



APPENDIX B POLICE

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 reference: MD21/3181/18

Date: 8th August 2018

Dear Sir/Madam

Re:- Price Cutter, 4 Camberwell Church Street, London SE5 8QU

Police are in possession of an application from Somasundram Ariyarajah for the above for a new premises licence. The premises has recently been subject of a review by trading standards and the licence was revoked. The premises appealed to the magistrate's court, which was unsuccessful, and the transfer application, which was refused and then appealed, was withdrawn.

The applicant Mr Somasundram Ariyarajah submitted an application to transfer the premises licence on the 19th March 2018, this transfer was to take effect immediately. So effectively as of the 19th March 2018, Somasundram Ariyarajah was claiming to be the new premises licence holder.

On the 27th March 2018, officers from Southwark's Trading Standards office conducted a test purchase at the premises. The person in charge of the shop at the time made an underage sale of Cigarette's without challenging the young person.

Before the granting of any licence we would like to see a copy of lease agreement between the property owner and the applicant and all other relevant documents, relating to the operation of the premises to insure the previous licence holder is unable to reclaim control of the licence. We would also require a condition excluding them from the management of the premises or being involved in the running of the premises.

He has applied for a 24-hour opening with a licence to sell alcohol between 08.00hrs and 00.00hrs 7 days a week.

The terminal hours for the sale of alcohol applied for are within that recommended by Southwark's licensing policy however the policy applies to opening times, which are outside the policy. The premises are situated within the Camberwell Cumulative impact zone (CIZ) and as such, the presumption should be to refuse.

Camberwell is subject to considerable problems with alcohol misuse and has been subject to considerable investment in the area to improve the local amenities. Kings College hospital and the Maudsley Hospital are situated in the area and have Alcohol treatment centres within both. I have attached a statement by PC McKay a local officer from 2017 explaining the issues in the area, which I believe is still relevant today.

The applicant should consider issues caused by opening and selling alcohol in the early morning as it would attract alcohol dependent people and the problems associated with this. When setting out the steps they will take to promote the licensing objectives these factors should be considered. I believe that the sale of alcohol should not be until 10am.

The applicant has offered a number of conditions as part of the operating schedule, which we welcome. However what is of serious concern is that he has offered not to sell alcohol above 6.5% ABV except White Star cider, Black star Cider and K Cider which are all consumed by alcohol dependent people due to the low cost high strength. Cider is not subject to the same price per unit as other Lagers and beers leaving them available at low cost in comparison.

As a licensing unit these are the type of products we are trying to discourage in the area where alcohol abuse and the associated crime and disorder and most prevalent due to the abuse by alcohol by dependent people and street drinkers.

The conditions set out in the operating schedule should be precise and enforceable, as stated in the Section 182 Guidance of the Licensing Act 2003 issued by the Home Office.

Police would like to see further control measures.

1. 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.
2. No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter.
3. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use. It should cover all areas the public have access and the outside area to the front.
4. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
5. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
6. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.

7. Traceable invoices shall be kept on the premises (or if not possible copies of those invoices) for inspection by police, council officers and HMCR on request for a minimum of 6 months.

If opening hours are granted outside the sale of alcohol then the following condition should be placed on the licence, to avoid confrontation with customers.

8. When the premises are open to the public and the licence is not in operation. All alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.

Submitted for your consideration.

Yours Sincerely

PC Graham White 288MD
Licensing Officer
Southwark Police Licensing Unit

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: [] [] [] []

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.

Signature: [Redacted] Date: 19/5/2017

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: [Redacted] 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 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 MM

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

Signature:

[Redacted Signature]

Signature witnessed by:

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. MM

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. MM

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. MM

The off-license's role MM

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. MM

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. MM

Signature:



Signature witnessed by:

TRADING STANDARDS

Heron, Andrew

From: Jerrom, Charlie on behalf of Regen, Licensing
Sent: 28 August 2018 11:25
To: Heron, Andrew
Subject: FW: Reps wrt licensing application ref 1054773 - 4 Camberwell Church Street (Mr Somasundram ARIYARAJAH)

FYI

From: Moore, Ray
Sent: Thursday, August 09, 2018 3:47 PM
To: Regen, Licensing; Tear, Jayne
Subject: Reps wrt licensing application ref 1054773 - 4 Camberwell Church Street (Mr Somasundram ARIYARAJAH)

As a responsible authority under the Licensing Act 2003, Trading Standards are in receipt of an application from Mr Somasundram ARIYARAJAH for a new Premises License at shop trading as "Price Cutter" at 4 Camberwell Church Street, London SE5 8QU and respond accordingly with representations made under the Licensing Objectives.

Trading Standards are objecting to this license application on the basis of the licensing objectives "the prevention of crime and disorder" and "the protection of children from harm."

It should be noted that the previous license was revoked by the licensing sub committee and the appeals process was exhausted on 29th June 2018 when the appellant Ghulam RASOOL withdrew his appeal part way through the hearing at Camberwell Magistrates Court. Also at Court on that day was the applicant, Mr Somasundram ARIYARAJAH, who was appeal the licensing sub committees refusal to allow him to transfer the license into his name since it had been revoked. Amongst the evidence submitted at the transfer hearing was evidence that Ghulam RASOOL still had control over the premises as having absolute title to the building. At the transfer hearing an unsigned lease contract for the premises was submitted that contained a clause that would allow Mr Rasool to unilaterally take back control of the business. No new contract has been produced to show that this business has been transferred to the applicant in anyway whatsoever. Under the management of the new applicant an under age sale took place and further breaches of license conditions.

Trading Standards intend to re-submit all the papers relating to the original licensing review that led to the revocation as well as the papers relating to the refused transferral to the current applicant in support of these representations.

A land registry check was done on Thursday 9th August 2018 which has revealed that Mr Ghoolam Rasool still has absolute title to the property.

In the general description of the premises, the applicants state,

"Convenience Store"

The hours applied for the sale of alcohol from the premises are 08:00hrs to 00:00hrs Monday to Sunday while the permitted shop opening hours are 24 hours. This does not tie in with the hours recommended for the Camberwell Cumulative Impact zone.

It should also be noted that they wish to be granted exemptions from the "6.5% maximum alcohol content" for a number of high strength and cheap ciders. It should be noted that street drinking is a serious issue in this area and has been the subject of problems with this premises before. To seek exemptions for these high strength ciders suggests that the sale of such products to problem drinkers is a key part of the intended business plan. The attempt to get exclusions for these particular drinks suggests that the applicant is unlikely to act as a responsible retailer of alcohol.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Social Regeneration| Regulatory Services

Post: 3rd Floor Hub 2, PO Box 64529 | London SE1P 5LX

Direct line 020 7525 0816 | Fax 020 7525 5735 | Call Centre 020 7525 2000

www.southwark.gov.uk/TradingStandards

Need proof of age? Visit www.southwark.gov.uk/pa

Need advice on consumer issues? Visit Citizens Advice via www.direct.gov.uk/consumer



<http://www.southwark.gov.uk/business/trading-standards-and-food-safety/illegal-tobacco-e-cigarettes-and-shisha>

Please consider the environment - do you really need to print this email?

Heron, Andrew

From: Moore, Ray
Sent: 28 August 2018 09:20
To: [REDACTED]
Cc: Heron, Andrew; [REDACTED]
Subject: FAO Debra Sylvester wrt 4 Camberwell Church Street

Debra... if you could forward me a copy of the signed lease agreement it would be greatly appreciated. I am somewhat confused by the date of the signing of the agreement (11th May 2018) ... as this was a full month before the licensing hearing for the previous transfer when an unsigned agreement with the breakout clause was submitted by your client.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Social Regeneration| Regulatory Services

Post: 3rd Floor Hub 2, PO Box 64529 | London SE1P 5LX

Direct line 020 7525 0816 | Fax 020 7525 5735 | Call Centre 020 7525 2000

www.southwark.gov.uk/TradingStandards

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Need advice on consumer issues? Visit Citizens Advice via www.direct.gov.uk/consumer



<http://www.southwark.gov.uk/business/trading-standards-and-food-safety/illegal-tobacco-e-cigarettes-and-shisha>

Please consider the environment - do you really need to print this email?

PUBLIC HEALTH

Heron, Andrew

From: Tahir, Sarah
Sent: 06 August 2018 16:22
To: Heron, Andrew
Subject: FW: Consultation - New Premises Licence, 4 Camberwell Church Street
Attachments: Alcohol-related violence and disorder in Southwark's CIP areas 2017 09 1...pdf

Added to l1u = 863980

From: Regen, Licensing
Sent: Monday, August 06, 2018 4:10 PM
To: Tahir, Sarah
Subject: FW: Consultation - New Premises Licence, 4 Camberwell Church Street

From: Public Health Licensing
Sent: Monday, August 06, 2018 4:07 PM
To: Regen, Licensing
Cc: Shapo, Leidon; Public Health Licensing
Subject: RE: Consultation - New Premises Licence, 4 Camberwell Church Street

To Whom it may concern:

RE: Price Cutter, 4 Camberwell Church Street, SE5 8QU

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

General Comments

The applicant requests a new license for the sale of alcohol off of the premises.

Proposed times	Opening hours	Alcohol Sales
Monday - Sunday	00:00 – 00:00	08:00 – 00:00

Concerns relating to this application

This premises is to be located in the Camberwell CIP area and in my opinion, the applicant has done nothing to rebut the claim that their proposed establishment will add to the alcohol-related disorder in the area.

Camberwell CIP area accounts for 9.5% of all rowdy behaviour and street drinking, and 8.4% of all alcohol related non-domestic violence in Southwark (2017 - 2018). Furthermore, Camberwell Green accounts for the 6th highest number

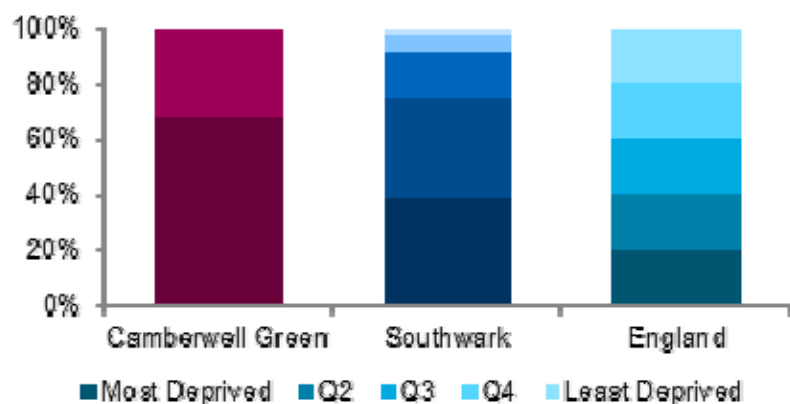
(7%) of alcohol related ambulance call-outs in Southwark.

Table. 1- Alcohol related ambulance call-outs in Southwark (by ward) from 2016 - 2018

WARD	Ambulance Call- Outs	Percentage
Cathedrals	473	19%
Chaucer	241	10%
Orange	224	9%
Riverdale	217	9%
The Lane	183	7%
Camberwell Green	178	7%
Newington	153	6%
East Walworth	138	5%
Rotherhithe	103	4%
Peckham	78	3%
South Bermondsey	71	3%
Brunswick Park	68	3%
Lewisham	65	3%
Paraday	61	2%
Nunhead	44	2%
South Camberwell	42	2%
Village	42	2%
East Dulwich	38	1%
Collage	34	1%
Peckham Rye	34	1%
Surrey Docks	29	1%
TOTAL	2610	100%

Camberwell Green is home to a population that would be vulnerable to alcohol disorder as 25% of residents in the ward claim out-of-work benefits, this is above the London average of 8% as of 2016. Furthermore, ~65% and ~35% of the ward's residents fall into the most deprived and 2nd most deprived quintiles respectively (see Figure 1).

Figure 1 – Proportion of population in each deprivation quintile



Recommendations

I recommend the following:

- The opening hours be amended to:
 - Monday – Sunday: 11:00 – 00:00

- The hours for the sale of alcohol be amended to:
 - Monday – Sunday: 11:00 – 00:00

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

Yours sincerely,

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

From: Jerrom, Charlie
Sent: Friday, July 13, 2018 2:50 PM
To: Alcohol@homeoffice.gsi.gov.uk ; Sharpe, Carolyn; Chowdhury, Farhad; Chudasama, Sailesh; Costin, Holly; Taylor, Dan; DIP Team; Farrington, Ian; FireSafetyRegulationSE@london-fire.gov.uk (FSR-AdminSupport@london-fire.gov.uk); Graham White; Moore, Ray; Planning.Enquiries; Public Health Licensing; Reg Env Protection; Richards-Vassell, Thomas; Qau Safeguarding; safer; Shannon, Rochelle; southwark.repro@pbms.co.uk; Tear, Jayne; West Team diary
Subject: Consultation - New Premises Licence, 4 Camberwell Church Street

Heron, Andrew

From: Kangatharan, Aakulan
Sent: 28 August 2018 11:11
To: [REDACTED]
Cc: Heron, Andrew
Subject: RE: Price Cutter, 4 Camberwell Church Street

Follow Up Flag: Follow up
Flag Status: Completed

Dear Debra,

Given that the applicant has agreed to the conditions below, I am happy to withdraw my representation.

Kind Regards,
Aakulan Kangatharan

From: Heron, Andrew
Sent: Friday, August 24, 2018 4:11 PM
To: [REDACTED]; Moore, Ray; Kangatharan, Aakulan
Subject: RE: Price Cutter, 4 Camberwell Church Street

Dear Ray / Aakulan,

Please find below the response to your representations and attached the responses to the Police and the Licensing Authority.

I look forward to hearing from you in relation to your representation.

Regards,

Andrew Heron
Principal Licensing Officer
London Borough of Southwark
Regulatory Services – Environment & Leisure
020 7525 5767

Address: Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH
Switchboard: 020 7525 5000
Website: www.southwark.gov.uk
<https://www.southwark.gov.uk/community-safety/let-s-talk-about-women-s-safety>



From: [REDACTED]
Sent: Friday, August 24, 2018 3:53 PM
To: Heron, Andrew
Cc: [REDACTED]
Subject: Price Cutter, 4 Camberwell Church Street

Dear Andrew

I have already written to Graham White and Jayne Tear regarding their representations in respect of this premises licence application (and copied you in on them) but do not have the email addresses of Mr Kangatharan in Public Health or Ray Moore in Trading Standards therefore I would be grateful if you could forward this email to them, along with the emails I have sent to Graham and Jayne which confirm agreement to various conditions and an amendment of the opening hours and hours for the sale of alcohol.

With regard to Ray Moore's representation, one of his concerns is that the lease contract he was shown a copy of has now been amended so that there is no longer a clause that would allow Mr Rasool to unilaterally take back control of the business. Although Mr Rasool is still the freehold owner Mr Ariyarajah is now the leaseholder on a 15 year lease (since 11th May 2018), and has the option to buy the freehold in 12 months time. I would be happy to forward a copy of the new lease as soon as I receive it from the applicant.

Mr Moore also objected to the hours of opening, but Mr Ariyarajah has now agreed to the opening hours and the hours for the sale of alcohol of 11am to midnight daily. As mentioned in my email to Graham White we have also agreed to a number of Police conditions as follows:

1. 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.
2. No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter.
3. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use. It should cover all areas the public have access and the outside area to the front.
4. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
5. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
6. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
7. Traceable invoices shall be kept on the premises (or if not possible copies of those invoices) for inspection by police, council officers and HMCR on request for a minimum of 6 months.

If opening hours are granted outside the sale of alcohol then the following condition should be placed on the licence, to avoid confrontation with customers.

8. When the premises are open to the public and the licence is not in operation. All alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.

Mr Kangarathan's objection to this application also centres around the alcohol-related disorder in the area and he has suggested opening hours and alcohol sales to be 11am to midnight daily, which I mentioned above the applicant has agreed to.

As I mentioned in my email to Jayne Tear, none of the original members of staff that were working at the shop when the problems occurred are still working at the premises so the neighbour who also objected to this application should have no concerns that the breaches of the premises licence which have occurred will happen again, so I would appreciate it if she could also be made aware of the conditions and revised hours that have been agreed to.

As I stated before, Mr Ariyarajah would be happy to meet up with all of the responsible authorities prior to the hearing if it is considered worthwhile and productive.

I am not sure whether I have included all of the relevant points in all emails so if you feel it is appropriate maybe you could forward my emails to whoever you think would wish to see them.

Thank you for your help.

Kind regards

Debra Silvester

LICENSING

MEMO: Licensing Unit

To	Licensing Unit	Date	6 August 2018
Copies			
From	Jayne Tear	Telephone	020 7525 0396
Email	jayne.tear@southwark.gov.uk		

Subject Re: Price Cutter, 4 Camberwell Church Street, London, SE5 8QU
– Application for a premises licence

I write with regards to the above application to for a premises licence submitted by Somasundram Ariyaratnam under the Licensing Act 2003, which seeks the following licensable activities:

- Supply of alcohol (off the premises) on Monday to Sunday from 08:00 to 00:00
- Overall opening times shall be 24hrs daily from Monday to Sunday.

In premises described within the application as a '*convenience store*'.

My representation is based on the Southwark Statement of Licensing policy 2016 – 2020 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance and the protection of children from harm.

This premise is situated within the Camberwell District Town Centre Area and the appropriate closing times for off-Licences is 00:00 hours daily.

The premises also falls within the Camberwell Cumulative Impact Policy Area.

Section six of the policy (from page 32) deals with Southwark's local cumulative impact policies. This premises sits in the Camberwell policy area as defined in paragraph 132 of the policy and as an off licence/convenience store **this** premises falls into the class of premises in 133 of the policy.

Therefore under 119 of the policy there is a rebuttable presumption that applications for new premises licences 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 be contributing to crime and disorder and public nuisance within the policy area.

Further to this the premises has previously held a licence which was subject to a review submitted by Trading standards. At the hearing for the review on 15 June 2017 the licence the licensing sub-committee revoked the premises Licence. I attach a copy of the notice of decision to this representation.

The applicant appealed this decision and whilst awaiting the appeal hearing a transfer application was submitted on 19th March 2018 to remove Mohammed Imran & Ghulam Rasool as the premises licence holders and to specify Somasundram Ariyaratjah as the new premises licence holder.

The effect of an application to transfer a premises licence is that it will have immediate interim effect unless an objection is received from the Police.

The police objected to the transfer application and subsequently the LSC refused the application to transfer on 10 May 2018. I attach the notice of decision to this representation.

Both appeals were subsequently withdrawn.

I have no faith in Mr Somasundram Ariyaratjah to uphold any of the licensing objectives and believe that the previous licensee will have some overall control of the premises. Further to this whilst awaiting the appeal hearing for the transfer further offences were committed whilst under the premises was under the control of Somasundram Ariyaratjah.

I therefore recommend that the applicant is refused.

I may submit further supporting information to this representation.

Southwark's Statement of Licensing Policy 2016 – 2020 can be found on the following link:
<http://lbs-mapweb-01:9080/connect/Includes/APPIMA/SSOLP1620.pdf>

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

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 10 MAY 2018

SECTION 34 LICENSING ACT 2003: FOOD & WINE, 4 CAMBERWELL CHURCH STREET, LONDON SE5 8QU

1. Decision

The licensing sub-committee having considered the objection notice submitted by the Southwark Police Licensing Office relating to the application submitted by Somasundram Ariyaratnam to transfer a premises licence under section 42 of the Licensing Act 2003 in respect of the premises known Food & Wine, 4 Camberwell Church Street, London SE5 8QU has refused the transfer application.

2. Reasons

The licensing sub-committee heard from the Metropolitan Police Service representative who objected to the transfer application. The officer advised that the premises had been subject to an application for the review of the premises licence which had been submitted by Southwark's trading standards team. Following the review hearing and considering all the facts, the licensing sub-committee decided it was appropriate and proportionate to revoke the premises licence. This decision was the subject of an appeal by the premises licence holders, due to be heard at Camberwell Green Magistrates' Court on 29 June 2018. On the 19 March 2018 the applicant had submitted the transfer application to take immediate effect.

The representative for the police called an officer from trading standards as a witness. The trading standards officer outlined the details of the review application that resulted in the revocation of the licence. The officer also stated that on 27 March 2018, officers conducted a test purchase at the premises. The person in charge of the shop at the time made an underage sale of cigarette's without challenging the young person. Enquiries were made with the person in charge at the time as to the identity of the current premises licence holder, who stated that it was her husband and produced an unsigned management agreement to the same effect. On 6 April 2018, trading standards officers attended again and the applicant was present and stated that it was his intention to purchase the business.

Furthermore, during the course of investigations, trading standards officers seized the premises training records and identified the details of two individuals that were involved in another premises which has also had its premises licence revoked.

The licensing sub-committee then heard from the applicant's representative, who advised that her client was unable to attend as he was required to run the shop. The representative stated that the transfer application was genuine and that she had been contracted by the applicant in December 2017. Since January 2018 the applicant had been working at the premises, without pay, to ascertain whether it was an economically viable business. Ultimately, the applicant wanted to run the premises a family business.

The reason why the applicant was not identified as the owner of the business on 27 March was because until he was sure that he wanted to but the business, he did not want to upset the dynamics of the business, until necessary. All the misdemeanours and non-compliance was under the previous premises licence holders watch, and the applicant should not be denied the transfer because of it.

The licensing sub-committee considered all written and oral representations before it. Section 42(6) of the Licensing Act 2003 and Section 182 of the Licensing Act 2003 guidance (April 2017) allows the police, in exceptional circumstances, to object to a transfer of a licence when the police believe the transfer may undermine the crime prevention objective. The premises licence was revoked following a trading standards review on 15 June 2017, when the licensing sub-committee found a catalogue of breached licence conditions, a number of criminal offences committed and an illegal worker working for the previous licence holder.

The licensing sub-committee were guided to paragraphs 89 and 90 of the Soutwark's statement of licensing policy and the practice of transfer applications being submitted immediately following an application for a review. Where, such applications are made, the transfer applicant's are expected and required to provide documentary proof of transfer of the business an lawful occupancy of the premises to support the contention that the business is under new management control. No such documentation was provided by either the applicant or his representative.

The licensing sub-committee also have concerns of continued breaches of licence in addition, staff known to be involved in the management of other similar style premises that had its premises licence revoked. Given the very serious history at the premises, as a matter of due diligence, the applicant would be expected to ensure the legitimacy of stock, to ensure that all transfer of the business/lawful occupation documentation was complete and demonstration of sufficient distance from the previous poor management practices, including the removal of all previous staff.

This licensing sub-committee is satisfied that the evidence presented provides sufficient exceptional circumstances to reject this application and considers it necessary for the promotion of the crime prevention objective to do so.

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 refuse the application to transfer the premises licence
- b) To refuse the application to specify a person as premises supervisor.

Any person who submitted a relevant objection in relation to the application who desire to contend that:

- a) That the application to transfer the premises licence ought not to be been granted or
- b) That the application specify a person as premises supervisor ought not to be been granted

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: 10 May 2018

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 15 JUNE 2017

LICENSING ACT 2003: SUPERDEALS (FOOD AND WINE), 4 CAMBERWELL CHURCH STREET, LONDON SE5 8QU

1. That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by the council's trading standards service for the review of the premises licence issued in respect of the premises known as Superdeals (Food and Wine), 4 Camberwell Church Street, London SE5 8QU and having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:

Revoke the licence

- 2 **Reasons for the Decision.**

The reasons for this decision are as follows:

The licensing sub-committee heard from the Trading Standards Officer, the applicant for the review. On Friday 6 January 2017, Trading Standards carried out a test purchase using a person who was under the legal age to purchase alcohol. At 20.15 the youth was observed entering the shop and took a bottle of Stella lager to the counter, gave the man behind the till a £5 note and received change of £3.70 having been charged £1.30. Nothing was said to him and the shop was not busy. The officer observing the youth bought a can of Special Brew for £1.50. After this, a trading standards officer attended the premises. The same man ("the seller") who had made the sales was still behind the counter and was a personal licence holder, accepted he should have checked the age of the youth.

Conditions on the licence were then checked for compliance and numerous breaches were identified, namely: condition 289 (CCTV footage was being retained 20 days and not the required 31 days), condition 293 (no evidence of staff training), condition 334 (no evidence of an age identification scheme), condition 340 (no refusals book), conditions 341, 342, 343, 344 and 347 (concerning notices), condition 100 (no designated premises supervisor - DPS). The seller was asked about the named individuals on the licence and advised that he had never met the DPS ("the absent premises licence holder") in the 15 months that he had worked at the shop. He said he only dealt with the premises licence holder who had another shop, in Lambeth. The officer spoke with that premises licence holder on the telephone who advised that his joint premise licence holder and DPS was on holiday. When challenged that the seller had not see the joint licence holder in 15 months, the premises licence holder said that he was at the Cash and Carry. Both were advised it was a further breach of the premise licence conditions to continue to supply alcohol when there was no DPS. Trading Standards have never been able to speak to the absent premises licence holder, despite numerous attempts to do so.

On 10 January 2017 at 13:50 a further visit was conducted by Trading Standards and Licensing officers. The only person in the shop was a man who did not hold a personal licence, had a limited command of English and did not know the basic requirements about the sell of alcohol (“the 2nd seller”). He was told he could not sell alcohol as it would breach the premise licence. He said the seller from 6 January was his boss and that he was at the Cash and Carry. One of the officers spoke the seller who said that the DPS would come to the shop in the next hour in order to speak to the officers. Whilst that conversation took place the 2nd seller continued to sell alcohol to customers. A breach of condition 336 therefore took place.

The prices of the super strength beers were noted. Special Brew and Skol Super (both 8% ABV) were priced at £1.50 this being 35 pence above the duty price. Karpackie (9% ABV) was priced at £1.20. Trading standards advised that the duty and VAT price for this brand in 2016-2017 was £1.29. This was a breach of condition 491 (alcoholic drinks to be sold above the duty plus VAT price)

Officers later met with the seller who was the only person present. He presented officers with two refused sales logs. The first log showed a list of entries relating to refused sales for about once a month, the last entry dated 5 September 2016. The second log showed one entry dated “6-2-2017”, some 31 days after the date of the visit. The 2nd seller was reminded again about the condition for there to be a DPS and that in the absence of one, alcohol could not be sold.

Trading standards returned later that day (10 January) at 22:35. Trading standards made a test purchase where a can of Karpackie beer was bought for £1.20. This seller (“the 3rd seller”) said he did not have any forms of identification on him to substantiate that name but he did not have a personal licence and was alone in the shop. He stated his boss was the 1st seller and that he had never heard of the premises licence holder or the absent licence holder. He was not aware of any age checks (condition 100) or any refusals book (condition 336). The officer advised that he was in breach of the licence and alcohol could not be sold.

Whilst the officer was in the shop, the 3rd seller continued selling alcohol to customers. Further warnings were also ignored. Of concern was that the 3rd seller sold a can of Super Brew to a man with obvious alcohol dependency problems. This man put a £5 note on the counter and the 3rd seller gave him £3.00 change. The man thought he had been short changed and aggressively demanded the “correct” change. He was told the price was £2.00. The man was extremely unhappy about this, saying the price was £1.50 in Camberwell and demanded his money note back, threw the can back at the seller and retrieved his £5 note. It is believed that the higher price was being charged for the benefit of Trading Standards who were in the shop and that the real price to customers was still £1.50. The shelf prices for the Skol Super and Special Brew was still £1.50 though these price stickers had been removed when a further visit was made two days later on 12 January.

Super strength beers and ciders are almost exclusively consumed by people who have serious alcohol dependency problems and contain a high number of units of alcohol per can. H.M. Government seeks to use price as part of its strategy to reduce consumption of these super strength beers, and introduced the mandatory condition 491. All the super strength beers were being sold nominally above the duty rate. Suspicious that these drinks were also subject to some form of evaded duty or other illegality, Trading Standards required the premise licence holder to produce his purchase invoices for the super strength beers. Trading standards advised that it is completely unrealistic and unbelievable that such a legally sourced and duty paid beer can be sold by an independent retailer for anything less than at least £2.20. Retailing products, in the case of the Karpackie, 9 pence below the duty price also completely undermines any government public health strategy and of course gives the retailer an unfair commercial advantage over its legitimate competitors. This illegal practice has been identified as a widespread and real problem in Southwark which officers are seeking to address.

Trading Standards returned on 12 January 2017 and a further purchase was made and yet again £1.20 was the amount charged. In view of this and the test purchase two days before, 261-cans (130.5 litres) of Karpackie were seized from the shop. Condition 491 was breached again. The man behind the counter ("the 4th seller) was unable to give an address and did not produce any identification to substantiate his name. He said he did not work there but was the only person working in the shop. Conditions 336 and 100 were therefore breached again. Despite warnings not to, he continued to sell alcohol. He later said he worked for the boss who was the premises licence holder. The 4th seller left the shop unmanned. A few minutes later the 1st seller arrived at the shop. The seizure was explained to him and was asked for contact details for the DPS and absent licence holder, but advised he said he did not have it.

On 1 February Trading Standards visited the shop when the 1st seller supplied an invoice dated 14 January 2017, being 2 days after the seizure of Karpackie, showing a purchase price for super strength beers to be barely above the duty price. Kestrel Super (8% ABV) was purchased at £1.00 per can. The name of the seller is not stated, rendering such an apparent invoice untraceable.

On 8 February the Premises Licence Holder was interviewed under caution, during which he confirmed that he was the sole owner of the business and that he had stopped selling alcohol since 1 February, despite test purchases being made on 1 and 4 February.

On 26 April 2017 Trading Standards and Licensing Officers returned to the shop with the Police and made a test purchase of a can of Skol Super alcohol. In the shop was a man (5th seller) who accepted that he did not hold a personal licence though said he had applied to Tower Hamlets for one. An enquiry indicated him to be a failed asylum seeker and he was not permitted to work. Since the 5th seller did not have a Personal Licence he was advised he could not sell alcohol.

The officer representing Licensing as a responsible authority addressed the Sub-Committee and stressed her concerns of the number and diversity of alleged criminal offences witnessed by Trading Standards officers. Furthermore, the Premises Licence Holder was associated with other premises, both in and outside Southwark where a plethora of breaches of licence conditions and similar criminal acts had occurred.

The Metropolitan Police Service representative advised that advised that when granting an individual/company a premises licence, the Licensing Committee must have trust in that individual/company that they will run the premise well and comply with the operating schedule as agreed when the premises licence was applied for. The conditions are there for the promotion of the licencing objectives. The premises had operated in contravention of these conditions, but also committed acts of criminality. In the circumstances, there is no place for a premises that is operated in such a way, that is putting the public's health at risk and quite likely to have a negative impact on anti-social behaviour and crime and disorder. The police recommended that the licence be revoked.

The Licensing Sub-Committee noted the representations from the Public Health Authority supporting the review and also recommended that the premises licence be revoked. The premises are located in an area where there is a serious problem with alcohol abuse. The premises are close to Kings College Hospital where there are alcohol dependency treatment facilities and premises abusing their licence conditions in the way described, undermined the licensing objectives.

The representative for the licensee of the premises addressed the Sub-Committee. They advised that the Premises Licence Holder shared the obvious concerns that the Sub-Committee would have about the conduct of the premises. His client had been the freeholder to the premises, and premises licence holder since 2005 and a trawl of the premises records showed that there had been no breaches between 2005 and 2010. The recent infractions commenced in January 2017, when there had been a break of the chain of causation as the 1st seller had been granted a licence to occupy the premises on 1 January 2017. Despite this, he chose not to transfer the licence or the DPS to the 1st seller. The representative for the premises licence holder stated that the 1st seller was not in breach of his licence to occupy, so was unable to evict him. He had however, started to take remedial steps, by replacing the DPS, who ultimately would take over the management from the 1st seller. The representative was unable to explain how this would be done and no documentation concerning the licence to occupy was available at the meeting. The representative stated that a period of closure would assist and that the premises licence holder would be agreeable to give an undertaking to resolve the issues.

The licensing sub-committee considered all of the oral and written representations before it and found that the breaches of licence conditions and level of criminality completely unacceptable. The premises licence holder demonstrated he was unwilling to cooperate with authorities in their criminal investigations and quite clearly undeterred by previous enforcement action at premises in Lambeth (between 2008-1014). There had been a catalogue of breaches over a period, by at least 5 different members of staff, all of whom continued to sell alcohol in officer's presence, despite being warned not to. He showed a total disregard to the consequences of selling alcohol responsibly and to adhering to premises licence conditions or promoting licensing objectives. The licensing sub-committee were unanimously of the opinion that the premises licence holder was not capable of running a licensed premises and promoting the licensing objectives and that the premises will continue to operate contrary to the terms and conditions of their premises licence.

Consideration was given to a suspension of the licence and removal of the premises licence holder as DPS, but the Committee felt that in this case this is not option; given that he is the owner of the premises, he therefore will have a controlling factor over a new DPS. If this licensing sub-committee had the jurisdiction, it would have revoked the premises licence holder's personal licence. It is fortunate for him, that this Sub-Committee do not have such power. In the circumstances, the only appropriate and proportionate option is revocation.

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: 15 June 2017