

APPENDIX D LICENSING

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: 18 September 2023
Subject:	Representation	
Act:	The Licensing Act 2003 (the Act)	
Premises:	Peckham Food and Wine, 176 Peckham High Street, Peckham, London, SE15 5EG	
Ref':	880978	

We object to the grant of an application to vary a premises licence, submitted by Muhammad Baloch under The Licensing Act 2003 (the Act), in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, Peckham, London, SE15 5EG.

1. The extant licence –

The extant premises licence (licence number 876417) allows for licensable activities and opening hours as follows –

The sale of alcohol to be consumed off the premises:

Monday - Sunday: 09:00 – 23:00

The opening hours of the premises are:

Monday - Sunday: 07:00 – 23:00

A copy of licence 876417 is attached as appendix 1.

2. The variation application –

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

- “To remove Asif Ali name from condition 843 so that it will read

That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: Kiran Israr, Saeeda Yasmeen, Shazia Imran Islam and Mohammad Islam”

Furthermore, the current licence issued by the council has no conditions attached at Annex 2 and as part of this application the premises licence holder would be agreeable to this being corrected and the other conditions offered in the operating

schedule when this application for a premises licence was made being added onto the licence.

All other hours, licensable activities and conditions on the licence to remain unchanged”

3. This council’s Statement of Licensing Policy

According to sections 6 & 7 of this council’s statement of licensing policy 2021 – 2026 (the SoLP), the premises fall within Peckham Major Town Centre Area and within the Peckham Cumulative Impact Area (CIA).

A copy of the SoLP is available via:

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

4. Our Objection

Our objection relates to the promotion of all of the licensing objectives.

On 15 September 2017 the premises licence previously held in respect of the premises (by a different licence holder) was revoked by the licensing sub-committee due to various breaches of the Licensing Act 2003, immigration offences and various other matters. A copy of the Notice of Decision regarding the licensing sub-committee hearing of 15 September 2017 is attached as appendix 2.

At the time these offences took place Asif Ali was employed at the premises.

The application for the current licence was determined by the council’s licensing sub-committee at a hearing on 17 May 2022. At that time, due to Asif Ali’s previous involvement in the operation of the premises (when the previous premise licence was revoked), the licensing sub-committee felt it was necessary, appropriate and proportionate to bar Asif Ali’s continued involvement in the operation of the premises to promote the licensing objectives, and therefore imposed the following licence condition (number 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.

A copy of the Notice of Decision regarding the licensing sub-committee hearing of 17 May 2022 is attached as appendix 3.

By seeking to remove Asif Ali’s name from the condition 843, the licensee is attempting to subvert the decision of the licensing sub-committee and employ a person who has previously been found unable to promote the licensing objectives.

Further to the above, the applicant has employed Asif Ali at the premises in the knowledge of the above, and in breach of condition 843.

On 24 February 2023, Mr Ali was found to be working at the premises and breaches of various premises licence conditions were noted. A copy of a witness statement by the investigating licensing officer pertaining to this matter is attached as appendix 4.

On 25 February 2023, Mr Ali was found to be operating the premises and breaches of various premises licence conditions were noted. A copy of a police witness statement pertaining to this matter is attached as appendix 5.

We say that it is clear that Asif Ali cannot operate the premises in compliance with the conditions of premises licence issued in respect of the premises, nor can he promote the licensing objectives, for which he has scant regard.

In addition to this, the Peckham CIA applies to the premises. We contend that allowing Asif Ali to have any interest in the premises will likely lead to crime and disorder at the premises (by way of breaching relevant legislation) and also by selling alcohol irresponsibly, in an area which is disproportionately affected by alcohol related crime and disorder, and problem drinkers.

Paragraph 131 this council's statement of licensing policy 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 156 of the statement of licensing policy stipulates regarding the Peckham CIA that –

- The classes of premises to which the policy applies is defined as follows – nightclubs; pubs and bars; off-licences, grocers, supermarkets, convenience stores; and similar premises.

Therefore, the above premises is of a type of premises that is subject to the Peckham CIA.

As per paragraph 156 of the statement of licensing policy, the council has found that certain types of premises are likely to increase the negative cumulative impact in the Peckham 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 statement of licensing policy 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 statement of licensing policy 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 believe that granting the application **will** further contribute to the negative local cumulative impact of licensed premises in the Peckham CIA.

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.

Regarding annex 2 conditions, the licence has already been re-issued with the correct schedules of conditions attached.

We strongly recommend that this application be refused.

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

876417

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Peckham Food and Wine 176 Peckham High Street	
Ordnance survey map reference (if applicable): 534464176745	
Post town London	Post code SE15 5EG
Telephone number [REDACTED]	

Licensable activities authorised by the licence

Sale by retail of alcohol to be consumed off premises

The opening hours of the premises

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

Monday	07:00 - 23:00
Tuesday	07:00 - 23:00
Wednesday	07:00 - 23:00
Thursday	07:00 - 23:00
Friday	07:00 - 23:00
Saturday	07:00 - 23:00
Sunday	07:00 - 23:00

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	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 23:00
Friday	09:00 - 23:00
Saturday	09:00 - 23:00
Sunday	09:00 - 23:00

Part 2

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

Muhammad Baloch

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

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

Naseem Baluch

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: 17/05/2022

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.

485 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

487 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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.

489 The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) Beer or cider: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

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

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.

342 The "Challenge 25"/"Think 25" proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved identity card bearing the holographic 'PASS' mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.

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.

344 The premises licence holder shall ensure that notices shall be displayed in the premises, advising;

- CCTV is in operation
- a 'Challenge 25' scheme operates in the premises
- 'No proof of age – no Sale'
- Patrons should respect the needs of local residents and leave the area quietly

345 A refusals log must be kept at the premises, and made immediately available on request to the police or an authorised person. The refusals log is to be inspected on a monthly basis by the DPS and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:

- a) the identity of the member of staff who refused the sale;
- b) the date and time of the refusal;
- c) the alcohol requested and reason for refusal;
- d) description of the person refused alcohol

346 Alcohol shall only be purchased for sale within the premises from reputable sources and not from door-to-door sellers. The premises licence holder shall ensure all receipts for goods brought include the following details:

- i. Seller's name and address
- ii. Seller's company details, if applicable

iii. Seller's VAT details, if applicable

Such receipts are to be made available to officers of the local authority or police service upon reasonable request.

347 The area immediately outside the premises shall be monitored to ensure that any litter generated by the premises and/or its customers is regularly cleared.

348 Alcohol shall not be sold in an open container or consumed on the premises.

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

840 That no alcohol will be stored or displayed within 2-metres of the entrance/exit unless behind the staff 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.

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.

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

844 That alcohol is displayed as set out in the plan submitted with the application.

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

846 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.

Annex 4 - Plans - Attached

Licence No. 876417

Plan No. N/A

Plan Date N/A



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 15 SEPTEMBER 2017

LICENSING ACT 2003: PECKHAM FOOD & WINE , 176 PECKHAM HIGH STREET, LONDON SE15 5EG - REVIEW

1. That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by the council's trading standards service for the review of the premises licence issued in respect of the premises known as PECKHAM Food and Wine, 176 Peckham High Road, London SE15 5EG and having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:
 - Revoke the licence.

2 **Reasons**

The reasons for this decision are as follows:

The licensing sub-committee heard from the trading standards officer who advised that the licence to the premises Peckham Food and Fine allows alcohol to be sold 24 hours per day, seven days per week but does require there to be a personal licence holder on the premises and on duty at all times that alcohol is supplied (condition 341). During the course of trading standards investigation into the premises, the premises licence holder and designated premises supervisor (DPS) was Kiran Israr ("KI"). The business operates under Peckham Foods and Wines Ltd when there were three female directors, KI, SY and SI. Following a complaint from a member of the public about alleged counterfeit cigarettes being bought from this premise, trading standards carried out a joint visit with the Metropolitan Police on 23 November 2016 to check compliance with the premise licence, trading standards legislation and other criminality such as employing illegal workers.

During that visit a cupboard was discovered at the back of the shop that contained a single mattress. There was a lockable door and the "cupboard" had a toilet at the back. There were no windows and the floor was bare concrete. There was a small electric heater on the floor in addition to a fan. Two men were sleeping there. One was on the mattress and one was on the floor. Both were arrested in respect of immigration matters. Behind the counter was a personal licence holder, AG. A bottle opener was behind the counter which was seized by the police as suspected at being used to open bottles of alcohol contrary to condition 125 of the premises licence. This condition is intended to stop/reduce street drinking, which is a problem in the vicinity. No training records were available for inspection in breach of condition 326 of the premises licence. During the course of this investigation, no records were ever made available to trading standards making it reasonable to assume no age verification scheme was in operation and/or no training had been given to workers.

During the course of this inspection, trading standards found 10 x "Apple" style phone chargers on sale, identified as counterfeit. No purchase invoices have been supplied to trading standards for these items. During this visit AA arrived at the shop stating that he was the manager; he gave exactly the same home address as AG.

Trading standards have been concerned for a significant time of the sale of super strength beers, lagers and ciders because of the harm they cause to those drinking them, which generally have serious alcohol addiction and the anti social behaviour and crime that often goes with it. The government has sought to use price as a way of reducing consumption and therefore drinks with an ABV of 7.5% and above attract a proportionately higher duty. Trading standards have identified this to be a problem in Southwark with retailers often offer these drinks for sale without any price being displayed, (contrary to a requirement under pricing legislation) and then sell either below the duty price or below what a legitimate cash and carry would sell it to a retailer for, which suggests retailers have obtained items from an illegal source where duty has been evaded. There was a significant quantity and variety of these drinks offered for sale at this premise but no prices were displayed. There was also a significant quantity of those drinks near to the cupboard referred to earlier. The officer therefore served a notice requiring the business to reduce traceable invoices for these drinks.

A further visit was carried out by trading standards and the police on 8 February 2017. A test purchase was made of Carlsberg Special Brew in advance of the visit. The Carlsberg Special Brew cans were not price marked. The seller ("NM"), sold the can for £1.40, being 25 pence above the duty price (duty for the year 2016-2017 was £1.15). Officers asked NM for his manager. NM immediately went to the back of the shop and locked an internal door preventing officers from gaining access. Police parked in a police vehicle immediately at the back of the shop and noted the rear door to the shop was trying to be opened. Eventually the internal door was opened and NM was identified as an illegal worker and was arrested. NM said he started at 6am and was paid £30 for an 8 hour shift, equating to less than £4.00 per hour. Checks showed he had breached a Visitor's Visa issued in 2006 and was not permitted to work and not authorised to sell alcohol – contrary to condition 101 of the premises licence.

On the premises, sleeping on the mattress in the cupboard, was one of the men arrested on 23 November 2016. It was evident there was clothing belonging to more than one person. The CCTV was not working properly. Concerning the price charged for the super strength beer, only some of the invoices have been produced. The sub-committee was invited to conclude that an unknown proportion had been acquired from illegal sources where duty had been evaded.

On 2 March 2017, trading standards visited the premise because the requested invoices had not been received. Two males were working behind the counter. AG, who produced his personal licence and one other who refused to give his details and left the shop. CCTV was still not working (breach of conditions 288 and 289). The manager, AA attended the premises, stating that he said he ran the business and had tried to email through the invoices to the officer, but had not been received as an incorrect email address had been used. These were later sent to the correct mail address, but found to be indecipherable. That email gave the senders name as "AM". AA stated that KI had very little to do with running the business. Examination of business invoices showed that a number of different individuals held accounts with cash and carry businesses.

On 5 April 2017 a further visit took place with trading standards and the police made. Another illegal worker was working in the shop. He was arrested for immigration offences. The CCTV was still not working (breach of conditions 288 and 289).

A further visit was carried out on 26 April 2017 when a test purchase of alcohol was made. AG was in the shop working behind the counter when the test purchase was made. AG again produced his personal licence but the Police carried out an immigration check on him. It transpired that from 12 December 2013 he had been an "absconder" and was duly arrested. Amongst other things, he was not permitted to work. Once again, the CCTV was not working (breach of conditions 288 and 289). The CCTV had been switched off, but even after switching it on, the CCTV was not fully operational.

On 20 May, trading standards carried out a further visit with Immigration Officers. AG was seen walking out of the shop. The immigration officers ran after him and arrested him. He returned to the shop and denied he had been working. The CCTV was checked and it was clear he had been working that day. The other person in the shop was "YS" who was stressed by the further visit and the responsibility of visits from various enforcement agencies. Another bottle opener was found on the counter by the till (breach of condition 125) and was seized

Trading standards advised that they had no confidence whatsoever with the premises licence holder and urged the licensing sub-committee to revoke the licence.

The officer representing licensing as a responsible authority addressed the sub-committee and stressed her concerns of the number and diversity of alleged criminal offences witnessed by trading standards officers and other enforcement agencies. The officer highlighted that several different people had been working at the premises and that there has never been any person held accountable such as the DPS or licensee available at the premises to discuss the concerns regarding breaches or license conditions or other criminal activity. Because of the extent of offending, licensing as a responsible authority concluded that they had no faith that the licensing objective being promoted and fully supported the revocation of the licence.

The licensing sub-committee heard from an officer from the Home Office who confirmed that illegal workers had been encountered at the premises. As a result, a £20,000 civil penalty had been issued, initially incorrectly to AA, but this was rectified and re-issued to Peckham Food and Wine Limited. The officer confirmed that the current licence holder and DPS had made contact and a payment plan had been agreed. The office also confirmed that two of the three directors at that time had no valid leave

The licensing sub-committee heard from the representative for the current licence holder and DPS for the premises, albeit, the transfer application had been refused which the representative said would be appealed. The history of the premises as set out by the responsible officers was accepted and rather consider the various breaches, wished to concentrate on what could be offered to promote the licensing objectives. He reminded the committee that the purpose of a revocation was not to be punitive. Whilst his client had links with the previous owner (and DPS) in addition to the directors, it did not follow that his knew what was going on in the business. He did not know the extent his wife was involved. He pair were largely estranged and she was an individual in her own right. His client had been abroad for most of the last 12 months. His client was a personal licence holder and was of good character. Training had been provided to all staff and there was now currently three personal licence holders employed, with an additional two about to undertake the course. His client was now the sole director and sole shareholder of Peckham Food and Wine Limited. It was a matter to look at activities of concern and find a resolution which is both appropriate and proportionate.

A list of proposed conditions was submitted to the sub-committee and the responsible authorities. The schedule of conditions offered was largely no more than what a responsible operator should be already do. Whilst the licence holder could not be held account for any of the wrong-doing witnessed by trading standards, a period of suspension was also offered.

This was offered, not as a punitive measure, but as a deterrent to other operators. Because a 24 hour licence was extremely generous and that the 24 hour operation allowed illegal workers to gain temporary shelter, it was suggested that the premises may think it prudent to curb its operating hours. This was refused. When questioned on the super strength beers, lagers and ciders, the premises would only consider a ban on those with an ABV of 6.5 % and also, would seek the sale of the more premium brands.

During the course of this trading standards investigation, six visits were carried out with the premises and on all occasion illegal workers have been present. The premises has operated with a total disregard to the licensing objectives in addition to the law relating to the employment of workers both in terms of those having the right to work and the poor payment made. This licensing sub-committee agree that the premises has effectively operated as a modern form of slavery with appalling sleeping conditions also being provided. By operating a 24 hour, seven days a week business, the shop front door is never closed meaning people can come and go at any time with some taking refuge. The then licence holder and DPS has not engaged with the authorities and have shown little interest or involvement with the day to day running of the business and has allowed and/or instructed the business to be run in this illegal manner.

Whilst the current licence holder and DPS claims that he is now the sole director and shareholder, Companies House records shows the extremely regular movement of personnel in Peckham foods & Wine Limited. Some of the appointments and resignation have taken place on the same day. The licence holder has links with the previous directors, and these persons have been involved in the poor management and illegal practices at the premises of crime and employing illegal workers. He may show as being the sole director and shareholder of the company, but the history of this company does not give this licensing sub-committee confidence that it will remain in his name, particularly in view of the dormant second company being incorporated and operating from the same premises. Further, the licence holder has failed to demonstrate a sufficient distance from these previous poor management practices, including the removal of all previous staff, since it is noted that this same member of staff is a co-director of the second company operating from the premises, Ya Sir Minimarket Limited. In these circumstances, the premise licence is therefore revoked.

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; or
- 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 Legal Services

Date: 15 September 2017



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

WITNESS STATEMENT


CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Name: Barry O'Callaghan

Occupation: Principal Licensing Officer

Age if over 18: Over 18

This statement (consisting of: 4 pages each signed by me) 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 willfully stated anything in it which I know to be false, or do not believe to be true.

Signature: 

Date: 28 February 2023

I am a ~~Principle~~ Licensing Officer for Southwark Council and have been employed as such since November 2022. I am a duly authorised officer for the purposes of the Licensing Act 2003, Gambling Act 2005, London Local Authorities Act 1991 and the Health Act 2006.

Unless otherwise stated to the contrary, the contents of this statement are within my personal knowledge and are true. Where the contents are not within my personal knowledge, the information is true to the best of my information knowledge and belief.

I attach as Exhibits "BOC/1-BOC/3" which I will refer to in the course of my Witness Statement

Within Southwark, the licensing responsibility is wholly administered by this council.

Peckham Food and Wine is a small grocery store and off licence situated at 176 Peckham High Street SE15 5EG. The premises licence number 876417 (granted 17 May 2022) allows for the provision of licensable activities as follows: Sale of alcohol to be consumed off the premises: Monday to Sunday: 09:00 hours to 23:00 hours and opening hours: Monday to

Signed 

Dated 28 February 2023

Sunday 07:00 hours to 23:00 hours.

The current designated premises supervisor (DPS) named on the licence is Naseem BALUCH, who holds a personal licence issued by the [REDACTED] This was issued on 24 May 2021.

The Premises Licence holder is Muhammed BALUCH

I attach as my Exhibit BOC/1 a copy of the premises licence.

On Friday 24 February 2023 I was employed on directed patrols across the borough and at about 23:40 I attended outside the premises and saw that the premises were still open and trading. I stood outside for approximately 10 minutes to see if any customers were coming out with alcohol and did not witness any instances of this.

At about 23:50 I entered the premises and was immediately engaged by the sole member of staff behind the counter a man who later gave his name as Mr [REDACTED] I introduced myself and presented my official identification. He said that he knew the premises should close at 23:00 but that he was waiting for the boss to arrive and close up. He assured me that no alcohol had been sold since 23:00

He did provide me with a copy of the premises licence and a refusals log (last entry 6/2/23) but was unable to provide any training records for staff at the premises.

Due to the fact that there were a number of people outside trying to gain entry I decided to do a small dip sample of the conditions on the licence. I saw displayed in the open chiller cabinets at the rear of the shop a quantity of cans of the following items ASPAL Premier Cru cider alcohol (alcohol 6.8% volume)

Signed [REDACTED]

Dated 28 February 2023

I took a picture of the items displayed and now produce the image as my exhibit BOC/2

Also displayed was a quantity of cans of Henry Weston's Cloudy vintage cider (alcohol 7.3% volume) I took another photo of the display and now produce this image as my exhibit BOC/3

As I was taking photos of the items Mr [REDACTED] said that he had recently purchased the items as he thought they were just new flavours with the same alcohol content as others previously he had previously purchased.

All items were then removed from display by Mr [REDACTED]

The queue from the pub were still congregating around the main door, some shouting why was I allowed in. I left the premises at that stage to diffuse the situation and allow Mr [REDACTED] to close the premises completely

The following conditions attached to the licence appear to have been breached

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

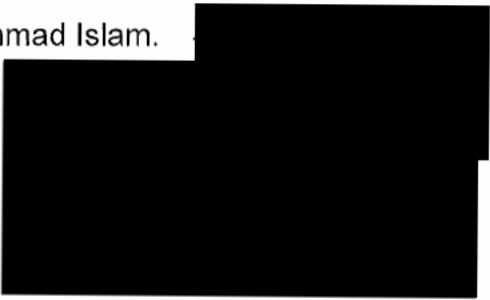
841 That no beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.

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.

Signed [REDACTED]

Dated 28 February 2023

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.



Signed



Dated 28 February 2023

Licensing Act 2003 Premises Licence



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

Premises licence number

876417

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Peckham Food and Wine 176 Peckham High Street London SE15 5EG	
Ordnance survey map reference (if applicable), 534464176745	
Post town London	Post code SE15 5EG
Telephone number [REDACTED]	

Where the licence is time limited the dates

Licensable activities authorised by the licence
Sale by retail of alcohol to be consumed off premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 07:00 - 23:00
Tuesday 07:00 - 23:00
Wednesday 07:00 - 23:00
Thursday 07:00 - 23:00
Friday 07:00 - 23:00
Saturday 07:00 - 23:00
Sunday 07:00 - 23:00

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	09:00 - 23:00
Tuesday	09:00 - 23:00
Wednesday	09:00 - 23:00
Thursday	09:00 - 23:00
Friday	09:00 - 23:00
Saturday	09:00 - 23:00
Sunday	09:00 - 23:00

Part 2

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

Muhammad Baloch

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

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

Naseem Baluch

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 17/05/2022



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.

485 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

487 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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.

489 The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) Beer or cider: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

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

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.

342 The "Challenge 25"/"Think 25" proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved identity card bearing the holographic 'PASS' mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.

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.

344 The premises licence holder shall ensure that notices shall be displayed in the premises, advising;

- CCTV is in operation
- a 'Challenge 25' scheme operates in the premises
- 'No proof of age – no Sale'
- Patrons should respect the needs of local residents and leave the area quietly

345 A refusals log must be kept at the premises, and made immediately available on request to the police or an authorised person. The refusals log is to be inspected on a monthly basis by the DPS and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:

- a) the identity of the member of staff who refused the sale;
- b) the date and time of the refusal;
- c) the alcohol requested and reason for refusal;
- d) description of the person refused alcohol

346 Alcohol shall only be purchased for sale within the premises from reputable sources and not from door-to-door sellers. The premises licence holder shall ensure all receipts for goods brought include the following details:

- i. Seller's name and address
- ii. Seller's company details, if applicable
- iii. Seller's VAT details, if applicable

Such receipts are to be made available to officers of the local authority or police service upon reasonable request.

347 The area immediately outside the premises shall be monitored to ensure that any litter generated by the premises and/or its customers is regularly cleared.

348 Alcohol shall not be sold in an open container or consumed on the premises.

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

840 That no alcohol will be stored or displayed within 2-metres of the entrance/exit unless behind the staff 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.

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.

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

844 That alcohol is displayed as set out in the plan submitted with the application.

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

846 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.

Annex 4 - Plans - Attached

Licence No. 876417

Plan No. N/A

Plan Date N/A

BOC/2





RESTRICTED (when complete)

MG11C

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: PC Maria O'MAHONEY 2321AS

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) 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.

Witness Signature: Date: 28/02/2023

Before writing this statement I have viewed my BWV footage which I exhibit as MVO/1 and MVO/2.

I am a Police Officer attached to the Night Time Economy Team and part of my duties are checking that licensed premises adhere to their licence conditions. On Saturday the 25th February 2023 I was on duty in plain clothes in the company of PC Lorena HAUGHEY 2737AS.

At 23:45 hours I was driving along PECKHAM HIGH STREET when I notice that PECKHAM FOOD AND WINE 176 PECKHAM HIGH STRET SE15 5EG was open. I decided to do an inspection as I was aware that their opening hours were 07:00 hours to 23:00 hours and their granted licensable activities were 09:00 hours to 23:00 hours. At 23:50 hours we approached the shop and I could see a male serving customers through a hatch. I now know this male to be [REDACTED] date of birth [REDACTED]. I identified myself to Mr [REDACTED] as Police Officer showing him my warrant card and asked to come in so I could do a licensing inspection.

We entered the shop and I asked [REDACTED] if he was the DPS and he said no but he was a Personal Licence holder. I asked to see his Personal Licence but [REDACTED] said that he didn't have it as he had sent it back to Havering Council to have his address changed. I asked him was he still selling alcohol and he said no that he had stopped at 23:00 hours. On checking the Premises Licence I noticed that condition:-

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.

I asked [REDACTED] had he previously had any dealings or worked at PECKHAM FOOD AND WINE. [REDACTED] replied "Never had I worked here". He confirmed that it was him named on condition 843 of the Premises Licence. He then said that he could work there as staff but not management. I pointed out to [REDACTED] that the condition stated that he was "excluded from the premises and to take no part in the operation". He then said that "as the boss told me as a management you can't work but as staff you can". He then said the brother of the owner Mr BALOCH was on holiday and asked him to come in and help. He then said that he thought he was allowed to work there after 23:00 hours when the Premises was no longer allowed to sell alcohol. He also stated that he had never had anything to do with PECKHAM

Witness Signature:

Signature Witnessed by Signature:

Continuation of Statement of:

FOOD AND WINE and that this condition was from a previous Off Licence he had worked in which was PRESCO FOOD AND WINE SOUTHAMPTON WAY where he had received a caution for selling counterfeit alcohol.

I asked [redacted] if he could show me the CCTV. [redacted] claimed that the CCTV was locked in another room and the boss had left with the key at 23:00 hours. This is a breach of conditions:-

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.

As I was leaving I told Mr ALI to let Mr BALUCH know that I would be returning Sunday night before 23:00 hours to view the CCTV.

On Sunday the 26th February 2023 at 22:15 hours myself and PC HAUGHEY returned to PECKHAM FOOD AND WINE. Working behind the counter was a female who gave her name as [redacted]. We identified ourselves as Police Officers and explained that we were there to carry out a licensing inspection. Ms [redacted] was unable to produce any ID to verify her details but her name appeared on the training records and the authority letter stating she had been authorised by the DPS to sell alcohol. I asked her how long she had worked at PECKHAM FOOD AND WINE and she said she was training and had only been there for two weeks. I asked to view the CCTV and Ms [redacted] claimed it wasn't working as there was a problem with the hard drive. Ms [redacted] was extremely nervous and I had to tell her to calm down and to contact her boss. Ms [redacted] said he was upstairs in the flats above the shop where he lives. I asked her to phone him to come down so we could carry out the inspection with him. She got Mr BALUCH on the phone and he refused to come down as he was eating dinner with his family. As Ms [redacted] was on the phone a customer came in and I noticed that she did not use the till to ring in the sale but was using a calculator to work out the price. I picked up a can of Tyskie beer and asked Ms [redacted] to demonstrate the EPOS or POS sale system. Ms [redacted] then explained that the EPOS sale system wasn't working so that none of the alcohol or cigarettes were being scanned. This was a breach of condition:-

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

Ms [redacted] was still on the phone to Mr BALUCH so I asked her to put him on the phone to me as I was concerned that she had only been working there two weeks and was still

Witness Signature:

Signature Witnessed by Signature:.....

Continuation of Statement of:

training. There were a number of breaches of the Premises Licence and I would be issuing a Notification of Offences. Ms [redacted] asked Mr BULACH to speak to me on the phone so the issues could be addressed but he refused requesting that I email him. I asked Ms [redacted] to tell Mr BULACH that I would be making a note that he refused to speak to me. I also asked her to ask him why he had [redacted] working in the shop when there is a condition on the Premises Licence that he is not allowed to be involved with the premises. Ms [redacted] relayed this to Mr BULACH who replied that because [redacted] was in there after 23:00 hours the Premises licence conditions are no longer enforceable.

As Mr BULACH refused to either come downstairs or speak to me on the phone I issued the Notification of Offences to [redacted] who signed acknowledging receipt of the form before leaving the premises.

Witness Signature:

Signature Witnessed by Signature:.....

APPENDIX C TRADING STANDARDS

From: Moore, Ray <Ray.Moore@southwark.gov.uk>

Sent: Tuesday, September 12, 2023 2:29 PM

To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>; Tucker, Matt <Matt.Tucker@southwark.gov.uk>

Cc: [REDACTED]

Subject: Application to Vary a Premises License, Mr Muhammad BALOCH, Peckham Food and Wine, 176 Peckham High Street, London, SE15 5EG

Trading Standards as a responsible authority are in receipt of an application to vary a premises license (number 876417).

The variation sought is as follows:-

“To remove Asif Ali name from condition 843 so that it will read "That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: Kiran Israr, Saeeda Yasmeen, Shazia Imran Islam and Mohammad Islam"

Furthermore, the current licence issued by the council has no conditions attached at Annex 2 and as part of this application the premises licence holder would be agreeable to this being corrected and the other conditions offered in the operating schedule when this application for a premises licence was made being added onto the licence.

All other hours, licensable activities and conditions on the licence to remain unchanged.”

Trading Standards as a responsible authority are making representations in respect of this application under all the licensing objectives and strongly object to Mr Asif ALI KHAN being allowed to work at the premises. This particular condition was specified by the licensing subcommittee in relation to the application for a new premises license to Mr Muhammad BALOCH after it had emerged during the application process that Mr Asif ALI KHAN had been working at the premises. In fact he was originally down to be the Designated Premises Supervisor. He had not previously been associated with this premises but had been involved with 2 other premises in the borough i.e. Presco, 133-135 Southampton Way, SE5 7EW and Presco, 244 Southwark Park Road, London, SE16 3RN. The other people who were named by the licensing subcommittee are people who had been involved with the premises before it had its license revoked for a series of issues including allegations of modern day slavery which on appeal, the judge stated that conditions amounted to those of modern day slavery.

In spite of these matters being specified as conditions for Mr BALOCH being granted a premises license he then went on to employ Mr Asif Ali KHAN at the premises. This was brought to Ray MOORE's attention in the Trading Standards Team who had previously dealt with matters at 176 Peckham High Street, 244 Southwark Park Road and 133-135 Southampton Way. The police night time economy team had informed Mr MOORE that they had met Mr Asif ALI KHAN at the premises. This had been late at night and outside of licensed hours. They had also found bottles of lager and cider that were over 6.5% ABV in contraventions of conditions on the license when it was granted in 2022. Mr

KHAN claimed that he did not work there when the sale of alcohol was taking place. As a result Mr MOORE visited the premises on 9 March 2023. When he checked the records he found that Mr Asif ALI KHAN had been authorised to sell alcohol and that he had signed the training records. Furthermore he was entered into the refusals register as refusing sales of alcohol.

Attached are photographs of those records taken by Mr MOORE on the day (9/03/2023) as RAYAAK1 to 3.

Also attached are the licensing subcommittee notices of decision for:-
244 Southwark Park Road (licensing subcommittee notes and decision) (RAYAAK4)
176 Peckham High Street dated 17 May 2022 (RAYAAK5)
Newspaper article on appeal for revocation of license for 176 Peckham High Street...Southwark News 10 July 2018 (RAYAAK6)

Ray MOORE
Principal Trading Standards Enforcement Officer

REFUSALS REGISTER

Date	Time	Product attempted	Name of person or description	Why sale refused?	St m
22/06/2022	9:00 PM	Sourz	Two Young white guys	No ID	XAS
01/07/2022	11:00 PM	Jack Daniel	Young lady Black	No ID / only picture on phone	
03/07/2022	7:33 PM	CIDER	Middle age 30, 36 white	No ID at But Drunk	
04/07/2022	10:11 AM	BEER + Whiskey	Three Young Scotch guys white	Under Age No ID	
09/07/2022	1:40 PM	Rum	Young Girl Black	No ID	
13/07/2022	3:30 PM	BEER	Young Boy under age	No ID	
17/07/2022	7:07 PM	Win + Cigaretts	Young Boy Drunk		
25/07/2022	12:11 PM	Cider	Young Boy white	No ID	

Key: M / F - Male or Female

U/A - Underage

D/D - drunk or disorderly

Dr - under the influence of

Licensing Sub-Committee MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 10 November 2014 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH PRESENT:

Councillor Renata Hamvas (Chair) Councillor Dora Dixon-Fyle MBE Councillor Lorraine Lauder MBE

OTHER MEMBERS PRESENT: Asif Ali, applicant, Presco Food and Wine Anna Ali, applicant, Presco Food and Wine Graham Hopkins, legal representative Graham White, Metropolitan Police Service Donovan Haye, representative from Club Favour Kamart Pennyfeather, witness for Club Favour Emeka Osisiona, representative from Club Favour Fatima Sheriff, applicant, Fanta's Beauty OFFICER SUPPORT: Debra Allday, legal officer Cynthia Barrientos, legal officer Dorcas Mills, licensing officer Mark Orton, licensing officer Ray Moore, trading standards officer Bill Masini, trading standards officer Farhad Chowdhury, health and safety officer Andrew Weir, constitutional officer

1. APOLOGIES There were none.

2. CONFIRMATION OF VOTING MEMBERS The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT There were none. 2 Licensing Sub-Committee - Monday 10 November 2014 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS There were none.

5. LICENSING ACT 2003: PRESCO FOOD & WINE, 244 SOUTHWARK PARK ROAD, LONDON SE16 3RN The licensing officer presented their report. The licensing officer advised that the police and the trading standards officers had requested that additional documentary evidence be placed before the sub-committee. The applicants' representative objected to this under Section 18 of the Licensing Act 2003 (Hearings) Regulations 2005, but were agreeable that both police and trading standards could make oral representations, which was accepted by the police and trading standards. Members had no questions for the licensing officer. The applicants addressed the sub-committee. Members had questions for the applicants The trading standards officer addressed the sub-committee. Members had questions for the trading standards officer. The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police representative. The meeting adjourned at 1.02pm, at the request of the applicants' representative to allow the applicants and their representative time for a private discussion. The meeting resumed at 1.09pm. The meeting adjourned at 1.21pm, at the request of the applicants' representative to allow the applicants and their representative time for a private discussion. The meeting resumed at 1.26pm. At this point the applicants' representative advised that they were no longer representing the applicants and that the applicants would continue without any representation. The meeting went into closed session at 11.02am. The meeting resumed at 12.32pm and the chair read out the decision of the sub committee. RESOLVED: That the application submitted by Anna Ali for the grant of a premises licence issued under the Licensing Act 2003 in respect of 244 Southwark Park Road, SE16 3RN be refused. Reasons The police and the trading standards officer requested that

additional documentary evidence be placed before the sub-committee. However, the applicant's representatives objected under Section 18 of the Licensing Act 2003 (Hearings) Regulations 2005, but were agreeable that both police and trading standards could make oral representations, 3 Licensing Sub-Committee - Monday 10 November 2014 which was accepted by the police and trading standards. The licensing sub-committee heard evidence from the applicant's representative who informed the sub-committee that the premises was a groceries convenience newsagents that was owned by Yaqoob Khan, the uncle of Mr Ali, the applicant's husband, who owned 12 other such stores. Two previous Temporary event notices (TENs) had been granted without issues, which had been applied for after Mrs Balakrishna, who had surrendered the licence after she was sacked for selling single cigarettes. The application was to reinstate the licence on the same basis as that granted in March 2006. It was accepted that Mr Ali had drafted the application, and that Mrs Ali had accepted all of the suggested police conditions and that she would work in the shop as an assistant manager. Mr Ali had accepted a simple caution in respect of counterfeit alcohol, which was accepted by him. The applicant's representative highlighted that there were no representations made by local residents or local businesses or from the environmental protection team. The sub-committee enquired as to who would be running the premises on a day to day basis and were informed that it would be Mr Ali and the designated premises supervisor (DPS) and a Mr Michael, who has a personal licence (currently employed at another premises owned by Mr Yakoob Khan). Mrs Ali and a Mr John would be working in the premises when they receive their personal licences. Mrs Ali confirmed that she had completed the personal licence course in June/July 2014 but had yet to apply for her personal licence. When asked about the Challenge 25 obligations she was unable to provide specific details. The licensing sub-committee heard from the trading standards officer who stated that the applicant, Mrs Ali, was a front for her husband, Mr Asif Ali, who would not be a suitable personal licence holder (or DPS). It was the trading standards officer's belief that the application was a sham in order to circumvent the provisions and the aims of the Licensing Act 2003. All of the documentation had been completed by the applicant's husband and Mr Ali sought to be the DPS. The original application had been rejected because Mr Ali had signed it on behalf of his wife. Two TENs had been granted in the name of Mr Ali, each requesting the sale of alcohol 24 hours per day, seven days per week. A third TENs was rejected following objections from the environmental protection team. Trading standards went on to give evidence concerning diversion fraud spirits from a shop owned by Yakoob Khan and managed by Mr Asif Ali at Presco, 133-135 Southampton Way SE5 7EW. A quantity of diversion fraud spirits were found at the premises being seven bottles of High Commission Whisky and two bottles of Glenn's Vodka. Mr Ali and Mr Yakoob Khan were interviewed by trading standards on 1 September 2014 who stated that the offending spirits had been bought off of a student. Both Mr Asif Ali and Mr Yakoob Khan accepted simple cautions for these trademarks offences. Trading standards also stated that in August 2014 a Mrs Balakrishna voluntarily surrendered the old licence after she was forcibly evicted from the premises, after a prolonged campaign of harassment by Mr Ali and that her colleague, Nazim Ali had been assaulted by Mr Asif Ali, in addition to taking

cigarettes and money from the till. Due to a lack of premises licence, no licensable activities were permitted to take place at the premises. On 5 September 2014, a warning letter was hand delivered to the premises, advising of the same. Trading standards returned to the premises on 10 October 2014 and noted that there was alcohol on the shelves but covered with paper bags; the two 4 Licensing Sub-Committee - Monday 10 November 2014 people working in the shop stated that Mr Asif Ali was their boss. On 24 October 2014, officers from trading standards and the police attended the premises. One male with a foreign student visa was working in the shop and stated that he was being paid £2.50 per hour/£30 for a 12 hour shift. The sub-committee noted that the employment of a person on a student visa was an immigration offence. The licensing sub-committee heard from the Metropolitan Police Service representative who stated that their original representation was in response to the application that was before him. However, on 29 October 2014 he received additional information and stated that there were exceptional reasons to refuse the application. The sub-committee were provided with evidence from the police representative of a highly sensitive nature in closed session, in accordance with paragraph 14 of the Licensing Act 2003 (Hearings) Regulations 2005. When all other parties returned to the room, the police officer stated that the employees of the premises did not control the amount of youths that they had in the shop at any one time and that this was causing serious anti-social behaviour in the area. Furthermore, the premises failed to assist the police in providing CCTV to assist in prosecuting offenders. On 5 November 2014 armed police were called to the premises in response to a report that a male was seen standing at the doorway of the premises with a gun, walking in and out of the premises. The male was seen waving the gun with both hands on it and pointing it at members of the public. The police arrested the suspect, who was employed by the premises. The gun was in fact a BB gun and in addition to it, a magazine and pellets were found at the premises as well as a baton. On 6 November 2014 there was a fire at the location and both the police and fire brigade were required to attend. The fire brigade confirmed that a firework, being a rocket that would be used in public displays, had been let off into the shop. The fire brigade noted that the fire exit at the rear of the premises had been padlocked shut and if persons had been in the premises it was unlikely that they would have been able to escape safely. Mr Ali stated that the gun was a plastic gun and that youths had been aggressive to the employee and that the plastic gun was the same as those of being sold in the shop. He also stated that the pellets were sold separately. Mr Ali stated that he had received a lot of threats as a result of not selling alcohol to young people. Concerning the baton found on the premises, Mr Ali stated that this was Mr John's, which he had in the premises previously.

After a short adjournment, requested by the applicant's representative, the representative withdrew their services. Mr and Mrs Ali advised that they wished to continue with the application without representation. Neither Mr nor Mrs Ali explained the incident that took place on 6 November 2014.

The sub-committee found that this was a sham application and that it was in the name of Mrs Ali only. Mr Ali is a relative of the leaseholder Mr Yakooob Khan. Mr Ali and Mr Khan have accepted cautions in relation to trade marks offences relating to

spirits. There are allegations of violence and theft in relation to Mr Asif Ali. The TENs applications were submitted in the name of Mr Asif Ali. Staff at the premises stated in October 2014 that Mr Asif Ali was their boss. If the application is by Mrs Ali, she has exercised poor judgement in appointing Mr Asif Ali as the DPS. Furthermore, she has allowed the payment of staff 5 Licensing Sub-Committee - Monday 10 November 2014 substantially below the minimum wage and in breach of immigration laws. The incident on 5 November 2014 involved Mr John, who the applicant originally stated would be on a day to day basis as a personal licence holder. This contention was retracted on the police disclosure of the incident. Finally, the incident on 6 November 2014, which was serious in itself, the fire brigade found that the fire exits were padlocked shut, which potentially was a public safety concern. 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.

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) That 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 on 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.

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. Soutwark'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



[Home](#) > [Area](#) > [Peckham](#)

EXCLUSIVE: Peckham convenience store rapped for 'modern slavery' conditions, underage booze and dodgy goods



by Katherine Johnston — 10th July 2018 in [Peckham](#), [Housing](#)

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VEWS

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A convenience store in Peckham has been stripped of its licence after it was revealed its illegal workers were living in conditions described as 'modern slavery' by a judge.

When police and trading standards officers first visited Peckham Food and Wine, at 176 Peckham High Street, on November 23, 2016, they discovered that two workers – paid well below the minimum wage – were living in a broom cupboard containing a filthy mattress and a small fan for ventilation.



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The shop was also found on several occasions to be selling super strength lagers so cheaply that – according to officers – they could only have been smuggled into the country without any duty being paid.

Southwark Council revoked the premises licence held by Kiran Israr on September 15, 2017, and also refused an application by Safeer Abbas Shah to transfer the licence to his name.

According to the council, Shah claimed he was 'distanced' from the illegal activities and promised to turn the business

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