

Licensing Sub-Committee

Friday 26 June 2015

10.00 am

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

Membership

Councillor Renata Hamvas (Chair)
Councillor Lorraine Lauder MBE
Councillor Sandra Rhule

Reserves

Councillor Charlie Smith

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact

Andrew Weir on 020 7525 7222 or email: Andrew.weir@southwark.gov.uk
Webpage: www.southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 16 June 2015



Licensing Sub-Committee

Friday 26 June 2015
10.00 am
Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	LICENSING ACT 2003: EXPRESS SUPERSAVE, 109 - 115 BLACKFRIARS ROAD, LONDON SE1 8HW	1 - 29
6.	LICENSING ACT 2003: T & S AFRO COSMETICS FOOD & WINE 213A RYE LANE, LONDON SE15 4TP	30 - 62
7.	LICENSING ACT 2003: BERMONDSEY EXPRESS, 212 JAMAICA ROAD, LONDON SE16 4BD	63 - 95

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT

Item No.

Title

Page No.

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.”

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

Date: 16 June 2015

Item No. 5.	Classification: Open	Date: 26 June 2015	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Express Supersave, 109 – 115 Blackfriars Road, London SE1 8HW	
Ward(s) or groups affected:		Cathedrals	
From:		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 Southwark Council's trading standards service for a review of the premises licence issued in respect of the premises known as Express Supersave, 109-115 Blackfriars Road, London SE1 8HW.
2. Notes:
 - a) The grounds for the review are stated in paragraph 12 to 16 of this report. A copy of the full application is provided as Appendix A.
 - b) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix B.
 - c) This report deals with the representation submitted in regards to the review application. There is no representation in support of this application.
 - d) 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 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
 - 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 issued in respect of the premises known as Express Supersave, 109-115 Blackfriars Road, London SE1 8HW was issued to Tusha Patel and Suresh Patel on 3 August 2011. The licence permits the following licensable activities during the hours shown:
- The sale by retail of alcohol to be consumed off premises
Monday to Sunday 00.00 – 00.00 (24 hour sales)
 - The opening hours of the premises are as follows:
Monday to Sunday 00.00 – 00.00 (24 hour)
10. A copy of the current premises licence is attached to the report as Appendix B.

Designated premises supervisor

11. The designated premises supervisor (DPS) is Suresh Patel who holds a personal licence issued by Croydon Council.

The application for a review of the premises licence

12. On 5 May 2015 an application for the review of the premises licence was submitted by Southwark Council's trading standards service. The grounds for the review relate to the following licensing objectives:
- The prevention of crime and disorder
 - The protection of children from harm.

13. An officer from this council's trading standards service (TS) visited the premises on 13 March 2015 with police officers and the UK Border Force. The visit was to ascertain if the conditions of the premises licence issued in respect of the premises were being adhered to.
14. At the time of the visit a person who was working at the premises claimed to be a customer, however on investigation he was identified as being on a student visa and not permitted to work, he was also being paid £40 for 10 hour shifts – the national minimum wage (him being 30 years) should be £6.50 per hour. TS states that as well as being illegal and unfair on the person working, paying below the "minimum wage" distorts the market place by giving an unfair commercial advantage over any competitor seeking to act in accordance with the law.
15. The TS officer noted breaches of licence conditions 4A1, 4AB that both the training records and refusal books were not maintained in accordance with the licence conditions. (Details of these conditions are shown in the copy of the premises licence attached as Appendix B).
16. In the event the licensing sub-committee does not revoke the licence, TS request it to review the conditions on the existing licence and for the additional conditions which include amendments to the existing conditions to be made. (Details of these conditions are listed in the review application which is attached as Appendix A).

Representations from responsible authorities

17. There are no representations submitted from responsible authorities.

Representations from other persons in support of review application

18. There are no representations submitted by other persons.

Licensing operating history

19. The initial premises licence was issued in respect of the premises on 17 November 2005 to Tushar Patel and Suresh Patel. Suresh Patel has been the DPS to date. The licence granted was for the sale and supply of alcohol on Monday to Sunday from 07.00 till 00.00.
20. On 26 June 2011 an application was submitted to vary the hours of the premises licence to 24 hours. This application was opposed by both the police and trading standards. Both representations were conciliated as the applicant had agreed to conditions proposed by both parties. The licence was therefore granted on 3 August 2011.
21. On 4 May 2013 a licensing officer inspected the premises. Breaches of the licence or the act were noted and so the premises were therefore not compliant. A warning letter dated 7 May 2013 was sent to the licence holder.
22. A revisit was conducted on 24 January 2014 by a licensing officer to ascertain compliance with the breaches noted in the previous visit. The premises were found to be being operating in compliance with the conditions of the premises licence. A compliance letter dated 24 January 2014 was then issued. These letters are attached as Appendix C.

The local area

23. A map of the area is attached to this report as Appendix D. The premises is identified by a diamond 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:

Off licences

- Jeff's Food & Wine, 43 Webber Street, SE1 (Monday to Saturday till 23.00; Sunday till 22.30)

Public and Restaurant

- The Crown, 108 Blackfriars Road, SE1 (Sunday to Thursday till 00.30; Friday and Saturday till 01.30)
- The Laughing Gravy, 154-156 Blackfriars Road, SE1 (Monday to Sunday till 01.45).

Southwark council statement of licensing policy

24. 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 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.

25. 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

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

Consultations

27. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was exhibited outside the premises for a period of 28 days.

Community impact statement

28. 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

29. 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 any other person 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.
30. The principles which sub-committee members must apply are set out below.

Principles for making the determination

31. 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.
32. 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.
33. 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.
34. 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 other person 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.
35. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
36. 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.
37. 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.
38. 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

39. 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

40. 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.
41. 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

42. 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.
43. 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.
44. 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.
45. 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.

46. 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.
47. 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.
48. 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.
49. 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

50. 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

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

BACKGROUND DOCUMENTS

Background papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Copy of the review application
Appendix B	Copy of the premises licence
Appendix C	Copy of letters (both warning and compliance)
Appendix D	Map of area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	12 June 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	12 June 2015	

[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 (On behalf of Trading Standards)

(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

Express Supersave
109-115 Blackfriars Road

Post town London

Post code (if known) SE1 8HW

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

Number of premises licence or club premises certificate (if known)
835061

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 | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

- 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

I am 18 years old or over

Please tick yes

**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

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

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

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

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

- Illegal worker in shop
- Failure to pay employee the minimum wage as required by The National Minimum Wage Act 1998

Protection of children from harm –

- Failure to train staff as required by condition 4AB.
- Failure to maintain a register of refused sales of alcohol as required by condition 4AI

Trading Standards enforce various fair trading laws including The Licensing Act 2003 and carries out joint inspection visits with Southwark's Police Licensing/Night time Economy officers and the UK Immigration Force (UKBF). This is for the purpose of ensuring the conditions on the licence as well as the four objectives under The Licensing Act are adhered to. It is also for the purposes of identifying other criminal offences such as illegal immigrants or illegal workers.

The premise licence permits alcohol to be sold 24 hours a day seven days a week (168 hours) but does require there to be a personal licence holder to be on the premise and on duty at all times that alcohol is supplied between 22:00 and 08:00 hours– (condition 336).

Mid morning on 10 April 2015 Trading Standards carried out a joint visit with the Metropolitan Police and UKBF to this premise. The shop was open to the general public.

On entry, a man later identified as Zeeshan Akram was seen to be working in the shop – filling the shelves. When he saw officers enter the shop he sought to act as a customer purchasing goods and went to the counter to pay for the item he had in his hand and to then leave the shop unnoticed. When challenged by a UKBF officer he denied working at the shop. The man working behind the counter (Mr S.M.Refaet) said Mr Akram had been working at the shop for a short time. The joint premise licence holder (Suresh Patel) who was on the premise, said Zeeshan Akram had worked there for a while. Examination of the CCTV showed Mr Akram to be working at the shop.

Immigration checks showed Mr Akram to be in the UK on a Student Visa but not permitted to work. Mr Akram was arrested by the UKBF officer with a view to he being deported. The business was unable to produce any documentation to show that his employment status had been checked prior to employment.

Mr Refaet was spoken to. He said he had worked at the shop for about three weeks and was paid £40 for a 10 hour shift and that he worked four ten hour shifts each week. He said he was paid cash from the till. The national minimum hourly rate for Mr Refaet (he being 30 years old) should be £6.50 at the time of this visit. This meant he should be paid £260 per week instead of the £160 he was being paid, making a difference of some £5000 per annum. Trading Standards say as well as being illegal and unfair on Mr Refaet, paying below the "minimum wage" distorts the market place

by giving an unfair commercial advantage over any competitor seeking to act in accordance with the law.

When asked, Mr Suresh Patel said there were no training records for staff, this being a requirement under condition 4AB. However, by the door on the wall was a notice saying two people had been trained in the sale of age restricted goods on 1st December 2013 – some 17 months earlier. They were Zeeshan Akram (the man who claimed not to work at the shop and not permitted to work in the UK) and Fiaz Gul who according to Suresh Patel, had not worked there for a long time. There were no references to any training given to the man working behind the counter, Mr Refaet, and indeed he confirmed he had not received any training on age restricted products and when questioned, was unable to explain anything about the concept of Challenge 25.

There was a refusals book available for inspection (as required by condition 4AI) but the last entry for alcohol was some seven months ago on 15 September 2014 and from experience Trading Standards say the register is either not being maintained or young people are not being challenged as to their age.

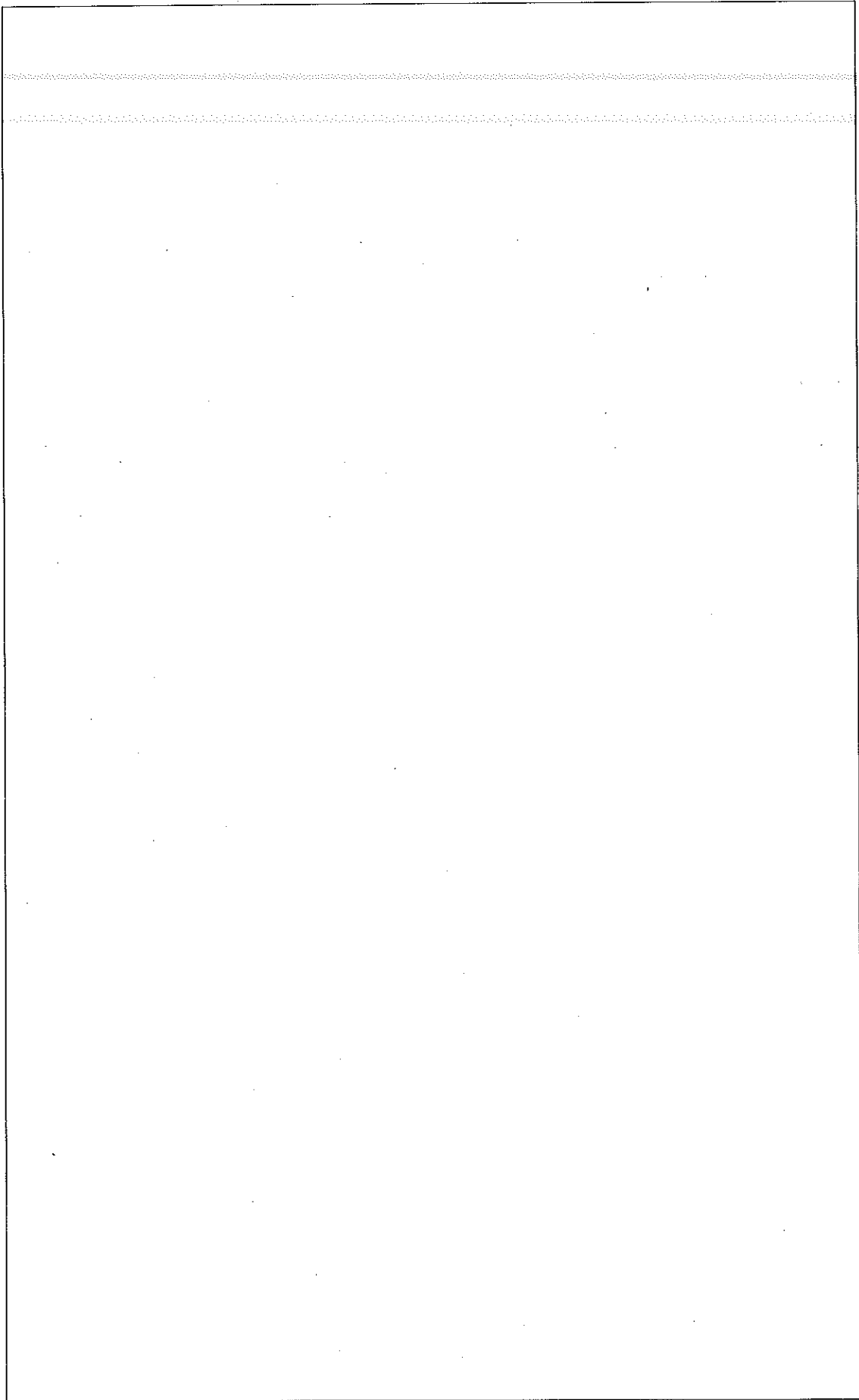
Trading Standards invites the sub-committee to consider all options available to it. In the event the sub-committee does not revoke the licence Trading Standards request it to review the conditions on the existing licence. Specifically it asks

- For the addition of the following conditions which includes amendments to existing conditions:
- 1. The premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card. – amends condition 4AA
- 2. All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police – amends condition 4AB
- 3. A register of refused sales of alcohol and if applicable, cigarette sales which is

clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, The Designated Premises Supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the Council's authorised officers or the Police - amends condition 4A1

- 4. That an electronic point of sale (EPOS) system be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.
- For the addition of a condition that "there shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales"- amends condition 336
 - For the addition of condition 846 - That before any person is employed at the premises sufficient checks will be made of their bona fides to ensure that they are legally entitled to employment in the UK. Such checks will include:
 - Proof of identity (such as copy of their passport)
 - Nationality
 - Current immigration status
 - Details of their full name and address
 - Date of birth
 - Employment history
 - Education
 - Criminal convictions
 - Permission to contact the current/previous employer will be sought

Amend condition 101 to read: "Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence. That authorisation must also be in writing and displayed on the premise adjacent to the display of the Licence Summary where the Police or the Council's authorised officers can inspect it.



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

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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

WR Mann

Date

2 May 2015

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

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Environmental Health & Trading Standards
Licensing Unit
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

835061

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
EXPRESS SUPERSAVE 109-115 Blackfriars Road London SE1 8HW	
Ordnance survey map reference (if applicable), 179744531615	
Post town London	Post code SE1 8HW
Telephone number 020 7928 1900	

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

Tushar Patel

Suresh Patel

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

Suresh Patel

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. 05/02130//LIPERS

Authority L B Croydon

Licence Issue date 03/08/2011



Community Safety Enforcement
Business Unit Manger
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
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

- 4AA** The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.
- 4AB** All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.
- 4AC** Age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.
- 4AI** A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council authorised officers or the Police.
- 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:
- a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
 - b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;
 - c. To a canteen or mess.
- 288** 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 an image of every person who enters the premises.
- 289** That all CCTV footage shall be kept for a period of twenty eight (28) days and shall, upon request, be made immediately available to Officers of the Police and the Council.
- 316** Restrictions of deliveries and the removal of goods, equipment and waste between the hours of midnight and 7.30am Monday to Saturday and 10am to 11pm Sunday.
- 327** That signs shall be displayed informing customers and staff that sales of alcohol will not be made to under 18s and that age identification will be required
- 336** That a Personal Licence holder is on the premises and on duty at all times that intoxicating liquor is supplied between 22:00 and 08:00.
- 340** No super-strength beer, lagers or ciders of 6.0% ABV (alcohol by volume) or above shall be sold at the premises.

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

Annex 4 - Plans - Attached

Licence No. 835061

Plan No. 00512/L01

Plan Date August 2005

Suresh Patel
EXPRESS SUPERSAVE
109-115 Blackfriars Road
London
SE1 8HW

Licensing Unit
Direct Line: 020 7525 5754
Direct Fax: 020 7525 5705

7 May 2013

Dear Mr Patel

**RE: THE LICENSING ACT 2003 – WARNING LETTER
(EXPRESS SUPERSAVE, 109-115 Blackfriars Road, London, SE1 8HW)**

On 4 May 2013 at 22.23hrs Licensing Enforcement Officers carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officers witnessed the following:

- 1. Breach of condition 340 – at the time of visit there were several beers and ciders on display that were of a higher ABV than 6%**
- 2. Breach of condition 4AI – no register of refused sales**
- 3. Breach of condition 4AB – no challenge 25 staff training records**
- 4. Breach of condition 289 – CCTV footage only kept for 14 days**
- 5. No full premises licence kept at the premises. Should you require a replacement please send a cheque for £10.50 to Southwark Council.**

Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

Licensing Unit - Environment & Housing, Hub 2, Floor 3, 160 Tooley Street, London, SE1 2QH
Switchboard - 020 7525 5000 **Website** - www.southwark.gov.uk
Strategic Director Environment & Housing - Deborah Collins
Register to vote. Complete the forms delivered to your home. Information: 020 7525 7373

If compliance is not achieved the Council may take formal action that may affect your licence or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at licensing@southwark.gov.uk or by telephone on 020 7525 5754 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

Kristie Ashenden
Principal Licensing Officer
kristie.ashenden@southwark.gov.uk



Suresh Patel
EXPRESS SUPERSAVE
109-115 Blackfriars Road
London
SE1 8HW

Licensing Unit
Direct Line: 020 7525 5754
Direct Fax: 020 7525 5705

27 January 2014

Dear Mr Patel

**RE: THE LICENSING ACT 2003 – RE-VISIT COMPLIANCE
(EXPRESS SUPERSAVE, 109-115 Blackfriars Road, London, SE1 8HW)**

Following the warning letter that was sent to you on the 7 May 2013, Licensing Enforcement Officers re-inspected your premises on 24 January 2014 to check on compliance.

I am pleased to confirm that at the time of our visit the premise was found to be operating in full compliance with terms and conditions of the premises licence.

As a result of the above, the premises has been placed in the 'B' risk category and will be inspected again in 1 year or following a complaint whichever is the soonest.

Should you require any assistance or advice, please contact us by email at licensing@southwark.gov.uk or by telephone on 020 7525 5754 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

Kristie Ashenden
Principal Licensing Officer
kristie.ashenden@southwark.gov.uk

Express supersave, 109-115 Blackfriars Road, SE1

Date 27/5/2015



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Item No. 6.	Classification: Open	Date: 26 June 2015	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: T & S Afro Cosmetics Food & Wine 213a Rye Lane, London SE15 4TP	
Ward(s) or groups affected:		The Lane	
From:		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 Southwark Council's trading standards service for a review of the premises licence issued in respect of the premises known as T & S Afro Cosmetics Food & Wine, 213a Rye Lane, London SE15 4TP.
2. Notes:
 - a) The grounds for the review are stated in paragraph 12 of this report. A copy of the full application is provided as Appendix A.
 - b) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix B.
 - c) Paragraphs 17 and 18 of this report deal with the representations submitted in regards to the review application. Copies of the representations are attached as Appendices C and D.
 - d) 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 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
 - 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 issued in respect of the premises known as T&S Afro Cosmetics Food & Wine, 213a Rye Lane, London SE15 4TP was issued to Thambapillai Sivagi and Thambapillai Thanabalasingham on 5 February 2015. The licence permitted the following licensable activities during the hours shown:
- **The opening hours**
Monday to Saturday from 06.00 to 05.00 and Sunday from 06.00 to 01.00
 - **Late Night Refreshment**
Monday to Saturday from 23.00 to 05.00 and Sunday from 23.00 to 01.00
 - **Sale by retail of alcohol to be consumed off the premises**
Monday to Saturday from 06.00 to 02:00 and Sunday from 06.00 to 01.00.
10. A copy of the current premises licence is attached to the report as Appendix B.

Designated premises supervisor

11. The designated premises supervisor (DPS) is Thambapillai Thanabalasingham who holds a personal licence issued by London Borough of Lewisham.

The application for a review of the premises licence

12. On 5 May 2015 an application for the review of the premises licence was submitted by Southwark Council's trading standards service. The grounds for the review relate to the following licensing objectives:
 - The prevention of crime and disorder
 - The protection of children from harm.
13. The trading standards service visited the premises on 10 April 2015 to carry out a joint visit with the Metropolitan Police Service to enforce various fair trading laws and to ensure that the licence conditions were being complied with and the licensing objectives adhered to. On examining the alcohol offered for sale in the premises, the trading standards officers found non-duty paid alcohol totalling 41 litres of alcohol being displayed for sale.
14. Trading standards noted a breach of condition 488 of the premises licence, namely an age verification policy.
15. In addition to the licence breaches the trading standards officer also noted that food items for sale to the public were still on display on the shelves when the "best before date" or "use by date" has expired. The officer also noted food in the fridge which on sale to the public which was also beyond the safe consumption date.
16. A copy of the review application is attached to the report as appendix A.

Representations from responsible authorities

17. There is one representation from the public health authority. A copy of the representation is attached to the report as Appendix C.

Representations from other persons in support of the review application

18. There are two representations from other persons. They write in regard to the public nuisance caused by the premises and the customers that are attracted by the premises ease of entry to younger persons. A memory stick containing video footage has been enclosed with the representation and will be available to view at the hearing. Copies of the representations are attached to the report as Appendix D.

Licensing operating history

19. The records show that the premises have been licensed to Thambapillai Thanabalasingham and Thambapillai Sivagi since the 17 June 2005.
20. On the 12 February 2009 the licensing officer, visited the premises and witnessed the following breaches of the licence.
 - No licence summary on display
 - No premises licence available
 - No fire risk assessment.
21. These findings were followed up with a warning letter.
22. On 9 March 2009 a compliance letter was sent following the revisit of 12 February 2009 by a licensing officer.

23. On 17 October 2014 the current licensees made a variation application for the provision of late night refreshment, for the sale of hot dogs and coffee to be served via a service hatch between the hours of 23.00 and 05.00 in keeping with condition 340 of the licence conditions.
24. On 18 November 2014 the police filed a representation with certain conditions to be met by the applicant. These are as follows:
 - That a CCTV System be installed at the premises and be maintained in good working order to the satisfaction of the Metropolitan Police 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.
 - That all CCTV footage shall be kept for a period of thirty one days and shall, upon request, be made immediately available to officers of the police and council.
25. The licenses complied with the police conditions and the premises licence was issued on the 5 February 2015.

The Local Area

26. A map of the area is attached to this report as Appendix E. The premises is identified by a diamond 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:
 - **Rye Lane News and Off Licence, 164 Rye Lane, London SE15**
Licensed for the sale of alcohol on Monday to Saturday from 08.00 to 23:00 and Saturday from 10.00 to 22.30
 - **Netto Food Store Ltd, 231-235 Rye Lane, 174 Rye Lane, London SE15**
Licensed for the sale of alcohol Monday to Saturday from 08.00 to 23.0 and Sunday from 10.00 to 22.30
 - **Nags Head 231 – 235 Rye Lane, London SE15**
Licensed for the sale of alcohol, live music, recorded music, facilities for dancing, and late night refreshment.

Southwark council statement of licensing policy

27. 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 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.
28. 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

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

Consultations

30. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was exhibited outside the premises for a period of 28 days.

Community impact statement

31. 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

32. 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 any other person 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.
33. The principles which sub-committee members must apply are set out below.

Principles for making the determination

34. 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.
35. 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.
36. 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.
37. 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 other person 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.
38. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
39. 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.
40. 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.
41. 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

42. 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

43. 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.
44. 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

45. 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.
46. 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.
47. 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.
48. 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.
49. 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.
50. 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.
51. 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.
52. 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

53. 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

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

BACKGROUND DOCUMENTS

Background papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London SE1	Kirty Read Phone number: 020 7525 5748

APPENDICES

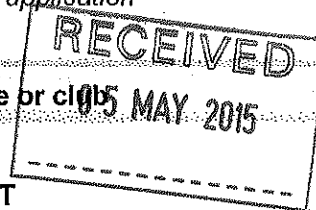
No.	Title
Appendix A	Copy of the review application
Appendix B	Copy of the premises licence
Appendix C	Representation from the public health authority
Appendix D	Representations from other persons
Appendix E	Map of area

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	David Swaby, Principal Licensing Officer	
Version	Final	
Dated	12 June 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	12 June 2015	

[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 (On behalf of Trading Standards)

(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 Afro Cosmetics Food and Wine 213a Rye Lane	
Post town London	Post code (if known) SE15 4TP
Name of premises licence holder or club holding club premises certificate (if known)	
Number of premises licence or club premises certificate (if known) 846437	

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 rd Floor Hub 2 PO Box 64529 London SE1P 5LX
Telephone number (if any) 0207 525 2629
E-mail address (optional) 

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

Please tick one or more boxes

- | | |
|-----------------------------------------|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

- Smuggled alcohol on sale Duty evaded alcohol on sale – s144 Licensing Act
- Food on sale where the use by date had been exceeded – Food Labelling Regulations made under Food Safety Act
- Bottled beers on sale where the alcoholic strength (ABV) exceeded that permitted under the licence – condition 341 and contrary to section 136 Licensing Act

Protection of children from harm

- Inadequate/no age verification policy in place

Trading Standards enforce various fair trading laws including The Licensing Act 2003 and carries out joint inspection visits with Southwark's Police Licensing/Night time Economy officers. This is for the purpose of ensuring the conditions on the licence as well as the four objectives under The Licensing Act are adhered to. It is also for the purposes of identifying other criminal offences.

On 10 April 2015 Trading Standards carried out a joint visit with the Metropolitan Police to this premise. The shop was open to the general public and alcohol was spread across about half of the shop.

The alcohol for sale was examined and the following non duty paid alcohol was found totalling 41 litres..

- 77 x 200ml bottles of Alomo Bitters (15.4 litres). These had an alcohol by volume (ABV) of 42%. This was made up of 3 boxes each containing 18 bottles behind the counter and 5 bottles on the shelf
- 22 x 200ml bottles of Rumbar vodka (4.4 litres). There were 11 bottles of green apple flavoured (ABV 35%) and 11 bottles of "classic" flavoured (ABV 40%)
- 21 x 375ml bottles of Wray and Nephew white over proof vodka (ABV 63%) (7.875 litres)
- 17 x 200ml bottles of Wray and Nephew white over proof vodka (ABV 63%) (3.4 litres)
- 4 x 75cl bottles of Appleton Jamaican Rum (3 litres) (ABV 40%)
- 3 x 1 litre bottles of Rum bar white over proof rum (3 litres) (ABV 63%)
- 1 x 75cl bottle of Wray and Nephew white over proof vodka (ABV 63%)
- 3 x 70 cl bottles of Armilar Amaretto (ABV 28%) (2.1 litres)
- 1 x 500ml bottle of Tierra del Inca pisco quebranta (ABV 40%)
- 1 x 500ml bottle of Creme de Menthe (ABV 30%)

Also found for sale were 9 bottles of Leffe beer which has an ABV of 6.6%. 4 were displayed on the shelf and 5 were in the chiller. Condition 341 of the premise licence limits the sale of beers, lagers and ciders to 5.5% ABV. 341 - **That the premises will not sell or offer for sale any single cans, bottles or multi packs of beers or ciders with an ABV of above 5.5% will not be offered for sale from any area to**

which the public have access.

Of note and concern is that the same police officers visiting the premise on 10th April had visited the shop exactly three weeks earlier and found this product and cans of Kestrel beer – [ABV 9%] and diamond white cider – [ABV 7.5%] - and commonly consumed by people with serious alcohol dependency) on sale. Mr Thambapillai Sivagi had been told to remove that alcohol on 20st March but had evidently not done so.

Food for sale is required to have either a "best before" date or a "use by" date. Foods with a best before date can still be sold beyond the stated date but the food must not be injurious to health. However it is a criminal offence to offer for sale food where a use by date has been exceeded. Foods which "from the microbiological point of view are highly perishable and therefore likely after a short period to constitute an immediate danger to human health" are required to be marked with a use by date and not a best before date. Typical foods are dairy ones such as milk cream and fresh poultry, and foods intended for consumption either without cooking or after treatment (such as reheating) where it is unlikely to be sufficient to destroy food poisoning organisms which may be present (ham, salami and similar).

Examination of food in the fridge disclosed the following items for sale beyond their use by date.

- 2 x 1 litre bottles of whole milk where the use by date was 3rd April – 7 days past the use by date
- 1 packet of Salami where the use by date was 21st March – 20 days past the use by date
- 2 x 1 litre bottles of whole milk where the use by date was 9th April – 1 day past the use by date
- 1 packet of salami where the use by date was 8th April – 2 days past the use by date

Of note is that these items were found amongst other packets/bottles that were "in code" and so a member of the public could easily, and unwittingly, have picked up an out of date item having seen goods marked in code.

Also on the shelves were boxes of eggs with the following best before dates:

- 2 boxes x 6 eggs with best before date of 22 March – some 19 days past that

date

- 2 boxes x 6 eggs with best before date of 30 March – some 12 days past that date
- 2 boxes x 6 eggs with best before date of 8 April – some 2 days past that date

Again these were mixed up with boxes "within code".

Eggs have their own legal requirements and are not required to be marked with a use by date. Nonetheless, it is unwise for anyone to consume eggs are the best before date and it is highly likely they will be stale and cause an upset stomach, or worse for pregnant women or those already in poor health.

The alcohol was seized by The Police.

The duty evaded with the alcohol is approximately £600.

When Mr Thamapillai was asked about an age verification policy as required by condition 488 he was not able to explain one other than the simple requirement of not selling to people under 18 and checking identification of the person in front of him. He was unaware of the "Challenge 25" policy and said if he thought someone was under 18 he would firstly ask how old they were which Trading Standards has said for many years is a pointless question!

Trading Standards invites the sub-committee to consider all options available to it.

In the event the sub-committee does not revoke the licence Trading Standards request it to review the conditions on the existing licence..

If conditions are to be added, Trading Standards specifically it asks for the addition of the following conditions which includes amendments to existing conditions:

- 1. Condition 4AA The premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Proof of Age London (PAL) card.
- 2. Condition 4AB All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

- 3. Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required

- 4. Condition 4AI A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, The Designated Premises Supervisor shall check the register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate, take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the Council's authorised officers or the Police -

- 5. For the addition of a condition that "there shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales"

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

2 May 2015

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



Environmental Health & Trading Standards
Licensing Unit
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

846437

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
T & S AFRO COSMETICS AND FOOD AND WINE 213A Rye Lane London SE15 4TP	
Ordnance survey map reference (if applicable), 176057534410	
Post town London	Post code SE15 4TP
Telephone number 020 7732 00641	

Where the licence is time limited the dates

Licensable activities authorised by the licence

Late Night Refreshment - Outdoors
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	06:00 - 05:00
Tuesday	06:00 - 05:00
Wednesday	06:00 - 05:00
Thursday	06:00 - 05:00
Friday	06:00 - 05:00
Saturday	06:00 - 05:00
Sunday	06:00 - 01:00

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

Late Night Refreshment - Outdoors

Monday	23:00 - 05:00
Tuesday	23:00 - 05:00
Wednesday	23:00 - 05:00
Thursday	23:00 - 05:00
Friday	23:00 - 05:00
Saturday	23:00 - 05:00
Sunday	23:00 - 01:00

Sale by retail of alcohol to be consumed off premises

Monday	06:00 - 02:00
Tuesday	06:00 - 02:00
Wednesday	06:00 - 02:00
Thursday	06:00 - 02:00
Friday	06:00 - 02:00
Saturday	06:00 - 02:00
Sunday	06:00 - 01:00

Part 2

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

THAMBAPILLAI SIVAGI

THAMBAPILLAI THANABALASINGHAM

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

THAMBAPILLAI THANABALASINGHAM

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. 45

Authority: Lewisham

Licence Issue date 05/02/2015

Anti-Social Behaviour, Noise Nuisance &
Licensing Manager
Hub 2, 3rd Floor
PO Box 64529
London, SE1P 5LX
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 must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

491 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V),$$

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence;
 - (ii) the designated premises supervisor (if any) in respect of such a licence; or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

113 This licence allows for the premises to remain open for the sale or supply of alcohol for non standard timings as stated below on the following day: Christmas Day from 08:00 - 02:00

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:

- a. With and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
- b. For consumption by a person residing in the premises or his guest and paid for together with his accommodation;
- c. To a canteen or mess.

158 The DPS and Premises licence holder will monitor the external areas of the premises in relation to public nuisance or antisocial behavior.

170 Waste bins will be provided and emptied on a regular basis throughout the night.

235 The DPS will ensure that the premises operates in line with the existing health and safety legislation and is aware that it is also the responsibility of the premises licence holder that this legislation is adhered to.

288 That a CCTV system be installed at the premises and be maintained in good working order to the satisfaction of the Metropolitan Police and be continually recording at all times that 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

289 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

316 Deliveries and rubbish collections will only take place during normal business hours and are at the rear of the premises.

340 That the premises will install and use a night time serving hatch for the sale of alcohol and all other products from 23:00 until the terminal hour as detailed on the premises licence.

341 That the premises will not sell or offer for sale any single cans, bottles or multi packs of beers or ciders with an ABV of above 5.5% will not be offered for sale from any area to which the public have access.

342 Signage will be placed at the service hatch to inform the public that alcohol is no longer available and all alcohol will not be accessible to the public after licensing permitted hours.

343 The service hatch will continued to be used for the sale of food and coffee.

344 An incident book will be kept up to date to record any breaches of the Crime and Disorder Objective this will also available for inspection by the Police at all times.

4AA The premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

4AB All staff shall be trained in the age check 'Challenge 25' policy and licensing issues under the 2003 Licensing Act 2003. A record of their training will be fully documented and refreshed every six months.

4AC Agecheck or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck 'Challenge 25' policy applies and proof of age may be required.

4AI A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

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

Annex 4 - Plans - Attached

Licence No. 846437

Plan No. N/A

Plan Date N/A



Dr Ruth Wallis FFPH
 Director of Public Health - Lambeth and Southwark
 Lambeth and Southwark Public Health
 1st Floor, Hub 2 160 Tooley Street
 London SE1 2QH

Southwark Licensing Team
 Hub 2, 3rd Floor
 PO BOX 64529
 London
 SE1P 5LX

2 June 2015

Dear Sirs

Review: T&S Afro Cosmetics and Food and Wine, 213A Rye Lane, Peckham, 848363

As Director of Public Health for Southwark (a responsible authority under the Licensing Act 2003) I wish to make representation in support of the review of T&S Afro Cosmetics and Food and Wine at 213A Rye Lane, Peckham.

The representation relates to the following licensing objective(s):

- The prevention of crime and disorder
- The protection of children from harm
-

This representation is being made on the grounds that the shop is situated within the Peckham Cumulative Impact Zone and has been found to be in breach of the above licensing objectives and terms on their licence by a) Breach of section 341 of Licensing Act where bottled beers on sale with alcohol strength (ABV) exceeded that permitted. b) That the premises will not sell or offer for sale any single cans, bottles or multi packs of beers or ciders with an ABV of above 5.5% will not be offered for sale from any area to which the public have access. Breach of condition 488 (mandatory condition), 4AA(challenge 25), 4AB(Training age check), & 4A1(Refused sale register). Inadequate/no age verification policy in place

Lambeth & Southwark Public Health

Director: Dr Ruth Wallis- BM FFPH



The case for cumulative impact has been made in this area already, however; the data indicates a continuing significant impact from alcohol on crime and disorder, public safety and public nuisance:

- London Ambulance Service attended 21 alcohol related callouts to those aged under 26s within 500m of the premises and recorded 48 assaults within 500m of the premises in the year to March 2015.
- 25 Least serious injuries – which are often used as a proxy for alcohol related violence – were recorded within 500m of the premises in the year to March 2015.
- The British Transport police reported 18 incidents of violence within 500m of the premises in the year to March 2015.
- Transport for London reported 28 incidents of Anti-social behavior within 500m of the premises in the year to March 2015.
- In the last year The Lane ward ranked: (a rank of 1 suggests a higher number of incidents)
 - 1/21 wards for violence, and alcohol related disturbances reported by TFL
 - 2/21 wards weapon injuries, knife injuries, criminal damage, possession of a weapon and probation clients with alcohol misuse risk.
 - 3/21 wards for theft from person and anti-social behavior.
 - 4/21 wards for British transport police reported violence, night time violent disorder, personal robbery, possession of drugs, gun injuries and assaults.

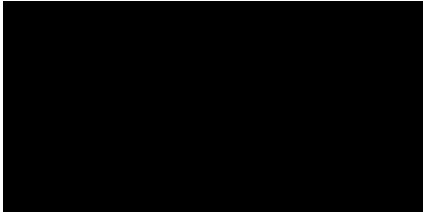
Based on the evidence summarized above and the policy basis for the saturation zone I believe that the premise under review are adding unduly to the impact of alcohol on crime and disorder and failing to adequately protect children from harm.

Based on the information provided above we would like to see the review

- Revoke the licence or, if the committee are not minded to revoke the licence
- Restrict hours for the sale of alcohol to 10am to 11pm
- Ensure the licence holder complies with all existing terms on their current licence.



Yours sincerely



Dr Ruth Wallis BM FFPH
Director of Public Health - Lambeth and Southwark



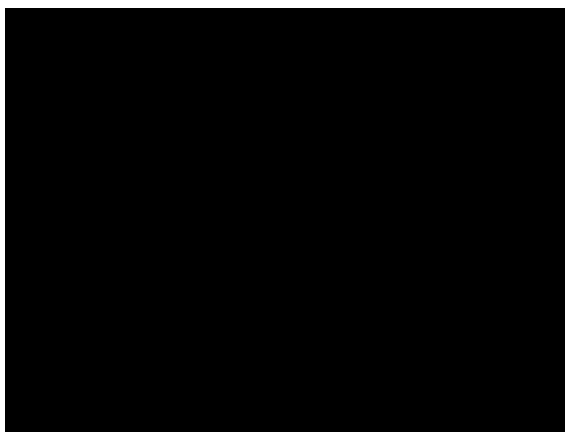
Dear Committee

My name is [REDACTED]. My business is across the road from T & S Afro cosmetics. I have enclosed a small sample of the behaviour my neighbours and I have to endure regularly from the people who use this off licence as their hangout. From urinating openly on the street anywhere in rye lane. My neighbours in sternhall lane will awaken to excrement outside their homes as these people will be outside the off licence for hours on end drinking and taking whatever drug is on offer.

My staff and I often refuse entry to my club because people who do not look their age cannot show I D yet we see them walk across the road to T & S Afro cosmetics and purchase alcohol and tobacco products then sit on the street and shout abuse because we would not serve them.

The people in this off licence are happy to serve anyone in any condition. If my staff or I refuse a person for being drunk they just go to the off licence across the road and get served. The customers throw their empty vessels on the street or at my door and there is no one to control them.

When customers leave my club at 4.00am or 6.00am when I have a temporary event notice " my staff and I will stay outside to disperse them as soon as possible, a number of them will cross the road buy alcohol from T & S cosmetics and sit on the street singing and being loud. As they have been served by T & S cosmetics they are no longer my customers. As a result of this I will often get complaints from neighbours about this noise when it should be the responsibility of the off licence staff. Through all of this there will be young people hanging around the T & S cosmetics buying alcohol and offering anything from drugs to sex. They will come across the road and make offers to my customers which can put people off coming back to the area.



I would like to raise an objection to the following applications:

848363 - T&S. Sale of alcohol to under age youths has given rise to

anti social behavior becoming common place on this end of rye lane.

Shouting and screaming into the early hours of the morning. Vomiting

and urination in doorways and unpleasant behavior.

Item No. 7.	Classification: Open	Date: 26 June 2015	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Bermondsey Express, 212 Jamaica Road, London SE16 4BD	
Ward(s) or groups affected:		Surrey Docks	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Mr Jahanzaib Safdar for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Bermondsey Express, 212 Jamaica Road, London SE16 4BD.
2. Notes:
 - a) This application forms a new application for a premises licence, submitted under Section 17 of the Licensing Act 2003. The application is subject to a representation and is therefore referred to the sub-committee for determination.
 - b) Paragraphs 8 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.
 - c) Paragraphs 12 to 15 of this report deal with the representations submitted in respect of the application. A copy of each of the relevant representations submitted is attached at appendices B, C and D.
 - d) 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 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
 - The protection of children from harm.

6. In carrying out its licensing functions, a licensing authority must 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 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 persons 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

8. On 29 April 2015 Jahanzaib Safdar applied to this council for the grant of a new premises licence in respect of the premises known as Bermondsey Express, 212 Jamaica Road, SE16 4BD.

9. The application is summarised as follows:
 - **The sale of alcohol:**
Sunday to Thursday from 07.00 to 23.00
Friday and Saturday from 07.00 to 00:00

 - **Opening hours:**
Sunday to Thursday from 07.00 to 23.00
Friday and Saturday from 07.00 to 00:00

10. A copy of the application is attached for information at Appendix A. The premises application includes the applicant's operating schedule. Parts J, L and M set out the proposed operating hours and operational controls measures in full, with reference to the four licensing objectives as stated 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.

Designated premises supervisor

11. The proposed designated premises supervisor is Jahanzaib Safdar.

Representations from responsible authorities

12. There is one representation to consider in respect of this application submitted from the Southwark Police Licensing Office (SPLO). The representation notes that “this premises has been the subject of extensive enforcement work, eventually leading to the revocation of the premises licence. Throughout the entire process the premises remained in the overall control of Mr Iftikhar Ahmed as the lease holder to the premises. Having had the licence to sell alcohol revoked the premises still remains in the control of Mr Ahmed. During the review process a number of new applications were received and were subject to representations from the police and trading standards units. These representations were upheld in favour of the responsible authorities and were rejected in full. Police are of the opinion that this is another attempt by Mr Ahmed to regain a licence to sell alcohol for a premises that is under his control.
13. A copy of the representation submitted by the police is attached as Appendix B

Representations from other persons

14. One relevant representation against the application has been submitted by a local ward councillor. This relates both to the previous operation of this premises and local concerns over alcohol related anti-social behaviour. A copy of the representation is attached as Appendix C.
15. Two submissions have been made from other persons in support of the application. These are attached at Appendix D.

Conciliation

16. No conciliation has taken place in the course of this application.
17. On 8 June 2015 Mr Safdar provided email correspondence, attached at Appendix E which states that he has “established a new entity and business will be operating under the management of Thothal Ltd. It has been brought to my attention that you (the police) have raised an objection for the off licence and are of the opinion that the business is still in control of Mr Iftikhar Ahmed. I would like to assure you that I have nothing to do with the above gentlemen and am not related to him in any way whatsoever. I acquired the business because I see potential in it and can turn it around. I have already requested the lease to be transferred to my name and this can be checked with Southwark property association. I would be grateful if you remove the objection made to the licence as (the) off licence is very important for this shop.”
18. The representation from the police remains.
19. Enquiries have been made with property services about the stated intention to transfer the premises lease into the name of Mr Safdar. It is understood that this process has not commenced and that the current recorded tenant is Haribhai Patel / Payless Supermarkets Ltd. The current lease of the premises to Payless Supermarkets commenced in June 2009 and runs for 10 years through to June 2019. Payless are understood to have a management agreement with Mr Waqas Choudhary.
20. Records lodged with Companies House show that Mr Iftikhar Ahmed is the sole director of Payless Group Ltd, appointed in 1998.

Operating history

21. A premises licence was first granted in respect of this premises in April 2005, when an existing justices' off licence issued by Camberwell Green Magistrates Court was converted into a premises licence under the 'grandfather rights' provisions of the Licensing Act 2003.
22. On 26 June 2006 an application was submitted to transfer the licence to Payless Supermarkets Ltd. An amended licence was subsequently issued on 3 July 2006. Payless Supermarkets Ltd remained the licensee company until October 2008 when the licence was transferred to Mr Waqas Choudhary.
23. Mr Choudhary held the licence through to September 2012 and position of Designated Premises Supervisor also until January 2013.
24. On 24 February 2014 this councils trading standards service submitted an application to review the premises licence on the grounds of the protection of children from harm and the prevention of crime and disorder based on alleged offences witnessed by TS officers in February 2014. At that time a Mr Nauman Malik held the premises licence.
25. Three attempts were made to transfer the licence, including back into the name of Mr Waqas Choudhary, before the review application was finally determined. All were opposed by the police licensing office. The council's licensing sub-committee eventually met on 30 June 2014 and refused the one outstanding transfer application to Mr Waqas Choudhary and then revoked the premises licence (which had reverted back to Mr Mailk following the refusal of the transfer).
26. Both matters were appealed to the magistrates' court.
27. Further attempt to transfer the premises licence to Mr Waqas Choudhary and a Ms Sedra Khan was made before the appeals were determined. This was opposed and refused by the licensing sub-committee in October 2014.
28. The respective appeals lodged by Waqas Choudhary and Nauman Malik against the decisions of the sub-committee to refuse the transfer application and revoke the premises licence were dismissed in the courts on 2 March 2015.
29. The premises is currently unlicensed.
30. On 29 April 2015 Jahanzaib Safdar made the application subject of this report.

The local area

31. A map of the area is attached to this report as Appendix E. The premises are identified by a diamond at the centre of the map. The following licensed premises are also shown on the map and are licensed as stated:
 - **The Boatman PH, 234 Jamaica Road, London SE16 4BD**
 - The sale of alcohol to be consumed on / off premises: Monday to Thursday 11.00 to 00.00, Friday to Saturday 11.00 to 02.00 and Sunday 12.00 to 23.00

- Live music, recorded music, anything similar to live or recorded music, performances of dance: Tuesday to Thursday 11.00 to 00.00, Friday and Saturday 11.00 to 02.00 and Sunday 12.00 to 23.00
- **Kotecha Stores, 208 Jamaica Road, London SE16 4RT**
 - The sale of alcohol to be consumed off premises: Monday to Saturday 08.00 to 23.00 and Sunday 10.00 to 22.30
- **Happy Families Grocery, 8 West Lane, London SE16 4NY**
 - The sale of alcohol to be consumed off premises: Monday to Sunday 09.00 to 00.00

Southwark council statement of licensing policy

32. 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 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.
33. 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

34. A fee of £190 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value band B.

Consultation

35. 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 has been exhibited at the premises for a period of 28 consecutive days.

Community impact statement

36. 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

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

Principles for making the determination

39. 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.
40. 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 other persons or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
41. 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:
- 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.
 - To exclude from the scope of the licence any of the licensable activities to which the application relates.
 - To refuse to specify a person in the licence as the premises supervisor.
 - To reject the application.

Conditions

42. 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 appropriate 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.
43. The four licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
44. 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.
45. Conditions will not be necessary 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.
46. Members are also referred to the DCMS guidance on conditions, specifically section 10, and Annex D.

Reasons

47. 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

48. 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.
49. 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

50. 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.
51. 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.
52. 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.
53. 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.
54. 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.

55. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Other persons must live in the vicinity of the premises. This will be decided on a case to case basis.
56. 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.
57. 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

58. 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

Background Papers	Held At	Contact
Licensing Act 2003 DCMS Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

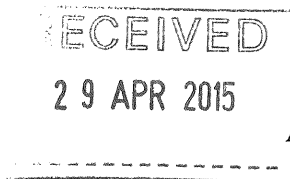
APPENDICES

Name	Title
Appendix A	Application
Appendix B	Representation submitted by responsible authority
Appendix C	Representations submitted by other persons
Appendix D	Submissions made in support of the application
Appendix E	Email from the applicant addressing the representation
Appendix F	Map

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Licensing Enforcement Officer	
Version	Final	
Dated	11 June 2015	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		12 June 2015

[Insert name and address of relevant licensing authority and its reference number (optional).]



**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 **JAHANZAIB SAFDAR**

(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:			
Bermondsey Express 212 Jamaica Road			
Post town	London Borough of Southwark	Postcode	SE16 4BD
Telephone number at premises (if any)	02037456500		
Non-domestic rateable value of premises	£8,500		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- 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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname SAFDAR			First names JAHANZAIB		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address different from pre address					
Post town					
Daytime contact					
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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
2	3	0 5 2 0 1 5

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

DD	MM	YYYY
┐	┐	┐

Please give a general description of the premises (please read guidance note 1)

Off-licence & supermarket

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 any that apply

- 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

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for performing plays (please read guidance note 4)		
			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 (please read guidance note 5)		

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) NONE		
Mon	07:00	23:00			
Tue	07:00	23:00			
Wed	07:00	23:00			
Thur	07:00	23:00			
Fri	07:00	00:00			
Sat	07:00	00:00			
Sun	07:00	23:00			
			<u>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</u> (please read guidance note 5)		
			none		

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

Name JAHANZAIB SAFDAR
Address

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
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</u> (please read guidance note 5)		
Sat					
Sun					

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).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)	
Day	Start	Finish		
Mon	07:00	23:00	NONE	
Tue	07:00	23:00		
Wed	07:00	23:00		
Thur	07:00	23:00		<u>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</u> (please read guidance note 5) NONE
Fri	07:00	00:00		
Sat	07:00	00:00		
Sun	07:00	23:00		



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

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

Please see below

b) The prevention of crime and disorder

1. Appropriate signage will be displayed, in a prominent position, informing customers they are being recorded on CCTV.
2. CCTV covering areas inside and outside of the premises should be installed and maintained to police recommendations with properly maintained log arrangements. All images will be stored for a minimum of 31 days.
3. CCTV is to comply with Data Protection Act 1998 and is to be working and recording correctly when the premises are open to the public.
4. A staff member from the premises that is conversant with the operation of the CCTV system will be on the premises at all times that the premises are open to the public. This staff member will be able to show police recent data footage with the minimum of delay when requested. This data or footage reproduction should be almost instantaneous.
5. A refusals book shall be kept at the premises to record details of all refusals to sell alcohol. This book shall contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. The book shall be made available to Police and authorised Council officers on request.
6. The Designated Premises Supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff.
7. A Proof of Age scheme shall operate at the premises and all staff shall be trained in its implementation, eg Challenge 25. Only photographic ID such as a British driving licence or a passport shall be treated as acceptable forms of identification.

c) Public safety

A FIRE RISK ASSESSMENT AND EMERGENCY PLAN WILL BE PREPARED AND REGULARLY REVIEWED. STAFF WILL BE GIVEN APPROPRIATE FIRE SAFETY TRAINING.

d) The prevention of public nuisance

NOTICES WILL BE PROMINENTLY DISPLAYED BY THE EXIT ASKING CUSTOMERS TO RESPECT NEARBY RESIDENTS AND TO LEAVE QUIETLY, NOT LITTER OUTSIDE THE SHOP, TO DISPOSE OF LITTER RESPONSIBLY AND ADVISING CUSTOMERS NOT TO DRINK IN THE STREET.

MANAGEMENT AND STAFF WILL DISCOURAGE PERSONS DRINKING OR LOITERING OUTSIDE THE SHOP.

e) The protection of children from harm

1) THE LICENCE HOLDER/ DPS SHALL OPERATE A STRICT CHALLENGE 25 POLICY AT THE PREMISES. CLEAR SIGNAGE SHALL BE DISPLAYED IN PROMINENT POSITIONS INSIDE THE PREMISES INFORMING CUSTOMERS OF THIS CONDITION.

THE FOLLOWING PROOFS OF AGE ARE THE ONLY ONES TO BE ACCEPTED:

- a) PROOF OF AGE CARDS BEARING THE "PASS" HOLOGRAM SYMBOL.
- b) UK PHOTO DRIVING LICENCE.
- c) PASSPORT.

2) ALL STAFF SHALL BE TRAINED ON INDUCTION AND GIVEN REFRESHER TRAINING AT A MINIMUM OF SIX MONTHLY INTERVALS IN RELATION TO UNDERAGE SALES AND CHALLENGE 25 AND SHALL BE FULLY AWARE OF THEIR RESPONSIBILITIES IN RELATION TO VERIFYING THE AGE OF CUSTOMERS & TO BE ABLE TO CHALLENGE POTENTIAL UNDERAGE CUSTOMERS WHO MAY ATTEMPT TO PURCHASE ALCOHOL & THE USE OF THE REFUSALS BOOK.

Checklist:

Please tick to indicate agreement

- 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 designated 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	EZGI YILDIZ
Date	24 TH APRIL 2015
Capacity	LICENSING CONSULTANT

13. This is the address which we shall use to correspond with you about this application.



The Licensing Unit
Floor 3
160 Tooley Street
London
SE1 2QH

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

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/ 2644/15

Date: 22nd May 2015

Re:- Bermondsey Express 212 Jamaica Road SE16 4BD

Dear Sir/Madam

Police are in receipt of an application from Mr Jahanzaib Safdar for a premises licence to be granted under the licensing act 2003 for 212 Jamaica Road SE16 4BD

This premises has been the subject of extensive enforcement work, eventually leading to the revocation of the premises licence. Throughout the entire process the premises remained in overall control of Mr Iftikhar Ahmed as the lease holder to the premises.

Having had the licence to sell alcohol revoked the premises still remains in the control of Mr Ahmed. During the review process a number of new applications were received and were subject to representations from the Police and trading standards units.

These representations were upheld in favour of the responsible authorities and were rejected in full.

Police are of the opinion that this is another attempt by Mr Ahmed to regain a licence to sell alcohol for a premises that is under his control.

Police are of the opinion that given the operating history of the premises that and new licence granted would be undermining the licensing objectives.

Submitted for consideration

PC Ian Clements 362 MD
Southwark Police Licensing Unit
Tel: 0207 232 6756

From: Swaby, David
Sent: Thursday, June 04, 2015 6:20 PM
To: 'jay'
Cc: McArthur, Wesley
Subject: RE: Application for a premises licence - 212 Jamaica Road, SE16 4BD (our ref: LIU 848337)

From: jay
Sent: Wednesday, June 03, 2015 3:05 PM
To: Swaby, David
Subject: Re: Application for a premises licence - 212 Jamaica Road, SE16 4BD (our ref: LIU 848337)

Dear David,

I have goeb through the emails sent by various representations and noticed tje objection is only raised by the police.

Can you you kindly arrange my meeting with the police authority so I can give my explanation that I have nothing to do with Mr Ahmad or Payless group ltd.

You can confirm from southwark council that property association that payless group ltd solicitors have requested for the lease transfer consent.

Regards

Jahan Safdar

Dear Mr Safdar

Due to the pressure of work and time I cannot arrange a meeting for you with the Police. The Licensing Police Officer whom you need to speak with is Mr Ian Clements on 0207 232 6155. Mobile No . Email: ian.Clements@met.pnn.police.uk

Regards

David Swaby
Principal Licensing Officer

Licensing Unit - Hub 3, 160 Tooley Street, London SE1 2QH
Direct Line 0207 525 5688. Mobile 07957 999 204
Email david.swaby@southwark.gov.uk
Current Licence Applications and Licence Register:

<http://www.southwark.gov.uk/info/200063/licences>
<http://app.southwark.gov.uk/licensing/licenseregister.asp>
<http://moderngov.southwarksites.com/ieListDocuments.aspx?CIId=172&MIId=4198&Ver=4>
www.communities.gov.uk/fire

-----Original Message-----

From:

Sent: Monday, June 08, 2015 6:32 AM

To: ian claiment; Swaby, David; McArthur, Wesley

Subject: Urgent Attention required

Hi

My name is jahanzaib safdar and I am the new owner of the shop BERMONDSEY EXPRESS located at 212 jamaica road bermondsey.

i have established a new entity and business will be operating under the management of thothal Ltd.

It has been brought to my attention that you have raised an objection for the off license and are of the opinion that the business is still in control of Mr Iftikhar Ahmed.

I would like to assure you that I have nothing to do with the above gentleman and am not related to him in any way whatsoever. I acquired the business because I see potential in it and can turn it around. I have already requested the leased to be transferred to my name and this can be checked the southwark property association. I would be grateful if you remove the objection made to the license as offlicence is very important for this shop or if u can give me an appointment to meet you Asap so I can clarify any concerns you may have. but i can again assure you that i am completly new management who has no previous business or personal relation with Payless or mr, Iftikhar ahmed. i will have my complete new team operating the shop according the law & regulations.

Regards

Jahanzaib Safdar

Director Thothal Limited

From: McArthur, Wesley
Sent: Monday, June 08, 2015 11:26 AM
To:
Cc: Swaby, David
Subject: FW: Urgent Attention required

Hi Ian,

You were supposed to be sent the email below, but the applicant spelt your name incorrectly. David Swaby is the licensing officer in respect of this application so if you have any further comments please send them to him, but copy me in, thanks.

Regards,

Wesley McArthur
Licensing Enforcement Officer
London Borough of Southwark
E-mail: wesley.mcarthur@southwark.gov.uk
General: licensing@southwark.gov.uk
Phone: 020 7525 5779
Fax: 020 7525 5705
Address: Licensing, Health & Safety, Hub 2, 3rd Floor, 160 Tooley Street, SE1 2TZ

-----Original Message-----

From: jay
Sent: Monday, June 08, 2015 6:32 AM
To: ian claiment; Swaby, David; McArthur, Wesley
Subject: Urgent Attention required

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Regards
Jahanzaib Safdar
Director Thothal Limited



Dear Charlie

I would like to object to the application for a premises licence. The premises previously had a licence that was revoked due to numerous issues which included:

Selling alcohol to minors

Selling counterfeit goods

Selling alcohol without a Designated Premises Supervisor at the property.

I have no confidence that these issues would not arise again should a premises licence be issued.

There is also a history of anti social behaviour on the Kirby Estate which is next door to the Bermondsey Express a lot of which was caused by teenagers drinking alcohol bought at the premises. Since the licence has been revoked the reports of anti social behaviour have reduced.

In addition there are several premises nearby that sell alcohol including a new Sainsbury's in Jamaica Road.

To grant a licence for the Bermondsey Express, in my opinion, runs the risk of restarting the problems that have occurred in the past.

Regards

Cllr Stephanie Cryan

Deputy Cabinet Member for Financial Inclusion and Labour Member for Rotherhithe Ward.

From: Jerrom, Charlie

Sent: Thursday, April 30, 2015 04:54 PM

To: Cryan, Stephanie; Whittam, Kath; Williams, Bill

Subject: Consultation Letter

Swaby, David

From: Regen, Licensing
Sent: 18 May 2015 11:12
To: McCarthy, Debbie
Cc: Swaby, David; McArthur, Wesley
Subject: FW: supporting bermondsey express

-----Original Message-----

From: [redacted] [mailto:[redacted]]
Sent: Monday, May 18, 2015 10:56 AM
To: Regen, Licensing
Subject: supporting bermondsey express

To whom it may concern, I am resident of Kirby estate for a number of years, I support my local convince store Bermondsey express on jamaica road in getting an off license. I believe in supporting small businesses.

Many Thanx

[redacted]

PARTY 2

Swaby, David

From: Regen, Licensing
Sent: 26 May 2015 09:09
To: McCarthy, Debbie; Swaby, David
Subject: FW: standing by my local shop

-----Original Message-----

From: [redacted] [mailto:[redacted]]
Sent: Saturday, May 23, 2015 10:15 AM
To: Regen, Licensing
Subject: standing by my local shop

Hi this is [redacted] i stand by my local shop Bermondsey Express on Jamaica Road to be granted their Offlicence.
such a great convenience shop been here since i was a little girl.
best ale's selling shop.

-----Original Message-----

From:

Sent: Monday, June 08, 2015 6:32 AM

To: ian claiment; Swaby, David; McArthur, Wesley

Subject: Urgent Attention required

Hi

My name is jahanzaib safdar and I am the new owner of the shop BERMONDSEY EXPRESS located at 212 jamaica road bermondsey.

i have established a new entity and business will be operating under the management of thothal Ltd.

It has been brought to my attention that you have raised an objection for the off license and are of the opinion that the business is still in control of Mr Iftikhar Ahmed.

I would like to assure you that I have nothing to do with the above gentleman and am not related to him in any way whatsoever. I acquired the business because I see potential in it and can turn it around. I have already requested the lease to be transferred to my name and this can be checked the southwark property association. I would be grateful if you remove the objection made to the license as offlicence is very important for this shop or if u can give me an appointment to meet you asap so I can clarify any concerns you may have. but i can again assure you that I am completely new management who has no previous business or personal relation with Payless or mr, Iftikhar ahmed. i will have my complete new team operating the shop according the law & regulations.

Regards

Jahanzaib Safdar

Director Thothal Limited

Date 14/4/2014



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LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN)**MUNICIPAL YEAR 2015-16**

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 Renata Hamvas (Chair)	1	Debra Allday, Legal team	1
Councillor Lorraine Lauder MBE	1	Dorcas Mills, Licensing team	1
Councillor Sandra Rhule	1	David Swaby, Licensing team	1
Reserve		David Franklin, Licensing team	1
Councillor Charlie Smith	1	Bill Masini, Trading standards team	1
Other members		Dr Ruth Wallis, Director of Public Health	1
Councillor Stephanie Cryan (Ward Councillor)	1	Others by post/Email (8)	
		Andrew Weir	9
		Total: 20	
		Dated: 16 June 2015	