the applicant can demonstrate that the proposed operation of the premises will not contribute to crime and disorder and public nuisance within the Peckham cumulative impact area.



The licensing sub-committee considered all of the representations made by the applicant and the responsible authorities carefully. The applicant's points concerning cumulative impact, that the responsible authorities had not provided any direct evidence concerning this was not accepted. Southwark's statement of licensing policy was reviewed and subsequently ratified by Council Assembly 25 November 2020. As part of the that review there was a partnership analysis of alcohol related violence as part of the consideration of cumulative impact on licensed premises within Borough & Bankside; Camberwell and Peckham (in addition to areas under monitor) CIA. A partnership analysis was currently being carried out and due to be considered by the full Licensing Committee in late 2022. The sub-committee also took into account Westminster City Council v Middlesex Crown Court [2002] EWHC 1104 which confirmed that a premises licence could be refused on the sole ground that the area was already saturated with licensed premises.

The initial concerns of previous names held by the applicant were explained and the sub-committee were satisfied with the responses they received. The sub-committee concluded that the 2017 issues with the operation of the premises could be satisfactorily resolved with the exclusion of previous management for the operation of the premises, in addition to the conditions referred in this decision.

5. Appeal Rights

The applicant may appeal against any decision:

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

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

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

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of



21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

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

Date 17 May 2022