

APPENDIX B



The Licensing Unit
Floor 3
160 Tooley Street
London
SE1 2QH

Metropolitan Police Service
Licensing Office
Southwark Police Station,
323 Borough High Street,
LONDON,
SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our MD/21/2935/17
reference:

Date: 4th April 2017

Re:- Val's Store 387 Lordship Lane SE22 8JN

Dear Sir/Madam

Police are in possession of an application from the Southwark's Trading Standards Service for a review of the above premises licence under Section 51 of the licensing act 2003.

Police have the following comments to make:

As detailed in the application made by Mr Bill Masini, this premises was taken to review back on the 5th November 2015.

A number of additional conditions were added to the licence for the promotion of the licensing objectives and a 4 week suspension of the licence imposed.

I find it difficult to comprehend how a premises with such a recent history of poor compliance, and one which has been given ample opportunity to amend its operating practices is once again coming before the licensing sub committee.

The offences alleged in this application are similar to some of those detailed in the 2015 application, and are in breach of those conditions detailed in the notice of decision from that review.

When granting an individual or a company a Premises licence, the licensing committee must have trust in that individual or company that they will run the premise well and comply with the operating schedule as agreed when applied for.

The premises licence holder has failed to do this in 2015 when the licence was suspended and additional conditions added. It would appear that they have chosen to ignore the warnings and recommendations from this review and have continued to operate in contravention of the premises licence.

The conditions are there for the promotion of the licencing objectives, in particular for me are the conditions relating to the prevention of crime and disorder. Not only do we have a premises allegedly operating in contravention of these conditions, but it alleged that the premises themselves are actually committing acts of criminality.

In my opinion there is no place for a premises that is operated in such a way, one that is putting children at harm, putting the public's health at risk and quite possible having a negative impact on anti-social behaviour and crime and disorder.

Police fully support the application by Trading Standards for the review of the premises licence. We would have no confidence that any additional conditions would solve the issue of non-compliance and therefore support the recommendation for the revocation of the premises licence.

Yours Sincerely

PC Ian Clements 362 MD
Southwark Police Licensing Unit
Tel: 0207 232 6756

From: Sharpe, Carolyn On Behalf Of Public Health Licensing
Sent: Monday, April 03, 2017 4:25 PM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: Review for Vals Store 387 Lordship Lane

To whom it may concern:

Re: Val's Store, 387 Lordship Lane, London, SE22 8JN

This representation is made in respect of the following licensing objective(s):

- The prevention of crime and disorder
- Prevention of public nuisance
- Public safety

On behalf of the Director of Health and Wellbeing (incorporating the role of Director of Public Health) for Southwark (a responsible authority under the Licensing Act 2003) I wish to express my concerns over the alleged issues with the management of the above premises. These include:

- Breach of Premise Licence condition 842 – maximum alcohol content of beers.
- Breach of Premise Licence condition 841 – no personal licence holder on premises.
- Breach of Premise Licence condition 843 – failure to carry out sufficient checks of their bona fides of individuals to ensure they were legally entitled to employment in the UK.
- Failure to pay employee the minimum wage as required by The National Minimum Wage Act 1998.
- Offer for sale unsafe phone chargers – contrary to The Consumer Protection Act 1987.
- Failure to adopt Challenge 25 – breach of condition 8AA.
- Failure to properly operate refusals register - breach of condition 8AI.
- Failure to produce training records for member of staff – breach of condition 8AB.

Public health fully supports this licence is reviewed by the Licensing Sub-Committee.

If you have any further questions, please do not hesitate to contact me.

Yours faithfully,

Carolyn Sharpe

on behalf of Professor Kevin Fenton, Director of Health and Wellbeing
(incorporating the role of Director of Public Health)

MEMO: Licensing Unit

To Licensing **Date** 04 April 2017

Copies

From David Franklin **Telephone** 020 7525 5800

Email david.franklin@southwark.gov.uk

Subject Vals Store, 387 Lordship Lane SE22 8JN

I make this representation with regards to the review application of the premises licence submitted by the Trading Standards for Vals Store, 387 Lordship Lane SE22 8JN.

My representation is based on the licensing objective for the prevention of crime and disorder and protection of children from harm.

The premises licence has been previously reviewed by the Licensing Sub Committee on 05 November 2015 by application from the Trading Standards where the premises had failed an underage sales test for alcohol, selling alcohol after their permitted hours, offering for sale duty evaded cigarettes and paying staff under the minimum wage. I attached a copy of the minutes/notice of decision dated 29 June 2011.

An induction meeting with Sadath Udaya Ratnayake, the premises licence holder and DPS of the premises, by a licensing officer on 18 January 2016 who explained all the existing and new conditions of the premises licence and advice on compliance. I attach a copy of the signed induction record document.

Mr Sadath Udaya Ratnayake has been premises licence holders since November 2015 and the DPS since 2012 .

The latest findings by the Trading Standards seem to show a disregard for legislation created to control the sale of alcohol and I am therefore of the opinion that Mr Ratnayake is not capable of running a licensed premises, additionally while the premises are owned by Mr Ratnayake and plays a significant part in the running of the premises and are the controlling factors and I would have not doubt that changing the DPS will not resolve these issues.

I therefore support the Trading Standards review and their request for revocation of the premises licence as the reasonable, appropriate and proportionate action to take.

David Franklin
Licensing Authority as a Responsible Authority



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 5 November 2015 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH.

PRESENT: Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Sunny Lambe

OTHERS PRESENT: Mr Sudath Udaya Ratnayake, representative from Val's Stores
Mr N S Fernanda, representative from Val's Stores
Debra Silvester, licensing agent representing Val's Stores

OFFICER SUPPORT: Debra Allday, legal officer
Bill Masini, trading standards officer
Richard Kalu, licensing officer
Gerald Gohler, constitutional officer (observing)
Andrew Weir, constitutional officer (observing)
Tim Murtagh, 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.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: VAL'S STORES, 387 LORDSHIP LANE, LONDON SE22 8JN

The licensing officer advised that all parties had conciliated.

The sub-committee were satisfied with the conciliation agreement.

RESOLVED:

That the council's licensing sub-committee, having had regard to the application made under Section 51 of the Licensing Act 2003 by the Southwark Council trading standards team for a review of the premises licence issued in respect of the premises known as Val's Stores, 387 Lordship Lane, London SE22 8JN and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

- a) Suspend the licence for a period of 8 weeks
- b) Modify the conditions of the licence as follows:

That the following additional conditions as agreed by the premises licence holder and the trading standards team shall apply:

1. That the premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.
2. That all staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
3. That agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required.
4. That a register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, the designated premises supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.
5. That an electronic point of sale (EPOS) system be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is

scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.

6. That there shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales.
7. That no beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6% will be displayed, sold or offered for sale from the premises.
8. That before any person is employed at the premises sufficient checks will be made of their bona fides to ensure that they are legally entitled to employment in the UK. Such checks will include:
 - Proof of identity (such as copy of their passport)
 - Nationality
 - Current immigration status
 - Details of their full name and address
 - Date of birth
 - Employment history
 - Education
 - Criminal convictions
 - Permission to contact the current/previous employer will be sought
9. That an approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products. The CCTV system shall have a 31 day recording facility and will be maintained in full working order at all times. Images recorded by the CCTV system shall, on request, be made immediately available to the police and/or authorised officers from Southwark Council.
10. That condition 101 be amended to read: "Every supply of alcohol under the premises licence must be made, or authorised by, a person who holds a Personal Licence. That authorisation must also be in writing and displayed on the premise adjacent to the display of the licence summary where the police or the council's authorised officers can inspect it.

Reasons

The reasons for this decision are as follows:

The licensing sub-committee heard from the licensing officer that all parties had conciliated as set out above.

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

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
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

Meeting ended at 11.00 am.

CHAIR:

DATED:

Licensing Unit induction checklist for new licensees / management.

Premises Name: Vals Store

Address: 387 Lordship Lane, London, SE22 8JN

Licensee: Sudath Udaya Ratnayane

DPS: Sudath Udaya Ratnayane

1. INTRODUCTION

- Who staff are.
- Why meeting is being held – to ensure every licensee is fully aware of his / her responsibilities from the onset

2. THE LICENCE

- Introduce the licence document & the Annexes.
- Explain the mandatory conditions in Annex 1.
- Explain the special conditions in Annex 2 and 3.
- Give details of what happens if the conditions are breached.
- Explain about responsible authorities or interested parties, what their role is and how they can call a review. Give full details of what is involved with a review and what the outcomes can be.
- Explain that there is an annual maintenance fee to be paid for the licence.
- What must be done if the licensee decides to alter the premises
- Other circumstances in which a variation application may be necessary
- Explain in detail about when you need to apply for a variation, what is involved and what the procedure is. Also about varying the dps.
- Advise them that if they leave about surrendered the licence and the consequences for the licensee and the dps if they leave without surrendered the licence.
- Door Supervisors requirements that must be SIA registered.
- Drugs Misuse, drug policy.
- Challenge 25, suitable identification.
- Covert inspections by police, licensing and trading standards.
- Noise nuisance.

3. INSPECTIONS

- Reason for inspections and why conducted without warning and during performance
- Early inspection(s) conducted and thereafter risk-assessed. Give details of what we look for and what documents we will need to see. Also the outcome if we find things wrong – what happens next?

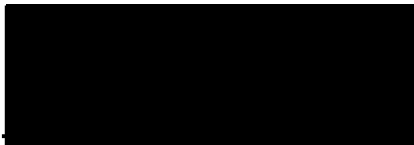
- Will conduct additional inspections where problems found and complaints made.
- Will listen to proposals for putting right. Will give timescale for matters that cannot be rectified easily.
- Explain inspections aim to help but that continually to operate outside of the terms of the licence will result in action
- The potential consequences of licence contravention – formal caution / legal proceedings / licence revocation
- Make sure any special arrangements at premises are understood (i.e. lobby door arrangements / removal of bolts / numbers control etc)

4. ASSISTANCE


- Emphasise that if the licensee has any problems he should contact the office and discuss

Provided the following:

Licence and summary,
 Fire risk assessment advice booklet,
 Age signage - 18 & challenge 25,
 Trading standards training pack, refusal log and pass accredited sample cards.

Officer(s) Attending: (Sign)..... 

(Print)..... Richard Kahi

Persons Present: (Sign)..... 

(Print)..... Sudath Udaya Ratnayake

Date of Meeting: 18/01/2016