

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: MD/21/3380/18

Date: 18th December 2018

Dear Sir/Madam

Re:- Denmark Express Ltd, 74 Denmark Hill, London SE5 8RZ

Police are in possession of an application from Hunish Sembhi for the above premises for a new premises licence. The premises has been the subject of two reviews by trading standards the first in 2016 when the DPS was removed and conditions imposed and again in 2017 when the licence was revoked. The premises appealed to the magistrate's court, which was later withdrawn.

The premises are situated in the Camberwell Cumulative impact Zone as designated by Southwark Council. The High Court approval of Cumulative impact policies came in Westminster City Council v Middlesex Crown Court. In brief, it stated 'A licence could be refused on the sole ground that the area was already saturated with licensed premises'

Camberwell is subject to considerable problems with alcohol misuse including a large problem with street drinking. The area 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 which attract alcohol dependent people to the area. 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. A BBC documentary by Louis Theroux 'Drinking to Oblivion' in 2016 was filmed in Camberwell and shows the considerable issues around the area.

The metropolitan police object to the granting of the licence in full, as any further premises selling alcohol will only add to the cumulative impact, attract alcohol dependent people, and add to the local crime and disorder.

No lease agreement between the property owner and the applicant and all other relevant documents, relating to the operation of the premises have been supplied. With the operating history of the venue, we would expect this as a minimum to insure the previous licence holder is unable to reclaim control of the licence.

The application was put in on the 3rd December 2019 and the leaseholder was still shown as Ismail Incedel the licence holder when the previous reviews were submitted.

The applicant has supplied and phone number within the application under her personal details and this number was used on the 21st March 2018 at 18.43 hrs who gave her name as Ms Sembhi to the police operator to call police to 74 Denmark Hill. From the information within that call, it is clear she is working at the shop and appears to be in charge.

Officers from Police, Trading standards and the Border agency have carried out a visit as recent as the 1st August 2018, a number of issues were found, and a notification of offences was issued (copy attached). A test purchase was carried out on a can of 7% Cider above the 6.5% limited allowed and this was failed. Checks were carried out on staff by border agency staff and one was arrested for immigration offences, as they were not allowed to work.

The applicant has failed to offer any conditions that would address the presumption to refuse the application under the Southwark council cumulative impact policy and should be refused on this alone.

Police object to the application, as we believe that there has been no change in the controlling interest of the business and it is to circumvent the due process of the last review that resulted in the previous licence being revoked.

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:

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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.

Signature: 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: 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:



Notification of alleged offences under the Licensing Act 2003

Venue Name: Berrin Supermarket REF: (CAD/CRIS etc.)

Address: 74 Denmark Hill
SE5 8RZ Date: 1/8/18 Time: 11:10

Details of person in charge at the relevant time: Sudum ASCHAR 22/09/1990
187B High Street Beckenham BR3 1AH DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

Mr [redacted] has made two seperate sales of alcohol today. One sale of a can of Foster's Lager & a second sale of Brothers Festival Pear Cider 7% alcohol volume

Issuing officer: [redacted] (J/M) Print [redacted]

I acknowledge receipt of this form: (venue) [redacted]

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

SINGLE INCIDENT PRINTOUT

PAGE 1

INCIDENT No. 6870:21MAR18

INCIDENT No. 6870 entered at 18:43 on 21MAR18 by CHS/CHS in CCC/IR

INCIDENT IS "PRIORITY"
INCIDENT WAS ENTERED "EXTERNALLY"

Rec By :E (Emergency)

Call Tel :

Call Name :

Call Type:V (Victim)

Call Mail:

Cntct Tel:

Att Locn :74 DENMARK HILL, SE5:DENMARK FOOD & WINE

Map :Page 162, Grid Reference 532546,176392

GPA :MD Division: [MD:LX]

Inc Locn :74 DENMARK HILL, SE5:DENMARK FOOD & WINE

Map :Page 162, Grid Reference 532546,176392

GPA :LC Division: [LX:WW]

Call Locn:74 DENMARK HILL, SE5:DENMARK FOOD & WINE

Map :Page 162, Grid Reference 532546,176392

GPA :LC Division: [LX:WW]

Opening 1:314 (Suspicious Circumstances)

2:215 (ASB - Nuisance)

Open Text:

Urgency :S (Significant)

VRMs :

Proposal :(BOCU at 18:56/21MAR18):

LX21E LX20L LX2E 956LX 263LX 405LX 767LX 7164LX 454LX 677LX

Assigned :

DeAssign :492PL, MD22N

TOA :19:08:37/21MAR18

DO Name :

DO Tel :

CRIS :NOT CRIMED

Class 1 :314 (Suspicious Circumstances)

Qual 1 :701 (Assistance Requested / Rendered)

Res 1 :613 (Other Public Agency Dealing)

Clo Text :

O Dealing:

Metops :

CHS Demid:20180321033603

Linked :

CONTINUED ...

INC06870-21MAR18

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

PRINTED AT 11:13 18:DEC:18 white 288md

192581

SINGLE INCIDENT PRINTOUT

PAGE 2

INCIDENT No. 6870:21MAR18

Location Field : (For previous Incidents at this location use
action:LCD or LCL - use DARIS to extend search)
Gazetteer Comments : (May have existed or altered since Incident creation -
Use MSS SMF:SPECARCHIVE)

Location Based Comments

** Attendance and Incident and Caller Location **

DENMARK HILL,SE5 (45 - 100)

MC: 2- 78 EVEN AND 1-169 ODD. ME - REMINDER.

LS:80-300 EVEN.

ALL NUMBERED PROPERTY IS IN SE5

DENMARK HILL - SEE 'KINGS COLLEGE HOSP, SE5' FOR ALL RELEVANT COMMENTS

90 DENMARK HILL - SEE "CENTREPOINT,SE5" FOR ALL RELEVANT COMMENTS

[REDACTED]

- SEE HE/T65 - REF: 1211879/17 @ CPTMC

Remarks:

Time Date Opid Termid

21MAR18 CHS CHS (pre 1st routing)
CREATED IN: CHS AT: 2018-03-21 18:43:25 CAD AT: 2018-03-21 18:45:54
=====

ENTERED BY: CHS (c082022) AT: 2018-03-21 18:45:54
FEMALE HAS COME INTO THEIR SHOP, OPENED A BOOTLE OF WINE AND SITTING
DOWN DRINKING IN THEIR SHOP REFUSING TO LEAVE OR MOVE AND TELLING THEM
TO CALL POLICE,
BELVIED SHE IS FROM THE NEARBY HOSPITAL AS SHE STILL HAS ON A HOSPITAL
GOWN.
WHITE FEMALE, MID 40'S , IN A HOSPITAL GOWN,
18:50:41 21MAR18 720040 H2685
MD ^ LX - FROM LBC'S THIS IS YOURS
19:10:02 21MAR18 080744 B3357
LAS^MPS
Organisation:LONDON AMBULANCE SERVICE Assistance:AMBULANCE
Location: Mapref:162/532546,176392

INC06870-21MAR18
74 DENMARK HILL, SE5:DENMARK FOOD & WINE

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

PRINTED AT 11:13 18:DEC:18 white 288md 192581

SINGLE INCIDENT PRINTOUT

PAGE 3

INCIDENT No. 6870:21MAR18

Time Date Opid Termid

Location Sent As:

74 DENMARK HILL ,SE5 ":DENMARK FOOD & WINE"

MPS Contact :MD

Number :SEE FILE

Caller

Number:

Unit: Assigned:Y (Y/N) On Scene:Y (Y/N) Attending:Y (Y/N/U) ETA: Mins

Casualty 1 Chief Complaint:F WITH MHI - BLVd ABSCONDED FROM KCH

Approx Age: 040 :Y (Y)ears (M)onths (W)eeks (D)ays Sex:F (M/F/U)

Severe Bleeding:N (Y/N/U) Conscious:Y (Y/N/U) Breathing:Y (Y/N/U)

Chest Pain:N (Y/N/U) Shot/Stabbed:N (Y/N/U) (Y)es (N)o (U)nkown

Remarks :

Patient Contact Number: U/K

PR Radio Number: AWAIT

OFFICER WITH THIS F REQUIRES LAS TO TAKE F BACK TO KCH

19:10:04 21MAR18 LAS

MPS^LAS MESSAGE PROCESSED SUCCESSFULLY - REF:LAS/3901/21032018

19:14:19 21MAR18 LAS

MPS^LAS

Reference: LAS/3901/21032018

Organisation:LAS

Action :POLICE

REMARKS :

METROPOLITAN POLICE: POLICE requested for OTHER - FULL DETAILS BELOW

,WE HAVEA LINKED CALL - WE ARE CURRENTLY HOLDING MULTIPLE HIGH

PRIORITY CALLS - WILL BE A WHILE I'M AFRAID

19:15:46 21MAR18 080744 B3357

LAS^MPS

Organisation:LONDON AMBULANCE SERVICE

Action :INFORMATION

UNIT: ASSIGNED:Y (Y/N) ON SCENE:Y (Y/N) ATTENDING:Y (Y/N/U) ETA: MINS

REMARKS :

IN THAT CASE, CANCEL

19:16:36 21MAR18 LAS

MPS^LAS

Reference: LAS/3901/21032018

Organisation:LAS

Action :POLICE

REMARKS :

INC06870-21MAR18

METROPOLITAN POLICE: POLICE requested for OTHER - FULL DETAILS BELOW
,RECEIVED , MANY THANKS

19:38:27 21MAR18 088649 B3358

^492PL - SPOKEN TO KCH AND FEMALE WAS LET OUT AND MD22 TAKING HER
HOME

CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

PRINTED AT 11:13 18:DEC:18 white 288md

192581

SINGLE INCIDENT PRINTOUT

PAGE 4

INCIDENT No. 6870:21MAR18

Time	Date	Opid	Termid
20:41:37	21MAR18	225447	B3361

^492PL - NO ALLEGATION OF THEFT BY SHOP. NCFPA

Previous Actions:

Time	Date	Opid	Termid	ACTION
18:45:54	21MAR18	CHS	CCC:CCB	SYSTEM(EXTERNAL) O() 314:SUSPICIOUS CIRCUMSTANCES,215:ASB - NUISANCE
"	"	"	"	PI
18:46:11	"	720040	DIV:LX	AK
18:50:33	"	CHS	CCC:CCB	LOCC()()
"	"	"	"	PI
18:50:42	"	720040	DIV:LX	PI/MD
"	"	"	"	AK
18:50:53	"	088649	DIV:MD	AK
18:56:13	"	720040	DIV:LX	GPA(LC)
18:56:15	"	"	"	PS/CM
18:58:50	"	216953	"	CM
19:08:37	"	080744	DIV:MD	AV/492PL
"	"	"	"	TOA/492PL
19:10:02	"	"	"	EXP/LAS
19:10:04	"	LAS	CCC:LAS	AK
19:10:07	"	080744	DIV:MD	AK
19:14:19	"	LAS	CCC:LAS	CP
"	"	"	"	IMP/INFO
19:15:33	"	080744	DIV:MD	CI/MD22N
19:15:35	"	"	"	AK
"	"	236107	CCC:IVMA	MA/DELIVERED TO MD22N
19:15:38	"	"	"	AV/MD22N
19:15:46	"	080744	DIV:MD	EXP/LAS/INFO
19:15:47	"	236107	CCC:IVMA	VI/MD22N

INC06870-21MAR18

```
"      "      LAS      CCC:LAS  AK
"      "      080744  DIV:MD   AK
19:16:36  "      LAS      CCC:LAS  IMP/INFO
"      "      236107  CCC:IVMA VI/MD22N
19:16:38  "      080744  DIV:MD   AK
19:38:27  "      236107  CCC:IVMA VI/MD22N
20:36:26  "      088649  DIV:MD   AC()
"      "      "        "        AQ()
"      "      "        "        AR()
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CONTINUED ...

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

PRINTED AT 11:13 18:DEC:18 white 288md

192581

SINGLE INCIDENT PRINTOUT

PAGE 5

INCIDENT No. 6870:21MAR18

Time	Date	Opid	Termid	ACTION
20:36:31	21MAR18	"	DIV:MD	DA/492PL MD22N
20:36:32	"	"	"	PS/CM
20:39:19	"	236107	CCC:IVMA	VI/MD22N
20:42:11	"	225447	DIV:MD	ACR/NC
20:42:12	"	"	"	CM
03:39:42	23MAR18	240380	CCC:CADL	VI/p240380
15:22:48	03DEC18	192581	"	VI/p192581
15:23:33	"	"	"	IP//white 288md/1/p192581@met.police.uk
11:13:29	18DEC18	"	"	VI/p192581
11:13:56	"	"	"	IP//white 288md/1/p192581@met.police.uk

... END OF PRINT ...

INC06870-21MAR18

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

Heron, Andrew

From: O'Gorman, Sinead
Sent: 13 December 2018 10:17
To: Heron, Andrew
Subject: FW: RE: Denmark Express Ltd, 74 Denmark Hill, London, SE5 8RZ
Attachments: Alcohol crime and harm report.docx

From: Deidda, Clizia
Sent: Wednesday, December 12, 2018 5:20 PM
To: Regen, Licensing
Cc: Public Health Licensing; Shapo, Leidon
Subject: RE: Denmark Express Ltd, 74 Denmark Hill, London, SE5 8RZ

To Whom it may concern:

RE: Denmark Express Ltd, 74 Denmark Hill, London, SE5 8RZ

On behalf of the Director of Place 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):

General Comments

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

Requested hours of operation	Opening hours	Supply of Alcohol off the premises
Sunday - Thursday	00:00 – 00:00	08:00 – 00:00
Friday - Sunday	00:00 – 00:00	08:00 – 02:00

Concerns relating to this application

This premises is located within the Camberwell Cumulative Impact Policy (CIP) area and in my opinion the applicant has not adequately rebutted the presumption that this premises will add to the cumulative impact of alcohol harms in the local area.

This premises is located in the Camberwell Green ward, where more than half of all licensed premises are off-sales (Figure 1). In addition to this, Camberwell Green is responsible for 6% of all alcohol related ambulance call outs in Southwark (thus placing it in the second highest quintile).

Figure 1 – Number of licensed premises in Newington

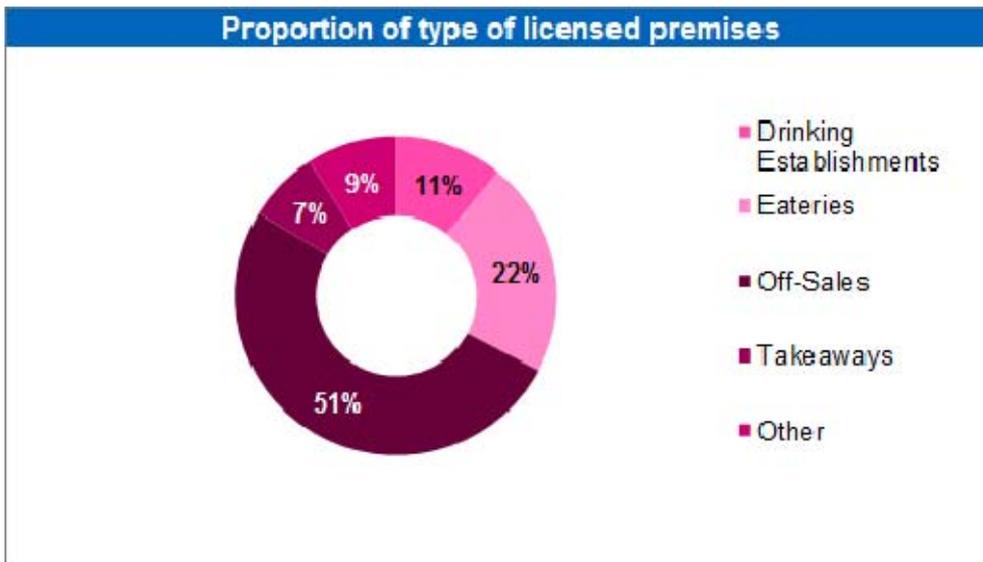
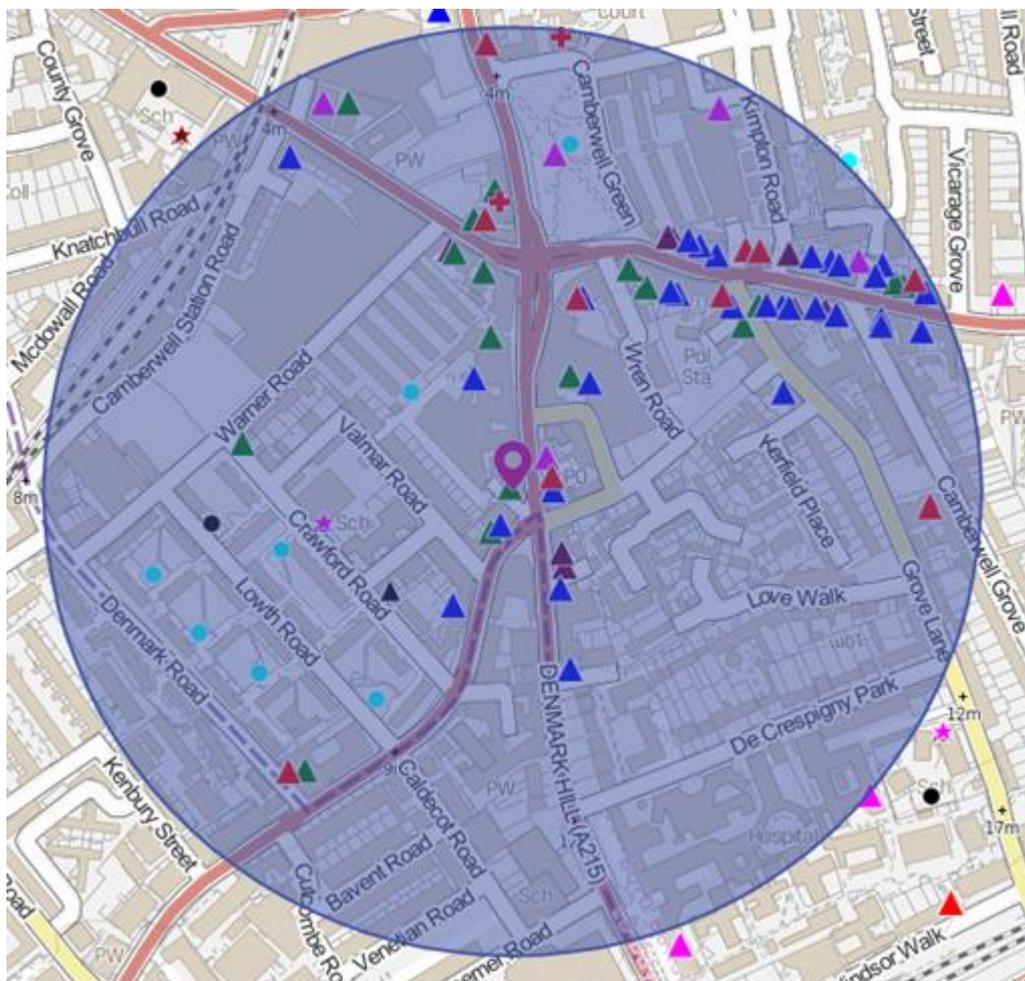


Figure 2 shows that the premises is located within walking distance of several other licensed premises and drinking establishments in a residential area. In addition to this, the premises is located within 400m of a GP practice, a primary school and 8 play areas. As a result of this, children and other vulnerable residents/visitors are likely to come in contact with individuals buying alcohol from the premises or intoxicated.

Furthermore, it has been shown (report attached to email) that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015).

Figure 2 – Map excerpt showing location of the premises and proximity to other premises.



- ▲ Licensed premises - Drinking Establishments
- ▲ Licensed premises - Eateries
- ▲ Licensed premises - Off-Sales
- ▲ Licensed premises - Other
- ▲ Licensed premises - Takeaways
- ★ School phase of education - Primary
- Play areas for children
- Play areas for young people

Recommendations

I recommend that the opening hours be amended to:

Current licensed times	Opening Hours	Supply of Alcohol off the premises
Sunday - Thursday	00:00 – 00:00	10:00 – 00:00
Friday - Saturday	00:00 – 00:00	10:00 – 00:00

Also, 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,

Clizia Deidda
 on behalf of Professor Kevin Fenton, Director of Place and Wellbeing (incorporating the role of Director of Public Health)

Clizia Deidda

Public Health Policy Officer (Mental Health, Substance Misuse & Healthcare) | Public Health Division
 Place and Wellbeing Department | London Borough of Southwark
 160 Tooley Street | London SE1P 5LX

Buying alcohol at later times is associated with drinking excessive amounts of alcohol, which in turn increases the likelihood of harm to the drinker and others.

There is evidence of this from a number of scientific studies from high-income countries across the last 3 decades. Extending the terminal hour of alcohol sales has increased alcohol-related harm (Smith 1988a, b; Smith 1990; Ragnarsdottir et al. 2002). Recently it was shown that each additional 1-hour extension to the opening times of premises selling alcohol was associated with a 16% increase in violent crime (Rossow & Norstrom 2012) and a 34% increase in alcohol-related injuries (de Goeij, Veldhuizen, Buster & Kunst, 2015). Within the UK, extensions of the hours of alcohol sales have been associated with increased per capita consumption of beer, increases in the number of alcohol-related diagnoses in hospitals, and increases in violent crime (Bruce 1980; Duffy & De Moira 1996). Within London, increases in alcohol-related overnight attendances to the ED and alcohol-related admission rates were associated with the 2005 implementation of the 2003 Act. The increases included a rise in the number of alcohol-related attendances as a consequence of injury and assault (Newton et al. 2007).

In light of this evidence, several scientific reviews have concluded that restricting the hours of alcohol sales is an effective strategy for reducing excessive alcohol consumption and related harms (Grover & Bozzo 1999; Stockwell & Gruenewald 2004; Smith 1988; Popova et al. 2009). A number of international bodies, including the World Health Organisation, have recommended the control of hours of alcohol sales as a means to reduce alcohol misuse and alcohol-related harms. We in the Public Health team at Southwark Council are heeding this advice by recommending stronger policies to reduce alcohol misuse and alcohol-related harm. Indeed, stronger policies have been associated with a reduced likelihood of youth drinking and youth binge drinking (Xuan et al. 2015), and binge drinking in the general population (Xuan et al. 2015). One of our recommendations is that the hours of alcohol sales be restricted. We are seeking a terminal hour of 0000 for all off-licenses.

I would like some restriction on high-strength beers, lagers, and ciders, given that many purchasers of these drinks are alcohol misusers, and that one of these drinks exceeds the NHS's Safer Drinking Guidelines.

The NHS's Safer Drinking Guidelines state that males should not regularly drink more than 3-4 units of alcohol, and that females should not regularly drink more than 2-3 units. We decided to ask for the 5% because:

- One 330mL bottle of 5% beer/lager/cider contains 1.7 units of alcohol
- One 440mL can of 4.5% beer/lager/cider contains 2 units of alcohol
- One 440mL can of strong beer/lager/cider contains 4.5 units of alcohol

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TRADING STANDARDS

Heron, Andrew

From: Regen, Licensing
Sent: 17 December 2018 09:09
To: Lotsu, Godwin
Cc: Heron, Andrew
Subject: FW: Application for a premises license for 74 Denmark Hill
Attachments: BerfinNOD.pdf; 74 Denmark Hill Leasehold Register 03.12.18.pdf

Kirty Read

Processing Manager
Southwark Council | Licensing | Regulatory Services
Tel: 0207 525 5748 | **Fax:** 020 7525 5705
EHTS Helpline: 020 7525 4261 | **Call Centre:** 020 7525 2000
Email: licensing@southwark.gov.uk

In future if you wish to submit an application, a quicker way would be to [apply online](#)

Postal Address:

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

Visitor's Address:

160 Tooley Street | London | SE1 2QH

From: Moore, Ray
Sent: Monday, December 17, 2018 8:31 AM
To: Regen, Licensing; '74denmarkhill@gmail.com'; Alcohol@homeoffice.gsi.gov.uk ; Qau Safeguarding; Costin, Holly; DIP Team; FireSafetyRegulationSE@london-fire.gov.uk (FSR-AdminSupport@london-fire.gov.uk); Graham White; Highwayslicensing; Moore, Ray; Planning.Enquiries; Public Health Licensing; Reg Env Protection; Reg Health and Safety; Sharpe, Carolyn; southwark.repro@pbms.co.uk; Taylor, Dan; Tear, Jayne; West Team diary
Subject: Application for a premises license for 74 Denmark Hill

As a Responsible Authority under The Licensing Act, Trading Standards are in receipt of an application from Hunish Sembhi (the sole director of Denmark Express Ltd) for a Premises Licence for a shop called Denmark Express Ltd at 74 Denmark Hill, Camberwell, London SE5 8RZ and respond accordingly under the Licensing Objectives.

Firstly, the premise is situated within the Camberwell 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.

Secondly, this premises has recently been subject to a review and revocation of the premises license. It should be noted that this was the second review that this premises had been subject to. A copy of the notice of decision (sub committee 13/12/2017) is ATTACHED.

Thirdly, the previous premises licenses were under the control of Mr and Mrs Incedal... a current check on the Land Registry (completed on 3/12/2018) shows that leasehold for the shop premises is held by (since 17.03.2011) PROPRIETOR: ISMAIL INCEDAL of 9 Fermain Court, West De Beauvoir Road, London N1 5SX. Copy of leasehold registry ATTACHED

Fourthly, the current applicant, Ms Hunish SEMBHI, was working at the premises under the previous premises license that was revoked.

It is the contention of Trading Standards in these representations that there has been no change in the controlling mind of the business. The premises opens 24 hours and has applied to sell alcohol from 08:00hrs to midnight. This

area has severe problems with both problem drinkers and street drinkers. The application also fails to adequately address the licensing objectives. 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.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| 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/pal

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>

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NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 13 DECEMBER 2017

LICENSING ACT 2003: BERFIN SUPERMARKET – 74 DENMARK HILL, LONDON, SE5 8RZ

1. Decision

That the application made by Southwark Trading Standards, for a review of a premises licence, granted under the Licensing Act 2003 in respect of the premises known as Berfin Supermarket of 74 Denmark Hill, London, SE5 8RZ is granted as follows:

The premises licence is hereby revoked.

2. Reasons

The reasons for the decision are as follows:

The licensing sub-committee heard from the trading standards officer, the applicant for the review who stated that this was the second review of the premises licence, the first being heard in November 2016, when the premises licence holder was removed and the licence modified and there was a reduction in licensable hours.

On 24 May 2017 the designated premises supervisor failed a test purchase where a can of Carlsberg Special Brew (8% ABV) was sold in breach of condition 841. As a result, Trading Standards and Southwark's Night Time Economy team carried out a joint inspection at the premise. A huge quantity of beers, lagers and ciders were offered for sale in breach of that condition. A total 1012 cans/bottles plus 22 litres of Amberdown white cider; in excess of 500 litres of alcohol in breach of this maximum strength condition some six months after that condition was imposed. It was noted also displayed in the shop were large quantities of Nigerian (Foreign) Guinness (7.5% ABV) and Dragon Stout (7.5% ABV). No permission had been sought from the Police to sell these products. Due to quantity of cans and bottles, officers were only able to seize the items on display in the shop. Displayed on the fridge door there was a notice stating named beers, ciders and lagers "*Will not be allowed to be sold after 11pm due to high alcohol volume*". Neither the premises licence holder nor the DPS were not fully conversant in the correct operation of the CCTV and were unable to demonstrate its operation to Trading Standards and the Police, in breach of condition 793.

Trading Standards returned the following day and sought the production of all invoices for the purchase of alcohol from 1 November 2016 to 25 May 2017. During this visit officers witnessed two females with obvious alcohol dependency problems seeking to buy cans of K-cider but were advised it was no longer available.

A number of invoices were produced on 31 May 2017. A quantity of invoices appeared missing and it was trading standards views that duty evaded drinks being purchased (without invoices) and sold on to the public. Not taking into account of stock that may or may not have been in the shop at the time of the previous review, analysis of the purchase of super strength beers and ciders and showed 128-cans of K-cider were purchased on 24 November 2016, being only 8-days after the first review. 1336-cans of K-cider were purchased in this period. It was apparent that the sale of super strength beers and ciders made up a significant percentage of the overall income of the shop.

The premises licence holder was interviewed on 13 June 2017 who admitted that he made all day to day decisions and bought all the stock in the shop, he avoided answering questions around street drinkers and alcoholics in the vicinity or the alcohol treatment centre in the immediate area and that he knew it was illegal to purchase duty evaded alcohol.

Trading Standards recommended that the premises licence be revoked.

The licensing sub-committee heard from the representative for the Metropolitan Police Service who supported trading standards review of the premises licence who stated that this was the second review in a year and that the premises had again operated in breach of the licence conditions, including those imposed by the committee in November 2016. The Camberwell area, where the premises is situated has a significant problem with alcohol misuse, street drinking by alcohol dependent people. A community impact statement had been submitted from an officer from the safer neighbourhood team that detailed the extent and seriousness of alcohol abuse in the area and that the area had gained notoriety for alcohol related anti-social behaviour. Statistics from the UK crime map demonstrated the high level of incidents reported to the police; something which the premises was contributing to. It was emphasised that no permission had been sought to sell any named beers or cider with an ABV above 6.5% and also, they premises was unable to operate the CCTV on a compliance visit as directed by the condition placed on the licence. Police view the magnitude of the breaches as serious and fully support the application by trading standards review of the premises licence and the recommendation that the licence be revoked as further measures would have little or no impact on the running of the premises.

The licensing sub-committee heard from the officer representing licensing as a responsible officer whose representation was based on prevention of crime and disorder and also prevention of public nuisance licensing objectives. Reference was made to November 2016 review of the premises licence which had been submitted by trading standards which had also been made on grounds of prevention of crime and disorder and protection of children from harm, the outcome of which was that the premises licence holder remained as the licensee and his wife became the DPS. The officer also raised concern that during the interview under caution, the licence holder refusal to discuss the very serious issue of street drinkers and the known alcohol abuse in the Camberwell area, which suggested that the licensee any concern and/or understanding the extent of alcoholism in the area and those undergoing treatment and the impact this has on those vulnerable individuals or those that live in the local area generally. Because of the continued pattern of disregard for legislation created to control the sale of alcohol the officer was of the opinion that neither the premises licence holder nor the DPS were capable of running a licensed premises, particularly since the premises licence holder is the controlling factor in the running of the premises. No change in a DPS or modified conditions again will resolve the management issues at the premises and therefore, supported trading standards review and their request for the revocation of the premises licence.

The licensing sub-committee heard from the representative for the premises licence holder who advised that both the licensee and the DPS were apologetic and remorseful for non-compliance of their licence conditions. Particularly with the licensee, there was language barrier and understood from the translator from the November 2016 review that there had only been a reduction in the licensable hours. He had not been made aware of the additional conditions imposed by the translator, and did not read either the notice of decision from the previous review or the new licence issued as a result of the review. It was accepted that there was a risk that the premises licence could be revoked, but asked that the sub-committee give one last chance: impose a suspension and additional conditions as the licensee's family relied on the income from the premises.

This review of the premises licence revolved around a lack of management and compliance of the premises licence conditions, in particular the sale of the so called super strength beers and ciders. This licensing sub-committee gave the premises licence holder an opportunity to continue his operation in November 2016 when he was removed as DPS and the licence conditions modified. The licence holder failed to read the notice of decision (or the issued licence) and take steps to understand it, yet his wife was appointed DPS. Whilst she claimed to have read both documents, she continued to allow the sale of the super strength beers and ciders. The DPS gave direct evidence to this sub-committee and stated that other premises in the area were allowed to sell the super strength beers and ciders and could not understand why Berfin Supermarket could not. The DPS also blamed Southwark's licensing team for failing to advise which specific beers and ciders could not be sold, despite the % ABV being clearly labelled on all alcohol products.

This licensing sub-committee do not accept the licence holder's argument that the breaches was as a result of a language barrier and that he did not understand the implications after the first review. This is neither a defence, nor is it acceptable.

It is the management of premises such as Berfin Supermarket that puts the public's health at risk and is possibly having a negative impact on anti-social behaviour and crime and disorder. It is the unanimous opinion of this licensing sub-committee's that must not operate in such a way especially in such a high risk area.

The premises have demonstrated a total disregard to the measures imposed on them at the previous review by this licensing sub-committee. This position was further compounded when neither the premises licence holder, nor the DPS were able to explain what challenge 25 is, despite a condition being placed on the licence in November 2016 that all staff must be trained in the in the prevention if sales of alcohol to underage persons and the challenge 25 scheme in operation in the business. It is quite apparent that this has not happened in breach of condition 8AB of the licence.

The officer from trading standards advised that enforcement action is pending. The sub-committee is of the view that it is in the public interest to prosecute given the circumstances of this case.

Since April 2017, under Excise Note 2002 it is a criminal offence for both wholesalers and trade buyers found buying alcohol from non-approved wholesalers and there are both civil and criminal penalties for wholesalers trading without having submitted their application to HMRC came into force from 1 April 2016 trade buyers who buy alcohol from unapproved wholesalers from 1 April 2017. The licence holder acknowledged in interview that to buy duty evaded alcohol and/or failure to have invoices was illegal. This licensing sub-committee expects that trading standards makes the necessary referral to HMRC.

When granting and/or reviewing a premises licence, this licensing sub-committee must have trust in that an individual or company will run the premises well and comply with the measures placed on the licence. On this occasion, there are no suitable conditions to that can be added to the licence and the committee has no confidence that any period of suspension will have an impact on the premises. In those circumstances, there is no other alternative but to revoke this premises licence.

4. 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: 13 December 2017



Official copy of register of title

Title number TGL168778

Edition date 17.03.2011

This official copy shows the entries on the register of title on 03 DEC 2018 at 12:21:24.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 03 Dec 2018.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry, Telford Office.

A: Property Register

This register describes the land and estate comprised in the title. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

SOUTHWARK

- 1 (14.01.2000) The Leasehold land shown edged with red on the plan of the above Title filed at the Registry and being 74 Denmark Hill, Camberwell, London (SE5 8RZ).

NOTE 1: As to the part numbered 1 on the title plan only the ground floor and basement is included in the title.

NOTE 2: As to the part numbered 2 on the title plan only the ground floor is included in the title.

- 2 (14.01.2000) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:

Date : 26 November 1999
Term : 25 years from 18 October 1999
Rent : as therein mentioned
Parties : (1) Shakeel Harun
(2) Iftikhar Ahmed

- 3 (14.01.2000) There are excepted from the effect of registration all estates, rights, interests, powers and remedies arising upon, or by reason of, any dealing made in breach of the prohibition or restriction against dealings therewith inter vivos contained in the Lease.

- 4 (14.01.2000) The land has the benefit of but is subject to certain reservations and provisions as to party walls, windows, lights, drains, watercourses and rights to discharge water contained in a Deed dated 13 July 1922.

-NOTE: Copy Deed filed under 267808.

- 5 (14.01.2000) The lessor's title is registered.

- 6 Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

Title number TGL168778

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (17.03.2011) PROPRIETOR: ISMAIL INCEDAL of 9 Fermain Court, West De Beauvoir Road, London N1 5SX.
- 2 (26.02.2004) The price stated to have been paid on 5 February 2004 was £12,000.

End of register

Heron, Andrew

From: Jerrom, Charlie on behalf of Regen, Licensing
Sent: 24 December 2018 10:14
To: Heron, Andrew
Subject: FW: Application for a premises license for 74 Denmark Hill

Follow Up Flag: Follow up
Flag Status: Completed

fyi

From: Legassick, Bill
Sent: Friday, December 21, 2018 4:26 PM
To: Regen, Licensing
Subject: Application for a premises license for 74 Denmark Hill

Licensing

I support the representation made by the Trading Standards on the 17th December 2018.

Bill Legassick
Principal Environmental Health Officer

Postal address: Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | PO Box 64529 | London | SE1P 5LX.

Office address (By appointment only): Southwark Council | Environmental Protection Team | Regulatory Services | 3rd Floor Hub 1 | 160 Tooley Street | London | SE1 2QH

Tel: 020 7525 4253 | Fax: 020 7525 5705 | e mail: Bill.Legassick@southwark.gov.uk

visit: <http://www.southwark.gov.uk/air-quality>



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MEMO: Licensing Unit

To	Licensing Unit	Date	31 December 2018
From	David Franklin	Telephone	020 7525 0396
Email	david.franklin@southwark.gov.uk		

Subject: Denmark Express Ltd, 74 Denmark Hill, London SE5 8RZ

I write with regard to the application for a premises licence submitted by Mrs Hunish Sembhi under the Licensing Act 2003 for the premises Denmark Express Ltd, 74 Denmark Hill, London SE5 8RZ.

The premises is described by the applicant as: *"A small grocery shop, currently not selling alcohol, Open 24 hours."*

The application is for:

Sale of alcohol for consumption off the premises

Sun to Thurs 08:00 to 00:00 hours

Fri and Sat 08:00 to 02:00 hours

Opening hours

Mon to Sun 00:00 to 00:00 hours

The proposed designated premises supervisor is Mrs Hunish Sembhi.

This premises is situated in the Camberwell cumulative impact area where there is a presumption to refuse applications that have not adequately addressed this presumption.

The premises is also within the Camberwell District Town Centre Area. The Southwark Statement of Licensing policy 2016 - 2020 states that the appropriate closing times Off-Licences and alcohol sales in grocers and supermarkets is 00:00 hours daily

The application offers some points within the operating schedule that can be converted to conditions, however they do not address how they may prevent the sale of alcohol from affecting crime and disorder and public nuisance in the area.

This premises previously had a premises licence for off sales of alcohol which was revoked by the licensing sub-committee following a review by Trading Standards. The decision to revoke was initially appealed however this appeal was withdrawn on 06 September 2018. The reasons for the revocation are contained within the Notice of Decision and I submit a copy of the notice of decision dated 13 December 2018.

The land registry for the premises shows no change to the freeholder since 2008 and no new leases since 2011. There is no information accompanying the application to show that the current applicant has any legal right to conduct licensable activities at the premises and it is unclear if the current applicant is an associate or employee of the previous premises licence holder.

I therefore recommend that this variation is refused under the licensing objectives for prevention of crime and disorder and public nuisance,

David Franklin
In the capacity of the Licensing Responsible Authority