

From: Moore, Ray
Sent: Monday, January 13, 2020 2:36 PM
To: Regen, Licensing;
Cc: Tear, Jayne; 'Graham.S.White@met.pnn.police.uk'; 'Ian.Clements@met.pnn.police.uk'; Gander, Paul; Newman, Paul; Prickett, Mark; Legassick, Bill; Franklin, David; Deidda, Clizia; Chudasama, Sailesh
Subject: RE: Reps with respect to the application for a minor variation to premises license number 870136 wrt ref number 1360855 "Rose Food and Wine", 65 Southwark Park Road, SE16 3TY / Mr Aramugam Ramasamy

As a responsible authority under the Licensing Act 2003, Trading Standards are in receipt of an application from Mr Aramugam RAMASAMY in respect of a minor variation to his license, (which he recently transferred from the previous licensee, Mr Ajmal SAKHZADA), for a variation to the premises license to remove the 6.5% restriction on lagers, beers and ciders.

Trading Standards are objecting to this new application on the basis of the licensing objectives "the prevention of crime and disorder".

In the application it states the following:-

"We would like to request an extension on selling alcohol hours from our current 23:00 to 23:45. We would also request authorisation to increase sale of alcohol(beer) percentage content from 6.5% to 9%. We have been steadily losing our customers to competitors due to restrictions on beer sale. On daily basis we get many customers asking for these beers. However due to our current restrictions we are unable to serve them and hence losing them to our competitors. This has been severely impacting our profit negatively. The new changes will not impact the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The sale of alcohol and tobacco will continue to adhere under our highest ethic principles of ensuring underage children are not sold these products. We sincerely request you to accept our application for the modifications. It could allow us to satisfy our customer needs and retain them."

The wording of this application would appear to show little appreciation for the principles upon which licensing legislation is based as it seems to imply that if there is a demand for super strength lagers and ciders he should be freely able to profit from that demand irrelevant of the consequences for the local community. Although there was a recent transfer of this license the application implies a full knowledge of the facts that led to this conditions becoming a part of the license and some previous involvement with the previous running of the business. The facts are as follows:-

Officers from Southwark Trading Standards and Southwark Licensing Team visited the shop on Friday 12th April 2019 along with a police officer from the Night Time Economy Team. A quantity of illegal alcohol was seized. It is an offence by way of section 144 of the Licensing Act 2003 to knowingly keep on licensed premises smuggled goods.. The Oranjeboom 8.5% super strength lager was on sale at £1.30 per 500ml can. The minimum price for an 8.5% super strength lager (i.e the duty rate + VAT) is £1.26. It is not tenable that this can could be manufactured; imported and wholesaled for 4p. Furthermore the Food Safety and Hygiene (England) Regulations 2013 require a trader to produce traceable invoice for a food product (which includes alcohol). The owner was not able to provide these documents. Additionally, the Consumer Protection from Unfair Trading Regulations 2008 create an offence for giving the impression that a product can be legally sold when in fact it cannot. The owner, Mr Ajmal SAKHZADA, could not produce an invoice for the Oranjeboom 8.5%. A total of 40 x 500ml cans of Oranjeboom 8.5% were seized.

Additionally, there were offences by way of section 136 of the Licensing Act 2003 wrt license condition breaches as follows:-

Condition 289 states "That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of 28 days."

Also condition 326 states "That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council."

Neither of these conditions were complied with

No invoices were produced and Mr SAKHIZADA attended for a PACE interview at the council offices. He signed a simple caution for the offences.

In place of a review of the license it was agreed with Mr SHAKHIZADA to vary his license by way of conciliation and to include a 6.5% limit on the strength of beers, lagers and ciders.

The wording of this application is such that this trader does not appear to be a fit and proper person to run licensed premises and as such this variation should not proceed.

Ray MOORE

Principal Trading Standards Enforcement Officer

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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

MEMO: Licensing Unit

To Licensing Unit **Date** 21 January 2020
From David Franklin **Telephone** 020 7525 0396
Email david.franklin@southwark.gov.uk

Subject: Rose Food and Wine, 65 Southwark Park Road, London SE16 3TY

I write to make representation with regard to the application to vary a premises licence submitted by Arumugam Ramasamy under the Licensing Act 2003 the premises Rose Food and Wine, 65 Southwark Park Road, London SE16 3TY.

My representation is concerned with the licensing objectivities for the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm.

The details of the variation are described by the applicant as:

"We would like to request an extension on selling alcohol hours from our current 23:00 to 23:45. We would also request authorisation to increase sale of alcohol (beer) percentage content from 6.5% to 9%. We have been steadily losing our customers to competitors due to restrictions on beer sale.

On daily basis we get many customers asking for these beers. However due to our current restrictions we are unable to serve them and hence losing them to our competitors. This has been severely impacting our profit negatively.

The new changes will not impact the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The sale of alcohol and tobacco will continue to adhere under our highest ethic principles of ensuring underage children are not sold these products.

We sincerely request you to accept our application for the modifications. It could allow us to satisfy our customer needs and retain them."

The application asks for the closing time to be extended to 00:00 midnight.

The premises is situated within a residential area, the hours applied for are exceed the guidance hours in the Southwark Statement of Licensing Policy for this type of premises, which recommends the following closing times:

- Off-Licences and alcohol sales in grocers and supermarkets is 00:00 hours daily;

The application does not address why this later hour of operation will not cause additional noise nuisance from patrons using the premises between 23:00 and 00:00 hours and waking children.

I recommend therefore to promote the licensing objectives that this part of the variation is refused.

I also support the Trading Standards in promoting the licensing objectives to advise refusal of the request to vary condition 340 that states:

"That no beers / ciders in single cans, bottles or multipacks with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises, unless prior written permission has been obtained from a Metropolitan Police Licensing Officer from Southwark. Such permission must be kept at the premises and made available immediately on request to the relevant authorities."

The variation asks for the permitted ABV to be raised from 6.5% to 9%. Beers and ciders with an ABV of between 6.5 and 9% are frequently purchased by street drinkers as a low cost way of

consuming intoxicating quantities of alcohol that can result in antisocial behaviour and public nuisance in surrounding area.

The application does not address these issues.

The condition as is does allow for specialist beers, usually sold at a premium price, to be sold with the agreement of the Police and the Council's Trading Standards.

The Southwark statement of licensing policy 2019–21 can be found on this web link:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

David Franklin
In the capacity of the Licensing Responsible Authority



The Licensing Unit
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Tel: 020 7232 6756
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Our reference: MD/21/013/20

Date: 23rd January 2020

Dear Sir/Madam

Re:- Rose Food & Wine, 65 Southwark park Road, London SE16 3TY

Police are in possession of an application from the above for a variation to the premises licence. The application is to extend the hours and to change the condition restricting the sale of beers and ciders from 6.5% to 9%.

The premises are situated in a residential area as designated by the Southwark Statement of Licensing Policy. The hours granted are already in line with that, recommended, and any further extension to the hours will take them outside the policy. We object to any later hours outside the policy, as this would only add to the crime and disorder in the area and later drinking within the area.

Trading standards and police officers from the Night Time Economy team visited the premises in April 2019 and discovered a number of offences and breaches of the licence. As part of the process of dealing with the premises, it was agreed that a restriction to the sale of High strength Beers and ciders would be placed on the licence by variation rather than the licence be reviewed.

It is clear that the applicant places profit above the licensing objectives, conditions on the licence and does not fully understand the reason for restriction the sale above 6.5% ABV as he states it will not have an impact on the licensing objectives.

The metropolitan police object to the granting of the variation in full as additional hours and increasing the ABV to 9% will attract alcohol dependent people, and add to the local crime and disorder.

The Following is submitted for your consideration.

Yours Sincerely

PC Graham White 288MD
Southwark Police Licensing Unit
Tel: 0207 232 6756
Graham.S.White@met.police.uk