

[Insert details including name and address of licensing authority and application reference if any (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Bill Masini (On behalf of Trading Standards)

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Rakhs News 157-159 Peckham Hill Street	
Post town London	Post code (if known) SE15 5JZ

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Southwark Council – Trading Standards Bill Masini Trading Standards Officer Community Safety & Enforcement 3 rd Floor Hub 1 PO Box 64529 London SE1P 5LX
Telephone number (if any) 0207 525 2629
E-mail address (optional) bill.masini@southwark.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

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 issue of drunken behaviour and its anti-social consequences (as well those relating to Public Health) is a real problem in parts of Southwark with “hot spot” areas that include parts of Peckham. Such a hot spot is in the vicinity of Peckham Square/ Peckham High Street/Peckham Hill Street. To assist in addressing these problems Southwark Council uses Community Warden Officers to patrol this area and to complement work done by The Metropolitan Police.

At around 18:30 hours on 20 September 2016 Southwark Community Warden Officers were on duty in Peckham Square. They observed an IC3 male drinking a can of beer. He was shouting at those within his group causing members of the public to stop and look. One of the officers is an accredited Badge holder under the Metropolitan Police Community Safety Scheme and has delegated powers under The Police Reforms Act 2002. Part of his duties is to patrol and actively tackle anti social behaviour and low level crime and disorder. The officer spoke to the man and tried to calm him down and move him to the grass area. The officer was of the view that the drinker was intoxicated; his speech was badly slurred, he was unsteady on his feet and stank of beer. The officers then dealt with another issue very close by in Peckham Square. The reporting warden officer then heard the man say, “I’m going to buy some more beers”. The man walked towards Peckham Hill Street and then crossed the road without looking causing a motorist to press his car horn to warn the man of his presence.

The man, who was well known to the warden, was observed for about ten minutes. He then went into Rakhs News at 157-159 Peckham Hill Street. The officer positioned himself so that he had a clear unobstructed view of the man inside the shop. The man went to the drinks fridge where he picked up six cans of beer that were a mix of Skol Super (a “super strength” beer) and Stella. He put them on the counter. The IC4 male working behind the counter put the cans in a blue plastic bag. The purchaser then handed the seller a £10 note and was then given change. The purchaser then left the shop still unsteady on his feet and headed back to Peckham Square. The officer and his colleague went into the shop and spoke to the man who had made the sale. He was to later know him to be [REDACTED] and is referred to as AD. The officer (NL) cautioned him and asked him a few questions. The interview took the form:

NL: Why did you serve a person already intoxicated?

AD: They come into the shop taking the drinks and leaving the money

NL: That did happen. Do you have any ID?"

AD: Yes

At this point he reached into his jeans back pocket and pulled out a wallet and handed the officer a driving licence which also contained a photograph matching the appearance of the seller. This stated: [REDACTED]
[REDACTED]

NL: Your story is not true. We witnessed you placing the beers in the bag and taking a £10 note from the male. Do you believe the male was sober?

AD: No he wasn't sober [admitting serving an individual already intoxicated]

NL: So why did you serve him?

AD: I just wanted to get them out the shop

NL: Are you aware of the rules regarding your licence?

AD: Yes, sorry

This incident was reported to Trading standards and on 5th October a follow up joint visit with Police Officers from Southwark's "Night Time Economy" Team was carried out. The purpose was to re inforce the warning issued by the Community Wardens and to check for compliance with the Premise Licence, Trading Standards legislation and other criminality such as employing illegal workers.

At the time of the visit the Premise Licence holder was shown as [REDACTED]

[REDACTED] Designated Premises Supervisor was [REDACTED]

Upon arrival there were three people behind the counter. One man behind the counter identified himself as the owner of the business and said his name was [REDACTED]. He said he had been the owner for just over a year and had worked at the shop for about four years. When asked about the other names on the licence he said they had not been involved in the business since he bought the business. Another man behind the counter said he was not working there and was a "rep" selling fitness supplements. The police let him leave. The other man who was working there came round to the front of the counter to speak to the Police. He wrote his name in the officer's notebook; he said he was [REDACTED] and gave a date of birth of [REDACTED]. Whilst the police were checking his immigration status with UK Border Force, what appeared to be a customer asked him about the location of an item. He showed her where the item was and he knowing where there was a rear door exit, left the shop before the Police were able to stop him. He could

not be located. [REDACTED] he had started work the day before and gave his name as [REDACTED]. He said he had no other details for him. When challenged he said the man had come into the shop the previous day asking about the availability of work. Mr [REDACTED] said he had not sought any identification from him or whether he was permitted to work or his immigration status.

Mr [REDACTED] was asked for his details and he gave a home address of [REDACTED] [REDACTED]. This was immediately above the shop. This was cross referenced with his personal licence. When asked why he had given to Southwark Council's Community Warden Officers an address in [REDACTED] when he had been spoken to about the sale of alcohol to a drunk in September he said he had shown them his driving licence which had that address on it. He added he had not lived there for 4 years but had not got round the changing it. He was not able to offer an explanation as to why he had misled those officers.

When asked why the Premise Licence had not been updated to take into account the departure of [REDACTED] and [REDACTED], again he offered no explanation but made a telephone call. A couple of minutes later [REDACTED] came to the shop. He had another business (money transfer shop) immediately next door.

Mr [REDACTED] thought all legalities had been done at the time of the sale.

Mr [REDACTED] said he knew the person he had to whom he had sold the alcohol in question. When asked if the incident was still recorded by way of the CCTV he said he was but then was unable to demonstrate this saying the CCTV was not working. He said the CCTV "is only there to deter" and it was not recording. He produced a Refused Sales book and said he had refused him several times.

On display in the shop were six packets of psychoactive substances. These were seized because they contravened the Psychoactive Substances Act 2016. The product "Yooba Gold" [see photo 1] was described as "A mix of legal highs and herbal extracts with psychoactive effects, combined to produce an alternative to similar illegal substances". The products could not be legally sold.

Officers left the premise but noticed the man who had apparently been behind the counter selling the fitness supplements was now behind the fully screened counter at the money transfer business run by Mr [REDACTED]. Police made enquiries and the man gave a name and address in South London. Subsequent enquiries indicated these

details to be false and that he was an overstayer. He was duly arrested. On searching him a large quantity of cash was found. After some considerable amount of time it eventually became clear that he lived in the same property as Mr [REDACTED] above Rakhs News and that the cash he had on him was rent he had just collected from Mr [REDACTED] he was not there for the purposes of selling fitness supplements. He said he was then going to give it the landlord who was one of Mr [REDACTED]'s brothers.

The day after the visit the premise licence was transferred to Mr [REDACTED] Mr [REDACTED] also became the Designated Premises Supervisor.

On 8th December 2016, both Mr [REDACTED] and [REDACTED] were interviewed under caution.

Mr [REDACTED] produced the receipt for his purchase of the psychoactive substances. That receipt also indicated he had also purchased other psychoactive substances and drug paraphernalia. [See pictures 2 and 3]. He accepted it was an irresponsible thing to do regardless of whether products were legal or otherwise. He also accepted the Refusals book was inaccurate because it showed an entry for 18.30 hours on 20 September, this being the drunk man he had sold alcohol to that was witnessed by a Southwark Community Warden. He said he had been wrong to employ the man who had absconded and the reason why he gave false information to officers was because he had panicked.

On 20 December 2016, Mr [REDACTED] accepted Simple Cautions for the offence of serving alcohol to a drunk contrary to The Licensing Act and in respect of the Psychoactive Substances, two offences, one under The Psychoactive Substances Act 2016 and one under The Consumer Protection from Unfair Trading Regulations 2008.

The sub-committee is invited to consider all options in respect of the Premise licence. If not revoked, in addition to any suspension, it 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

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity Trading Standards Officer acting on behalf of Southwark Council

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

KOOBA GOLD

LEGAL INTOXICATING SMOKING MIXTURE FOR
SALE TO ADULTS ONLY

A mix of legal herbs & herbal extracts
with psychoactive effects, combined to produce
an alternative to similar illegal substances

NET WEIGHT 25g



25 Barr Street
Birmingham
B19 3EH
West Midlands
UK
VAT NO: GB487211243

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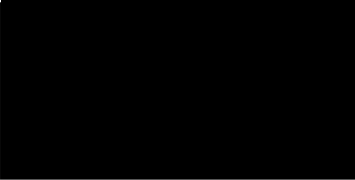
Order #100007710

Order Date: 8 August 2015

Billing Address



Payment Method



Items Ordered

PRODUCT NAME	SKU	PRICE	SUBTOTAL
Brass Shisha Smoking Pipe 2 Hose 15 inch (Blue Rings)	16901	£7.99	£7.99
Brass Oxidised Shisha Smoking Pipe 4 Hose 16 inch	16902	£10.99	£10.99
Brass Shisha Smoking Pipe 4 Hose 30 Inch (Blue Rings)	16898	£19.99	£19.99
Brass & Wood Shisha Smoking Pipe 2 Hose 22 inch	16897	£7.99	£7.99
RAW Plastic Rolling Machine - 110mm	22535	£9.50	£9.50
Al Fakher Herbal Hookah Shisha Molasses Tobacco Free- Strawberry	16685	£8.99	£8.99
RAW Organic Connoisseur Rolling Paper & Tips	37015	£12.99	£12.99
RAW Organic Rolling Paper	39267	£13.99	£13.99
RAW Rolling Paper Tips	36944	£3.99	£3.99
Skeleton Guzzler Wine Holder	37479	£11.50	£11.50
Smoking Mix - Super Skunk (Extra Strength) 25g	34934	£7.50	£7.50
Smoking Mix - Jamaican Ghanja 25g	34931	£7.50	£7.50
Smoking Mix - Yooba Gold 25g	36777	£7.50	£7.50



PRODUCT NAME	SKU	PRICE	SUBTOTAL
Acrylic Bongs Print Pattern Assortment 8 inches	21826	£15.00	£15.00
Scented Pillar Candles - Assorted	50636	£10.40	£10.40

Subtotal £155.82

Shipping £0.00

Total (Excl.VAT) £155.82

GB VAT 20.00% (20%) £31.18

VAT £31.18

Total (Incl.VAT) £187.00