[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 Peckham Food and Wine 176 Peckham High Street	
Post town London	**Post code (if known)** SE15 5EG

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 Regulatory Services 3rd 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 ☒

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

Prevention of Crime and disorder –

- Illegal workers in shop on 6 separate occasions – 23 Nov 2016, 8 Feb 2017, 2 March 2017, 5 April 2017, 26 April 2017 & 20 May 2017
- Failure to pay the National Minimum Wage
- Failure to have CCTV working in accordance with conditions 288 and 289
- Failure to display sale price of "super strength" beers, lagers and ciders
- Failure to have a personal Licence holder on the Premise at all times – condition 336
- Supplying alcohol when no authorisation from a Personal Licence holder – condition 101
- Duty evaded alcohol sold.
- Offering to sell unsafe and counterfeit "Apple" Phone chargers

Protection of children from harm –

- Failure to train staff on age verification and to keep and make available records of that training – condition 326.

Trading Standards enforce various fair trading laws including The Licensing Act 2003 and carries out joint inspection visits with Southwark's Police Licensing/Night time Economy officers and the UK Immigration Service (UKBA). This is for the purpose of ensuring the conditions on the licence as well as the four objectives under The Licensing Act are adhered to. It is also for the purposes of identifying other criminal offences such as illegal immigrants or illegal workers.

The premise licence permits alcohol to be sold 24 hours a day seven days a week (168 hours) but does require there to be a personal licence holder to be on the premise and on duty at all times that alcohol is supplied (condition 341).

The premises licence holder and Designated Premises Supervisor was Kiran Israr. The business is operated through a Limited Company, Peckham Foods and Wines [redacted]. There are three female directors, Kiran Israr, [redacted] and [redacted]

Having received a complaint from a member of the public about alleged counterfeit cigarettes being bought from this premise, on 23 November 2016 Trading Standards carried out a joint visit with the Metropolitan Police. The shop was open to the general public and alcohol on sale.

During that visit a cupboard was discovered at the back of the shop that contained a filthy single mattress. There was a lockable door to this cupboard that 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. See photographs 1-4. Two men were discovered to be sleeping there; one on the mattress and one on the floor. Enquiries indicated them to be [redacted] and [redacted] and they were both arrested on immigration matters.
Behind the counter was [redacted] who produced a personal Licence issued by [redacted]. He gave a date of birth as [redacted] and a home address of [redacted].
On the basis that he had a personal licence no further enquiries were made of him at that stage.

A bottle opener was behind the counter and this was seized by the Police as this was

suspected to be used to open bottles of alcohol contrary to condition 125 of the Premises Licence – "alcohol shall not be sold in an open container or be consumed in the licensed premises". This condition is intended to stop/reduce street drinking.

No training records were available for inspection in breach of condition 326 – "all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council". On subsequent visits detailed below, no records were ever to be made available and Trading Standards say it is reasonable to assume no age verification scheme was in operation and/or no training had been given to workers.

Whilst carrying out the visit Trading Standards found 10 "Apple" style phone chargers on sale. These were identified as counterfeit and from previous knowledge about these products to be unsafe. They were duly seized under The Consumer Rights Act 2015. No purchase invoices have been supplied to Trading Standards for these items and Trading Standards, from experience conclude these were bought from an itinerant trader, otherwise known as "white van Man", who is still very active in this part of Southwark.

The Premises Licence holder and Designated Premises Supervisor since 2009 has been a female, Kiran Israr but at no time have the Police or Trading Standards had any contact with her. During this visit a man called [redacted] arrived at the shop saying he was the manager. He gave exactly the same home address as [redacted] had given. He was recognised from another shop in Peckham Road and produced a Personal Licence with that address.

For a considerable period of time Southwark Council has been concerned about the sale of so called Super Strength beers, lagers and ciders because of the harm they cause to those drinking them (they almost always have serious alcohol addiction problems) 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 these drinks with an ABV of 7.5% or more attract a proportionately higher duty. A 500ml can of strong beer with an ABV of 8% has a duty of £1.19 and typically is sold by a legitimate cash and carry/ wholesaler to a retailer for around £1.85- £2.00 a can, including VAT. With a reasonable mark up, a legitimate retailer would be expected to sell this drink at around £2.20/2.30. Trading Standards have identified this to be a problem is Southwark and in other parts of London. Retailers often offer these drinks

for sale without any price being displayed, (despite this being a legal requirement under Pricing legislation) and then sell either (illegally) below the duty price or below what a legitimate cash and carry would sell it to a retailer for. This strongly suggests retailers in these situations have obtained these drinks from an illegal source where duty has been evaded. These drinks are not the type of product a retailer would commercially use as a "loss leader" to encourage the sale of other goods.

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. See photographs 5-6. The officer therefore served a notice requiring the business to reduce traceable invoices for these drinks. It is a legal requirement for businesses to produce such invoices for food products, alcohol being classified as food.

Trading Standards and Police carried out a further visit was carried out on 8 February 2017 at around 10.45am. Before doing so a test purchase was made of Carlsberg Special Brew that was offered for sale in a fridge at the back of the shop. Once again these drinks were not price marked. The seller later identified as [redacted] sold a can to the officer for £1.40 when at the time the duty for the year 2016-2017 was £1.15; a mere 25 pence above the duty price. Officers went into the shop where Mr [redacted] was on his own. He was asked if the boss was about and he swiftly went to the back of the shop where he immediately locked an internal door preventing officers from gaining access. Access was also prevented to the cupboard used for sleeping referred to earlier. A police officer had been 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. [redacted] was identified as being an illegal worker and was arrested. He initially said he was not working but later 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. He gave a date of birth of [redacted] It follows he was not permitted to work and therefore by definition not authorised to sell alcohol – contrary to condition 101 of the Premises Licence. It was not clear whether he was residing at the premise.

Also, on the premise, sleeping on the mattress in the cupboard was one of the same men arrested on 23 November 2016, [redacted]. It was a cold day and where he had been sleeping, despite an electric heater with dubious safety on the concrete floor, it was still very cold and not conducive to someone being able to get proper rest. It was evident there was clothing belonging to more than one person. There was

also a fan at the bottom of the mattress indicating it to be used when it was hot and therefore these arrangements had been in operation for many months, if not longer.

The CCTV was not working properly and despite [redacted] and also another of his workers, [redacted], arriving during the visit, officers were not shown CCTV to be operating in accordance with conditions 288 and 289. Trading Standards say this is not surprising since those running the business knew those in the shop were illegal and would not wish this to be recorded and used as evidence for any future criminal action or licence review. It also follows that any other illegal activity that had taken place between visits would also not have been recorded.

With regard to the price of £1.40 charged for the Super strength beer, whilst some invoices have been produced indicating the business bought Special Brew for £2.00/per can (£39.99 plus Vat [£47.99] per tray, the sub-committee is invited to conclude that a proportion (unknown) has been acquired from illegal sources where duty has been evaded. This could of course be from the same White Van man supplying the unsafe and illegal Apple phone chargers.

In the evening of 2 March 2017, Trading Standards visited the premise because invoices requested had not been received. Working behind the counter were two male individuals. One gave his details as [redacted] and produced his personal licence. The other male refused to give his details and left the shop. The CCTV was still not working. Having received a telephone call from [redacted], [redacted] came to the shop. Again he said he ran the business and had tried to email through some invoices to the officer but they had not been received because he has used an incorrect email address. Whilst in the shop he sent his previous email to the correct officer's mail though these were later found to be indecipherable. That email gave the senders name as "[redacted]". Asked about The Premises Licence holder and DPS, Kiran Israr, he said he managed the business and she had very little to do with running the business. He said the business was run through the name of Peckham Foods and Wines Ltd. A later check indicated the directors to be three females, Kiran Israr, [redacted] and [redacted]. In all the visits made since November 2016, no female worker has been on the premise. Examination of business invoices seen later in May indicated the following:

- "[redacted]" to the account holder name for the account held with Dhamecha Cash & Carry
- "[redacted]" to the account holder name for the account held with Bestway Cash & Carry

- "[redacted]" to be the account holder name for the account held with Consort Frozen Foods
- "[redacted]" to be the account holder name for business conducted with Buzz Sweets
- "[redacted]" to be the account holder name for business conducted with Evergreen Dairy
- "[redacted]" to be the account holder name for business conducted with Booker
- "[redacted]" to be the account holder name for business conducted with Wanis International Foods
- "Kiran Israr" to be the account holder name for business conducted with Best Price Cash and Carry

On 5 April, having received no paper copies of invoices and because of previous problems, Trading Standards and The Police made another visit to the shop. Working in the shop was yet another illegal worker, [redacted] (Dob [redacted] – country of birth [redacted]). He was arrested for Immigration offences. The CCTV was still not working.

On 26 April, yet another visit was made to the premise though immediately before doing so a test purchase of alcohol was made. In the shop working behind the counter was [redacted]. He had made the sale. Once again he produced his personal licence but the Police carried out an immigration check on him. It transpired that from 12.12.2013 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 in accordance with the conditions on The Premises Licence. It was switched off. Even after switching it on the CCTV was not fully operational

On 27 April, an officer returned and checked the CCTV. It was now working properly.

On 20 May, Trading Standards carried out a further visit with Immigration Officers from UKBA. As officers approached the shop a man walked out of the shop in the direction of Peckham Hill Street. Trading Standards recognised the man to be [redacted] and Immigration ran after him and arrested him. He returned to the shop where he denied he had been working, The CCTV was checked and eventually it became clear he had been working that day. The other person in the shop was [redacted]

[redacted] He was clearly stressed by the further visit because it came across that he was having to take or deal with the responsibility of visits from various enforcement agencies when he was a "mere" worker at the shop. Asked when he had last seen Kiran Israr, he said she had come about 3 weeks ago to collect some money but she had stayed in the car whilst someone else came in the shop to collect the money. He had seen very little of her. Asked how he was paid and how much, he was very evasive and clearly a worried man.

Another bottle opener was found on the counter by the till and, as before, this was seized because it was thought to be used to open drinks to then be consumed on the street.

The visit made on 20 May was the sixth visit Trading Standards had made to the premise since late November 2016 and on all occasions there had been illegal workers there.

Trading Standards say this premise has been operating with a total disregard to the licensing objectives and specifically to the law relating to the employment of workers both in terms of those having the right to work and the poor payment made. It has in effect operated a modern form of slavery with appalling sleeping conditions being provided. By operating a 24 hours/7 days a week business, the shop front door is never closed meaning people can come and go at any time with some taking refuge in this cupboard. It is not absolutely clear whether some of those illegal workers were sleeping on the premise but, Trading Standards say, it is reasonable to come to that conclusion.

The Premises Licence holder and DPS, Kiran Israr, has not sought to engage with "the Authorities", appears to show little interest or involvement with the day to day running of the business and has allowed or instructed the business to be run in this illegal manner. At no time has she been present or attempted to address the matters afterwards; this has been left to others.

Trading Standards do not feel the addition of further conditions will address the problems that have continued over a significant period of time. Nor do Trading Standards believe a period of suspension will solve the problems. It therefore recommends the licence to be revoked.

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 [redacted]

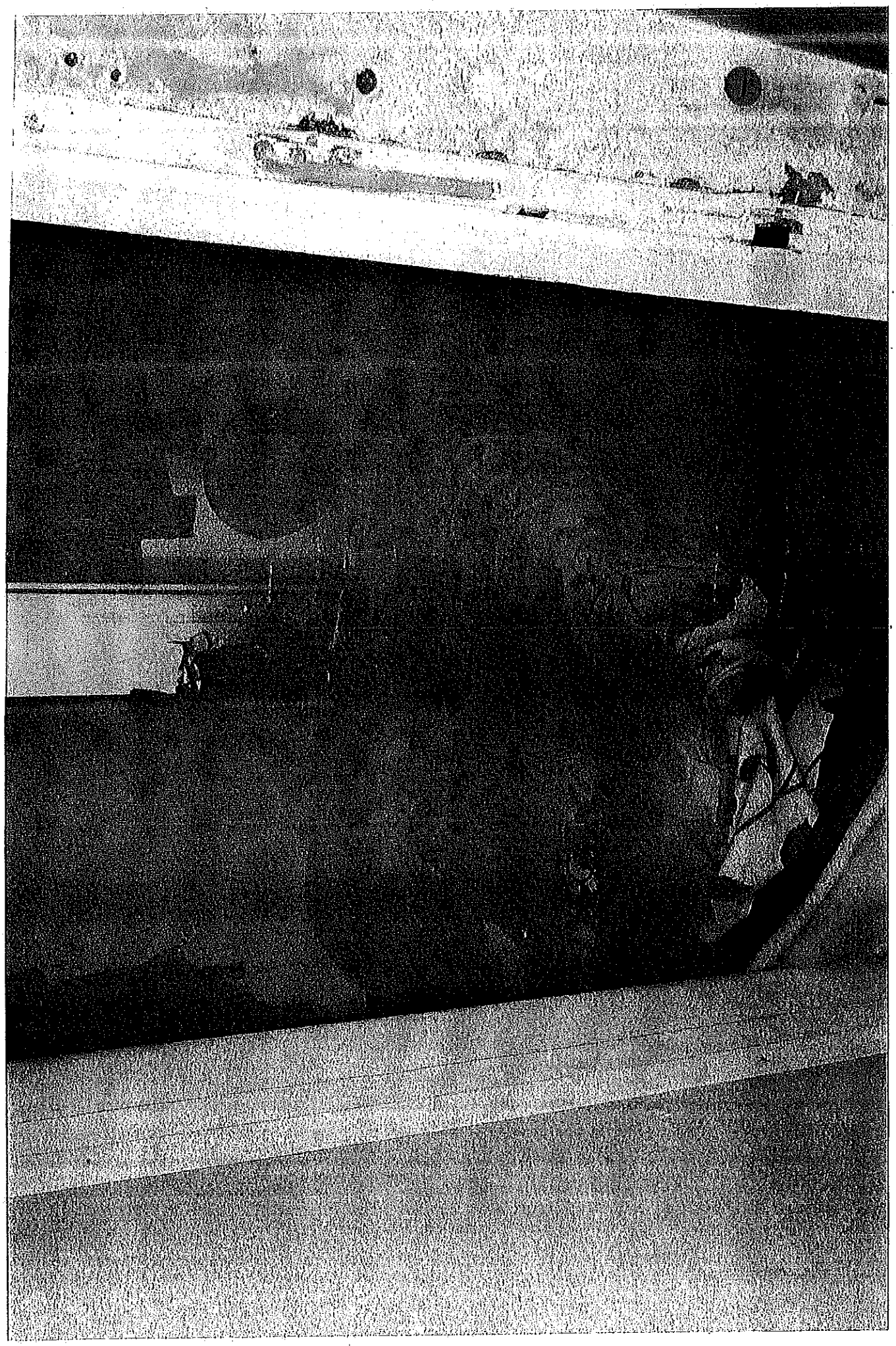
Date 19 June 2017

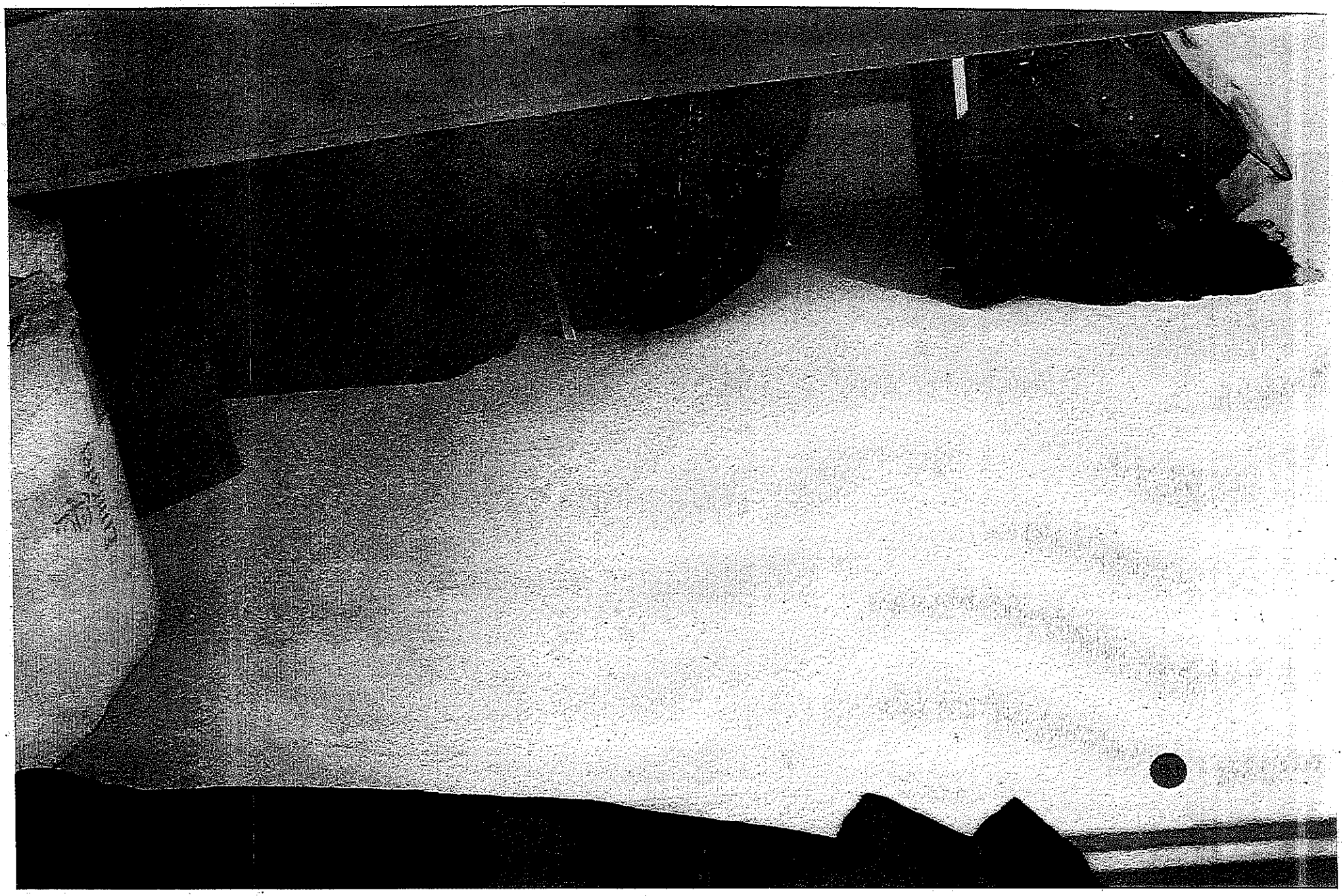
Capacity Trading Standards Officer acting on behalf of Southwark Council

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.



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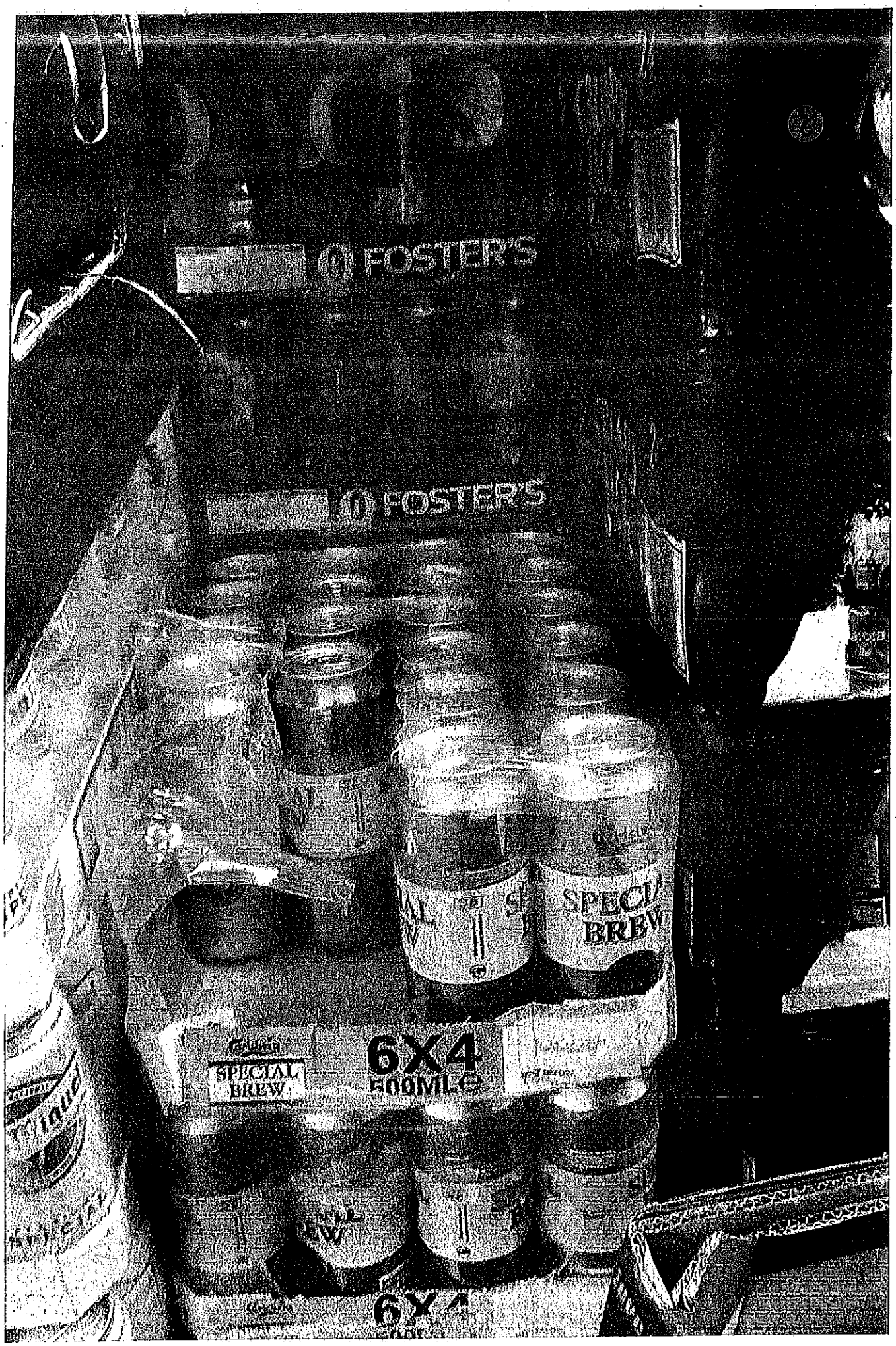
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