

**Muhammad Baloch**  
Peckham Food and Wine  
176 Peckham High Street  
London  
SE15 5EG

**Licensing Unit**  
**Direct Dial** - 020 7525 5800  
**Facsimile** - 020 7525 5705

25 September 2023

Location ID 10PB5176P/3

Dear Muhammad Baloch,

**RE: THE LICENSING ACT 2003 – Peckham Food and Wine, 176 Peckham High Street, London, SE15 5EG**

I write following letter of alleged offence sent to you to inform you that the Council has decided not to proceed with the prosecution on this occasion, however the Council is concerned that the alleged offences were serious and therefore issue the following warning to you.

On Friday 24 February 2023 at 23:40 officers of the Council's Licensing Unit visited your premises and noted the following matters of concern:

1. The premises was open to the public at 23:40, this is a breach of the opening times imposed by the premises licence:

Opening Hours:

Monday 07:00 to 23:00

Tuesday 07:00 to 23:00

Wednesday 07:00 to 23:00

Thursday 07:00 to 23:00

**Friday 07:00 to 23:00**

Saturday 07:00 to 23:00

Sunday 07:00 to 23:00

2. There was one member of staff at the premises serving, this was Asif Ali, this is a breach of condition **843** of the premises licence:

**843** *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**.*

3. Alcohol was on display in an open cabinet, which included a number of single bottles of Aspal Premier Cru cider ABV 6.8% and Henry Waterman's cloudy vintage cider ABV 7.3%. This breached two conditions on the premises licence, **842** and **841**.

**842** *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.*

**841** *That no beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.*

4. No training records were available for staff working at the premises, this is a breach of condition **343**:

**343** *All relevant staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and refusing service where individuals cannot produce acceptable means of identification, acceptable forms of ID, and using the refusal register. Such training (including any refresher training) will be logged and ongoing.*

On the following evening, Saturday 25 February at 23:45 hours Police Officers visit the premises and observed that the premises open and operating via a hatch. They witnessed the breach of the following licence conditions:

5. The premises was open to the public at 23:40, this is a breach of the opening times imposed by the premises licence.
6. There was one member of staff at the premises serving, this was Asif Ali, this is a breach of condition **843** of the premises licence.
7. The CCTV was not available for the Police officers to view, the Police Officers advised Mr [REDACTED] inform Mr Baluch that they would return tomorrow evening to view the CCTV footage.

Police Officers returned to visit the premises on the next evening on Sunday 26 February at 22:15. There was one member of staff at the premises Ms [REDACTED]. The Officers witnessed the following:

8. The staff member was unable to operate the CCTV and stated that there was a problem with the hard drive. This is a breach of conditions 340 and 341:

**340** - *A CCTV recording system shall be installed that is compliant with, and capable of, capturing an image of evidential standards. The system shall continually record whilst the venue is open for licensable activity and/or when customers are present on the premises. All CCTV recordings shall be time- & date-stamped and maintained for a minimum of thirty-one (31) days. Cameras shall be installed so as to cover both internal and external areas of the premises. At least one camera shall cover ingress/egress points.*

**341** - *Staff shall be fully trained in the operation of the CCTV system and there shall be at least one member of staff on duty during trading hours who is able to provide copies of CCTV recordings to the Police and authorised officers of the Local Authority. Such copies shall, in any event, be provided within forty-eight (48) hours.*

9. The shop worker was observed to sell products without using the till to ring up the sale, using a calculator to work out the price instead. The Police officer asked her to show them how the EPOS / POS system on the till works, she was unable to do so saying that EPOS system did not work and sales of alcohol and cigarettes were not being scanned. This is a breach of licence condition **845**:

**845** - *That an electronic point of sale system (EPOS or POS) is installed and operated at the premises.*

On Thursday 9 March 2023 at 14:30 officers from the Police, the Council Licensing team and Trading Standards visited the premises. The observed the following:

10. The staff training records and the alcohol sales refusal book had both been signed by Asif Ali, showing non-compliance with condition **843**.

Each of the matters listed potentially constitutes a contravention of either the licences issued under the Licensing Act 2003 by this Council in respect of the premises operation; or of other related legislation.

In particular, I would advise you that Section 136 (1)(a) of the Licensing Act 2003 states that:

A person commits an offence if -

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or

(b) Knowingly allows a licensable activity to be so carried on.

Also section 137 Exposing alcohol for unauthorised sale:

(1) A person commits an offence if, on any premises, he exposes for sale by retail any alcohol in circumstances where the sale by retail of that alcohol on those premises would be an unauthorised licensable activity.

(2) For that purpose a licensable activity is unauthorised unless it is under and in accordance with an authorisation.

(3) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.

(4) The court by which a person is convicted of an offence under this section may order the alcohol in question, and any container for it, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

In this instance this service does not intend to take any further formal action. However, we would advise to take such reasonable steps as may be necessary to prevent any further repetition of the matters raised. We would also warn you that should any further breach be reported to us we will give consideration to the appropriate legal action to be taken. You should understand that this could lead to legal proceedings being taken and / or the suspension or loss of your licences.

**I would make clear that it is the practice of the Council's Licensing Unit to send officers to visit premises to check to see if unauthorised activities are being provided. Licensing officers will gain admission to the premises in the same way as ordinary members of the public, and will not necessarily make themselves known to the staff or publican at the time of the visit.**

You should also understand that where other Services have interest in the matters noted we will be notifying them of this recent visit. You may receive follow-up visits from them.

Please ensure you act promptly on this letter. If you require advice or assistance on how to comply with the matters raised please contact us on the telephone number given above.

Yours sincerely,

David Franklin  
Principal Licensing Officer  
licensing@southwark.co.uk

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