



The Licensing Unit
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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/ 3067/17

Date: 6th December 2017

Dear Sir/Madam

Re:- Bridge Walk Food & Wine, 3 London Bridge Walk, London

Police are in possession of an application from the above for a new premise licence. This is the second application made by the premises this year and this application is identical to the first except a change to sale of alcohol start time. We objected to the previous application which was heard by the licensing subcommittee on the 8th August 2017 and refused. This application is to allow off sales for the following times.

Opening Hours

Mon – Wed	07.00hrs – 23.00hrs
Thurs – Fri	07.00hrs – 00.00hrs
Sat – Sun	07.00hrs – 22.00hrs

Supply of Alcohol.

Mon – Wed	11.00hrs – 23.00hrs
Thurs – Fri	11.00hrs – 00.00hrs
Sat – Sun	11.00hrs – 22.00hrs

The premises is situated within the Borough and bankside cumulative impact zone (CIZ) and as such the presumption changes from that to grant to that of refuse unless enough measures are offered to negate the cumulative impact the venue will have. The application has offered no extra measures to that previously submitted and I believe the same evidence is still relevant to that previously submitted. Further to this the application has failed to address any of the concerns from the previous hearing and how it intends to negate the effect of the CIZ.

Police object to the granting of the licence as we believe it would be prejudicial to the prevention of illegal working and immigration crime.

On Wednesday the 19th April 2017 Police officers from the Night Time economy team, Police Licensing and Southwark Council Trading Standards did a joint visit at the applicant's premises. No licence was in operation but the applicant had been granted Temporary event notices for the sale of alcohol but not on the day of the visit.

The applicant was not present and the only member of staff was [REDACTED]. During the visit it was discovered that [REDACTED] was wanted by UK Border force for being an absconder and over stayer with no entitlement to work. He was arrested and taken to Lewisham Police station.

London Bridge and the surrounding area has a considerable street population with alcohol issues and the applicant has offered nothing in the way of conditions to negate the effect on this issue.

The area also has a considerable amount of off sales premises and to grant another on the direct approach to the station where people are heading home having consumed considerable amounts of alcohol would only impact on the licensing objectives and possible cause problems on the station and trains leaving London Bridge.

Police believe the granting of the licence would not promote the licensing objectives and further immigration offences would occur and add to the crime and disorder in and around London Bridge station.

The Following is submitted for your consideration.

Yours Sincerely

PC Graham White 288MD

Southwark Police Licensing Unit

Tel: 0207 232 6756

MEMO: Licensing Unit

To Licensing Unit **Date** 7 December 2017

Copies

From Jayne Tear **Telephone** 020 7525 0396

Email Jayne.tear@southwark.gov.uk

Subject Re: Bridge Food and Wine, 3 London Bridge Walk, London, SE1 2SX

Application for a premises licence.

I write with regards to the above application for a premises licence submitted by Bhaskaran Sivakumar under the licensing act 2003.

The application seeks the follows licensable activities:

- Supply of Alcohol (off the premises) on Monday to Friday from 11:00 to 23:00 and on Saturday and Sunday from 11:00 to 22:00
- The proposed opening hours will be on Monday to Wednesday from 07:00 to 23:00; Thursday and Friday from 07:00 to 00:00 and on Saturday and Sunday from 07:00 to 22:00

The premises is described as a '*Grocery, newsagent and supply of alcohol (consumption off the premises)*'.

My representation is submitted under the prevention of crime and disorder and the prevention of public nuisance licensing objectives and has regard to the Southwark Statement of Licensing Policy 2016 – 2020.

The premises is situated in the Bankside, Borough, London Bridge Strategic Cultural & Bankside and Borough District Town Centre Area and also falls within the Borough and Bankside CIP Area . Under the Southwark Statement of Licensing Policy 2016 - 2020 the Local CIP applies to night clubs, public houses & bars, restaurants & cafes, off-licences, supermarkets, convenience stores and similar premises.

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Borough and Bankside policy area as defined in paragraph 129 of the policy and, as an off licence type premises falls into the class of premises in 130 of the policy.

Therefore under 119 of the policy there is a rebuttable presumption that applications for new premises licenses that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations. In such circumstances, it is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

The applicant has not addressed the presumption to refuse this application within the operating schedule. I would recommend refusal of this application unless the applicant can demonstrate that the premises will not contributing to crime and disorder and public nuisance within the policy area.

Mr Bhaskaran Sivakumar has applied for a premises licence this year, which determined by the Licensing subcommittee on 8 August 2017. The application was refused and I attach the notice of decision from that hearing to this representation.

Furthermore the operating schedule has not address any of the issues raised at the last hearing nor does it adequately address the four licensing objectives.

I therefore submit this representation and welcome any discussion with the applicant to consider the above representation

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:

[http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003 -
southwark_statement_of_licensing_policy_2016 - 2020](http://www.southwark.gov.uk/downloads/download/4399/licensing_act_2003_-_southwark_statement_of_licensing_policy_2016_-_2020)

Jayne Tear
Principal Licensing officer
In the capacity of the Licensing Responsible Authority

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 8 AUGUST 2017

LICENSING ACT 2003: BRIDGE WALK FOOD AND WINE – 3 LONDON BRIDGE WALK, LONDON, SE1 2SX

1. Decision

That the application made by Bhaskaran Sivakumar for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Bridge Walk Food and Wine – 3 London Bridge Walk, London, SE1 2SX be refused.

2. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the representative for the applicant who advised that there had previously been a premises licence issued in 2011, but the company name that the premises licence was in, namely, Bridge Walk Food and Wine Limited dissolved in 2012. No one informed the licensing authority and the business had since been transferred to different owners on two occasions, firstly in 2013 and again, in October 2016 to the applicant. When the applicant bought the business in 2016, his solicitors failed to advise him of the need to transfer the premises licence. For this, there was a negligence claim being pursued by the applicant against his then solicitors. The representative advised that the applicant was not culpable of events pre-October 2016.

Because the licensing authority had not issued the licence renewal letter to the current owners, the applicant only became aware of the lack of licence when trading standards inspected the premises in March 2017. As soon as the applicant became aware there was no premises licence in place, he stopped selling alcohol with the exception of applying for three temporary event notices ("TENs"). The business was wholly dependent on the sale of alcohol and he had incurred considerable loss because of the lack of licence.

Since October 2016 the applicant had used his best endeavours. He made two of the three staff members redundant and inherited a single member of staff, but was not aware that the member of staff was an illegal worker. As of March 2017, the applicant was taking active steps in vetting his employees.

The licensing sub-committee heard from the trading standards officer who advised that because the premise is situated within the Borough and Bankside cumulative impact zone there is a presumption to refuse the licence, unless the licensing authority is satisfied the premises will not have an adverse effect on the licensing objectives. They advised the sub-committee that they could not be satisfied that this would be the case, nor could it be confident with the overall management of the premises.

Trading standards visited the premises twice in April 2017 firstly, in response a complaint that tobacco was being offered for sale and on display contrary to The Tobacco Advertising and Promotion Display (England) Regulations 2010, which resulted in them being issued with advice and a warning. It was on this occasion that it transpired that the premises had been operating without a licence since July 2012 and notwithstanding the applicant neither attempted to transfer the licence, or apply for a premises licence in his own name. This is a basic, yet serious criminal offence under the Act. A visit on 19 April 2017 by trading standards and the police found alcohol not being sold without a licence, but the member of staff present and who had previously sold alcohol, not only did not have a personal licence (a condition on the 2011 premises licence), but also the member of staff and only person working in the shop, was an illegal worker who was wanted by the UK Border Force because he was an absconder and overstayer. He was subsequently arrested.

The licensing sub-committee heard from the Metropolitan Police Service who objected to the grant of a stating that it would be prejudicial to the prevention of illegal working and immigration crime and also referred to the 19 April 2017 visit to the premises.

The licensing sub-committee noted the representation from the public health authority which had been withdrawn after conciliating that no beers, lagers, ciders or similar alcohols to be sold in cans with an Alcohol By Volume (ABV) in excess of 6.5% or in bottles larger than 750ml with an ABV in excess of 6.5% and the premises closed at 23:00 hours, which the applicant agreed to.

This licensing sub-committee are astounded that these premises has operated without a licence for just short of five years and find it quite unbelievable that the applicant assumed that the premises licence simply transferred into his name, without application, signature or receipt of a new licence. Whilst the applicant is not accountable for the lack of licence for the period from 2012 to October 2016, the premises licence that was displayed in the premises clearly states the name of the designated premises supervisor, and this does not specify the applicant. These very simple checks would have been explained during the personal licence course, which the applicant stated he attended approximately one to one and a half years ago.

The applicant has also demonstrated no due diligence in the management of the business. The applicant allowed alcohol to be sold without a premises licence being in place, but if he had read the 2011 premises licence, which the applicant claimed he relied on read:

"100. No supply of alcohol may be made under the Premises Licence –

- a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

101. Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence".

The member of staff was not a DPS, nor a personal licence holder. He was however, an illegal worker. When questioned about this, the applicant stated he *'didn't know'* this as he had been employed by the previous owner. Further questions were asked about the employee during which it emerged that he had no employment contract but worked 15 hours per week, was not paid the minimum wage, did not receive a payslip, paid in cash and was not registered PAYE or for national insurance. This, the sub-committee found was unacceptable, and further evidence of the applicant's poor management of the premises.

The licensing sub-committee were directed to the case East Lindsay District Council –v- Hanif (trading as Zara's Restaurant and Takeaway) [2016] EWCH 1265 (Admin) where the sub-committee were satisfied that when the premises licence holder did not take the appropriate checks of staff members with immigration issues and allowed staff to continue without making those appropriate checks, this was a justification to revoke a premises licence. The same must be true in respect of issuing a premises licence.

Finally, the Section.182 Licensing Act 2003 guidance (issued April 2017) paragraph 8.40 provides that where a cumulative impact policy applies in an area, and in this case, Borough and Bankside applicants are expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy and expected to include positive proposals in their application on how they will manage any potential risks. This, the applicant failed to do in either the application, or his oral presentation.

It is for these reasons, this licensing sub-committee refused this premises licence.

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.

3. Appeal rights

The applicant may appeal against any decision:

- a) To impose conditions on the licence.
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) The licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

Issued by the Constitutional Team on behalf of the Director of Law and Democracy.

Date: 8 August 2017

From: Sharpe, Carolyn **On Behalf Of** Public Health Licensing
Sent: Tuesday, December 05, 2017 5:07 PM
To: Regen, Licensing
Cc: Public Health Licensing
Subject: RE: RE-CONSULTATION: RE: Bridge Walk Food and Wine - 3 London Bridge Walk, LDO = 07/12/17

To whom it may concern:

Re: 3 London Bridge Walk, London SE1 2SX

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 make representation in respect of the above.

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

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

The applicant requests a new licence for the sale of alcohol off the premises between the hours of 11:00-23:00 Monday to Friday and 11:00-22:00 on Saturday and Sundays.

This premises is located within the Borough and Bankside Cumulative Impact Policy Area and therefore the onus is on the applicant to rebut the presumption that this premises will add to the cumulative impact of alcohol-related harms in the local area. The applicant has made no reference to the types of products to be stocked in the store. I would like to see a restriction on the sale of low cost, high strength products such as beers lagers and ciders, which are typically popular with street drinkers or alcohol misusers. Evidence indicates these products are generally purchased in order to achieve drunkenness through the quickest and cheapest means possible and therefore it is my opinion that the sale of such products is irresponsible.

Recommendations

I recommend that no beers, lagers, ciders or similar alcohols to be sold in cans with an Alcohol By Volume (ABV) in excess of 6.5% or in bottles larger than 750ml with an ABV in excess of 6.5%

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

Yours sincerely,

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

Carolyn Sharpe | carolyn.sharpe@southwark.gov.uk | 02075250025 | 07927563567

Public Health Policy Officer (People & Health Intelligence), London Borough of Southwark, 160 Tooley Street, London SE1 2QH

From: Masini, Bill
Sent: Thursday, December 07, 2017 10:39 PM
To: Regen, Licensing
Cc: Tear, Jayne
Subject: Application for premises Licence - Bridge Walk Food & Wine 3 London Bridge Walk SE1 2SX

As a Responsible Authority under The Licensing Act, Trading Standards are in receipt of an application from Bhaskaran Sivakumar for a Premises Licence for a shop called Bridge Walk Food and Wine at 3 London Bridge Walk London SE1 2SX and respond accordingly under the Licensing Objectives.

Firstly, the premise is situated within the Borough and Bankside Cumulative Impact Zone where there is a presumption to refuse unless the Licensing Authority is satisfied the premise will not have an adverse effect on the licensing objectives.

This is the second application Mr Sivakumar has made this year for a premises licence at this address and of note is that apart from a small change in the opening hours (this application wanting to sell alcohol one hour earlier in day) the application is identical.

Trading Standards objected to the application earlier in the year and a hearing was held before the licensing sub-committee on 8 August 2017 where the application was refused. The new application has made to attempt to address any of the reasons why the first application was refused and therefore Trading Standards believe the previous matters are relevant to this new application and once again objects to this application on the basis that the licensing objectives will not be achieved and there is nothing to negate the cumulative impact the premise will in the Cumulative Impact Zone.

In the representation Trading Standards previously made on 10 May Trading Standards said the application had not addressed the issue of preventing the sale of alcohol to children. Once again it has not been addressed in this application. Trading Standards are aware Mr Sivakumar has another shop in Streatham and was cautioned by Lambeth Trading Standards in 2015 because he sold cigarettes to a 14 year old girl.

The issue of why an application was made earlier this year was because the business had been trading for a significant period of time without a licence, that licence having elapsed in 2012. Trading standards and Licensing Police had carried out a visit on 19 April 2017 and the only person working in the shop was Jafar Thottungal who was arrested on immigration matters and deported later that day. Police were forced to secure the property as no one else was present. During the hearing in August it became evident his employee had no employment contract but worked 15 hours a week, was not paid the minimum wage, did not receive a payslip, was paid in cash and was not registered PAYE or for National Insurance. He had made no checks to check his employee's immigration status and right to work.

On 14 November Trading Standards and Police carried a further visit following this new application. Behind the counter there was an invoice for the purchase of alcohol on 3rd June from a London based Cash and Carry. There was also a refusals book where the last entry was before Mr Sivakumar had acquired this business. Alcohol was still on the shelves in the shop though most but not all of it was covered over with black plastic. There was a sign outside the shop stating alcohol was for sale between 6am and 11pm, though no evidence that alcohol was being supplied in breach of the Licensing Act.

Trading Standards still has little faith in the management of this premises in achieving compliance with the licensing objectives and recommends that a premises Licence should not be granted.

Bill Masini - Trading Standards Officer

Southwark Council Trading Standards | Environment & Social Regeneration

3rd Floor Hub 1, PO Box 64529 | London SE1P 5LX

Direct line 020 7525 2629 | Fax 020 7525 5735 | Call Centre 020 7525 2000

Visit our web pages www.southwark.gov.uk/TradingStandards

Need clear practical consumer advice? Visit Consumer Direct at www.direct.gov.uk/consumer

