



The Licensing Unit  
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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 reference:** MD/21/2962/17

**Date:** 14<sup>th</sup> November 2017

Dear Sir/Madam

**Re:- Berfin Supermarket, 74 Denmark Hill, London SE5 8RZ**

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.

The review application details a number of Breaches of the premises licence and a number of offences with regard to Duty evaded alcohol. The premises has been subject to a previous review in November 2016 with the same management when conditions were modified and the hours of operation reduced.

When granting an individual or a company a Premises licence or reviewing the 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 or those measures placed on the licence at review.

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 breaching conditions placed on the licence following a previous licence review.

The venue is situated in the Camberwell area of the borough which has a very significant problem with alcohol misuse, street drinking by alcohol dependent people. These are vulnerable members of society that have little or no self-control when super strength alcohol is available or sold irresponsibly. The area is very well known for having NHS services to help, support and treat people with substance dependency to the point where TV documentaries have been made regarding alcohol abuse in the area. I have attached a statement from PC McKay who works in the Camberwell area describing the issues around the alcohol abuse in Camberwell and the efforts made to tackle the issues in the area.

In September alone for this post code (SE5 8RZ) 206 incidents are recorded on the Police UK crime map. This includes 37 of Anti-Social Behaviour, 12 for Criminal Damage/Arson, 14

Drugs offences, 10 Public Order Offences, 48 Violent and sexual offences and the others being for various theft and Robbery type offences.

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

I can confirm that no permission was given to sell Beers or cider with an ABV above 6.5% and as such they have clearly breached the condition placed on the licence at the previous review. The premises has not only breached this condition but has knowingly purchased alcohol above this limit transported it from the point of purchase to the premises stocked the shelf and then sold the items. This shows a full chain of events that indicates the total disregard to measures imposed on them at the previous review by the licensing subcommittee.

They were unable to operate the CCTV on a compliance visit as directed by the condition placed on the licence another clear breach of the licence.

Both conditions are placed on the licence to promote the crime and disorder licensing objective and in the Police opinion these are serious breaches and should be treated as such.

Police fully support the application by Trading Standards for the review of the premises licence and the recommendation that the licence is revoked as it is clear from the report that further measures would have little or no impact on the running of the premises.

Yours Sincerely

**PC Graham WHITE 288 MD**  
**Licensing Officer**  
Southwark Police Licensing Unit  
Tel: 0207 232 6756

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC MARK MCKAY**..... URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 240927** .....

This statement (consisting of: .... **3**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.


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
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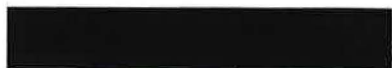
Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC Mark MCKAY 192MD and I am the dedicated ward officer for Camberwell Green, Southwark Borough. I am making this statement to highlight issues related to street drinking and the role responsible off-licences can play in tackling this entrenched issue. This statement is to be used at the licensing review into Adams News, of 6 Coldharbour Lane, SE5. I am happy to attend the hearing if necessary. 

**Background**

I joined Camberwell Green Safer Neighbourhood Team in September 2015. It was immediately obvious street drinking was a serious and entrenched issue in the ward. Areas where it has been an acute problem include the junction of Denmark Hill and Coldharbour Lane where there is also a short alleyway, Milkwell Yard. In this area there are several off-licences within a fifty-yard-stretch of high street. This area has gained notoriety for alcohol-related anti-social behaviour as it has historically proved especially prevalent here. Street drinkers will buy low-priced super-strength alcohol then congregate in groups of up to eight or nine outside shops. They will drink until they are drunk, shout, swear, fight, drop litter and generally cause harassment, alarm and distress to the public. The group has been large enough to block the pavement to pedestrians. This is extremely distressing for members of the public, which include parents walking their children to the nearby Crawford Primary School. They will also venture into Milkwell Yard to urinate, often just yards from people's homes - Milkwell Yard is an alleyway with a dead-end and is the sole entrance to a handful of residential flats. This makes it an extremely undesirable and disgusting place for people to live. When I first joined the team almost two years ago, encountering street drinkers at this location was a daily occurrence. Our interactions would almost always inevitably lead to officers seizing alcohol from drunken street drinkers who then become angry and aggressive. Staff at Paddy Power, in Coldharbour Lane, also raised concerns about street drinkers loitering outside the shop front. Many have consequently been banned from entering the bookmakers. In Valmar Road, about fifty yards along Coldharboue Lane, drinkers can congregate and drink quite literally on the front doorstep of houses.   
Historically, Camberwell Green has also been a hot-spot for street drinking. About ten years ago extensive

Signature:



Signature witnessed by: .....



Continuation of Statement of **PC MARK MCKAY**

collaborative work between this team and partner agencies made serious inroads to curb the number of street drinkers on the green. However, while the numbers of drinkers may have reduced, entrenched pockets remain. Again, there are several off-licences around Camberwell Green, Camberwell Church Street, Camberwell Road and Camberwell New Road. There are also hostels around the green which house alcoholics. Camberwell Green and Denmark Hill are also transport hubs for bus and overground rail services. This means they are high footfall areas with large transient populations. The Peabody Estate lies on the eastern side of Camberwell Green. Access into the estate is through an open vehicle entrance. Like Milkwell Yard, street drinkers use the Peabody Estate as a location to urinate and hide from public view. This causes significant distress to residents. In July 2016, Camberwell Green re-opened after extensive renovation work. This included installing three benches in a newly-pedestrianised area adjacent to blocks A, B & C. Again, they would drink until they were drunk. They would also shout and fight amongst themselves. This was distressing for residents living in these blocks as the noise was sometimes so loud it could be heard through closed windows. In May 2016 these benches were removed, though picnic benches in the green remain. MM

The high concentration of hostels housing those living chaotic lifestyles and off-licenses selling cut-price alcohol has the potential to create a perfect storm of alcohol-fuelled anti-social behaviour. While the situation is not as severe as it once was, street drinking remains entrenched around Camberwell Green and Coldharbour Lane. As a result, tackling street drinking and related anti-social behaviour has been a ward priority for Camberwell Green since at least September 2015, though I'm told it has been a priority for years before this. MM

In November 2006 Southwark Council made the borough an alcohol controlled zone under the Criminal Justice and Police Act 2001 to combat alcohol-fuelled violence and associated anti-social behaviour. This meant council wardens and police can confiscate alcohol from anyone causing a nuisance in public, while those failing to comply could be arrested and fined up to £500 on conviction. MM

In April 2016 BBC Two broadcast a documentary presented by journalist Louis Theroux on alcoholics at King's College Hospital, in Denmark Hill. This involved Theroux interviewing street drinkers in Coldharbour Lane and Camberwell Green. This provides a fitting illustration of how severe and entrenched an issue street drinking remains in Camberwell. MM

Many street drinkers are alcoholics. Due to this, it is not enough to tackle the issue through enforcement. We also signpost street drinkers to support services when we interact with them. Only with effective intervention is it possible to break the cycle of addiction, which for too many is the underlying cause of their behaviour. MM


### Progress since 2015


Previously, alcohol would be seized and fixed fines issued, but interactions were not consistently recorded. This approach was a short-term 'quick fix' with limited long-term impact as drinkers would return to congregate in hot spot areas. Starting in November 2015, Camberwell Green Safer Neighbourhood Team has worked in close-partnership with Southwark Council to address ongoing alcohol-related anti-social behaviour. Joint-enforcement operations and council warden reports have proved effective in painting a comprehensive picture and identifying


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Continuation of Statement of **PC MARK MCKAY** .....


ringleaders among the street drinking population. Joint patrols and operations took place in November 2015, March 2016 and April 2016. Intelligence from these operations, local knowledge and community feedback enabled us to adopt a targeted and systematic enforcement approach. This meant formally recording every time alcohol was seized with a set escalation process followed. Our team also adopted innovative and previously-untried police powers under the 2014 Anti-Social Behaviour, Crime and Police Act. 


First time offenders received verbal warnings and fines were issued to those already warned. Community Protection Notices (CPNs) warnings, and CPNs were issued to repeat offenders as a mid-level enforcement intervention. To be eligible for a CPN an individual's behaviour must have had a detrimental impact on the quality of life of people in the community and be of a persistent nature. This was evidenced from statements taken from residents, businesses and a school's head teacher. Conditions on an individual's behaviour within a marked area would be applied to CPNs. Breaching a CPN is a criminal offence in itself. This meant those who breached one could be charged and be made the subject of a Criminal Behaviour Order (CBO), which replaced Anti-social Behaviour Orders (ASBOs). Conditions attached to a CBO could make it a criminal offence for an individual to enter a marked area regardless of their behaviour. This meant persistent offenders could be arrested for entering Camberwell whether they were drinking or not. Applying for a CBO is an extreme measure and has been applied to just two street drinkers in Camberwell so far, in September and November 2016. 

This approach has had a positive impact with interactions with street drinkers falling significantly, especially around Coldharbour Lane. However, the number of interactions on Camberwell Green has slightly increased, though they are mostly different individuals than those who gathered around Coldharbour Lane. That said, the overall number of interactions is down on a year-by-year comparison. Street drinking can also be a seasonal issue. The true test will be whether drinkers begin to gather around Coldharbour Lane again as warmer weather takes hold. 

#### The off-license's role



Under Section 141 of the 2003 Licensing Act it is an offence to sell alcohol to someone who is drunk. Despite this, many off-licenses make their trade through sales of alcohol to intoxicated street drinkers. Selling super-strength and low-priced alcohol sold by the can is a sales technique which appears to deliberately target street drinkers. It is irresponsible. Licence holders at off licenses can adopt a responsible approach to business by not selling these drinks at all. 

Alcohol-fuelled anti-social behaviour like shouting, low-level fighting and public urination are not the most serious crimes - far from it. However, there can be a significant detrimental impact on the quality of life of law-abiding residents forced to endure this behaviour. Everyone has the right to respect of their private and family life. This includes living without being disturbed by drunken raucous behaviour. Off licenses have a role to play in helping the police and partner agencies achieve this. This means abiding by relevant legislation and their licensing conditions. Failure to do so makes it that little bit harder for police officers and employees of other agencies to tackle alcohol-related anti-social behaviour. 

Signature: 

Signature witnessed by: .....



# MEMO: Licensing Unit

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**To** Licensing **Date** 13 November 2017

**Copies**

**From** Jayne Tear 020 7525 5800

**Email** [jayne.tear@southwark.gov.uk](mailto:jayne.tear@southwark.gov.uk)

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**Subject** Berfin Supermarket, 74 Denmark Hill, London, SE5 8RZ

I make this representation with regards to the review application of the premises licence submitted by Trading Standards as a responsible authority for Berfin Supermarket, 74 Denmark Hill, London, SE5 8RZ

The grounds for the application are as follows:

**Prevention of Crime and disorder –**

- Offer and sale of beers, lagers and ciders above 6.5% ABV – breach of condition 841
- Offer and sale of duty evaded super strength beer – Customs and Excise Management Act
- Staff working at premise not trained and fully conversant in the correct operation of CCTV and unable to demonstrate its operation on immediate request to authorised officers from Southwark Council and/or the Police – breach of condition 793
- Failure to produce traceable invoices for all super strength beers purchased – General Food Hygiene Regulations 2013

**Prevention of Public Nuisance**

- Sale of super strength beers and ciders when a known problem in the immediate vicinity and reason for restriction already on licence

My representation is based on the licensing objective for the prevention of crime and disorder and prevention of public nuisance.

The premises licence has been previously reviewed by the Licensing Sub Committee on 16 November 2016 following an application submitted by the Trading Standards as a responsible authority. The grounds for the review on that occasion were as follows:

**Prevention of Crime and disorder –**

- Unauthorised licensable activity – Failure to comply with condition 336 – supplying alcohol when no personal licence holder present
- Unauthorised licensable activity – Sale of K-cider (8.4% ABV) – outside permitted hour – (condition 342) – s136 Licensing Act 2003
- Unauthorised licensable activity – Failure to comply with condition 128 – offering to supply spirits

**Protection of Children from Harm**

- Unauthorised licensable activity - Failure to comply with condition 326 on the premise licence – training of staff with regard to age identification

As a result of the previous review the licensing subcommittee removed the DPS Mr Ismail Incedal from the premises licence, reduced the licensable hours and modified the conditions of the premises licence. I attached a copy of the notice of decision from dated 16 November 2017.

Mr Incedal remained as the Licensee and his wife Cennet Incedal became the DPS.

I am very concerned that when questioned Mr Incedal avoided talking about the street drinking problem/street drinkers in Camberwell. I believe that Mr Incedal has a lack of concern and no understanding of alcoholics drinking in the area who are possibly undergoing treatment and the impact this has on their and the lives of those that live in the local area.

There is a continued pattern of disregard for legislation created to control the sale of alcohol and I am therefore of the opinion that both Mr Incedal and the DPS Mrs Incedal are not capable of running a licensed premises, additionally while the DPS is Mrs Cennet Incedal, it is clear that Mr Ismail Incedal plays a significant part in the running of the premises and is the controlling factor and I would have no doubt that changing the DPS or modifying the conditions again will resolve any of these issues.

I therefore in the interest of promoting the prevention of crime and disorder and the prevention of public nuisance I support the Trading Standards review and their request for revocation of the premises licence as the reasonable, appropriate and proportionate action to take.

Jayne Tear  
Licensing Authority as a Responsible Authority

## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 16 NOVEMBER 2016

#### LICENSING ACT 2003: BERFIN SUPERMARKET (ALSO KNOWN AS DENMARK FOOD AND WINE), 74 DENMARK HILL, LONDON SE5 8RZ.

1. That the council's licensing sub-committee, having considered and application by trading standards for a review of the premises under Section 51 of the Licensing Act 2003 in respect of the premises known as Berfin Supermarket (also known as Denmark Food and Wine), 74 Denmark Hill, London SE5 8RZ. and having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:
  - a) Remove the Designated Premises Supervisor being Ismail Icedal.
  - b) Reduce the hours for licensable activities as follows:
    - Sunday to Thursday: from 08:00 to 00:00
    - Friday and Saturday: from 08:00 to 01:00
  - c) Modify the conditions of the licence by:
    - Removing Conditions 128, 288, 289, 293, 326, 334, 336, 341, 342, 487, 488 and 489 and the following conditions added:
      - (i) That there shall be a personal licence holder on the premises after 22.00 hours until closing time where alcohol is available for supply for the purpose of supervising such sales
      - (ii) That the premises shall operate an age check '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.
      - (iii) That 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.



- (iv) That 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.
- (v) That 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.
- (vi) That no beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises, unless prior written permission has been obtained from a Metropolitan Police Licensing Officer for Southwark. Such permission must be kept at the premises and made available immediately on request to relevant authorities.
- (vii) 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. The CCTV system shall have a minimum of 31 days recording facility and will 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.
- (viii) That 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

## 2 Reasons

The reasons for this decision are as follows:

The licensing sub-committee heard from the trading standards officer, the applicant for the review who stated that following an inspection at the premises on 3 August 2016 various breaches of the licensing conditions were witnessed.

For example the officers witnessed alcohol being sold without a personal licence holder being present in breach of condition 336 of the premises licence.

The premise licence showed the incorrect licence holder and whilst it was clear that the transfer of the Designated Premises Supervisor had been made to Ismail Incedal in 2013, officers concluded that there was effectively no premise licence holder in existence and that a transfer was required.

Furthermore no training records were available for anyone working in the shop in breach of condition 326. Officers also witnessed the sale of alcohol with ABV content above 5.5% after 23:00 hours which was in breach of condition 342.

Trading standards officers suggested that the designated premises supervisor is removed and that the conditions on the licence are modified to reflect the hours of operation and assist in addressing the problems associated with super strength beers, lagers and ciders in the area.

The officer also suggested a reduction in the operating and licensable hours of the premises.

The Metropolitan Police Service representative stated that they were concerned with the problem of street drinking within the area and the number of incidents and breaches of the premises licence and agreed with the list of amendments and additions to the licensing conditions supplied by trading standards for the premise. The Metropolitan Police Service also agrees that these amendments could help to assist with the promotion of the licensing objectives.

The representative for the licensee of the premises addressed the sub-committee and informed the committee that the licence holder agreed to change the current Designated Premises Supervisor. The Licence holder confirmed that both he and his wife along with the assistance of a part time member of staff manage the premises. The licence holder proposed that his wife has recently obtained a personal licence and that she would become the new Designated Premises Supervisor. The Licence holder informed the sub committee that the change will assist in the operation of the premises in line with the conditions and the licensing objectives.

In making this decision the licensing sub-committee had regard to all of the licensing objectives and considered that in the circumstances the decision was appropriate and proportionate.

### **3 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; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 16 November 2016