

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