

## Licensing Sub-Committee

Tuesday 6 May 2014  
10.00 am

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Lorraine Lauder MBE  
Councillor Adele Morris

### Reserves

Councillor Dora Dixon-Fyle

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Contact

Andrew Weir on 020 7525 7222 or email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**  
Chief Executive  
Date: 25 April 2014



# Licensing Sub-Committee

Tuesday 6 May 2014

10.00 am

Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

## Order of Business

| Item No.  | Title  | Page No. |
|---|--|----------|
| <b>PART A - OPEN BUSINESS</b>   |  |          |
| 1. <b>APOLOGIES</b>   | To receive any apologies for absence.  |          |
| 2. <b>CONFIRMATION OF VOTING MEMBERS</b>  | A representative of each political group will confirm the voting members of the committee.                             |          |
| 3. <b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>                                | In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.         |          |
| 4. <b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>   | Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting. |          |
| 5. <b>LICENSING ACT 2003: COSTCUTTER, 257-259 SOUTHWARK PARK ROAD, LONDON SE16 3TP - REVIEW</b>             |  | 1 - 29   |
| 6. <b>LICENSING ACT 2003: RIGHT PRICE SUPERMARKET 214-216 BOROUGH HIGH STREET, LONDON SE1 1JX - REVIEW</b>  |  | 30 - 62  |
| 7. <b>LICENSING ACT 2003: SAINSBURY'S, 58 GREAT DOVER STREET , LONDON SE1 4YF</b>                           |  | 63 - 95  |
| <b>ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.</b> |  |          |

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|----------|-------|----------|

## **PART B - CLOSED BUSINESS**

### **EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

### **8. CONFIDENTIAL: DETAILS OF OTHER PERSONS**

**ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

Date: 25 April 2014

# Agenda Item 5

|                                    |                                |   |   |
|------------------------------------|--------------------------------|---|---|
| <b>Item No.</b><br>5.              | <b>Classification:</b><br>Open | <b>Date:</b><br>6 May 2014  | <b>Meeting Name:</b><br>Licensing Sub-Committee |
| <b>Report title:</b>               |                                | Licensing Act 2003: Costcutter, 257-259 Southwark Park Road, London SE16 3TP - Review |   |
| <b>Ward(s) or groups affected:</b> |                                | South Bermondsey  |   |
| <b>From:</b>                       |                                | Strategic Director of Environment and Leisure   |   |

## RECOMMENDATION

1. That the licensing sub-committee considers an application made under Section 51 of the Licensing Act 2003 by the trading standards team for a review of the premises licence in respect of the premises known as Costcutter, 257-259 Southwark Park Road, London SE16 3TP.
2. Notes:
  - a) The grounds for the review are stated in paragraph 11 – 12 of this report. A copy of the full application and supporting evidence is provided as Appendix A.
  - b) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a new licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder;
  - The promotion of public safety
  - The prevention of nuisance; and
  - The protection of children from harm.
6. In carrying out its licensing functions, a licensing authority must also have regard to:

- The Act itself
- The Guidance to the act issued under Section 182 of the Act
- Secondary regulations issued under the Act
- The licensing authority's own statement of licensing policy
- The application, including the operating schedule submitted as part of the application
- Relevant representations.

7. The applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.

8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51(1) of the Act it remains open to any responsible authority or interested party to apply to the local licensing authority for a review of the premises licence where there are concerns regarding one or more of the four stated licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence**

9. The current licence in respect of the premises known as Costcutter, 257-259 Southwark Park Road, London, SE16 3TP was granted on 11 January 2006. The licence permits the following licensable activities:

- Sale and Supply of alcohol off the premises  
Monday – Sunday 24 hours

10. A copy of the current premises licence is attached to the report as Appendix B.

### **Designated premises supervisor**

The designated premises supervisor is Waheed Allahgul; he holds a personal licence issued by the London Borough of Southwark.

### **The application for a review of the premises licence**

11. On 5 March 2014 an application for the review of the premises licence was received from the Trading Standards Team. The grounds for the review relate to the following licensing objectives and is summarised as follows:

- The prevention of crime and disorder – the premises requires a personal licence holder to be on the premises at all times that intoxicating liquor is sold (Condition 336). On Friday 31 January 2014 there was no personal licence holder on the premises when alcohol was being supplied.
- The business had in possession for supply 210 bottles of alcohol where no duty had been paid and/or the product was counterfeit.

- Protection of children from harm – Failure to implement conditions 341 and 342 which require a recognised proof of age scheme in including a refusal log and recognised training for all staff involved in the sale of alcohol.
- The trading standards officer does not believe the addition of conditions to this licence would have any impact where there is this level of disregard to the licence and lack of understanding and unwillingness to achieve compliance.

12. A copy of the review application and supporting evidence is attached to the report as Appendix A.

#### **Representations from other persons**

13. There are no representations to the application received from other persons.

#### **Representation from responsible authorities**

14. A representation has been received from the council's licensing responsible authority in support of the review.

15. The representation is concerned with crime and disorder and the protection of children from harm.

- Crime and disorder – Condition 336. The premises licence requires a personal licence holder to be on the premises at all times that intoxicating liquor is sold. On Friday 31 January 2014 no personal licence holder was on the premises.
- Protection of children from harm – Condition(s) 341 and 342. No proof of age scheme was available on site and no refusal book for the sale of alcohol was available on the premises.

16. A copy of the representation is attached as Appendix C.

17. A representation has been received from the Police Licensing Team in support of the review.

“On inspection of the submitted application, it appears that the premises known as Costcutter 257-259 Southwark Park Road SE16 3TP have showing scant regard for the licensing objectives in relation to the prevention of crime and have themselves been involved in what would appear to be crimes involving counterfeit goods or the non payment of duty.

The Police have no faith in the current management and running of the premises. A premises that operates outside of the conditions already imposed is one that clearly shows no regard for the licensing objectives. The Police therefore recommend that the consent to sell alcohol and operate as a licensed premises is removed.”

18. A copy of the representation is attached as Appendix D.

## **Operating history**

19. A premises licence was granted to Mr Waheed Allahgul on 24 June 2009. At the time he was also the DPS.
20. On 10 June 2009 applications were made to transfer and vary the designated premises supervisor to Mr Agha Sayed Safi.
21. On 17 September 2009 an application was made to vary the DPS to Mr Waheed Allahgul.
22. A programmed inspection was carried out by a licensing officer on 3 February 2010 and the premises was found to be in breach of condition 336. A warning letter was sent. A further visit was carried out on 29 April 2010 and a compliance letter was sent to the licensees.
23. The premises was inspected by trading standards on 29 August 2012 when no issues were found although Mr Allahgul has been cautioned for selling counterfeit Bollinger in April 2010 and has also been warned about tobacco labelling issues.
24. On 24 March 2014 an application to transfer the premises licence to Mr Waheed Allahgul.

## **The local area**

25. A map of the area is attached to this report as Appendix E. The premises is identified by a triangle at the centre of the map. For purposes of scale-only the circle on the map has a 100 metre radius. The following licensed premises including terminal hours are also shown on the map:

Morley's Chicken, 275 Southwark Park Road, SE16 3TP  
 Late night refreshment – indoors (Monday to Sunday 23.00 to 03.00)

AKR Superstore, 285 Southwark Park Road, SE16 3TP  
 Sale by retail of alcohol to be consumed off premises (Monday to Saturday 08.00 to 23.00, Sunday 10.00 to 22.30)

Ann & Lac Takeaway, 269 Southwark Park Road, SE16 3TP  
 Late night refreshment – indoors (Sunday to Thursday 23.00 to 01.00, Friday and Saturday 23.00 to 03.00)

TIMES KEBAB, 283 Southwark Park Road, SE16 3TP  
 Late night refreshment – indoors (Monday to Sunday 23.00 to 00.00)

The Old Bank, 239-241 Southwark Park Road, SE16 3TT  
 Sale by retail of alcohol to be consumed on premises (Monday to Thursday 09.00 to 23.00, Friday and Saturday 09.30 to 01.00, Sunday 12.00 to 22.30)

Top Cellar, 262 Southwark Park Road, SE16 3RN  
 Sale by retail of alcohol to be consumed off premises (Monday to Saturday 08.00 to 23.00, Sunday 10.00 to 22.30)

The Blue Anchor PH, 251 Southwark Park Road, SE16 3TS

Sale by retail of alcohol to be consumed on premises (Monday to Saturday 11.00 - 00.00, Sunday 12.00 - 00.00)

Presco food and wine, 244 Southwark Park Road, SE16 3RN  
 Sale by retail of alcohol to be consumed off premises (Monday to Sunday 00.00 - 00.00)

### **Southwark council statement of licensing policy**

26. Council assembly approved Southwark's statement of licensing policy 2011-14 on 12 October 2011. Sections of the statement that are considered to be of particular relevance to this application are:
  - Section 3 sets out the purpose and scope of the policy and reinforces the four licensing objectives
  - Section 5 sets out the council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence
  - Section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998
  - Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
  - Section 8 provides general guidance on ensuring public safety including safe capacities
  - Section 9 provides general guidance on the prevention of nuisance
  - Section 10 provides general guidance on the protection of children from harm.
27. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

### **Resource implications**

28. No fee is payable in respect of an application for licence review.

### **Consultations**

29. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. Public notices were exhibited outside the premises and the application advertised on the council's website for a period of 28 days.

### **Community impact statement**

30. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Director of Legal Services**

31. The sub-committee is asked to determine, under Section 52 of the Licensing Act 2003, an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or an interested party may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
32. The principles which sub-committee members must apply are set out below.

### **Principles for making the determination**

33. The licensing authority must hold a hearing to consider an application for review of a premises licence where:
  - the application is properly made in accordance with Section 51 of the Act
  - the applicant has given notice in accordance with Section 51(3) of the Act
  - the advertising requirements provided for under Section 51(3) of the Act are satisfied
  - the licensing authority has considered the ground(s) of review not to be frivolous, vexatious or repetitious
  - the licensing authority has considered the ground(s) of review to be relevant to one or more of the licensing objectives.

The four licensing objectives are:

- the prevention of crime and disorder
- the protection of public safety
- the prevention of nuisance
- the protection of children from harm.

34. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
  - modify the conditions of the licence by altering, omitting or adding any condition
  - exclude a licensable activity from the scope of the licence
  - remove the designated premises supervisor
  - suspend the licence for a period not exceeding three months
  - revoke the licence.
35. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
  - are relevant to one or more of the licensing objectives
  - are made by the holder of the premises licence, a responsible authority or an interested party within the prescribed period
  - have not been withdrawn
  - if made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.

36. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
37. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
38. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
39. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

### **Reasons**

40. Where the authority determines an application for review it must notify the determination and reasons why for making it to:
  - the holder of the licence
  - the applicant
  - any person who made relevant representations
  - the chief officer of police for the area (or each police area) in which the premises are situated

### **Hearing procedures**

41. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that
  - The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
  - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
    - Address the authority
    - If given permission by the committee, question any other party.
    - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
  - The committee shall disregard any information given by a party which is not relevant:
    - to the particular application before the committee, and
    - the licensing objectives.

- The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

42. This matter relates to the review of the premises licence under section 51 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

**Council's multiple roles and the role of the licensing sub-committee**

43. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.

44. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.

45. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.

46. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

47. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.

48. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
49. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 of the Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
50. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

### **Guidance**

51. Members are required to have regard to the DCMS guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

### **Strategic Director of Finance and Corporate Services**

52. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

### **BACKGROUND DOCUMENTS**

| <b>Background papers</b>  | <b>Held At</b>   | <b>Contact</b>                   |
|---|--|----------------------------------|
| Licensing Act 2003<br>DCMS Guidance to the Act<br>Secondary Regulations<br>Southwark Statement of Licensing Policy<br>Case file | Southwark Council<br>Licensing<br>Hub 2, 3rd Floor<br>160 Tooley Street<br>London<br>SE1 2QH | Kirty Read<br>Tel: 020 7525 5748 |

### **APPENDICES**

| <b>No.</b> | <b>Title</b>  |
|------------|---|
| Appendix A | Copy of the review application                                      |
| Appendix B | Copy of the premises licence  |
| Appendix C | Copy of the representation from the licensing responsible authority |
| Appendix D | Copy of representation from the Metropolitan Police Service         |
| Appendix E | Map of the local area   |

**AUDIT TRAIL**

| <b>Lead Officer</b>   | Deborah Collins, Strategic Director of Environment and Leisure |                   |
|---|--|-------------------|
| <b>Report Author</b>  | Mark Orton, Licensing Officer                                  |                   |
| <b>Version</b>  | Final  |                   |
| <b>Dated</b>  | 22 April 2014  |                   |
| <b>Key Decision?</b>  | No   |                   |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b> |  |                   |
| Officer Title   | Comments sought  | Comments included |
| Director of Legal Services  | Yes  | Yes               |
| Strategic Director of Finance and Corporate Services                    | No   | No                |
| <b>Cabinet Member</b>   | No   | No                |
| <b>Date final report sent to Constitutional Team</b>                    | 23 April 2014  |                   |

[Insert details including name and address of licensing authority and application reference if any (optional)]

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Bill Masini

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

**Part 1 – Premises or club premises details**

**Postal address of premises or, if none, ordnance survey map reference or description**  
 Costcutter  
 257-259 Southwark Park Road

|           |        |                      |          |
|-----------|--------|----------------------|----------|
| Post town | London | Post code (if known) | SE16 3TP |
|-----------|--------|----------------------|----------|

**Name of premises licence holder or club holding club premises certificate (if known)**

**Number of premises licence or club premises certificate (if known)**  
 830576

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

**Please tick**

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**Please tick yes**

I am 18 years old or over

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address

Southwark Council – Trading Standards

Bill Masini  
 Trading Standards Officer  
 Community Safety & Enforcement  
 3<sup>rd</sup> Floor Hub 2  
 PO Box 64529  
 London SE1P 5LX

Telephone number (if any)  
 0207 525 2629

E-mail address (optional)  
 bill.masini@southwark.gov.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review (please read guidance note 1)**

**Prevention of Crime and disorder –**

- The premise licence requires a personal licence holder to be on the premises at all times that intoxicating liquor is sold. (Condition 336). On Friday 31st January 2014 there was no personal licence holder on premise when alcohol was supplied.
- The business had in possession for supply 210 bottles of alcohol where no duty had been paid and/or the product was counterfeit.

**Protection of Children from harm –**

- Failure to implement conditions 341 and 342 which require a recognised proof of age scheme to be adopted and implemented, including a refused sales book and for there to be a recognised training scheme for all staff concerned with the sale of alcohol, records of which are required to be kept and available for inspection on request by Police or Council Officers.

Trading Standards enforce various fair trading laws including The Licensing Act 2003 and Trade Marks Act 1994. It regularly carries out joint visits with Her Majesty's Revenue and Customs (HMRC). HMRC is looking for illicit tobacco and alcohol. Amongst other matters, Trading Standards is looking to identify counterfeit tobacco and alcohol and to check for compliance with conditions on an alcohol licence.

On 31<sup>st</sup> January 2014, Trading Standards, carried out such joint visits and this premise was visited. It has the most "generous" licence Southwark Council can give in terms of operating hours for the sale of alcohol; 24 hours, 7 days a week.

However, such licensed premises serving alcohol are required to have a personal licence holder on the premises at all times alcohol is supplied; the purpose being to ensure that all conditions relating to the sale of alcohol are complied with at all times.

The premise was visited at around 10.30am. There was no personal licence holder on the premise.

HMRC inspected the alcohol on the shelves and also in the stock room. They found a significant quantity of alcohol on the premise both for sale and in the stock room which failed to comply with fiscal markings of "duty paid".

The man in the back of the shop gave his name as Sayed Safi and said he was the manager of the shop but did not hold a personal licence. Mr Safi said he had been the manager for about three months and when questioned further, said September 2013. In the shop was a sign saying "Blue Supermarket Limited". He later said he was a director of that business. He was unable to say where the alcohol had come from and unable to produce any invoices. To date no invoices have been produced for these items.

HMRC seized these items. – 210 bottles

They were:

- 126 bottles of Smirnoff vodka (70cl)
- 10 bottles of Smirnoff vodka (1 Litre)
- 17 bottles of Famous Grouse Whisky (70cl)
- 18 bottles of Bells whisky (70cl)
- 31 bottles of Glens vodka (70cl) – also identified as counterfeit

- 8 bottles of High Commissioner whisky (70cl)
- 24 bottles of wine (70cl)

No alcohol licence was displayed on the premise and so he was asked if there was one on the premise, or at least a summary thereof. He found some paperwork in an envelope at the back of the shop. When Mr Safi was asked for some identification he gave an address of 167 Taplow, Thurlow Street SE17 2UL. On the summary of the licence produced it showed Agha Sayed Safi of the same address to be the premise licence holder. The Trading Standards Officer pointed this out him and he said that was him. It was also pointed out to him he had been the premise licence holder since 22 June 2009, some four and a half years. He was asked what if any steps had been taken to transfer the premise licence in his absence and he was unable to give an answer.

He was asked to produce his age verification policy, the refusals book and training records as required by conditions 341 and 342. He did not appear to understand the issue of adopting and implementing a recognised Proof of age scheme and had no idea where a refusals book could be found. He also did not know about any training records. He simply said he had only been there for three months and could not explain why he had been the Premise Licence Holder for many years.

The man behind the counter said he was Atifullah Jan. He gave a home address in Slough Berkshire and said he did not hold a personal licence. He said he had received no training. He looked blank when asked whether there was a refused sales book in use. He clearly had no understanding of what he was being asked of him.

Mr Safi requested Mr Waheed Allaghgul, The Designated Premises Supervisor to attend the shop. When he arrived he eventually located a refused sales book. The last entry was shown as 3<sup>rd</sup> February 2012, almost two years previously.

In the paperwork Sayed Safi had found in the office, there was a signed training record declaration dated:-

- 18 November 2009 - Waheed Allaghul
- 19 November 2009 and 10 August 2010 - Fawad Safi
- 10 August 2010 and 10 March 2011 – Qais Safi
- 18 March 2011 – “Asma”

There were no training record declarations for anyone else including none for Sayed Safi or Atifullah Jan.

Trading Standards say the details above indicate The Premise Licence Holder has little regard to what quality of alcohol is sold or where it is purchased from. Trading Standards also say the PLH has little or no regard to the conditions on the premise licence and/or does not understand them. Either way, Trading Standards is of the view that taking into account this is an "exceptional" "24/7" premise licence, this is wholly inadequate and invites the licensing sub-committee to consider all options available to it. TS say, adding conditions to a licence where there is this disregard and/or lacking of understanding would appear to be of little value in achieving compliance.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
|--|--|--|--|--|--|

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**Please tick yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures (please read guidance note 3)**

**Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.**

Signature

*W.H. Merton*

Date

5th March 2014

Capacity Trading Standards officer acting on behalf of Southwark Council

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)**

|  |           |
|--|-----------|
| Post town  | Post Code |
| Telephone number (if any)  |           |
| If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) |           |

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

# Licensing Act 2003

## Premises Licence

### APPENDIX B



Environmental Health & Trading Standards  
Licensing Unit  
Chaplin Centre  
Thurlow Street  
London SE17 2DG

Premises licence number

830576

#### Part 1 - Premises details

|   |                              |
|---|------------------------------|
| <b>Postal address of premises, or if none, ordnance survey map reference or description</b> |                              |
| Costcutter<br>257-259 Southwark Park Road<br>London<br>SE16 3TP                             |                              |
| Ordnance survey map reference (if applicable),<br>178831534639                              |                              |
| <b>Post town</b><br>London  | <b>Post code</b><br>SE16 3TP |
| <b>Telephone number</b>   |                              |

#### Where the licence is time limited the dates

#### Licensable activities authorised by the licence

Sale by retail of alcohol to be consumed off premises

#### The opening hours of the premises

For any non standard timings see **Annex 2**

|           |               |
|-----------|---------------|
| Monday    | 00:00 - 00:00 |
| Tuesday   | 00:00 - 00:00 |
| Wednesday | 00:00 - 00:00 |
| Thursday  | 00:00 - 00:00 |
| Friday    | 00:00 - 00:00 |
| Saturday  | 00:00 - 00:00 |
| Sunday    | 00:00 - 00:00 |

#### Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

Sale by retail of alcohol to be consumed off premises

**The times the licence authorises the carrying out of licensable activities**

For any non standard timings see Annex 2 of the full premises licence

**Sale by retail of alcohol to be consumed off premises**

|           |               |
|-----------|---------------|
| Monday    | 00:00 - 00:00 |
| Tuesday   | 00:00 - 00:00 |
| Wednesday | 00:00 - 00:00 |
| Thursday  | 00:00 - 00:00 |
| Friday    | 00:00 - 00:00 |
| Saturday  | 00:00 - 00:00 |
| Sunday    | 00:00 - 00:00 |

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Agha Sayed Safi

xxxx

xxxx

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Waheed Allahgul

xxxx

xxxx

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence No. 826777

Authority L B Southwark

Licence Issue date 06/10/2009

.....  
Community Safety Enforcement  
Business Unit Manager  
Chaplin Centre  
Thurlow Street  
London SE17 2DG  
020 7525 5748  
licensing@southwark.gov.uk

**Annex 1 - Mandatory conditions**

**100** No supply of alcohol may be made under the Premises Licence -

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

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

**Annex 2 - Conditions consistent with the operating Schedule**

**288** That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times

**336** A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied

**340** That an approved CCTV system to be installed both inside and outside of the premises with a 31 day tape library or 31 day recording capacity.

**341** That a recognised Proof of Age scheme, including the use of a Refusal Book for the purpose of recording all refused sales of age related products shall be adopted and implemented.

**342** That a recognised training scheme for all staff concerned with the sale or supply of intoxicating liquor, records of which shall be kept and made available for inspection on request by Police or Council officers shall be implemented at the premises.

**Annex 3 - Conditions attached after a hearing by the licensing authority**

**Annex 4 - Plans - Attached**

|             |            |
|-------------|------------|
| Licence No. | 830576     |
| Plan No.    | 0934.P.1   |
| Plan Date   | March 2009 |

# MEMO: Licensing

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**To** Licensing Regen      **Date** 02 April 2014

**Copies**

**From** David Swaby      **Telephone** 020 7525 5688      **Fax** 020 7525 5705

**Email** David.Swaby@southwark.gov.uk

---

**Subject** REVIEW APPLICATION - COSTCUTTER 257-259 SOUTHWARK PARK  
ROAD SE16

I write as the Responsible Authority in support of the Review Application made against the above mentioned premises under the Licensing Act 2003, and under the Licensing Objectives of Crime and Disorder and Protection of Children from Harm.

I note in the application that the following premises licence conditions have been breached: -

### **Crime and Disorder**

Condition 336. The premises licence requires a personal licence holder to be on the premises at all times that intoxicating liquor is sold.

On the Friday 31 Jan 2014 no personal licence was on the premises.

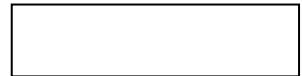
### **Protection of Children from Harm**

Condition(s) 341 and 342. No (proof of age scheme) was available on site and no (refusal book) for the sale of alcohol was available on the premises.

This is to be accepted as a representation in support of the review application as entered by the Trading Standards Officer.

## APPENDIX D

Your reference:



Our reference: MD/21/2483/14

Date: 3rd April 2014

**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

[graham.white4@met.police.uk](mailto:graham.white4@met.police.uk)

Tel: 020 7232 6756

Dear Sir/Madam

**Costcutter 257-259 Southwark Park Road SE16 3TP**

Police are in receipt of an application for the review of the above premises licence submitted by Bill Masini of Southwark councils Trading Standards team.

The application sites several breaches of the premises licence and a number of offences contrary to the Licensing act 2003, in addition HMRC seized a significant quantity of alcohol which failed to comply with the fiscal markings of "duty paid".  
 It is suspected the items seized were either counterfeit and/or no duty had been paid.

Under the Licensing act 2003 the Police are charged with the responsibility for the prevention of crime and disorder licensing objective.

On inspection of the submitted application, it appears that the premises known as Costcutter 257-259 Southwark Park Road SE16 3TP have showing scant regard for the licensing objectives in relation to the

prevention of crime and have themselves been involved in what would appear to be crimes involving counterfeit goods or the non payment of duty.

I have no faith in the current management and running of the premises. A premise that operates outside of the conditions already imposed is one that clearly shows no regard for the licensing objectives. I therefore recommend that the consent to sell alcohol and operate as licensed premises is removed.

Police offer their full support in the application to review the premises licence for Costcutter 257-259 Southwark Park Road SE16 3TP.

Ian Clements

Licensing Officer Southwark Borough

Phone: 0207 232 6756

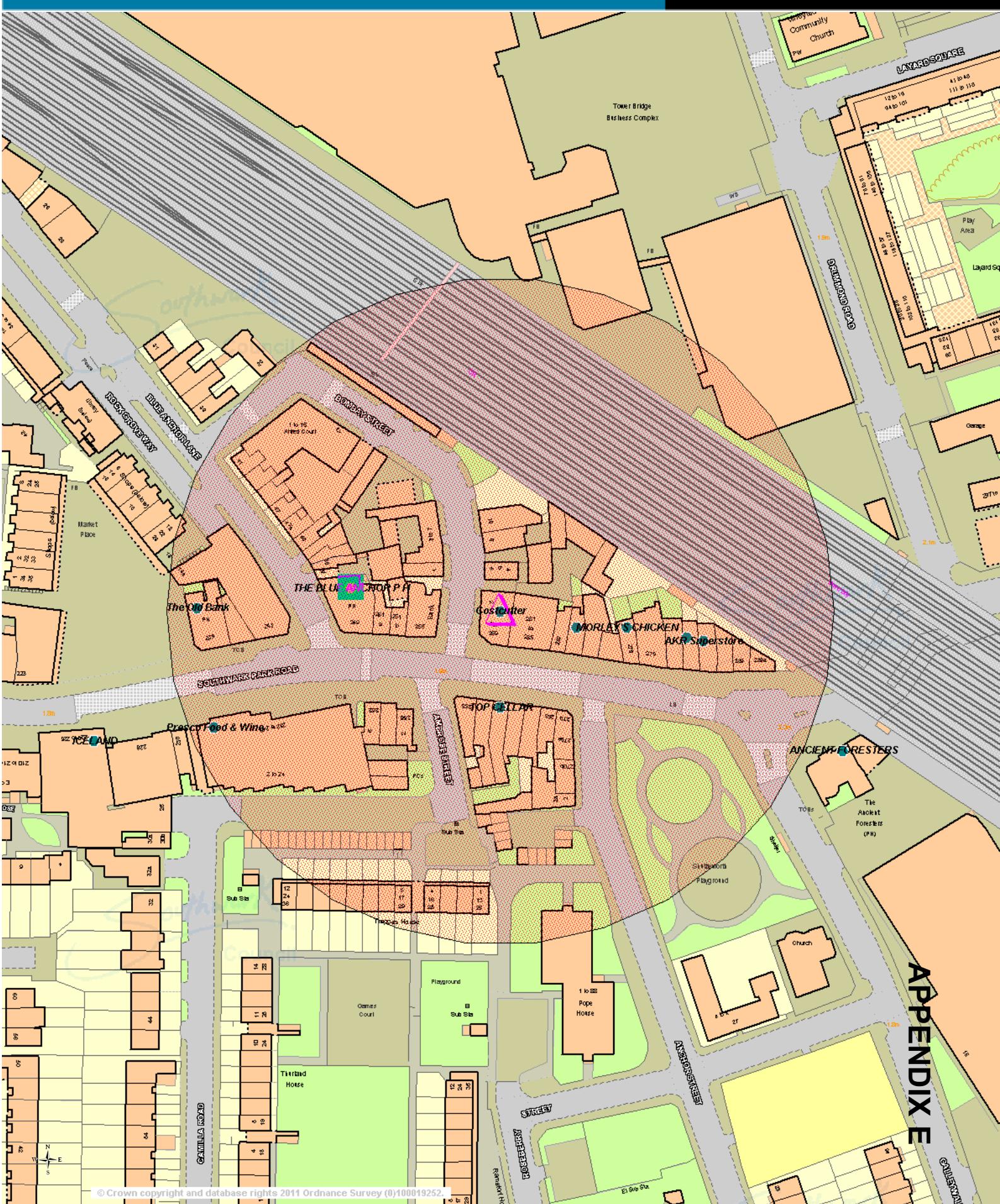
Mobile: 07974836444

Fax:

E-mail: [ian.clements@met.police.uk](mailto:ian.clements@met.police.uk)

Mail: Licensing Office Southwark Police Station  
323 Borough High Street  
SE1 2ER

Date 23/4/2014



|                                    |                                |  |   |
|------------------------------------|--------------------------------|--|---|
| <b>Item No.</b><br>6.              | <b>Classification:</b><br>Open | <b>Date:</b><br>6 May 2014   | <b>Meeting Name:</b><br>Licensing Sub-Committee |
| <b>Report title:</b>               |                                | Licensing Act 2003: Right Price Supermarket 214-216 Borough High Street, London SE1 1JX - Review |   |
| <b>Ward(s) or groups affected:</b> |                                | Cathedrals   |   |
| <b>From:</b>                       |                                | Strategic Director of Environment and Leisure  |   |

## RECOMMENDATION

1. That the licensing sub-committee considers an application made under section 51 of the Licensing Act 2003 by the Trading Standards team for a review of the premises licence in respect of the premises known as Right Price Supermarket 214-216 Borough High Street SE1 1JX.
2. Notes:
  - a) The grounds for the review are stated in paragraphs 13 and 14 of this report. A copy of the full application and supporting evidence is provided as Appendix A.
  - b) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, together with a copy of the hearing regulations, have been circulated to all parties to the application.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a new licensing regime for:
  - the sale of and supply of alcohol
  - the provision of regulated entertainment
  - the provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives, namely:
  - the prevention of crime and disorder
  - the promotion of public safety
  - the prevention of nuisance
  - the protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must also have regard to:
  - the Act itself
  - the guidance to the Act (issued under section 182 of the Act)
  - secondary regulations issued under the Act
  - the licensing authority's own statement of licensing policy
  - the application, including the operating schedule submitted as part of the application
  - relevant representations.
7. The application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.
8. The premises licence, once issued, remains valid for the life of the business unless surrendered or revoked. Under section 51(1) of the Act, however, it remains open to any responsible authority or interested party to apply to the local licensing authority for a review of the premises licence where there are concerns regarding one or more of the four stated licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence**

9. The current licence in respect of the premises known as Right Price Supermarket 214-216 Borough High Street SE1 1JX was granted to Shahmamood Daulatzai and was converted from a Justices' Off-Licence in 2005. The licence permits the following licensable activities:
  - Sale and supply of alcohol off the premises:  
Monday - Sunday 07.00 to 23.00  
Hours of opening being 24 hours, seven days a week.
10. Since its issue in 2005, the licence was amended by minor variation in January 2011 permitting the premises to open for 24 hours per day, seven days a week. The application stated that alcohol would not be sold between 23.00 hours and 7.00 hours. The minor variation was requested because the applicant felt that the business could not operate effectively within the economic climate and amongst competition from neighbouring businesses.
11. A copy of the current premises licence is attached to the report as Appendix B.

### **Designated premises supervisor**

12. The designated premises supervisor is Mr Z Daulatzai; he holds a personal licence issued by the London Borough of Brent.

### **The application for a review of the premises licence**

13. On 6 March 2014 an application for the review of the premises licence was received from the Trading Standards team. The grounds for the review relate to the prevention of crime and disorder and the protection of children from harm licensing objectives and are summarised below.

#### **Prevention of crime and disorder**

14. Condition number 336 of the premises licence requires a personal licence holder to be on the premises at all times that intoxicating liquor is sold. On the following dates, however, there was no personal licence holder on the premises whilst alcohol was being sold/supplied:
  - 22 January 2014
  - 31 January 2014
  - 7 February 2014.
15. The business was found to have in possession for supply 232 litres of alcohol upon which no duty had been paid.
16. On 12 February 2014, the business was found to have in possession for supply 3.5kg (70 x 50gm packs) of shisha upon which no duty had been paid, which is an offence under section 12 of the Consumer Protection Act 1987 and contrary to the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002.
17. On 7 February 2014 at 00.20 hours the sale of alcohol beyond permitted hours occurred on the premises, which is an offence under the section 136 of the Licensing Act 2003.
18. On 11 February 2014 the sale of alcohol to a person under the age of 18 years occurred on the premises, which is an offence under section 146 of the Licensing Act 2003.
19. On 11 February 2014 the sale of cigarettes to a person under the age of 18 years occurred on the premises, which is an offence under the Children and Young Persons Act 1993 as amended.

#### **Protection of children from harm**

20. On 11 February 2014 the sale of alcohol to a 14 year old female occurred on the premises.
21. On 11 February 2014 the sale of cigarettes to a 14 year old female occurred on the premises.
22. The premises licence holder failed to implement condition 488 which required an age verification policy to be in operation at the premises.

23. The premises licence holder failed to ensure that a personal licence holder was on the premises at all times intoxicating liquor was supplied as required by condition 336 of the premises licence.
24. The Trading Standards officer does not believe that the addition of further conditions to the premises licence would have any impact, considering the level of disregard that has been demonstrated with regards to the requirements of the licence, together with the lack of understanding and unwillingness to achieve compliance.
25. A copy of the review application and supporting evidence is attached to the report as Appendix A.

**Representations from other persons**

26. There have been no representations to the application received from other persons.

**Representations from responsible authorities**

27. A representation in support of the review has been received from the council's licensing team in its capacity as a responsible authority. The representation concerns the prevention of crime and disorder and the protection of children from harm licensing objectives.
28. With regards to the prevention of crime and disorder, condition 336 of the premises licence requires a personal licence holder to be on the premises at all times that intoxicating liquor is sold. On Friday 31 January 2014 no personal licence was on the premises.
29. With regards to the protection of children from harm and in contravention of conditions 341 and 342, a proof of age scheme was not available at the premises and a refusal book for the sale of alcohol was not available on the premises.
30. A copy of the licensing team's representation is attached as Appendix C.
31. A representation in support of the review has also been received from the Metropolitan Police Service who commented that on inspection of the application for a review, it appeared that the premises known as Right Price Supermarket 214-216 Borough High Street had shown scant regard for the licensing objectives in relation to the prevention of crime having themselves been involved in what would appear to be crimes involving counterfeit goods or the non-payment of duty.
32. The police had no faith in the current management and running of the premises, stating that a premises that operated outside of the conditions already imposed was one that clearly showed no regard for the licensing objectives. The police therefore recommended that the consent to sell alcohol and operate as a licensed premises was removed.
33. A copy of the representation is attached as Appendix D.

## Operating history

34. A premises licence was issued to S Daulatzai in August 2005. The designated premises supervisor (DPS) was Z Daulatzai.
35. On 19 March 2008 a licensing officer inspected the premises and found several breaches, namely that:
  - the CCTV system installed on the premises was not in good working condition, being a breach of condition 6000
  - no recordings (for a period of 31 days) were kept and made available to the authorised officers, being a breach of condition 6001
  - there was no personal licence holder on the premises, being a breach of condition 9103
  - staff had not been through a recognised training scheme relating to supplying intoxicating liquor, being a breach of condition 9501
  - The premises licence summary (or a certified copy) was not on display and/or the premises licence (or a certified copy) was not kept at the premises, being a breach of sections 57(2) and 57(3) of the Licensing Act 2003. Following the despatch of a warning letter, these breaches were later rectified.
36. On 27 January 2011 a minor variation application was submitted to vary the opening hours of the premises to 24 hours per day, seven days per week.
37. A programmed inspection was carried out by a licensing officer on 6 March 2012, during which condition 336 was found to have been breached and a warning letter was sent.
38. On the 29 June 2012 a licensing officer visited the premises as part of Operation Condor to check that the premises licence conditions were being upheld. Condition 336 was found to have been breached and a warning letter was sent.

## The local area

39. A map of the area is attached to this report as Appendix E. The premises is identified by a triangle at the centre of the map. For purposes of scale, the circle on the map delineates a 100 metre radius. The following licensed premises (terminal hours listed below) are also shown on the map:
  - Waterloo Wine Company, 61 Lant Street SE1 1QN
 

Sale by retail of alcohol to be consumed off premises

    - Monday to Saturday 08.00 to 23.00
    - Sunday 10.00 to 22.30
  - Riva Restaurant and Sandwich Bar, 200 Borough High Street SE1 1JX
 

Late night refreshment (indoors)

    - Monday to Saturday 23.00 to 00.30
    - Sunday 23.00 to 00.00

Sale by retail of alcohol to be consumed on premises

    - Monday to Saturday 11.00 to 00.00
    - Sunday 12.00 to 23.30

- Chicken Cottage, 226 Borough High Street SE1 1JX
  - Late night refreshment (indoors)
    - Monday to Wednesday 23.00 to 00.00
    - Thursday to Saturday 23.00 to 03.00
    - Sunday 23.00 to 23.00
- Supersave Express, 223-227 Borough High Street SE1 1JD
  - Sale by retail of alcohol to be consumed off premises
    - Monday to Sunday 24 hours
- Prospero House, 241 Prospero House, Borough High Street SE1 1GA
  - Sale by retail of alcohol to be consumed on premises
    - Monday to Sunday 12.00 to 00.00
- The Gladstone, 64 Lant Street SE1 1QN
  - Sale by retail of alcohol to be consumed off and on premises
    - Monday to Thursday 11.00 to 23.00
    - Friday and Saturday 11.00 to 00.00
    - Sunday 12.00 to 22.30
- Joes Kitchen, 5-7 Marshalsea Road, London SE1 1EP
  - Sale by retail of alcohol to be consumed off and on premises
    - Monday to Friday 07.30 to 23.00
    - Saturday 08.00 to 23.00
    - Sunday 12.00 to 22.30
- Trinity, 202-206 Borough High Street, London SE1 1JX
  - Sale by retail of alcohol to be consumed on and off premises
    - Monday to Wednesday 11.00 to 00.00
    - Thursday to Saturday 11.00 to 02.00
    - Sunday 11.00 to 23.30

#### **Southwark council statement of licensing policy**

40. Council assembly approved Southwark's statement of licensing policy 2011-2014 on 12 October 2011. Sections of the statement that are considered to be of particular relevance to this application are:

- section three, which sets out the purpose and scope of the policy and reinforces the four licensing objectives
- section five, which sets out the council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence
- section six, which details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998

- section seven, which provides general guidance on dealing with crime and disorder and deals with licensing hours
- section eight, which provides general guidance on ensuring public safety including safe capacities
- section nine, which provides general guidance on the prevention of nuisance
- section ten, which provides general guidance on the protection of children from harm.

41. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. The sub-committee, however, must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

### **Resource implications**

42. No fee is payable in respect of an application for licence review.

### **Consultations**

43. Consultation in respect of this application has been carried out in accordance with the provisions of the Licensing Act 2003. Public notices were exhibited outside the premises and the application has been advertised on the council's website for a period of 28 days.

### **Community impact statement**

44. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Director of Legal Services**

45. Under section 52 of the Licensing Act 2003, the sub-committee is asked to determine an application, which has been made under section 51 of the same act, for a review of a premises licence. At any stage following the grant of a premises licence, a responsible authority or an interested party may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

46. The principles which sub-committee members must apply are set out below.

#### **Principles for making the determination**

47. The licensing authority must hold a hearing to consider an application for review of a premises licence where:

- the application is properly made in accordance with section 51 of the Act
- the applicant has given notice in accordance with section 51(3) of the Act
- the advertising requirements provided for under section 51(3) of the Act are satisfied

- the licensing authority has considered the grounds of review not to be frivolous, vexatious or repetitious
- the licensing authority has considered the grounds of review to be relevant to one or more of the licensing objectives.

The four licensing objectives are:

- the prevention of crime and disorder
- the protection of public safety
- the prevention of nuisance
- the protection of children from harm.

48. Each objective must be considered to be of equal importance. The sub-committee must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:

- modify the conditions of the licence by altering, omitting or adding any condition
- exclude a licensable activity from the scope of the licence
- remove the designated premises supervisor
- suspend the licence for a period not exceeding three months
- revoke the licence.

49. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:

- are relevant to one or more of the licensing objectives
- are made by the holder of the premises licence, a responsible authority or an interested party within the prescribed period
- have not been withdrawn
- if made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.

50. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.

51. The sub-committee may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.

52. In deciding what remedial action if any it should take, the sub-committee must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

53. It is of particular importance that any detrimental financial impact that may result from a sub-committee’s decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

## Reasons

54. Where the sub-committee determines an application for review it must notify the determination and reasons why for making it to:

- the holder of the licence
- the applicant
- any person who made relevant representations
- the chief officer of police for the area (or each police area) in which the premises are situated.

## Hearing procedures

55. Subject to the licensing hearing regulations, the licensing sub-committee may determine its own procedures. Key elements of the regulations are that:

- the hearing shall take the form of a discussion led by the sub-committee. Cross examination shall not be permitted unless the sub-committee considered that it is required for it to consider the representations
- members of the sub-committee are free to ask any question of any party or other person appearing at the hearing
- the sub-committee must allow the parties an equal maximum period of time in which to exercise their rights to:
  - address the authority
  - question any other party (if given permission to do so by the sub-committee)
  - give further information in support of their application in response to a point which the sub-committee has given notice it will require clarification.
- The sub-committee shall disregard any information given by a party which is not relevant:
  - to the particular application before the sub-committee
  - the licensing objectives.
- The hearing shall be in public, although the sub-committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
- In considering any representations or notice made by a party the sub-committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

56. This matter relates to the review of the premises licence under section 51 of the Licensing Act 2003. Regulation 26(1)(a) requires the sub-committee to make its determination at the conclusion of the hearing.

### **Council's multiple roles and the role of the licensing sub-committee**

57. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.
58. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
59. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
60. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
61. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias and the appearance of bias.
62. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
63. Under the Human Rights Act 1998. The sub committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 of the Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
64. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the Magistrates' Court within a period of 21

days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

### **Guidance**

65. The sub-committee is required to have regard to the Department for Culture, Media and Sport's guidance in carrying out the functions of licensing authority. The sub-committee will note, however, that the guidance can not cover every possible situation and providing the guidance has been properly and carefully understood, the sub-committee may depart from it if they have reason to do so. Full reasons must be given if this is the case.

### **Strategic Director of Finance and Corporate Services**

66. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

### **BACKGROUND DOCUMENTS**

| <b>Background Papers</b>  | <b>Held At</b>   | <b>Contact</b>                   |
|---|--|----------------------------------|
| Licensing Act 2003<br>DCMS Guidance to the Act<br>Secondary Regulations<br>Southwark Statement of Licensing Policy<br>Case file | Southwark Council<br>Licensing<br>Hub 2, 3rd Floor<br>160 Tooley Street<br>SE1 2QH | Kirty Read<br>Tel: 020 7525 5748 |

### **APPENDICES**

| <b>No.</b> | <b>Title</b>  |
|------------|---|
| Appendix A | Copy of the review application                                      |
| Appendix B | Copy of the premises licence  |
| Appendix C | Copy of the representation from the licensing responsible authority |
| Appendix D | Copy of representation from the Metropolitan Police Service         |
| Appendix E | Map of the local area   |

**AUDIT TRAIL**

| <b>Lead Officer</b>   | Deborah Collins, Strategic Director of Environment and Leisure |                   |
|---|--|-------------------|
| <b>Report Author</b>  | Mark Orton, Licensing Officer                                  |                   |
| <b>Version</b>  | Final  |                   |
| <b>Dated</b>  | 22 April 2014  |                   |
| <b>Key Decision?</b>  | No   |                   |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b> |  |                   |
| Officer Title   | Comments sought  | Comments included |
| Director of Legal Services  | Yes  | Yes               |
| Strategic Director of Finance and Corporate Services                    | No   | No                |
| <b>Cabinet Member</b>   | No   | No                |
| <b>Date final report sent to Constitutional Team</b>                    | 23 April 2014  |                   |

*[Insert details including name and address of licensing authority and application reference if any (optional)]*

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Bill Masini

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

**Postal address of premises or, if none, ordnance survey map reference or description**

Right Price Supermarket  
214-216 Borough High Street

**Post town** London

**Post code (if known)** SE1 3TP

**Name of premises licence holder or club holding club premises certificate (if known)**

**Number of premises licence or club premises certificate (if known)**

833995

**Part 2 - Applicant details**

I am

**Please tick yes**

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

**Please tick**

Mr.  Mrs.  Miss  Ms.  Other title  
(for example, Rev)

**Surname**

**First names**

**Please tick yes**

I am 18 years old or over

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

|   |
|---|
| Name and address  |
| Southwark Council – Trading Standards<br><br>Bill Masini<br>Trading Standards Officer<br>Community Safety & Enforcement<br>3 <sup>rd</sup> Floor Hub 2<br>PO Box 64529<br>London SE1P 5LX |
| Telephone number (if any)   |
| 0207 525 2629   |
| E-mail address (optional)   |
| bill.masini@southwark.gov.uk  |

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review (please read guidance note 1)****Prevention of Crime and disorder –**

- The premise licence requires a personal licence holder to be on the premises at all times that intoxicating liquor is sold. (Condition 336). Offence under section 136 Licensing Act.

On 22<sup>nd</sup> January 2014 there was no personal licence holder on premise when alcohol was supplied.

On Friday 31st January 2014 there was no personal licence holder on premise when alcohol was supplied.

On 7<sup>th</sup> February 2014 there was no personal licence holder on premise when alcohol was supplied.

- The business had in possession for supply 232 litres of alcohol where no duty had been paid
- The business had in possession for supply 3.5kilograms (70x 50gram packs) of shisha where no duty had been paid – 31<sup>st</sup> January 2014
- The business had in possession for supply 6.8 kilograms of non compliant shisha tobacco and no duty had been paid – 12 February 2013 – Offence under section 12 Consumer Protection Act 1987 and The Tobacco Products

(Manufacture, Presentation and Sale) (Safety) Regulations 2002

- Sale of alcohol outside hours permitted on licence sale at 00:20 hours on 7<sup>th</sup> February 2014. Licence permits alcohol to be sold no later than 23:00 hours – Offence under section 136 Licensing Act
- Sale of alcohol to a person under 18 years of age. Offence under s146 Licensing Act – 11 February 2014
- Sale of cigarettes to a person under 18 years of age. Offence under Children and Young Persons Act 1933 as amended – 11 February 2014

**Protection of Children from harm –**

- Sale of alcohol to 14 year old female on 11 February 2014.
- Sale of cigarettes to 14 year old female on 11 February 2014
- Failure to implement conditions 488 which requires that an age verification policy applies to the premise.
- Failure to have a personal licence holder on the premise at all times intoxicating liquor is supplied as required by condition 336 of licence.

Trading Standards enforce various fair trading laws including The Licensing Act 2003, The Children and Young Persons Act 1933 and Trade Marks Act 1994. It regularly carries out joint visits with Her Majesty's Revenue and Customs (HMRC). HMRC is looking for illicit tobacco and alcohol. Amongst other matters, Trading Standards is looking to identify counterfeit tobacco and alcohol and to check for compliance with conditions on an alcohol licence.

On 31<sup>st</sup> January 2014, Trading Standards, carried out such joint visits and this premise was visited. It has a licence to sell alcohol from 07:00 hours to 23:00 hours seven days a week though its opening hours are 24 hours. A condition of the premise licence is for there to be someone who holds a personal licence holder to be on the premises at all times alcohol is supplied; the purpose being to ensure that all conditions relating to the sale of alcohol are complied with at all times.

The premise was visited at around 10.30am. There was no personal licence holder on the premise.

HMRC inspected the alcohol on the shelves and also in the stock room. They found a significant quantity of alcohol and shisha on the premise both for sale and in the stock room which failed to comply with the laws relating to payment of duty, that is to say HMRC identified them as not having duty paid.

Purchase invoices relating to these products were requested. To date no invoices have been produced.

HMRC seized these items.

They were:

- 156 litres of duty evaded Italian Wine – some in 70cl bottles some in 1 litre bottles
- 76 litres of duty evaded sparkling Italian wine – some in 70cl bottles, some in 1 litre bottles – (Total of 232 Litres)
- 3.5kgs of duty evaded shisha (70 x 50 gram) packs

Duty payable on wine is £2.66 per litre and £3.41 per litre on sparkling wine meaning the duty evaded on the seized wine alone was £674.12 [(156 x 2.66 =£414.96) (76 x 3.41= £259.16)].

Seven days later on 7<sup>th</sup> February 2014 at 00:20 hours, two Southwark Council Licensing Officers visited the shop where alcohol was still being sold to members of the public in breach of the 23:00 hours cut off time. Alcohol in the form of a can of Guinness was purchased.

Trading Standards enforce The Licensing Act 2003 with regard to the sale of alcohol to persons under the age of 18 and also The Children and Young Persons Act 1933 with regard to the sale of cigarettes to children. In order to do this, as permitted by the Act, it will carry out test purchasing exercises using a person who is (and looks) under the legal age to purchase these age restricted products.

Four days after the "after hours" test purchase at around 3.30pm on Tuesday 11<sup>th</sup> February 2014, Trading Standards carried out such an exercise. A 14 year old female volunteer was asked to attempt the purchase of alcohol. She was instructed behave in accordance with the Code of Practice endorsed by The Home Office. In brief, she was to be truthful and dress in a manner consistent with her age. She was observed in the shop by a female officer from Southwark Council who was not to appear to be with her and acted as an ordinary customer. She took a bottle of Malibu Z Pear to the counter and the man behind the counter said nothing to her. He took her money and gave her change. She then asked for a packet of "10 Marlboro" cigarettes. Again he said nothing to her, took her money, gave her change and she then left to shop.

The Trading Standards Officer returned to the shop a couple of minutes later and spoke to the man who identified himself as Abdul Wali. He said he did not hold a personal licence. When asked to show the refused sales book he said they did not use one and when asked about training records he said there were not any.

On 22 January 2014, prior to these three visits, a Trading Standards Officer carried out an advisory visit to assess compliance with the licence and age restricted goods generally. During his visit, where he identified matters requiring attention, he explained what needed to be done to comply.

On 12 February 2013, following a complaint Trading Standards visited the shop and inspected the tobacco for sale. On sale was shisha tobacco which failed to comply with the safety requirements of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations and the Consumer Protection Act. In brief, all tobacco

products have to be "approved" by The Department of Health and be labelled with prescribed pictures and words warning of the health implications of smoking such products. None of the shisha on sale complied and no duty had been paid. These products amounted to 6.8 kilograms of tobacco. Duty amounting to around £115 per kilogram is payable meaning on this amount alone some £800 duty had been evaded. The product was seized.

Trading Standards say the details above indicate The Premise Licence Holder has little regard to what age restricted product is sold or to whom or even when. Staff seem to have had little or no training and have little regard to the law or the conditions on the alcohol licence. This is exacerbated by the lack of a personal licence holder not being on the premise. The business also appears to be run in a casual manner where goods such as alcohol and shisha tobacco are purchased from unauthorised sources without proper invoice documentation.

Trading Standards invites the licensing sub-committee to consider all options available to it. TS say, adding conditions to a licence where there is this disregard and/or lacking of understanding would appear to be of little value in achieving compliance and the objectives of The Licensing Act of protecting children from harm and preventing crime and disorder.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

|  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|
|  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|

**If you have made representations before relating to this premises please state what they were and when you made them**

**Please tick yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures (please read guidance note 3)**

**Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.**

Signature

Date

6 March 2014

Capacity

Trading Standards officer acting on behalf of Southwark Council

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)**

Post town

Post Code

Telephone number (if any)

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



# Licensing Act 2003

## Premises Licence

### APPENDIX B



Environmental Health & Trading Standards  
Licensing Unit  
Chaplin Centre  
Thurlow Street  
London SE17 2DG

Premises licence number

833995

#### Part 1 - Premises details

|   |                             |
|---|-----------------------------|
| <b>Postal address of premises, or if none, ordnance survey map reference or description</b> |                             |
| RIGHT PRICE SUPERMARKET<br>214-216 Borough High Street<br>London<br>SE1 1JX                 |                             |
| Ordnance survey map reference (if applicable),<br>179734532379                              |                             |
| <b>Post town</b><br>London  | <b>Post code</b><br>SE1 1JX |
| <b>Telephone number</b><br>020 7407 1028  |                             |

|  |
|--|
| <b>Where the licence is time limited the dates</b> |
|--|

|  |
|--|
| <b>Licensable activities authorised by the licence</b> |
| Sale by retail of alcohol to be consumed off premises  |

|   |
|---|
| <b>The opening hours of the premises</b>        |
| For any non standard timings see <b>Annex 2</b> |
| Monday 00:00 - 00:00                            |
| Tuesday 00:00 - 00:00                           |
| Wednesday 00:00 - 00:00                         |
| Thursday 00:00 - 00:00                          |
| Friday 00:00 - 00:00                            |
| Saturday 00:00 - 00:00                          |
| Sunday 00:00 - 00:00                            |

|   |
|---|
| <b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies</b> |
| Sale by retail of alcohol to be consumed off premises   |

**The times the licence authorises the carrying out of licensable activities**

For any non standard timings see Annex 2 of the full premises licence

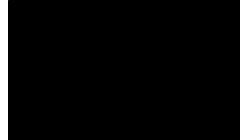
**Sale by retail of alcohol to be consumed off premises**

|           |               |
|-----------|---------------|
| Monday    | 07:00 - 23:00 |
| Tuesday   | 07:00 - 23:00 |
| Wednesday | 07:00 - 23:00 |
| Thursday  | 07:00 - 23:00 |
| Friday    | 07:00 - 23:00 |
| Saturday  | 07:00 - 23:00 |
| Sunday    | 07:00 - 23:00 |

**Part 2**

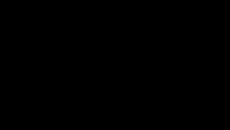
**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Shahmamood Daulatzai



**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**



**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence No. 175486

Authority L B Brent

Licence Issue date 21/02/2011

Community Safety Enforcement  
Business Unit Manager  
Chaplin Centre  
Thurlow Street  
London SE17 2DG  
020 7525 5748  
licensing@southwark.gov.uk

**Annex 1 - Mandatory conditions**

**100** No supply of alcohol may be made under the Premises Licence -

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

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

**488** (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2). The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

**Annex 2 - Conditions consistent with the operating Schedule**

**124** Alcohol shall not be sold or supplied except during the permitted hours. The above restrictions do not prohibit:

- i) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel
- ii) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- iii) The sale of alcohol to a trader or club for the purposes of the trade or club;
- iv) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

**125** Alcohol shall not be sold in an open container or be consumed in the licensed premises.

**127** Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:

**288** That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times both inside and outside the premises

**289** 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 thirty one (31) days

**336** A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied

**340** That there shall be a recognised training scheme for all staff supplying intoxicating liquor.

**Annex 3 - Conditions attached after a hearing by the licensing authority**

**Annex 4 - Plans - Attached**

Licence No. 833995

Plan No. N/A

Plan Date Sept 2005

# MEMO: Licensing

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**To** Licensing Regen      **Date** 02 April 2014

**Copies**

**From** David Swaby      **Telephone** 020 7525 5688      **Fax** 020 7525 5705

**Email** David.Swaby@southwark.gov.uk

---

**Subject** REVIEW APPLICATION - RIGHT PRICE SUPERMARKET 214-216  
BOROUGH HIGH STREET SE1

I write as the Responsible Authority to make a representation under the Licensing Objective(s) of Crime and Disorder and Protection of Children from Harm. I fully support the review application as entered by Trading Standards.

I draw your attention to page 3 and 4 of the application which states the breaches of the premises licence, under the Act.

The breaches of the premises licence conditions are on their own, an indication that the premises licence holder has either deliberately or carelessly breached the conditions of the premises licence. Whether either deliberately or carelessly, the failure to run a licensed premises correctly can have negative effect on the surrounding community, as it can allow the passage of crime and disorder to occur, and fail to protect children in a regulated environment.

The list of breaches under the Trading Standards legislation as stated on pages 5,6 and 7 is a further indication of the level and lack of commitment to operate the licensed premises within the law.

I have no doubt in my mind as the Responsible Authority that this matter should be brought before the Licensing Sub-Committee for their attention and consideration.

## APPENDIX D

Your reference:



Our reference: MD/21/2480/14

Date: 2nd April 2014

**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

[graham.white4@met.police.uk](mailto:graham.white4@met.police.uk)

Tel: 020 7232 6756

Dear Sir/Madam

**Right Price Supermarket 214-216 Borough High Street SE1 3TP**

Police are in receipt of an application for the review of the above premises licence submitted by Bill Masini of Southwark councils Trading Standards team.

The application sites several breaches of the premises licence and a number of offences contrary to the Licensing act 2003 and the consumer protection act 1987.

Under the Licensing act 2003 the Police are charged with the responsibility for the prevention of crime and disorder licensing objective.

On inspection of the submitted application, it appears that the premises known as Right Price Supermarket 214-216 Borough High Street have been showing scant regard for the licensing objectives in relation to the prevention of crime and the protection of children from harm.

**APPENDIX D**

The premises have been operating outside of their licensing conditions, in particular those designed to reduce the impact the premises has on crime and disorder.

In addition they have been operating in such a manner that they have been found committing offences under the consumer protection act, the protection of young persons act 1933 and several offences against the Licensing act 2003.

As such I have no faith in the current management and running of the premises. A premise that operates outside of the conditions already imposed is one that clearly shows no regard for the licensing objectives. I therefore recommend that the consent to sell alcohol and operate as licensed premises is removed.

Police offer their full support in the application to review the premises licence for Right Price Supermarket.

**Ian Clements**

Licensing Officer Southwark Borough

 Phone: 0207 232 6756

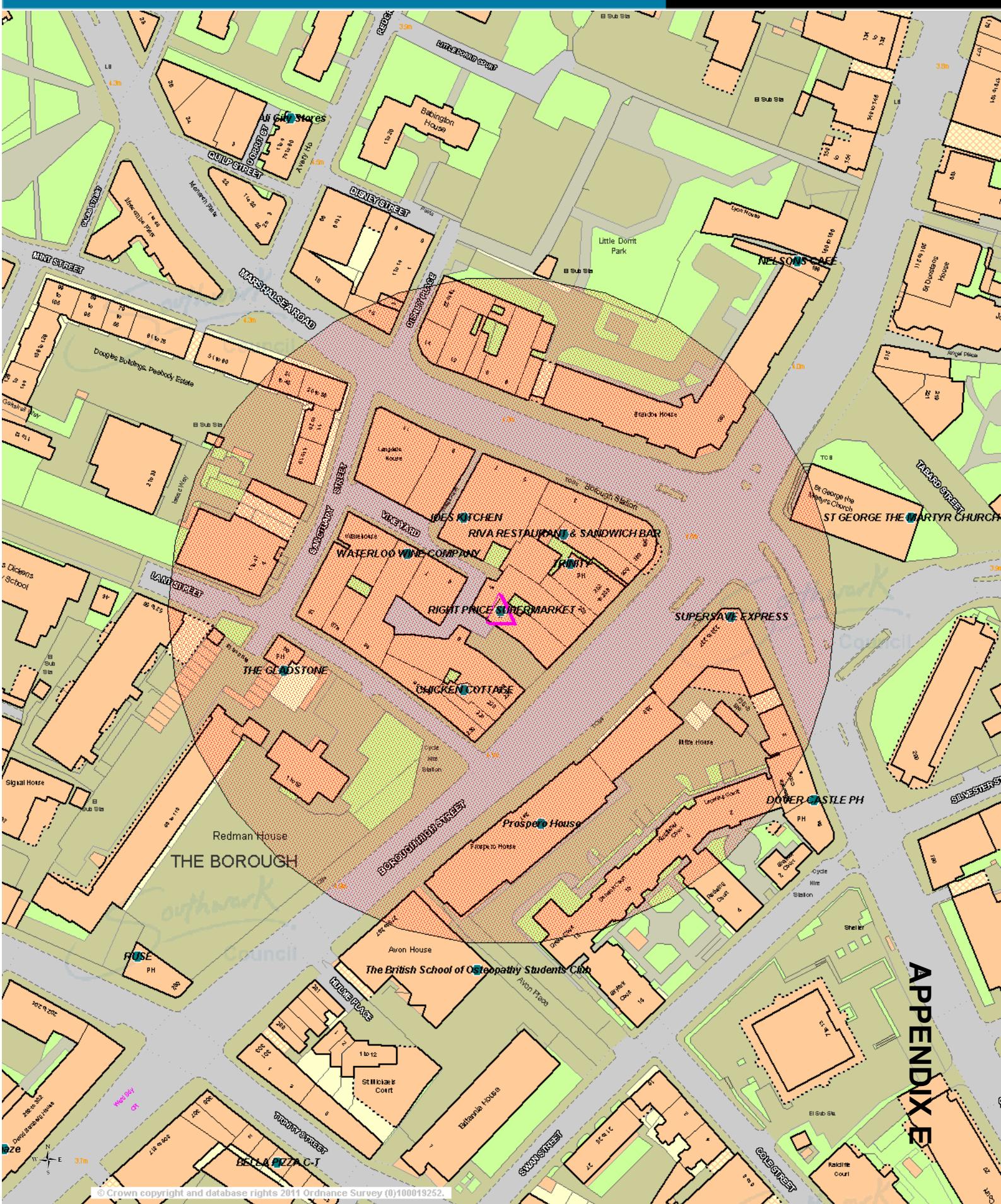
 Mobile: 07974836444

 Fax:

 E-mail: [ian.clements@met.police.uk](mailto:ian.clements@met.police.uk)

 Mail: Licensing Office Southwark Police Station  
323 Borough High Street  
SE1 2ER

Date 23/4/2014



# Agenda Item 7

|                                    |                                |  |   |
|------------------------------------|--------------------------------|--|---|
| <b>Item No.</b><br>7.              | <b>Classification:</b><br>Open | <b>Date:</b><br>6 May 2014   | <b>Meeting Name:</b><br>Licensing Sub-Committee |
| <b>Report title:</b>               |                                | Licensing Act 2003: Sainsbury's, 58 Great Dover Street, London SE1 4YF |   |
| <b>Ward(s) or groups affected:</b> |                                | Chaucer  |   |
| <b>From:</b>                       |                                | Strategic Director of Environment and Leisure                          |   |

## RECOMMENDATION

1. That the licensing sub-committee considers an application made by Sainsbury's Supermarket Ltd for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Sainsbury's, 58 Great Dover Street, London SE1 4YF.

### Notes:

2. This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to representations from a responsible authority (which has been conciliated) and an other person, and is therefore referred to the sub-committee for determination.
3. Paragraphs 9 to 11 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix A.
4. Paragraphs 12 to 14 of this report deal with the representations submitted in regards to the premises licence application. A copy of the representations are attached as Appendices B and C.

## BACKGROUND INFORMATION

### The Licensing Act 2003

5. The Licensing Act 2003 received royal assent on 10 July 2003. The Act provides a new licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
 Within Southwark, this council wholly administers the licensing responsibility.
6. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.

7. In carrying out its licensing functions, a licensing authority must also have regard to:
  - The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The Licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
8. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence application**

9. On 7 March 2014 Sainsbury's Supermarkets Ltd applied to this council for the grant of a new premises licence in respect of the premises known as Sainsbury's, 58 Great Dover Street, London SE1 4YF.
10. The application is summarised as follows:
  - To allow the supply of alcohol to be consumed off the premises between 07.00 and 23.00, 7 days a week
  - Opening hours: 00.00 to 00.00, 7 days a week.
11. The premises licence application form provides the applicant's operating schedule. Parts J, K, L and M set out the proposed operating hours and operational control measures in full, with reference to the four licensing objectives as defined in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to the licence. A copy of the application is attached to this report as Appendix A.

### **Representations from responsible authorities**

12. The Metropolitan Police Service have submitted a representation requesting additional conditions to address the prevention of crime and disorder. Their submission includes six conditions to add to the licence issued in regards to the application.
13. Agreement has been reached between the two parties and a copy of the correspondence in relation to the Metropolitan Police Service's representation is attached as Appendix B.

### **Representations from other persons**

14. A representation has been submitted by an other person, namely a local residents' management company. The representation deals with concerns that the proposed operation of the premises may give rise to noise nuisance in the vicinity of the premises. This representation was forwarded to the applicant, however at the time of writing this report, this representation had not been conciliated.

### **Equalities Act**

15. The Southwark Disablement Association has no comments regarding this application.

### **Operating history**

16. The applicant currently holds ten premises licences within Southwark, with two applications in progress. There have been no issues with the operators to date.

### **The local area**

17. A map of the area that the premises are located in is attached to this report as appendix D. For ease of reference a 100m radius has been used. The following licensed premises are shown on the map:

The Roebuck, 50 Great Dover St, London, SE1 4YG:

Hours: Sun to Thurs 10.00 – 00.00, Fri and Sat 10.00 – 01.30.

Licensed for: films, late night refreshment, live music, recorded music, sale of alcohol on and off the premises

Royal Food & Wine, 59 – 60 Great Dover St, London SE1 4YF:

Hours: Mon to Sat 08.00 – 23.00, Sun 10.00 – 22.30

Licensed for: sale of alcohol off the premises.

### **Southwark Council Statement of Licensing Policy**

18. Council assembly approved the third revision of Southwark's statement of licensing policy on 12 October 2011. Sections of the statement that are considered to be of particular relevance to this application are:

- Section 3 which sets out the purpose and scope of the policy and reinforces the four licensing objectives
- Section 5 which sets out the council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence
- Section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant Articles under the Human Rights Act 1998
- Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
- Section 8 provides general guidance on ensuring public safety including safe capacities
- Section 9 provides general guidance on the prevention of nuisance
- Section 10 provides general guidance on the protection of children from harm.

19. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the

applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

### **Resource implications**

20. A fee of £635.00 being the statutory fee payable for premises within non-domestic rateable value band D has been paid by the applicant company in respect of this application.

### **Consultations**

21. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was published in a local newspaper and a similar notice exhibited outside of the premises for a period of 28 consecutive days.

### **Community impact statement**

22. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Legal Services**

23. The sub-committee is asked to determine the application for a premises licence under Section 17 of the Licensing Act 2003.
24. The principles which sub-committee members must apply are set out below.

### **Principles for making the determination**

25. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
26. Relevant representations are those which:
  - Are about the likely effect of the granting of the application on the promotion of the licensing objectives
  - Are made by an interested party or responsible authority
  - Have not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
27. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
  - (a) to grant the licence subject to:

- The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives
- Any condition which must under section 19, 20 or 21 be included in the licence.

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates

(c) to refuse to specify a person in the licence as the premises supervisor

(d) to reject the application.

### **Conditions**

28. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.

29. The four licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of nuisance
- The protection of children from harm.

30. Members should note that each objective is of equal importance. There are no other licensing objectives, and the four objectives are paramount considerations at all times.

31. Conditions will not be appropriate if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.

32. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

### **Reasons**

33. If the sub-committee determines that it is necessary to modify the conditions, or to refuse the application for a premises licence application, it must give reasons for its decision.

### **Hearing procedures**

34. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:

- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the representations.

- Members of the authority are free to ask any question of any party or other person appearing at the hearing.
- The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
  1. Address the authority
  2. If given permission by the committee, question any other party.
  3. In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
- The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
- The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
- In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

35. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

#### **Council's multiple roles and the role of the licensing sub-committee**

36. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.

37. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.

38. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.

39. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
40. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
41. The sub-committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
42. Under the Human Rights Act 1998 the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
43. Interested parties, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

### **Guidance**

44. Members are required to have regard to the DCMS guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

### **BACKGROUND DOCUMENTS**

| <b>Background Papers</b>  | <b>Held At</b>   | <b>Contact</b>                   |
|---|--|----------------------------------|
| Licensing Act 2003<br>DCMS Guidance to the Act<br>Secondary Regulations<br>Southwark Statement of Licensing Policy<br>Case file | Southwark Council<br>Licensing<br>Hub 2, 3rd Floor<br>160 Tooley Street<br>SE1 2QH | Kirty Read<br>Tel: 020 7525 5748 |

## APPENDICES

| Name       | Title   |
|------------|---|
| Appendix A | Premises licence application                                |
| Appendix B | Metropolitan Police Service representation and conciliation |
| Appendix C | Other persons representation and correspondence             |
| Appendix D | Map of the local area                                       |

## AUDIT TRAIL

|   |  |                          |
|---|--|--------------------------|
| <b>Lead Officer</b>   | Deborah Collins, Strategic Director of Environment and Leisure |                          |
| <b>Report Author</b>  | Kristie Ashenden, Principal Licensing Officer                  |                          |
| <b>Version</b>  | Final  |                          |
| <b>Dated</b>  | 15 April 2014  |                          |
| <b>Key Decision?</b>  | No   |                          |
| <b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b> |  |                          |
| <b>Officer Title</b>  | <b>Comments sought</b>   | <b>Comments included</b> |
| Director of Legal Services  | Yes  | Yes                      |
| Strategic Director of Finance and Corporate Services                    | No   | No                       |
| <b>Cabinet Member</b>   | No   | No                       |
| <b>Date final report sent to Constitutional Team</b>                    | 15 April 2014  |                          |

RECEIVED

07 MAR 2014

**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We Sainsbury's Supermarkets Ltd

*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises Details**

**Postal address of premises or, if none, ordnance survey map reference or description**  
Sainsbury's  
58 Great Dover Street  
Southwark

|           |        |           |         |
|-----------|--------|-----------|---------|
| Post town | London | Post code | SE1 4YF |
|-----------|--------|-----------|---------|

|   |   |
|---|---|
| Telephone number at premises (if any)   |   |
| Non-domestic rateable value of premises | £ |

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick yes

|   |   |
|---|---|
| a) an individual or individuals *               | <input type="checkbox"/> please complete section (A)            |
| b) a person other than an individual *          | <input checked="" type="checkbox"/> please complete section (B) |
| i. as a limited company                         | <input type="checkbox"/> please complete section (B)            |
| ii. as a partnership                            | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or        | <input type="checkbox"/> please complete section (B)            |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B)            |
| c) a recognised club                            | <input type="checkbox"/> please complete section (B)            |

## COMMODITY

A. M. VASQUEZ

d) a charity  please complete section (B)

e) the proprietor of an educational establishment  please complete section (B)

f) a health service body  please complete section (B)

g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)

ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)

h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

|   |                              |                               |  |                                |  |
|---|------------------------------|-------------------------------|--|--------------------------------|--|
| Mr <input type="checkbox"/>                               | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/>              | Other Title (for example, Rev) |  |
| Surname   |                              | First names                   |  |                                |  |
| I am 18 years old or over                                 |                              |                               | <input type="checkbox"/> Please tick yes |                                |  |
| Current postal address if different from premises address |                              |                               |  |                                |  |
| Post Town   |                              |                               |  | Postcode                       |  |
| Daytime contact telephone number                          |                              |                               |  |                                |  |
| E-mail address (optional)                                 |                              |                               |  |                                |  |

**SECOND INDIVIDUAL APPLICANT (if applicable)**

|   |                              |                               |  |                                |  |
|---|------------------------------|-------------------------------|--|--------------------------------|--|
| Mr <input type="checkbox"/>                               | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/>              | Other Title (for example, Rev) |  |
| Surname   |                              | First names                   |  |                                |  |
| I am 18 years old or over                                 |                              |                               | <input type="checkbox"/> Please tick yes |                                |  |
| Current postal address if different from premises address |                              |                               |  |                                |  |
| Post Town   |                              |                               |  | Postcode                       |  |
| Daytime contact telephone number                          |                              |                               |  |                                |  |
| E-mail address (optional)                                 |                              |                               |  |                                |  |

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

|  |
|--|
| Name<br>Sainsbury's Supermarkets Ltd   |
| Address<br>33 Holborn<br>London<br>EC1N 2HT  |
| Registered number (where applicable)<br>03261722   |
| Description of applicant (for example, partnership, company, unincorporated association etc.)<br>Company |
| Telephone number (if any)<br>020 7695 6000   |
| E-mail address (optional)<br>N/A   |

**Part 3 Operating Schedule**

When do you want the premises licence to start?

|     |       |      |
|-----|-------|------|
| Day | Month | Year |
| 05  | 04    | 2014 |

If you wish the licence to be valid only for a limited period, when do you want it to end?

|     |       |      |
|-----|-------|------|
| Day | Month | Year |
|     |       |      |

Please give a general description of the premises (please read guidance note1)

A supermarket which is to sell a broad range of groceries, household products and alcohol.

Situated at 58 Dover Street, Southwark, London, SE1 4YF.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

|  |
|--|
|  |
|--|

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment****Please tick yes**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I) **Supply of alcohol** (if ticking yes, fill in box J) **In all cases complete boxes K, L and M**

A

|   |       |        |  |                          |
|---|-------|--------|--|--------------------------|
| <b>Plays</b><br>Standard days and timings (please read guidance note 6) |       |        | <b>Will the performance of a play take place indoors or outdoors or both – please tick</b><br>(please read guidance note 2)  |                          |
| Day   | Start | Finish | Indoors  | <input type="checkbox"/> |
| Mon   |       |        | Outdoors   | <input type="checkbox"/> |
| Tue   |       |        | Both   | <input type="checkbox"/> |
| Wed   |       |        | <b>State any seasonal variations for performing plays</b> (please read guidance note 4)  |                          |
| Thur  |       |        |  |                          |
| Fri   |       |        | <b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5) |                          |
| Sat   |       |        |  |                          |
| Sun   |       |        |  |                          |

**B**

|   |       |        |   |                          |
|---|-------|--------|---|--------------------------|
| <b>Films</b><br>Standard days and timings (please read guidance note 6) |       |        | <b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)  |                          |
|   |       |        | Indoors   | <input type="checkbox"/> |
|   |       |        | Outdoors  | <input type="checkbox"/> |
|   |       |        | Both  | <input type="checkbox"/> |
| Day   | Start | Finish | <b>Please give further details here</b> (please read guidance note 3)   |                          |
| Mon   |       |        |   |                          |
|   |       |        |   |                          |
| Tue   |       |        |   |                          |
|   |       |        |   |                          |
| Wed   |       |        | <b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)  |                          |
|   |       |        |   |                          |
| Thur  |       |        |   |                          |
|   |       |        |   |                          |
| Fri   |       |        | <b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5) |                          |
|   |       |        |   |                          |
| Sat   |       |        |   |                          |
|   |       |        |   |                          |
| Sun   |       |        |   |                          |
|   |       |        |   |                          |

C

|  |       |        |   |
|--|-------|--------|---|
| <b>Indoor sporting events</b><br>Standard days and timings (please read guidance note 6) |       |        | <b><u>Please give further details</u></b> (please read guidance note 3)   |
| Day  | Start | Finish |   |
| Mon  |       |        |   |
|  |       |        |   |
| Tue  |       |        | <b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)  |
|  |       |        |   |
| Wed  |       |        |   |
|  |       |        |   |
| Thur   |       |        | <b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) |
|  |       |        |   |
| Fri  |       |        |   |
|  |       |        |   |
| Sat  |       |        |   |
|  |       |        |   |
| Sun  |       |        |   |
|  |       |        |   |

D

|  |       |        |  |                          |
|--|-------|--------|--|--------------------------|
| <b>Boxing or wrestling entertainments</b><br>Standard days and timings (please read guidance note 6) |       |        | <b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</b>  |                          |
| Day  | Start | Finish | Indoors  | <input type="checkbox"/> |
| Mon  |       |        | Outdoors   | <input type="checkbox"/> |
| Tue  |       |        | Both   | <input type="checkbox"/> |
| Wed  |       |        | <b><u>Please give further details here</u> (please read guidance note 3)</b>   |                          |
| Thur   |       |        | <b><u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)</b>  |                          |
| Fri  |       |        | <b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</b> |                          |
| Sat  |       |        |  |                          |
| Sun  |       |        |  |                          |

## E

|   |       |        |   |                          |
|---|-------|--------|---|--------------------------|
| Live music<br>Standard days and timings (please read guidance note 6) |       |        | <u>Will the performance of live music take place indoors or outdoors or both – please tick</u><br>(please read guidance note 2)   |                          |
| Day   | Start | Finish | Indoors   | <input type="checkbox"/> |
| Mon   |       |        | Outdoors  | <input type="checkbox"/> |
| Tue   |       |        | Both  | <input type="checkbox"/> |
| Wed   |       |        | <u>State any seasonal variations for the performance of live music</u><br>(please read guidance note 4)   |                          |
| Thur  |       |        |   |                          |
| Fri   |       |        | <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) |                          |
| Sat   |       |        |   |                          |
| Sun   |       |        |   |                          |

## F

|  |   |        |   |                          |
|--|---|--------|---|--------------------------|
| <b>Recorded music</b><br>Standard days and timings (please read guidance note 6) |   |        | <b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b><br>(please read guidance note 2) |                          |
| Day  | Start   | Finish | Indoors   | <input type="checkbox"/> |
|  |   |        | Outdoors  | <input type="checkbox"/> |
|  |   |        | Both  | <input type="checkbox"/> |
| Mon  | <b>Please give further details here</b> (please read guidance note 3)   |        |   |                          |
| Tue  |   |        |   |                          |
| Wed  | <b>State any seasonal variations for the playing of recorded music</b><br>(please read guidance note 4)   |        |   |                          |
| Thur   |   |        |   |                          |
| Fri  | <b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) |        |   |                          |
| Sat  |   |        |   |                          |
| Sun  |   |        |   |                          |

G

|   |       |        |  |                          |
|---|-------|--------|--|--------------------------|
| <b>Performances of dance</b><br>Standard days and timings (please read guidance note 6) |       |        | <b>Will the performance of dance take place indoors or outdoors or both – please tick</b><br>(please read guidance note 2)   |                          |
| Day   | Start | Finish | Indoors  | <input type="checkbox"/> |
| Mon   |       |        | Outdoors   | <input type="checkbox"/> |
| Tue   |       |        | Both   | <input type="checkbox"/> |
| Wed   |       |        | <b>Please give further details here</b> (please read guidance note 3)  |                          |
| Thur  |       |        | <b>State any seasonal variations for the performance of dance</b><br>(please read guidance note 4)   |                          |
| Fri   |       |        | <b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5) |                          |
| Sat   |       |        |  |                          |
| Sun   |       |        |  |                          |

## H

|   |       |        |   |  |  |
|---|-------|--------|---|--|--|
| <p><b>Anything of a similar description to that falling within (e), (f) or (g)</b><br/>           Standard days and timings (please read guidance note 6)</p> |       |        | <p><b><u>Please give a description of the type of entertainment you will be providing</u></b></p>   |  |  |
| Day   | Start | Finish | <p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)</p>   |  |  |
| Mon   |       |        | <input type="checkbox"/> Indoors  |  |  |
|   |       |        | <input type="checkbox"/> Outdoors   |  |  |
| Tue   |       |        | <input type="checkbox"/> Both   |  |  |
|   |       |        | <p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>   |  |  |
| Wed   |       |        |   |  |  |
|   |       |        |   |  |  |
| Thur  |       |        | <p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)</p>  |  |  |
|   |       |        |   |  |  |
| Fri   |       |        |   |  |  |
|   |       |        |   |  |  |
| Sat   |       |        | <p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)</p> |  |  |
|   |       |        |   |  |  |
| Sun   |       |        |   |  |  |
|   |       |        |   |  |  |

|  |       |        |  |  |          |                          |
|--|-------|--------|--|--|----------|--------------------------|
| <b>Late night refreshment</b><br>Standard days and timings (please read guidance note 6) |       |        | <b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)</b>   |  | Indoors  | <input type="checkbox"/> |
|  |       |        |  |  | Outdoors | <input type="checkbox"/> |
|  |       |        |  |  | Both     | <input type="checkbox"/> |
| Day  | Start | Finish | <u>Please give further details here (please read guidance note 3)</u>  |  |          |                          |
|  | Mon   |        |  |  |          |                          |
| Tue  |       |        |  |  |          |                          |
|  |       |        |  |  |          |                          |
| Wed  |       |        | <u>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</u>   |  |          |                          |
|  |       |        |  |  |          |                          |
| Thur   |       |        |  |  |          |                          |
|  |       |        |  |  |          |                          |
| Fri  |       |        | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)</u> |  |          |                          |
|  |       |        |  |  |          |                          |
| Sat  |       |        |  |  |          |                          |
|  |       |        |  |  |          |                          |
| Sun  |       |        |  |  |          |                          |
|  |       |        |  |  |          |                          |

J

|  |       |        |   |                  |                                     |
|--|-------|--------|---|------------------|-------------------------------------|
| Supply of alcohol<br>Standard days and timings (please read guidance note 6)                 |       |        | <b>Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)</b>  | On the premises  | <input type="checkbox"/>            |
| Day  | Start | Finish |   | Off the premises | <input checked="" type="checkbox"/> |
| Mon  | 0700  | 2300   |   | Both             | <input type="checkbox"/>            |
| <b>State any seasonal variations for the supply of alcohol (please read guidance note 4)</b> |       |        |   |                  |                                     |
| Tue  | 0700  | 2300   |   |                  |                                     |
| Wed  | 0700  | 2300   |   |                  |                                     |
| Thur   | 0700  | 2300   | <b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</b> |                  |                                     |
| Fri  | 0700  | 2300   |   |                  |                                     |
| Sat  | 0700  | 2300   |   |                  |                                     |
| Sun  | 0700  | 2300   |   |                  |                                     |

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

|  |               |
|--|---------------|
| Name   | Joanne Surguy |
| Address  | [REDACTED]    |
| Postcode   | [REDACTED]    |
| Personal Licence number (if known)<br>06/00209/BEXLEY/LI           |               |
| Issuing Licensing authority (if known)<br>London Borough of Bexley |               |

## K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**

The premises will sell other age restricted products.

## L

| <b>Hours premises are open to the public</b><br>Standard days and timings (please read guidance note 6) |       |        | <b>State any seasonal variations</b> (please read guidance note 4)  |
|---|-------|--------|---|
| Day   | Start | Finish |   |
| Mon   | 0000  | 2400   | The opening hours of the store are not a licensable activity and the applicant asks that the hours not be restricted by the premises licence.   |
| Tue   | 0000  | 2400   |   |
| Wed   | 0000  | 2400   |   |
| Thur  | 0000  | 2400   | <b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5) |
| Fri   | 0000  | 2400   |   |
| Sat   | 0000  | 2400   |   |
| Sun   | 0000  | 2400   |   |

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

**b) The prevention of crime and disorder**

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
6. The system will display, on any recording, the correct time and date of the recording.
7. Alcohol will be covered by lockable shutters/screens outside the permitted hours for the sale of alcohol.
8. There shall be no self-service of alcohol within 2 metres of the entrance doors.
9. No super-strength beer, lagers or ciders of 7.0% ABV (alcohol by volume) or above shall be sold at the premises unless written permission (email will suffice) is obtained from the Police Licensing Officer. Such permission must be kept at the premises and made available immediately on request to relevant authorities.

**c) Public safety**

The premises licence holder will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the licensing authority and police.

**d) The prevention of public nuisance**

Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

**e) The protection of children from harm**

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.
2. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:
  - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
  - Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be kept at the premises available for inspection by a police officer or licensing officer on request.

**Please tick yes**

I have made or enclosed payment of the fee

I have enclosed the plan of the premises

I have sent copies of this application and the plan to responsible authorities and others where applicable

I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable

I understand that I must now advertise my application

I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.**

|           |   |
|-----------|---|
| Signature | [REDACTED]  |
| Date      | 6 March 2014  |
| Capacity  | Solicitors duly authorised on behalf of the Applicant |

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.**

|           |  |
|-----------|--|
| Signature |  |
| Date      |  |
| Capacity  |  |

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)**

Winckworth Sherwood LLP  
(Ref: EMF/26508/1738/RPB)  
Minerva House  
5 Montague Close

|  |        |               |         |
|--|--------|---------------|---------|
| Post town  | London | Post code     | SE1 9BB |
| Telephone number (if any)  |        | 020 7593 5155 |         |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional)<br>[REDACTED] |        |               |         |

**Notes for Guidance**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.



Our reference: MD/21/2475/14

Date: 25/03/2014

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 2ER**

Tel: 020 -7232 6756

Dear Sir/Madam

**Sainsbury's, 58 Great Dover Street, London SE1 4YF**

Police are in receipt of an application from the above for a New Premises Licence. Police would like to see the following control measures placed on the premise licence to address the prevention of crime and disorder licensing objective.

Some of the following conditions may have been already offered by the applicant as part of the operating schedule but the wording of each condition is vital to negate any ambiguity.

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. That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to Officers of the Police and the Council
3. 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.

4. No beers / ciders in single cans, bottles or multi-packs with an ABV of above 7% will be displayed / sold or offered for sale from the premises unless written permission (email will suffice) is obtained from the Police Licensing Officer. Such permission must be kept at the premises and made available immediately on request to relevant authorities.
5. No Alcohol to be displayed or stored within 2 metres of the entrance door.
6. If the premises are open to the public when the licence is not in operation all alcohol shall be stored in a locked cabernet/cooler/Fridge or behind the counter.

The Following is submitted for your consideration, Police would welcome the opportunity to conciliate should the need arise.

**PC Graham White 288MD**  
Southwark Police Licensing Unit  
Tel: 0207 232 6756 (26756)  
Mob: 07595 011458  
Graham.White4@met.police.uk

**Ashenden, Kristie**

---

**From:** [REDACTED]  
**Sent:** 08 April 2014 08:39  
**To:** Ashenden, Kristie  
**Subject:** Sainsbury's, 58 Great Dover Street, London, SE1 4YF (26508/1756)

Kristie,  
Please see below, i have checked the application again and that will suffice and as such i withdraw my reps.  
thanks  
Graham

**PC Graham White 288MD**  
Southwark Police Licensing Unit  
Southwark Police Station  
323 Borough High Street  
London  
SE1 1JL  
Tel: 0207 232 6756 (26756)  
Mob: [REDACTED]  
[REDACTED]

---

**From:** Elaine Finlay [REDACTED]  
**Sent:** 07 April 2014 16:19  
**To:** White Graham S - MD  
**Cc:** 'Ashenden, Kristie'; Robert Botkai  
**Subject:** Sainsbury's, 58 Great Dover Street, London, SE1 4YF (26508/1756)

Dear PC White

I refer to the application for the grant of a premises licence for the above Sainsbury's store and, in particular, to your letter dated 25 March to The Licensing Unit in connection with proposed conditions.

The conditions you propose already form part of the operating schedule (Box M paragraphs b, c, d and e). I note your comment about the wording of conditions may cause ambiguity and, on this basis, our client will agree to amend the following condition:

**Condition 5 in your letter (Condition 8 in box b)**

To replace the condition with your proposed condition:

*'No alcohol to be displayed or stored within 2 metres of the entrance door'.*

Please confirm if you agree to the above amendment and will withdraw your objection. I will then ask the Licensing Authority to amend the application accordingly.

Thank you

Elaine Finlay

Elaine Finlay  
Legal Assistant

T +44 (0) 207 593 5155  
F +44 (0) 207 593 5069  
[REDACTED]

Winckworth  
Sherwood

[www.wslaw.co.uk](http://www.wslaw.co.uk)

Winckworth Sherwood  
Minerva House | 5 Montague Close | London | SE1 9BB | DX 156810 London Bridge 6  
T 020 7593 5000 | F 020 7593 5099

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Find us at:

Facebook: [Facebook.com/metpoliceuk](https://Facebook.com/metpoliceuk)  
Twitter: @metpoliceuk

Ref: 02414/L005cs

4 April 2014

Southwark Licensing Team  
Southwark Borough Council  
Community Safety EHTS  
3<sup>rd</sup> Floor Hub 2  
PO Box 64529  
London  
SE1P 5LX

Dear Sir/Madam

**Objection to Application for Premises License for Sale of Alcohol by Sainsbury's Supermarkets Ltd  
(Application Ref. 844232)  
58 Great Dover Street, Southwark, London, SE1 4YF**

I write on behalf of our clients to object to the above application for a premises license for the sale of alcohol by Sainsbury's at the above site. The objection is made on the grounds that the sale of alcohol would result in noise nuisance and disorder in the locality contrary to licensing objectives.

#### **Background**

Local residents have suffered from nuisance and disturbance relating to the unauthorised use of the application site as a hostel/hotel for many years. Indeed the Council's planning department took enforcement action to seek to address concerns relating to the levels of activity associated with the use which was perceived to impact negatively on the local residential character of the area. The Council's steps to take enforcement action were eventually superseded by events when the Council decided to approve a planning application (ref. 13/AP/0501) for a 52 bedroom hotel at the site. This decision was only taken however on the basis that it would regularise the unauthorised use at the site and provide the Council with the necessary enforceable controls to ensure the use did not adversely impact on the quiet residential nature of the surrounding area in the future.

One of the controls which the Council felt it necessary to impose was a planning condition which bans the introduction of a bar at the premises. The stated reason for imposing this control was to protect the amenity of neighbours and prevent nuisance to local residents.

**Premises Licence Application**

The introduction of a new supermarket (as proposed under planning application ref: 14/AP/0511) together with a licence to sell alcohol, in the event this application is approved, will exacerbate conditions which led the Council to take enforcement action and impose controls on the hotel in the first place. A busy supermarket permitted to sell alcohol between the hours of 7am-11pm 7 days a week will irrevocably change the character of the area. Indeed the sale and consumption of alcohol at this site was of sufficient concern for it to be banned by planning condition at this site, a restriction which remains in place.

If a licence to sell alcohol is granted it will transform the area from a quiet residential location to one which attracts activity throughout the day and evening and would become a destination for people to congregate, encourage anti-social behaviour, nuisance and disorder. This is particularly likely given the proximity of the site to a piazza with seating provided close to the front of the site.

Operating from early morning to late at night every day of the week would mean that local residents would be afforded no respite from the ongoing activity, nuisance and disturbance at the site.

**Conclusion**

Given that existing planning controls at the site prohibit the introduction of a bar at the hotel on the site with the express intention of protecting local amenity and nuisance it would be perverse for a premises license for the sale of alcohol to be permitted. The application should clearly be refused.

I trust that the objections to the application outlined above are clear and will be taken into consideration in the determination of the application.

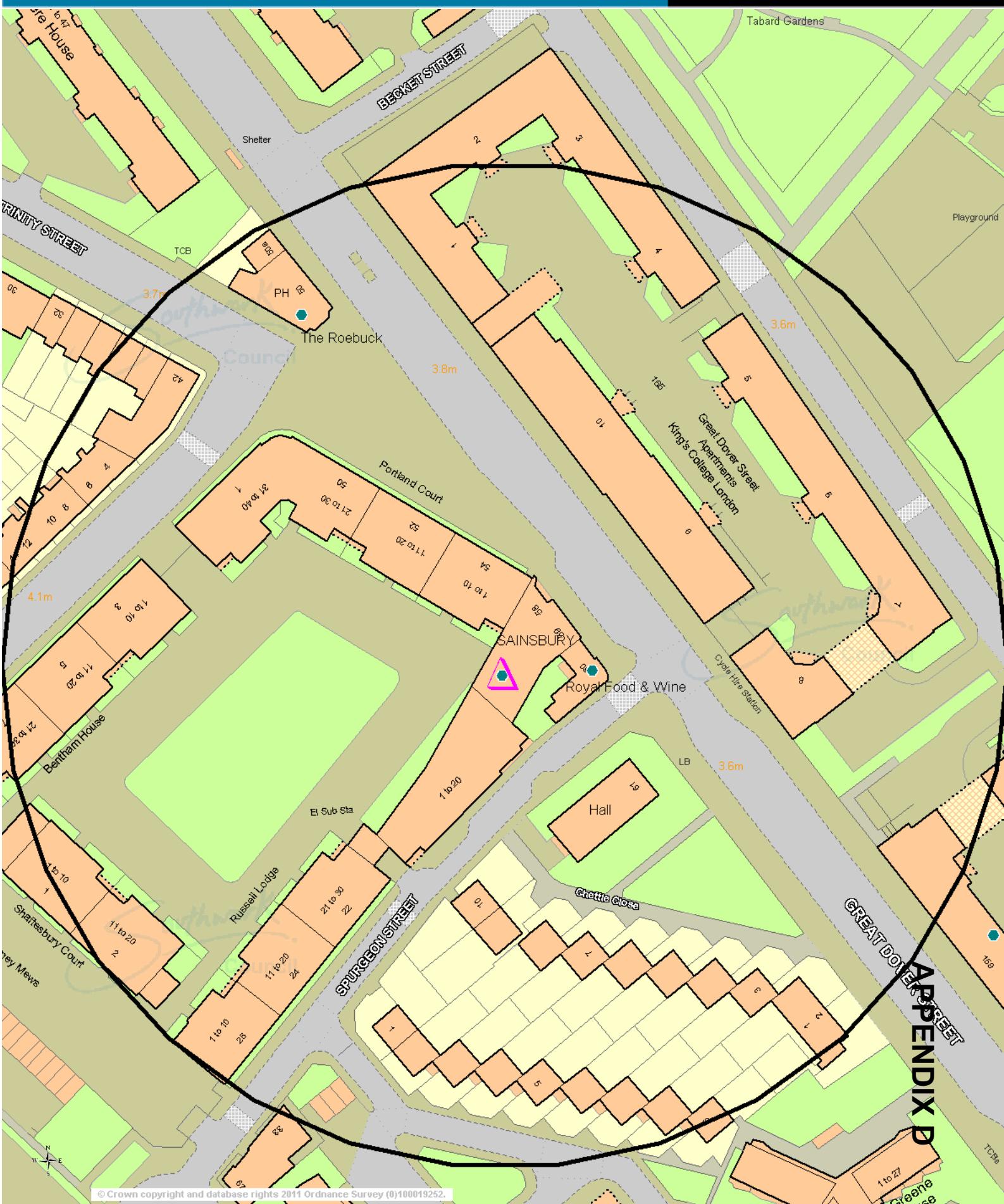
In the event that you have any queries in relation to the content of this letter please do not hesitate to contact either myself or my colleague

Yours sincerely

**Director**

Direct Line:  
Mobile No:

Date 15/4/2014



APPENDIX D

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**LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN)****MUNICIPAL YEAR 2013-14**

**NOTE:** Original held by Constitutional Team; all amendments/queries to  
Andrew Weir Tel: 020 7525 7222

| Name                           | No of copies | Name                             | No of copies |
|--------------------------------|--------------|----------------------------------|--------------|
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| Councillor Lorraien Lauder MBE | 1            | Mark Orton, Licensing team       | 1            |
| Councillor Adele Morris        | 1            | Kristie Ashenden, Licensing team | 1            |
| <b>Reserve</b>                 |              | David Swaby, Licensing team      | 1            |
| Councillor Dora Dixon-Fyle     | 1            | Bill Masini, Trading Standards   | 1            |
|                                |              | Other persons (by post/email)    | (9)          |
|                                |              | Andrew Weir, Constitutional team | 16           |
| <b>Total: 25</b>               |              |                                  |              |
| <b>Dated:</b> 24 April 2014    |              |                                  |              |