

MEMO: Licensing Unit

To Licensing Unit **Date** 18 January 2017

Copies

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Subject

Re Rakhs News, 157-159 Peckham Hill Street, London, SE15 5JZ -Application to review the premises licence

I write with regards to the above application to review the premises licence submitted by Southwark Trading Standards Unit as a responsible authority under the Licensing Act 2003.

The application is submitted under the prevention of crime and disorder, public safety and the prevention of public nuisance licensing objectives and the grounds for the review are concerned with:

Prevention of Crime and disorder

- Sale of alcohol to a drunk – Licensing Act
- Offer to supply psychoactive substances - Psychoactive Substances Act 2016
- Offer to supply psychoactive substances where false statement made on packaging that they could be legally sold – Consumer Protection from Unfair Trading Regulations 2008
- Illegal worker on premise - Breach of immigration legislation

Public Safety

- Sale of alcohol to a drunk – Licensing Act
- Offer to supply psychoactive substances - Psychoactive Substances Act 2016
- Offer to supply psychoactive substances where false statement made on packaging that they could be legally sold – Consumer Protection from Unfair Trading Regulations 2008

Prevention of Public Nuisance

- Sale of alcohol to a drunk – Licensing Act

The premises is an off licence/grocery that is currently licensed for supply of alcohol 'off the premises' on Monday to Saturday from 08:00 to 23:00 and on Sunday from 10:00 to 22:30. The licence was granted to Ketan Patel and Hemantkumar Patel on 1 October 2005. The designated premises supervisor (DPS) attached to the licence is Ketan Patel.

Following the inspection by Trading Standards it transpired that Ankurkumar Upendrabhai Desai was now the owner of premises and that the licensees have had no further involvement at the premises for about a year. The Licensing Unit were not notified of a change of licensee of DPS during this time.

I have no faith in the current management, licensee or DPS to promote any of the licensing objectives. I submit this representation under the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm as it is clear that there is no responsible licensee or DPS in control of the management of alcohol sales at the premises and as such alcohol was supplied to a person who was already drunk and other criminal offences have been committed.

I therefore fully support Trading Standards in asking for the following:

'If the licence is not revoked, in addition to any suspension, the Licensing Sub Committee may wish to consider the addition of a number of conditions because the current licence contains very few conditions other than the mandatory ones. If so, Trading Standards would like to see the addition of the following conditions':

- No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises
- Alcohol shall not be sold in an open container or be consumed in the licensed premises
- The premises shall operate an agecheck 'Challenge 25' policy That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
- All staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- Clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
- A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
- An approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. It shall be designed, installed and maintained in compliance with The Information Commissioner's Office (ICO) Code of Practice relating to Closed Circuit Television (CCTV). The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products.
- The CCTV system shall have a minimum of 31 days recording facility and will be maintained in full working order at all times and be continually recording at all times the premise is in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premise. All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to The Police and/or Authorised Officers from Southwark Council.
- All staff working at the premise shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate request by Police and/or Authorised Officers from Southwark Council

Jayne Tear
Principal Licensing office
In the capacity of the Licensing Responsible Authority