



The Licensing Unit
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160 Tooley Street
London
SE1 2QH

Metropolitan Police Service
Licensing Office
Southwark Police Station,
323 Borough High Street,
LONDON,
SE1 1JL

Tel: 07880 053191

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/059/20

Date: 21st April 2020

Dear Sir/Madam

Re:- Albany Convenience Store, 5a Westmoreland Road, London

Police are in possession of an application from the above for a new premises licence. The general description as per the application is for a convenience store. The venue is currently operating, as an Off Licence and this is a new application to add on sales, allow an external smoking area at the rear, extend the hours of operation and change the use. The applicant has also failed to mention if the current licence will be surrendered, as this application is for on sales only. Further to this, no mention is made confirming planning permission has been obtained for a change of use.

The change in operation and extending the hours would have a significant impact on the area and the use of the premises being changed from a convenience store to one of a bar. The terminal hours requested are outside the guidelines set out in the Southwark Statement of Licensing Policy for the area the premises are situated.

The applicant previously applied to add on sales in 2017 by way of a variation to the current licence, which the police submitted an objected to. The layout and size of the premises in my opinion are not suited for on sales and the current application is for on sales only.

The owner has previously stated that customers will select the drinks from the same stock as off sales and drink them on the premises yet this application fails to adequately explain the new business model. If the applicant intends to run as an off licence as well this, would attract street drinkers and other alcohol dependent people and be somewhere to drink cheap high strength beers, wines and ciders at a price designed for home consumption.

The rear of the premises opens onto a car park, which the current application indicates is to be used as a smoking area, which has a service road that is also the rear of Arnside Street. This area has been subject to a considerable amount of complaints and enforcement action by Southwark Council and the Police. The applicant has previously sold alcohol from the rear to people within this area adding to Anti-social behaviour in the area. Two other venues that have rear entrances onto the car park have both attracted considerable complaints from local residents and would appear to be a similar operation to the one the applicant is applying for.

The police object to the application in full and do not believe that any control measures would make the venue suitable for this type of operation and would only cause further nuisance to local residents and increase crime and disorder in the area.

The applicant has also requested seasonal variations to the standard times but failed to indicate what terminal hour they are requesting, which could possibly lead to 24 hour opening.

The applicant has offered a minimal number of conditions as part of the operating schedule, 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.

We object to application to the application in full.

However, if the committee decide to grant the licence, I would like to see the following control measures as a minimum placed on the licence to promote the prevention of crime and disorder. I do not believe that they will stop an increase in crime and disorder but may assist in minimizing it.

1. 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 under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises
2. 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.
3. 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.
4. 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.
5. The current licence be surrendered prior to the new licence being issued.
6. That patrons will not be permitted to use the rear yard (car park).
7. The rear door will not be used by patrons for access and egress into the premises, apart from in an emergency.

8. That the back door exit shall be alarmed with a flashing light behind the bar to alert management inside the premises, should patrons be using the back yard area.

If hours are granted after 23.00hrs, the following condition be included.

9. That SIA registered door supervisors will be engaged when the premises are in operation on Friday, Saturday, Bank holidays, days preceding a bank holiday and when operating under non-standard timings. They will be employed at all times after 19:00hrs until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented

Submitted for your consideration.

Yours Sincerely

PC Graham White

Licensing Officer

Southwark Police Licensing Unit

Mobile – 07880 053191

TRADING STANDARDS

From: Moore, Ray

Sent: Tuesday, April 21, 2020 9:23 AM

To: Regen, Licensing; Tear, Jayne; Franklin, David; Gander, Paul; 'Graham.S.White@met.police.uk'; 'Ian.Clements@met.police.uk'; Chudasama, Sailesh; Deidda, Clizia; Newman, Paul; Simcock, Eva; Mcgeever, Jackie; Prickett, Mark; Legassick, Bill; 'rayhagi@hotmail.com'

Subject: RE: Application for a premises license for Albany Convenience Store, 5a Westmoreland Road, SE17 2AX / application reference 871944

As a responsible authority under the Licensing Act 2003, Trading Standards are in receipt of an application from Alhaji Turay for a premises license for on sales and late night refreshments for a convenience store trading as “Albany Convenience Store” at 5a Westmoreland Road, London, SE17 2AX. Trading Standards respond accordingly under all the licensing objectives - in particular “the prevention of crime and disorder” and “the protection of children from harm.”

The applicant has applied to sell alcohol for the following hours....

Sunday to Wednesday 11:00 hours until 01:00 hours

Thursday 11:00 hours until 01:30 hours

Friday - Saturday 11:00 hours until 02:00 hours

In addition late night refreshments have also been applied for the hours 23:00 hours until 02:00 hours Monday to Sunday as well as opening hours of 10:00 hours to 02:00 hours.

Firstly it should be noted that Alhaji Turay already has a premises license (number 836044 – since December 14th 2011) for this premises covering off sales for the following hours:-

Monday to Friday 06:00 hours until 23:30 hours

Saturday 07:00 hours until 23:30 hours

Sunday 08:00 hours until 21:00 hours

The hours for current license reflect the fact that this is a very small convenience store that is not at all suitable for on sales. It should also be noted that Mr Turay has often used the back store room for on sales drinking which has been witnessed many times by officers working on night time economy duties including myself. The

back of the store room opens onto a courtyard area backing onto other premises that are based on Arnside Street, notably Ibbs Bar at 6 Arnside Street and Maquis at 10 Arnside Street. Noise complaints are regularly received from neighbours when these business are open late.

This application is a total change of use of the premises although the premises has been used in this manner in the past (in violation of the current license). The applicant has attempted to address the licensing objectives in the application but this does not detract from the fact that the premises is totally unsuited to the proposed purpose...

In the application the applicant describes the premises as follows:-

The premises is set in a mixed retail parade just off the A215 Camberwell Road where it joins Walworth road. It has a lock-up shop unit comprising a sales area, rear area, rear storage, and a separate WC. It is set behind a glazed shop front with an electric roller shutter. shops adjacent to the premises, are Arments pie and Mash and Sigma Stars. It is painted in blue with a silver shutter and located it is located directly opposite Cafe Silam Restaurant.

This reflects the fact that the premises is a small convenience store with a small store room area at the back..

WRT the protection of children from harm the applicant states the following:-

Action taken in order to protect children from harm are:

- * Making sure staff selling alcohol to be trained & records maintained.
- * Displaying of signage in notifying public that premises operate a proof of age scheme.
- * Using CCTV footage in order to monitor outside premises in ensuring children are not purchasing by proxy.
- * Using a recognised age verification technology like pass to identify age.
- * Using challenge 25 posters to challenge patrons for age verification.

Trading standards is strongly opposed to this application as the premises are totally unsuitable for the proposed usage and would urge that the application is refused.

The proposed actions in the application to address these matters do not reflect the fact the premises is unsuitable for the proposed usage.

Should the license be granted then trading standards would ask that the following conditions should be added and that the current hours of operation were not extended:-

- That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
- That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
- That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.
- No unaccompanied children under the age of 16 will be permitted after 19:00 hours.
- No gambling machines will be on the premises.

If refusals registers; training materials or challenge 25 signage is required we would be more than happy to provide these for the business.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| Regulatory Services

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

MEMO: Licensing Unit

To Licensing Department Date 22nd April 2020

Copi

From Farhad Chowdhury Telephone 020 7525 0398 Fax

Farhad.chowdhury@southwark.gov.uk

Re: Albany off licence, 5A Westmoreland Road SE17 2AX

I write in reference to the application submitted by Mr Alhaji Turay , for a premises licence under the licensing Act 2003 and I would make the following comments.

- 1) **The applicant proposes to carry out on sales in a very small off licence, there is no space for more than a few people in the premises and furthermore this will cause anti social behaviour in the area.**
- 2) **Over the years I have investigated numerous complaints about this premises selling alcohol through the rear yard and also witnessed people drinking and congregating and having barbecues in the yard and urinating in the yard and all sorts of anti social activity at night in the yard shared with Arnside Street SE17.**

This premises is not suitable for on sales and will cause further anti social behaviour for the neighbours who live very close to the premises.

I therefore **Object** to this premises licence application on grounds of **Public Safety**.

Kind regards,

Farhad Chowdhury
Principal Enforcement Officer

MEMO: Licensing Unit

To	Licensing Unit	Date	21 April 2020
From	Jayne Tear	Telephone	020 7525 0396
Email	jayne.tear@southwark.gov.uk		

Subject Re: Albany Convenience Store, 5A Westmoreland Road, London, SE17 2AX

- Application for a premises licence

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

- Provision of late night refreshment (indoors) on Sunday to Thursday from 23:00 to 02:00 the following day, Thursday to Saturday from 23:00 to 02:30 the following day
- The supply of alcohol (on the premises) on Sunday to Wednesday from 11:00 to 01:00 the following day, Thursday from 11:00 to 01:30 the following day and on Friday and Saturday from 11:00 to 02:00 the following day
- Overall opening times shall be on Sunday to Wednesday from 10:00 to 02:00 the following day, Thursday to Saturday from 10:00 to 03:00 the following day

The premises is described within the application as

'The premises is set in a mixed retail parade just off of the A215 Camberwell Road where it joins Walworth Road. It has a lock up shop unit comprising a sales area, rear area, rear storage, and a separate WC. It is set behind a glazed shop front with an electric roller shutter, shops adjacent to the premises, are Arments and Sigma Stars. It is painted in blue with a silver shutter and located it is located directly opposite Café Silam Restaurant'

My representation is submitted under the prevention of crime and disorder and the prevention of public nuisance licensing objectives and has regard to the Southwark Statement of Licensing Policy 2019 - 2021

This premises currently holds a premises licence no 836044 and operates as a convenience store/off licence. The existing premises licence allows for the off sales of alcohol for the following times:

Monday to Friday 06:00 to 23:30

Saturday 07:30 to 23:30

Sunday 08:00 to 21:00

The opening hours for the premises are the same as for the off sales of alcohol.

Alhaji Turay has been the premises licence holder and DPS since the premises licence was first issued in December 2012.

It would seem that the premises is now changing to a late night bar and does not mention whether the existing licence will be surrendered should this new application be granted. Further to this the operating schedule does not put in place any control measures to adequately address the licensing objectives

The application includes a hand drawn plan of the premises showing where the new alcohol on-sales bar area of the premises is proposed to be situated. The plan also shows an outside smoking area at the rear of the premises.

The rear of the premises backs onto a communal yard between premises in Westmoreland Road and Arnside Street. The Council had received complaints from residents alleged the use of this yard at night as an unofficial extension of the licensed premises in Arnside Street and drinks also being supplied from the rear door of Albany Convenience Store and the provision of BBQs, the complaints consisted of noise and smoke/odour nuisance and anti-social behaviour from this area.

Licensing officers investigated these complaints and visited the premises on Arnside Street, Albany Convenience Store and the yard while on duty in the Night-time Economy Team. I submit a list of officer reports relating to these and other NTE visits to the premises.

Issues were found on a number of these visits resulting in warning letters being sent the Mr Turay as follow:

- 27 Feb 2012 – breach of condition 343 no EPOS system installed on the tills.
- 29 Aug 2013 – rear yard being used as an extension of the premises, customers using the rear door to access the off-licence and consume the alcohol in the yard.
- 03 Oct 2014 – rear yard being used as an extension of the premises, customers using the rear door to access the off-licence and consume the alcohol in the yard.
- 21 Aug 2015 – Breach of 5 conditions 4AB no staff training records, 4AI. Unable to provide a refusals register, 288 and 289 at the time of visit unable to show any CCTV footage and unable to determine whether the CCTV was in good working condition, 343 premises did not have an EPOS system.
- 30 June 2016 – rear yard being used as an extension of the premises, customers using the rear door to access the off-licence and consume the alcohol in the yard.

I may submit copies of the warning letters at a later stage.

The application does not include any conditions to control the consumption of alcohol in the sensitive yard area to the rear of the premises nor does it provide an effective dispersal policy to negate the impact of patrons leaving the premises in the early hours of the morning in a highly residential area.

The application does not include a maximum capacity for the premises, Licensing Officers on visiting the premises previously asked Mr Turay what his proposed capacity would be and were informed 20, the officers were surprised as the proposed bar area is a small store room at the rear of the premises and the officers considered that it is more suitable to a maximum of 5 patrons.

The application proposes to use both doors to the premises for customers, the rear door opens onto a communal yard for business and is overlooked by residents. It would seem that the only reasons to propose the use of this door in addition to the door leading directly into Westmoreland Road is to promote the use of the yard for the consumption of alcohol as a business opportunity with a disregard to previous complaints and the licensing objectives for prevention of public nuisance and crime and disorder.

Currently the premises and the operating schedule is not suitable for the provision on-sales of alcohol and, given the findings of licensing officers on visits to the premises on previous occasions and the inability of the premises licence holder to control the use of the rear door and communal yard as an area for consumption of his products I recommend that the application is refused.

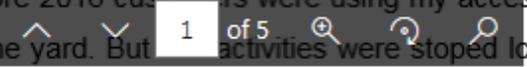
Southward's Statement of Licensing Policy 2019 – 2021 can be found on the following link:
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

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

08 May 2020.

RESPONSE TO RESPONSIBLE AUTHORITIES

Dear Sir,

I will like to respond in relation to objections made on my new premises application. I will however like to clarify some misunderstandings regarding the status of the premises. In 2017, I made an application in a way of license variation in trying to accommodate on and off sales activities. However, due to the complexity involve in trying to execute both task at the same time especially with the involvement of children, I found it daunting and therefore decided to withdraw my application. Going forward, the premises will now be operating on a completely different entity, ie from off license/connivance store to African restaurant. I can confirm that a planning permit for change of business use has been obtained from the planning department. With respect to that, there would be a new premises layout. I can also confirm that the plan drawing submitted in 2017 was hand drawn but the current submitted plan is not hand drawn. With regards to the rear yard of the premises, on or before 2016 customers were using my access door to purchase alcohol and consuming it in the yard. But  activities were stopped long since as this was made unacceptable to

me by the visiting license officer. I can fully understand the sensitivity of the rear yard in terms of noise and anti social behaviour, but I have no intentions of using the rear yard for alcohol consumption or trying to exacerbate the situation. In fact one justifiable reason in my decision making of changing the current license to on sale is to be able to sell, serve, and control my customers within my premises as oppose to off sales. The smoking area will now be set at front side of premises with no more than four patrons allowed at a time. Also the premises capacity is set to 25 patrons including staff members. I can also confirm that a dispersal policy of the premises will be set out on the last page.

Based on the information given above, am therefore kindly asking for the new license to be granted and thereby willing to accept the proposed license conditions imposed by Trading standard and Metropolitan police to be added on my operating schedule. At this point in time, I am quite aware about trading standards time factor asking for my current operating hours not to be extended. This is fine, however I can only appeal for you to kindly consider my closing hours during weekends to at least be extended for up to mid night if possible.

Below are the proposed conditions set out by trading standards and metropolitan police which I am willing for you to be added on my licence conditions upon granting of a new license.

Trading Standard {proposed conditions}

1. That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
2. That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation at the premises. A record of such training shall be kept / be accessible at the premises at all times and be made immediately available for inspection at the premises to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
3. That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
3. That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept / be accessible at the premises at all times. On a monthly basis, the Designated Premises Supervisor (DPS) shall check the register to ensure it is being properly completed. The DPS shall sign and date the register to that effect and where appropriate take corrective

action in a timely manner if the register is not being completed correctly. The register shall be made immediately available for inspection at the premises to council or police officers on request.

4. No unaccompanied children under the age of 16 will be permitted after 19:00 hours.

5. No gambling machines will be on the premises.

Metropolitan Police [Proposed Conditions]

1. 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 under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises

2. All CCTV footage be kept for a period of 31days and shall on request be made immediately available to officers of the police and the council.

3. 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.

4. That all staff are trained in the 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.

5. The current licence be surrendered prior to the new licence being issued.

6. That patrons will not be permitted to use the rear yard (carpark).

7. The rear door will not be used by patrons for access and egress into the premises, apart from in an emergency.

8. That the backdoor exit shall be alarmed with a flashing light behind the bar to alert management inside the premises, should patrons be using the back yard area.

If hours are granted after 23.00hrs, the following condition be included.

9. That SIA registered door supervisors will premises are in operation on Friday, Saturday, Bank holidays, days preceding a bank holiday and when operating under non-standard timings. They will be employed at all times after 19:00hrs until the end of business and all patrons have vacated the premises. They will be engaged to monitor admission and re-admissions to the premises, security, protection, screening, dealing with conflict and ensure that conditions related to the use of the outside area are adhered to and that the dispersal policy for the premises is implemented

Noise Dispersal policy. 5A Westmoreland Road

The following measures will be in place on any given night during my business operation:

1. Implementing a soft closing policy of informing customers 30 minutes before closing time thus allowing and given them time to compose themselves and plan their journey home safely
2. Ensuring that no customers leave the premises with their drinks
3. No drinks to be allowed outside the premises at any point in time
4. Providing taxi telephone and night bus information to customers by way of verbal communication from staff to customers and signage.
5. If customers are congregating outside the premises at closing time on any given night, a staff/security member must facilitate the dispersal of these customers in order to minimise noise and eliminate flash points.
6. The number of smokers outside of the premises to be limited to not more than 4 at one time.
7. At the end of the shift the area of the smoking area to be thoroughly cleaned of any cigarette butts and other litter generated.