

[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 Presco Food and Wine 209 Rotherhithe New Road	
Post town London	Post code (if known) SE16 2BA

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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

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

Prevention of Crime and disorder –

- Offer to supply goods that infringed trade marks – s92 Trade Marks Act 1992
- Offer to supply goods that failed to comply with Cosmetics Products (Enforcement) Regulations 2013
- Unauthorised licensable activity – failure to comply with a number of conditions on the premise licence –s136 Licensing Act
- “Overstayer” on premise - Breach of immigration legislation
- Failure of Premise Licence Holder to notify Southwark Council of change of address – s33 Licensing Act
- Failure to display summary of premise licence – s57 Licensing Act

Protection of Children from Harm

- Unauthorised licensable activity - Failure to comply with conditions 327 and 340 on the premise licence about preventing underage sales of alcohol – s136 Licensing Act

On Wednesday 2 November 2016 Trading Standards carried out a joint visit with Police Officers from Southwark's "Night Time Economy" team. The purpose was to check for compliance with the Premise Licence, Trading Standards legislation and other criminality such as employing illegal workers.

Currently the premise licence permits alcohol to be sold 24 hours 7 days a week.

Upon arrival there was one person behind the counter. She gave her name as S [REDACTED]. She said she was a sales assistant and that the manager was out the back in the store room. When officers went to the room they saw a man asleep on a mattress that was on the floor. He said to officers that his ID was in his car and, accompanied by a Police Officer, he went to get it. However, as soon as he was out of the shop he kicked off his "flip flops" and ran off. Police were unable to detain him. Next to where he had been sleeping Police found a driving licence and National Insurance Card with the name of [REDACTED] on both and included a photograph of the man who had absconded.

Trading Standards spoke to [REDACTED] who was able to hand over a tatty short version of the premise licence that was attached to the wall. This was dated 7 June 2013 and showed Faraz Ahmad as the Premise Licence Holder and Hassan Subhani as the Designated Premises Supervisor. She said she had never heard of either men and that the man at the back was the manager. She said she had been working in the shop for about 6 months and the refusals book which was later examined indicated her first refusal to be 2 June 2016, some five months before this visit. A summary of the licence was not displayed

Behind the counter was also another person who was asleep in a chair. [REDACTED] said he was her husband and that he did not work there. He gave his name as [REDACTED]

Alcohol was offered for sale at the shop. A number of breaches of the licence were identified, namely

- Conditions 100 & 101 – Both the premise Licence holder and Designated Premises Supervisor were unknown to Ms [REDACTED]. It follows that the DPS had not authorised her to sell alcohol and played no role in the management

of the premise.

A later check of the Council's records showed mobile telephone number for Mr Ahmad. He was contacted on Monday 7th November and said he had left the premise 3 years ago and that he now lived and worked in Middlesborough. No personal licence holder was on the premise at the time of the visit.

- Condition 289 (CCTV) – no one could operate the CCTV
- Condition 327 (signs about sales to young people) – there were no signs to say alcohol would not be sold to anyone under 18
- Condition 340 (requirements about recording refused sales) – the “refusals record” did not show times and dates of all refused sales to cross reference with the CCTV installed at the premise.
- Condition 341 (minimum of 2 staff when premise open to public) – [REDACTED] was the only person working in the shop at the time of the visit. Her husband, [REDACTED] was sleeping in a chair and the so called manager was also asleep on a mattress in the back room.

Later enquiries about [REDACTED] indicated his immigration status to be an “overstayer” and this would explain, in part at least, why he absconded.

During the visit Trading Standards identified 24 bottles of perfumes for sale on the counter. These infringed various Trade Marks and were duly seized. The offer for sale of these perfumes constituted offences under The Trade Marks Act with the names “Chanel”, “Gucci” “Hugo Boss” and “Prada” used. Bottles of perfume are cosmetic products and therefore need to comply with the relevant regulations – The Cosmetic Products (Enforcement) Regulations 2013. These bottles were not labelled in accordance with those regulations and prevented any traceability if any safety issue was identified.

The two remaining people in the shop then tried to empty the cash from the till. Police were not satisfied they had the legal right to be in the shop and asked them to leave. The police then locked and secured the shop and the keys were handed to Southwark Council which owns the property.

The property was let to Mr Yaqoob Khan and sub- letting is not permitted without

express permission from Southwark Council. On Wednesday 16 November the property was repossessed for Southwark Council, primarily for large rent arrears. Entry was gained with the keys in the Council's possession. Locks were changed at the time.

Enquiries were made to find the Premise Licence Holder and Designated Premises Supervisor. Faraz Ahmad was emailed on Monday 7th November. He rang Trading Standards that day in response. He said he left the premise three years ago and now lived in Middlesborough. He was invited for a formal interview under caution since he appeared to still have legal responsibility for the matters that had arisen and if he had left the premise three years earlier he had not complied with his obligations under The Licensing Act. The following day Trading Standards emailed him again suggesting a date for interview on Thursday 17th November. Mr Ahmad said it was too far for him to come and therefore he would not attend. He has been identified as a director of [REDACTED] (company number [REDACTED]) and the address for correspondence given to Companies House is [REDACTED] [REDACTED] and is the Registered Office address since 18 August 2014. The previous registered office address effective from 12 March 2013 was 209 Rotherhithe New Road London SE16 2BA. The nature of the business appears to be Accountancy and Taxation.

There was email correspondence with solicitors acting on Mr Ahmad's behalf about him attending an interview but at the time of submitting this application no dates for interview have been proposed on his behalf. Trading Standards interpret the responses to be delaying tactics with no real intention to engage with the Council.

The sub-committee is invited to revoke the licence.

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

Empty box for providing details of representations.

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 23 November 2016

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.