

Licensing Sub-Committee

(Reconvened from 26 April 2016)

Tuesday 24 May 2016

10.00 am

Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

Membership

Councillor Renata Hamvas (Chair)
Councillor David Hubber
Councillor Lorraine Lauder MBE

Reserves

Councillor Sandra Rhule

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 16 May 2016



Licensing Sub-Committee (Reconvened from 26 April 2016)

Tuesday 24 May 2016

10.00 am

Ground Floor Meeting Room G01A - 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: BOTTLE & BASKET, 187 WATERLOO ROAD, LONDON SE1 8UX	1 - 54
	ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.	

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 May 2016

Item No. 5.	Classification: Open	Date: 14 May 2016 (reconvened from 26 April 2016)	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Bottle & Basket, 187 Waterloo Road, London SE1 8UX	
Ward(s) or groups affected:		Cathedrals Ward	
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 Trading Standards for a review of the premises licence in respect of the premises known as Bottle & Basket, 187 Waterloo Road, London SE1 8UX.
2. Notes:
 - a) The grounds for the review are stated in paragraphs 17 to 19 of this report. A copy of the review 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) 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 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 premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 53C(8) of the Act it remains open to any responsible authority or other person 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

8. The premises in respect of the premises licence consists of an off-licence based on the ground floor.
9. The premises licence was carried over from the justice's licence in the 2005 transition period.
10. The premises licence was transferred to the current premises licence holder on the 5 November 2010 which specified a new designated premises supervisor Mr Muhsin Sahindal.
11. On the 13 December 2011 a licence was issued to reflect a minor variation for a change in the internal layout of the premises.
12. On the 18 November 2014 a licence was issued which changed the designated premises supervisor to Mr Bektas Aksu.
13. The details of the current premises licence are as follows:
- Sale by retail of alcohol of the premises:
Monday to Saturday 08:00 to 23:00
Sunday 10:00 to 22:30.
14. A copy of the current premises licence is attached as Appendix B.

Designated premises supervisor

15. The current designated premises supervisor (DPS) is Mr Bektas Aksu who has been the DPS of the premises since the 18 November 2014 and holds a personal licence issued by the London Borough of Enfield.
16. On the 30 March 2016 an application to change the designated premises supervisor was received by Southwark Council licensing team. This application seeks to specify Ms Gizem Derinyel as the new designated premises supervisor of the premises.

The review application

17. On 10 March 2016 trading standards applied to the licensing authority for a summary review of the premises licence issued in respect of the premises known as Bottle & Basket UK Ltd, 187 Waterloo Road, London, SE1 8UX.
18. Trading standards seek to review the premises licence on the basis of non-compliance and failure of the premises to promote the below licensing objectives:
 - Prevention of crime and disorder:
 - Unauthorised licensable activity: Failure to comply with condition 100 by supplying alcohol when there was no DPS – Section 136 of the Licensing Act
 - Unauthorised licensable activity: Failure of DPS to ensure supply of alcohol at the premise is carried on in accordance with age verification policy – Section 136 of the Licensing Act
 - Illegal worker in shop
 - Illegal tobacco blunts in possession for supply
 - Failure to display details of business ownership
 - Excessive sale of super strength beers/ciders to known problem drinkers
 - The protection of children from harm:
 - Unauthorised licensable activity: Failure of DPS to ensure supply of alcohol at the premise is carried on in accordance with age verification policy – Section 136 of the Licensing Act
 - Underage sale of alcohol.
19. Trading standards state they would like the committee to consider all options available to them including revocation. However trading standards recommends that if the premises licence is to remain that conditions are placed on the licence to promote the licensing objectives of crime and disorder and the protection of children from harm.
20. A copy of the application is attached to this report as Appendix A.

Representations from responsible authorities

21. Two representations from responsible authorities in support of this review application have been received at the time of writing this report, from the licensing authority and the Metropolitan Police Service.
22. The licensing authority representation supports the trading standards review and highlights that the premises licence has very few conditions within the operating schedule for the control of the sale of alcohol to children, drunk persons and street

drinkers who may become drunk after consuming alcohol purchased at the premises and cause crime and disorder or public nuisance in the street.

23. Licensing as a responsible authority state that an inspection was made at the premises on 19 March 2016 and found that there was no premises licence available at the premises, although the summary was displayed. Additionally a bottle opener was available behind the counter which the management of the premises claimed was for opening soft drinks only. The bottle opener was removed by the premises staff and a replacement premises licence has been obtained.
24. Licensing as a responsible authority support trading standards in their review and the conditions proposed by trading standards and recommend an additional condition that: "All off sales of alcohol shall be supplied in closed containers".
25. Additionally, licensing as a responsible authority have advised that conditions in Annex 1 of the premises licence are mandatory conditions and therefore cannot be removed, replaced or adjusted and conditions 101 and 488 should remain on the premises licence. However the additional conditions put forward by trading standards can be imposed within Annex 3 of the premises licence.
26. The Metropolitan Police Service support the trading standards review as presented. The police state that there are a number of incidents at the premises which have given cause for concern in relation to the premises dedication in promoting the licensing objectives.
27. The police state that in 2014 they received a number of complaints relating to the sale of high strength beer, lager and cider to intoxicated people and anti-social behaviour resulting from this. The police attended the premises on the 12 November 2014 in a joint inspection with Southwark Council licensing officers and detected a heavily intoxicated male lying on the pavement nearby who admitted purchasing high strength alcohol from the premises.
28. The police state that they fully support the application for review and would recommend that consideration is given to all options including the revocation of the premises licence. They also state that they would support as a minimum the conditions set out within the review application.
29. A copy of representations submitted is attached as Appendix C.

Representations from other persons

30. A representation has also been received from Councillor David Noakes in support of the trading standards review application as presented.
31. Councillor David Noakes makes reference to seeking an update from local residents in regards to the operation of the premises which he hopes he will be able to provide to the licensing committee at the review hearing on the 26 April 2016.
32. A copy of the representations is submitted as Appendix D.

Operating History

33. Three full licensing inspections were made to Bottle & Basket, 187 Waterloo Road, London SE1 8UX under the Licensing Act 2003.

34. On 28 October 2011 at 22:15, the premises was inspected and the premises licence summary (or certified copy) was not on display and the premises licence (or certified copy) was not kept at the premises in breach of Sections 57(2) & (3) of the Licensing Act 2003.
35. A warning letter was sent on 31 October 2011 and a re-visit was carried out at the premises on 30 September 2011 and the premises was found to be compliant.
36. A second visit and inspection was conducted at the premises on 12 November 2014 at 16:37 and the premises licence summary (or certified copy) was not on display and the premises licence (or certified copy) was not kept at the premises in breach of Sections 57(2) & (3) of the Licensing Act 2003.
37. A warning letter was sent on 13 November 2014 and a revisit was carried out at the premises on 18 November 2014 and the premise was found to be compliant.
38. A third visit and inspection was carried out at the premises on 19 March 2016 at 21:35. The premises licence (or certified copy) was not available at the premises, although the summary licence was on display which was a breach of Section 57(3) of the Licensing Act 2003.
39. A warning letter was sent on 23 March 2016 in relation to non-compliance.
40. Further visits by council licensing officers working on the night-time economy have been made and details of these visits are provided in Appendix E.

Licensing sub-committee adjournment and further information

41. On 26 April 2016 a hearing was held to determine this review application. The licensing sub-committee sought clarification of the lease status of the premises. It was agreed by all parties that the hearing should be adjourned to allow time for issues in respect of the lease to be resolved.
42. The councils property division have informed us that the premises have recently been sold, however to date there has been no application made to transfer the lease.
43. An application to transfer the licence has since been submitted on 5 May 2016 and is subject to formal consultation which ends on 23 May 2016. The transfer application is attached as Appendix F.

The local area

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

Southwark council statement of licensing policy

45. The premises is not located within a cumulative impact policy area.

46. The premises is located within the Elephant and Castle major town centre area. Under this classification, the recommended appropriate terminal hours for licensed premises are as follows:
- Closing time for restaurants and cafes is 00:00 on Sunday to Thursday and 01:00 on Friday and Saturday
 - Closing time for public houses, wine bars or other drinking establishments is 23:00 on Sunday to Thursday and 00:00 on Friday and Saturday
 - Closing time for hotel bars and guest houses – there are no restrictions for residents
 - Closing time for night clubs (with sui generis planning classification) is 01:00 on Monday to Thursday, 03:00 on Friday and Saturday and 00:00 on Sunday
 - Closing time for off-licences and alcohol sales in grocers and supermarkets is 00:00 daily
 - Closing time for take-away establishments is 00:00 on Sunday to Thursday and 01:00 on Friday and Saturday
 - Closing time for cinemas and theatres is 02:00 daily
 - Closing time for vessels is 23:00 daily
 - Closing time for qualifying members' clubs is 02:00 daily.
47. Council assembly approved Southwark's statement of licensing policy 2016-20 on 25 November 2015. The policy came into effect on 1 January 2016. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
- Section 3 - Purpose and Scope of the Policy - this reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications.
 - Section 5 - Determining Applications for Premises Licences and Club Premises certificates - this explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
 - Section 6 - Local Cumulative Impact Policies - this sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
 - Section 7 - Hours of Operation - this provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
 - Section 8 - The Prevention of Crime and Disorder - this provides general guidance on the promotion of the first licensing objective.

- Section 9 - Public Safety – this provides general guidance on the promotion of the second licensing objective.
 - Section 10 - The Prevention of Nuisance - this provides general guidance on the promotion of the third licensing objective.
 - Section 11 - The Protection of Children from Harm - this provides general guidance on the promotion of the fourth licensing objective.
48. 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

49. There is no fee associated with this type of application.

Consultations

50. 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 10 working days.

Community impact statement

51. 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 Law and Democracy

52. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following 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.
53. The principles, which sub-committee members must apply, are set out below.

Principles for making the determination

54. Under Section 52 of the Licensing Act 2003, the licensing authority must hold a hearing to determine the review and any relevant representations.
55. 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.
56. 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.
57. 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 other person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
58. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
59. 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.
60. 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.
61. 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

62. 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

63. 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.
64. 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

65. 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.
66. 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.

67. 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.
68. 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.
69. 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.
70. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
71. 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.
72. 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

73. Members are required to have regard to the Home Office 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 Governance

74. 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

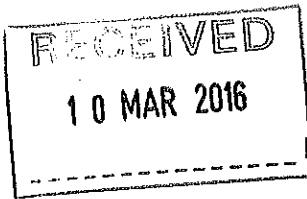
APPENDICES

No.	Title
Appendix A	Review application and certificate
Appendix B	Premises licence
Appendix C	Representations from the responsible authorities
Appendix D	Representation from other person
Appendix E	Council licensing night time economy visits
Appendix F	Transfer application
Appendix G	Map

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Environment	
Report Author	Dorcas Mills, Principal Licensing Officer	
Version	Final	
Dated	11 May 2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		12 May 2016

[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 Bottle and Basket UK Ltd 187 Waterloo Road	
Post town London	Post code (if known) SE1 8UX

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

Number of premises licence or club premises certificate (if known) 846721

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

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 Environment and Leisure 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

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

- Unauthorised licensable activity - Failure to comply with condition 100 by supplying alcohol when there was no Designated Premises Supervisor – s136 Licensing Act
- Unauthorised licensable activity – Failure of DPS to ensure supply of alcohol at the premise is carried on in accordance with age verification policy – s136 Licensing Act
- Illegal Worker in shop
- Illegal tobacco blunts in possession for supply
- Failure to display details of business ownership
- Excessive sale of super strength beers/ciders to known problem drinkers

The protection of children from harm -

- Unauthorised licensable activity – Failure of DPS to ensure supply of alcohol at the premise is carried on in accordance with age verification policy – s136 Licensing Act
- Underage sale of alcohol

On 25 February 2016 Trading Standards and Police Officers from The Night Time Economy team carried out a visit to this premise for the purpose of checking compliance with the Premise Licence, Trading Standards legislation and immigration matters.

On arrival behind the counter serving customers were two males, [REDACTED] and the [REDACTED]

When asked whether the owner and/or the Designated Premises Supervisor were present, [REDACTED] said he had bought the business about a week before and they had nothing more to do with the business. He said he was paying £65,000 for the lease.

When asked if the premise licence for the alcohol had been transferred to him, he then said the sale was still with his solicitors and that he was running it on a trial basis to see if was viable and until the sale (if it was to happen) went through.

No details of the ownership of the business were displayed as required by The Companies Act. It should be noted on a visit made by the same officer on 12 September 2012 this was also missing and so the requirements were duly explained at the time. It was followed up with a letter and appropriate guidance on 19 September. An Agecheck pack was also supplied. At the time of this recent visit on 25 February, this paperwork was found untouched in a tied up bag of Bottle and Basket Limited business documentation in the basement further indicating a lack of this company's involvement in running this business.

[REDACTED] made a telephone call and asked Trading Standards to speak to a man who said he was [REDACTED], a director of Bottle and Basket UK Limited. Later enquiries show he is NOT a director. On the telephone display was the name [REDACTED]. He said the premise was leased from Southwark Council and that he was planning to sublet it to [REDACTED]. It was pointed out to him that he needed Southwark Council's permission to do this as sub-letting was not permitted. He said Mr Cicek was running the business on a trial basis at the moment.

At the end of that telephone conversation, the officer pointed out to [REDACTED] that he needed Southwark Council's permission and there should be no money changing.

hands with the current leaseholder to secure a lease. [REDACTED] then said the money was for stock and not the lease. It was clear for all to see the stock in the shop was worth nowhere near £65,000.

Of note here, with regard to the tobacco blunts that did not comply with The Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 and offered for sale behind the counter, [REDACTED] said they belonged to [REDACTED] thereby once again contradicting what he had said earlier about the purchase of the stock.

Trading Standards say sales of alcohol were being made by [REDACTED] and not by the named Premise Licence Holder, Bottle and Basket UK Limited and this was in breach of the Licensing Act. It is also alleged there was no DPS as the named Designated Premises Supervisor, [REDACTED] had no involvement in the running of the business and was in effect absent. No DPS was there to ensure conditions on the licence were adhered to. Condition 488(2) of the licence states "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".

Trading Standards asked [REDACTED] what systems were in place to prevent underage sales. He had no idea about age verification systems or "Challenge 25". No training records or refused sales register were available. These had all been supplied on 19 September 2012.

The particular relevance of pursuing this matter, with regard to the prevention of underage sales was because Bottle and Basket UK Limited had made such a sale of an alcopop (WKD Original) on two months earlier on 30 June 2012 to Trading Standards' underage volunteer. The business accepted a "Simple Caution" under The Licensing Act S146(1) and Trading Standards were keen to work with the Premise Licence to prevent future sales.

Checks carried out by the Police into the status of the men working in the shop showed [REDACTED] was an "overstayer" and he was duly arrested. He was transported to the Walworth Police Station to be dealt with by UKBF (UK Border Force). He had told the Police he was not working in the shop. However, displayed behind the counter was a document entitled "Designated Premises Supervisor (DPS) Letter of Authorisation" dated 15th November 2014 and signed by [REDACTED] (the named DPS). He had given an authorisation for [REDACTED] to sell alcohol some 15

months before the recent visit on 25 February 2015.

There was no specific authorisation for [REDACTED] but he presented a Personal Licence issued by The London Borough of Enfield.

Trading Standards spoke to [REDACTED] the named DPS, on 26 February 2016 who seemed to think he owned the business.

Company House checks show [REDACTED] resigned as a director of Bottle and Basket UK Limited on 19 December 2011. As at 26 February 2016, the sole director of that company was [REDACTED]. Southwark Council records show the current food business operator for the business is [REDACTED] and has been since 19th July 2011. It is a requirement under The Food Safety Act to register all food premises with the Local Authority.

During the time of the visit, a customer with a clear alcohol dependency problem purchased 5 cans of super strength cider (7.5% ABV) for £6. He had intended also buying a sixth can of Special Brew (9% ABV) but did not have enough money on him. This made a total of 23.5 units of alcohol in one potential transaction. When [REDACTED] was spoken to after the man had left he said the man was a regular who frequented the shop for such a purchase at least once a day, every day. To give some context to this it could equate to in excess of 200 units a week; massively over the Government recommended safe drinking levels. Both Trading Standards and the Police at the time of the visit were concerned about the complacency [REDACTED] had in selling such large quantities of super strength beers/ciders on such a regular basis without any thought given to possible consequences or concerns for the drinker and others affected by this.

Trading Standards say this casual manner in which this business is run is of concern to how the licensing objectives can be complied with.

On 26 February 2016, Trading Standards wrote to the named Premise Licence Holder and the Designated Premises Supervisor asking them to engage with Trading Standards to clarify ownership and to ensure licences/registrations were in the correct names. There has been no response.

The sub-committee is invited to consider all options open to it including revocation.

The conditions on the licence are very sparse. In the event the licence is not revoked Trading Standards, would like to see more detailed conditions on it. Trading Standards recommend condition 488 be removed.

In its place Trading Standards would like the following conditions to be added to the licence:

- 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. 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.
- 6. 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

- 7. No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises
- 8. That an approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products. The CCTV system shall have a minimum of 31 days recording facility and will be maintained in full working order at all times and be continually recording at all times the premise is in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premise. All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to The Police and/or Authorised Officers from Southwark Council
- 9. All staff working at the premise shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate request by Police and/or Authorised Officers from Southwark Council
- 10 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

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

[Empty box for providing details of representations]

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 10 March 2016

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

22

APPENDIX B



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

Premises licence number

851733

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Bottle & Basket 187 Waterloo Road London SE1 8UX	
Ordnance survey map reference (if applicable), 179673531436	
Post town London	Post code SE1 8UX
Telephone number	

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

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 08:00 - 23:00
Tuesday 08:00 - 23:00
Wednesday 08:00 - 23:00
Thursday 08:00 - 23:00
Friday 08:00 - 23:00
Saturday 08:00 - 23:00
Sunday 10:00 - 22:30

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Bottle & Basket UK Ltd
187 Waterloo Road
London
SE1 8UX
[REDACTED]

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**

Gizam Derinyer
[REDACTED]

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. LN/201500102
Authority L.B. Enfield

Licence Issue date 30/03/2016

[REDACTED]
Head of Regulatory Services
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;

(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.

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

124 Alcohol shall not be sold or supplied except during the permitted hours. In this condition the permitted hours means:

- a. On weekdays, other than Christmas Day, 8.00.a.m. to 11.00.p.m.
- b. On Sundays, other than Christmas Day, 10.00.a.m. to 10.30.p.m.
- c. On Christmas day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.
- d. On Good Friday, 8.00.a.m. to 10.30.p.m.

The above restrictions do not prohibit:

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

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

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

- 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.

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

Annex 4 - Plans - Attached

Licence No. 851733

Plan No. PL210535-01

Plan Date 29.09.2010



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/21/2704 /15

Date: 7th April 2016

Re:- Bottle & Basket, 187 Waterloo Road, London, SE1 8UX

Dear Sir/Madam

Police are in possession of an application from the Southwark's Trading Standards Service for a review of the above premises licence under Section 51 of the licensing act 2003.

Police have the following comments to make:

The application details a number of incidents that give me cause for concern in relation to the premises and their dedication to promoting the licensing objectives.

The trading standards have found fault with the operation of the premises, and they appear to have continued with the unsatisfactory operation and have continued to commit offences under trading standards and licensing legislation.

In 2014 we received a number on complaints relating to the sale of high strength Beer, lager and cider to intoxicated people and anti social behaviour resulting from this. I attended the venue on the 12th November 2014 in the company of a Southwark council licensing officer where we found an extremely intoxicated male lying on the pavement nearby who admitted purchasing alcohol from the premises. I have attached a full statement relating to this incident, a copy of the warning letter delivered to the premises and the voluntary agreement requesting the premises stop selling super strength beers, lagers and ciders. The premises verbally agreed that they would sign and return the agreement but failed to comply.

The Police fully support the application for review and would also recommend that the consideration be given to all options including the revocation of the premises licence. We would support as a minimum the conditions set out within the Review application

The Following is submitted for your consideration,
Yours Sincerely

PC Graham White 288MD
Southwark Police Licensing Unit
Tel: 0207 232 6756

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC Graham White 288MD** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 192581**

This statement (consisting of: **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if I make a false statement, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false,


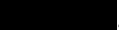
Signature:  Date: 13th November 2014


Tick if witness evidence is visually recorded (supply witness details on rear)

I am Police Constable Graham White and I have worked for the Metropolitan Police Service for over 23 years. For the past two and a half years I have been in post as the Licensing Officer for Southwark Borough Police, dealing with all the licensed premises across Southwark borough. My role involves proactive patrols of these premises, offering help and reassurance to both patrons and management, as well as ensuring premises fully uphold the licensing objectives.

On the 20th October 2014 I attended a meeting for the Waterloo business group. At this meeting it was brought to my attention the problem with street drinkers and intoxicated people in the area of Waterloo road and Blackfriars road and it was alleged that they were getting the alcohol from Bottle and basket off licence. I was informed that all the premises on Lambeth had entered into a voluntary agreement re restrictions in the sale of high strength alcohol to stop anti social behaviour in the area and that due to this they were attending the Bottle and basket on Southwark as the border between boroughs is the middle of Waterloo road.

On the 10th November 2014 I received an email from Kristie Ashenden from Southwark council Licensing unit asking if I was available to attend Bottle and Basket, 187 Waterloo road, London SE1 8UX re complaints they had received. The complaint was included in the email and was from a local residence association complaining about groups of people attending local drop in centres then buying alcohol from the Bottle and basket and consume it to the rear of the premises. They stand around in large groups intimidating local residence become intoxicated and urinate and defecate around the area.

On Wednesday the 12th November 2014 I attended Waterloo road are in the company of Kristie Ashenden from Southwark Council to visit the premises a discuss the problems and complaints re the sale of alcohol from the premises. We pulled into Gray street from Waterloo road and I noticed a male who I now know to be  a white male about 20 years old sitting in the loading bay for the Hampton Hilton Hotel. He had the appearance of a homeless person as he had what appeared to be his belongings with him. He was drinking a can of Tennants Super lager which has an ABV of 9%. I approached  and introduced myself to him showing him my warrant card as I was in plain clothes. At this point I

Signature:  Signature witnessed by:

Continuation of Statement of **PC Graham White 288MD**

noticed another unopened can of Super tenants in a plastic bag. I asked him his name and date of birth and confirmed he was of no fixed address. He was slurring his words, his eyes were glazed he was drunk. I asked him where he had purchased the alcohol from and he pointed at Bottle and Basket which was only about 50 yards away and said "there" I asked him how long ago and he said "not long"

Kristie Ashenden and my self then attended the premises arriving at 16.45hrs. We walked around the premises and I noticed that the cooler containing all the beers, ciders and lagers was fully stocked except for the area in the bottom right corner that all the Super strength cans. It was half empty indicating that they had sold a considerable amount of super strength. In my experience as a licensing officer and Police officer with over 20 years experience these types of alcoholic drinks are only drunk by alcohol dependent people that require this alcohol content to become intoxicated. We approached the counter of the store and introduced myself showing my Police warrant card as identification to a male behind the counter who gave his name as [REDACTED] I asked if he was the manager or if not who was. He explained that the manager was not there. He phoned a male who I spoke to on the phone who identified himself as the manager [REDACTED] and I obtained the phone number [REDACTED] I explained to him the reason for my visit and asked if it was possible for him to attend the premises and he declined stating that he was in Essex. I then asked if the Designated Premises Supervisor (DPS) Muhsin Sahindal was available to speak to or attend the premises. [REDACTED] became evasive about Sahindal's whereabouts and changed the subject. [REDACTED] became quite obstructive on the phone when I tried to discuss the sale to intoxicated people and street drinkers saying it was only an offence if they were drunk and he could sell to them if they were not. I pointed out that selling to them in the knowledge that they would get drunk and then cause anti social behaviour and crime and disorder was not fully supporting and upholding the licensing objectives. He kept saying that they had done nothing wrong I explained the facts of what had just happened prior to my arrival at the premises with the male outside and he just denied it was them. I was not getting any where in the conversation so I informed him I would leave a letter and agreement for him to consider and to contact him when he had. I then terminate the call.

I then carried out a licensing inspection on the premises speaking to [REDACTED] During this I asked about the DPS and he said he did not really know him and had not seen him in six months. I asked how he had been authorised to sell alcohol and he did not know what I was talking about. I asked who had authorised him to sell alcohol to which he just shrugged his shoulders. I had witnessed him selling one can of Fosters lager whilst I was speaking to him to a black male about 30 years old. I asked him if he had written authorisation to sell alcohol to which he replied "No" I then asked the same questions to the other male behind the counter [REDACTED] who gave a similar response. I pointed out to both of them that they should not be selling alcohol with out being authorised by the DPS. I handed Mr [REDACTED] a copy of a warning letter address to the DPS and the premises I also handed him a Voluntary agreement requesting the premises stop selling beers, ciders and lagers above 7% due to the previous sales and problems the premises is causing. We then left the premise [REDACTED]

Signature: Signature witnessed by:

RESTRICTED


**METROPOLITAN
POLICE**
TOTAL POLICING

Form 695

Licensing Act 2003 - Record of Visit to Licensed Premises

Details			
Name of Premises:	Bottle and Basket		
Address of Premises:	187 Waterloo Road, London SE1 8UX		
Premises Type / Event:	off licence		
Date of Visit:	12/11/14	Time Of Visit:	16.45hrs

Officers in Attendance			
1.	PC Graham White	CAD Reference:	
2.	Krishe Ashenden (Southwark Council)	CRIS Reference:	
3.		CRIMINIT Reference:	
4.			

Premises Details	
Is the Premises Licence Summary displayed and correct?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the Designated Premises Supervisor (DPS) present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Record details of DPS personal Licence (include full name, issuing authority and lic No.)	
DPS Contact No.:	Not known
If No DPS is present provide details of person in charge:	[REDACTED]
Record details of personal Licence (include full name, issuing authority and lic No.)	
was not present spoke on phone [REDACTED] MR [REDACTED] was member of staff	
Is the full premises Licence or an endorsed copy available?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
What is the capacity of the premises if shown on premises licence?	N/A.
How many persons present (rough headcount)?	2
What process is used to record customer numbers (clicker, tickets head count etc)?	N/A

RESTRICTED

Toilets and public areas**Toilets**

Are the toilets regularly checked by staff?

Yes No

Is there a Toilet attendant?

Yes No

Are the toilets covered by CCTV?

Yes No

Are the toilets and environs well maintained?

Yes No

Is there any evidence of drugs use in this area?

If yes detail evidence (drugs paraphernalia, or evidence obtained from drugs swipes or drugs itemiser)

Yes No

NA

Smoking area:

Is there a designated smoking area?

Yes No

Is it covered by CCTV?

Yes No

Is it controlled by staff?

Yes No

Is there a re-entry search policy?

Yes No **Public areas:**

Is the ambient lighting in public areas adequate?

Yes No

Is there a VIP area?

Yes No

Does CCTV cover public areas and dancefloor?

Yes No

Do staff regularly clear glassware?

Yes No

Does the premises use plastic drinkware?

Yes No

Is there a cloakroom?

Yes No

Does the premises have a Medical facility/room?

Yes No

What percentage of the premises is given over to seating and tables?

%

Premises Staff

How many staff are on duty?

2

How many Personal Licence Holders on site?

0

Are staff training records available?

Yes No

Is there a trained first aider on duty?

Yes No

General attitude of staff

Helpful Unhelpful Obstructive Other

RESTRICTED

Actions

Have any breaches in licensing conditions been identified?

Yes No **Details of breaches**

Incorrect Licence Summary Displayed. did not have copy of full licence

Section 19 (Police and Criminal Justice Act 2001) Closure notice issued?

Yes No

Is an action plan required as a result of this visit?

Yes No

Is a warning letter required as a result of this visit?

Yes No

Detail grounds for action plan and or warning letter?

warning letter issued to premises at time re complaints of sale of alcohol to intoxicated people. Voluntary agreement left to be considered re sale of alcohol to street drinkers

Are there other offences or issues relevant to partner agencies (ie fire, environmental health, HM Customs and Excise, Etc).

Appropriate Agency: **NO****Details:**

Details of whom referral passed to

Does the premises require a further visit?

Yes No

By what date should this visit be completed

NA.

General Notes

Council to deal with licence and possible PPS issues. statements by PC while completed re street approach and possible reviews of premises licence

Further action by Licensing Office



Mr [REDACTED]
 Bottle & Basket UK Ltd
 187 Waterloo Road
 London
 SE1 8UX

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/ /14

Date: 11th November 2014

Re:- Bottle & Basket, 187 Waterloo Road, London SE1 8UX

Dear [REDACTED]

We have received a number of complaints relating to the above premises for which you are shown as the designated premises supervisor. The complaints regard to your customers having been served Alcohol whilst intoxicated and then involved in Anti-social behaviour in the surrounding area. Having sold alcohol to intoxicated people you have committed the following offence under the Licensing Act 2003.

- Section 141 of the Licensing Act 2003 makes it an offence to sell or attempt to sell alcohol to a person who is drunk, or to allow alcohol to be sold to such a person, on relevant premises.

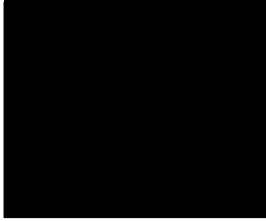
It is vital for well-run premises to adhere to the conditions listed on the Premises Licence and the responsibilities under the Licensing Act. This responsibility lies with the Designated Premises Supervisor and the Premises Licence holder to ensure compliance.

I have visited the premises with a voluntary agreement and relevant notices to restrict the sale of high strength alcohol from your premises. We will also be visiting other Licence premises in the area with the same agreement in an attempt to stop the sale to Intoxicated and alcohol dependent groups of people that then congregating in the local area drinking and causing a public nuisance to the local residence.

If further evidence of such offences are brought to the attention of this or Southwark Council Licensing unit then formal action may be required when either a revocation of the licence or strict conditions placed on the licence to uphold the Licensing objectives

If you require further information then please contact me on the number shown below.

Yours Sincerely



PC Graham White 288MD
Southwark Police Licensing Unit
Tel: 0207 232 66756
Mob: 07595 011458



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/21/14

Date:

Re:- Sale of High strength Beers, Lagers and Ciders

Dear Licence holder/Designated Premises Supervisor

We have received a number of complaints relating to premises in the local vicinity. The complaints regard to your customers having been served Alcohol whilst intoxicated and then involved in Anti-social behaviour in the surrounding area. Having sold alcohol to intoxicated people you have committed the following offence under the Licensing Act 2003.

- Section 141 of the Licensing Act 2003 makes it an offence to sell or attempt to sell alcohol to a person who is drunk, or to allow alcohol to be sold to such a person, on relevant premises.

It is vital for well-run premises to adhere to the conditions listed on the Premises Licence and the responsibilities under the Licensing Act. This responsibility lies with the Designated Premises Supervisor and the Premises Licence holder to ensure compliance.

I have visited your premises today with a voluntary agreement and relevant notices to restrict the sale of high strength alcohol from your premises. We will also be visiting other Licence premises in the area with the same agreement in an attempt to stop the sale to Intoxicated and alcohol dependent groups of people that then congregating in the local area drinking and causing a public nuisance to the local residence.

If evidence of such offences are brought to the attention of this or Southwark Council Licensing unit then formal action may be required when either a revocation of the licence or strict conditions placed on the licence to uphold the Licensing objectives

If you require further information then please contact me on the number shown below and I will return to collect and discuss the above voluntary agreement in the next few weeks.

Yours Sincerely

PC Graham White 288MD

Southwark Police Licensing Unit

Tel: 0207 232 66756

Mob: 07595 011458

RESPONSIBLE BUSINESS AGREEMENT

THIS AGREEMENT IS MADE BETWEEN

_____, **Southwark Council**
and the Metropolitan Police on _____ and
will last for a minimum of six months.

Designated Premises Supervisor/Proprietor:

Premises address:

I agree I will:-

1. Not to sell any bottles or cans of beer, larger or cider with an ABV above 7%.
2. Not serve 2 litre plastic bottles of cider.
3. Will not serve any known street drinkers, or anyone who appears to be under the influence and display signs advising customers of this.
4. Monitor and report issues of Anti Social Behaviour (ASB) related to street drinking to the Council's ASB Reporting Line on 020 7525 500 or the Police non-emergency number 101.
5. Ensure that ALL staff are advised of the content of this agreement and adhere to the instructions.
6. After the expiry date (as stated above), continue to work with the Local Authority and Police to reduce Anti Social Behaviour, including street drinking.

To help the above complete the Responsible Retailers Agreement successfully, the representatives of the various agencies and organisations agree to provide the following help and support

We agree we will:-

1. Provide the relevant signage advising your patrons that you are working with the Local Authority and the Police to tackle alcohol related Anti-Social Behaviour in the area.
2. Utilise tools available to us to tackle issues that you have brought to our attention regarding specific individuals.
3. Monitor and review this agreement on a regular basis as agreed below.

I understand that by signing this document I am entering into an agreement between Southwark Council and the Police to undertake responsibility for my businesses part in the above project.

Although I understand the Agreement is voluntary, if I breach any of the above prohibitions, Lambeth Council and/or the Police may take steps against me and my business which may include a premises license review.

RRA Review Meetings

Date	Location

Final Review

--	--

I confirm that I understand the meaning of this agreement and the consequences of a failure to comply have been explained to me.

Signed Date

()

Signed..... Date

()

Signed..... Date

()

SignedDate.....

()



Warning

It is a criminal offence to sell alcohol to someone who is or appears to be under the influence of alcohol.

We have agreed with Southwark Police & Local Authority Licensing we will not sell beers, lagers and ciders above 7% ABV.

We have the full support of the local Police and Southwark's Trading Standards & Licensing teams.



MEMO: Licensing Unit

To Licensing **Date** 04 April 2016

Copies

From David Franklin **Telephone** 020 7525 5800

Email david.franklin@southwark.gov.uk

Subject **Bottle & Basket, 187 Waterloo Road, London, SE1 8UX**

I make this representation with regards to the review application of the premises licence submitted by the Trading Standards for Bottle & Basket, 187 Waterloo Road, London, SE1 8UX.

My representation is based on the licensing objectives for the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm.

The premises licence has very few conditions within the operating schedule for the control of the sale of alcohol to children, drunk persons and street drinkers who may become drunk after consuming alcohol purchased at the premises and cause crime and disorder or public nuisance in the street.

An inspection was made at the premises on 19 March 2016 and found that there was no premises licence available at the premises, although the summary was displayed. Additionally a bottle opener was available behind the counter which the management of the premises claimed was for opening soft drinks only.

The bottle opener was removed by the premises staff and a replacement premises licence has been obtained.

There has been one complaint in 2015 that the premises had sold a single can of beer to a street drinker who then went into Ufford Street Park and allegedly made a nuisance of himself.

I would support the Trading Standards in their review and the conditions offered and recommend an additional condition that;

“All off sales of alcohol shall be supplied in closed containers”

Additionally I would advise that conditions in Annex 1 of the premises licence are mandatory conditions and therefore cannot be removed, replaced or adjusted and conditions 101 and 488 should remain on the premises licence. However the additional conditions put forward by Trading Standards can be imposed within Annex 3 of the premises licence.

David Franklin
Licensing Authority as a Responsible Authority

From: Noakes, David
Sent: Thursday, April 07, 2016 5:20 PM
To: Regen, Licensing
Subject: Bottle and Basket 187 Waterloo Road Review - 851589

Dear Licensing,

Bottle and Basket 187 Waterloo Road Review - 851589

I would like to make representations about the review of the Bottle and Basket, 187 Waterloo Road, London SE1 8UX on the grounds stated in the review and on the basis of previous concerns that have been raised with me in my capacity as a ward councillor by my constituents.

These include some of the concerns that Trading Standards have raised in their review

- that the premises is associated with crime and disorder
- that known street drinkers are being served and congregating outside the premises
- that the premises is irresponsibly selling high strength lagers/ciders

These concerns predominantly relate to 2014 and 2015 but I have asked local residents for an update, which I hope to be in a position to speak about at the Council's Licensing Sub-Committee.

Councillor David Noakes
Liberal Democrat Councillor for Cathedrals Ward
Deputy Leader of Southwark Liberal Democrat Council Group
Opposition Spokesperson for Health
Vice Chair of Healthy Communities Scrutiny Sub Committee

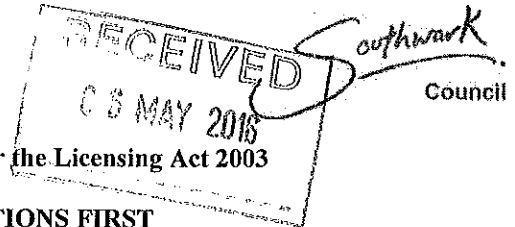
Tel. no. [REDACTED]

E-mail [REDACTED]

APPENDIX E

date	desc	officer	name	address	text
01/05/2012	Visit To Premises	WM	Bottle & Basket	187 Waterloo Road, London, SE1 8UX	1/ 5/2012 13:01 WJMI visited the premises with PCs Clements, White, Osborne and PCSO Norman. We spoke to an IC2 male who identified himself as [REDACTED] and stated that he was the store manager. We advised RC not to sell alcohol to intoxicated persons and street drinkers. PC Osborne advised that it may be beneficial to stop selling high alcohol beers and ciders, [REDACTED] stated that he would consider this but that it may make the store less competitive than its rivals. I advised of the possible consequences of breaching the LA2003 or the conditions of the PL. I advised [REDACTED] to make sure he understands the T&Cs of the licence and to make sure that any staff employed at the premises do too. I advised [REDACTED] that unannounced inspections are undertaken by the Licensing Unit and that the area is being monitored. PC Osborne explained that SNT officers will also be entering off-licences in plain clothes from time to time.
12/11/2014	Visit To Premises with PC White	KA	Bottle & Basket	187 Waterloo Road, London, SE1 8UX	We came across [REDACTED] at the rear of Hampton by Hilton, corner of Waterloo Rd at 16:09hrs. He had 2 cans of Tennants Super, and when asked, said that he had just purchased the mat Bottle & Basket. He appeared to be very intoxicated. At 16:15 we parked in Morley St (Lambeth) and observed Bottle &Basket. At 16:37hrs we went into the shop and saw that they sell the following ciders that are appealing to street population:* K Cider 8.4%* Tennants Super 9%* Skol Super 9%* Special Brew 9%* Kestrel Super 9%Spoke to [REDACTED] who did not know where the DPS was. Handed over warning letter and agreement for business to sign. [REDACTED] called his boss, [REDACTED] who was in Essex and therefore not available to come to the shop. Neither [REDACTED] nor his colleague, [REDACTED], had a personal licence or any evidence of authorisation from the DPS. In fact, [REDACTED] said he hadn't seen the DPS for over 6 months. They had some pages of the summary and premises licence on display, however these were from an earlier date to the current licence, therefore they did not have the current premises licence summary on display, nor did they have the current premises licence at the premises. We left the premises at 16:58hrs and as we were walking to the car we could see [REDACTED] [REDACTED] was passed out at the rear of the Hampton by Hilton.
13/11/2014	Visit To Premises with PC Clements & Sgt Dempster	KA	Bottle & Basket	187 Waterloo Road, London, SE1 8UX	Visited premises to advise staff of no DPS. Therefore unable to sell alcohol (or display it). Advised staff to cover alcohol until able tosell again. See next entry for further details.
14/11/2014	Visit To Premises	KA	Bottle & Basket	187 Waterloo Road, London, SE1 8UX	Visited with PC Clements and Sgt Dempster - see entry against licence

17/11/2014	Visit To Premises with PC White	KA	Bottle & Basket	187 Waterloo Road, London, SE1 8UX	Visited premises with PC Graham White to return incorrectly filled out DPS variation and transfer forms - these have been rejected. Spoke to [REDACTED] who was very aggressive and shouting at us. Did not give us an opportunity to explain how to rectify situation. Left blank DPS and transfer forms at the premises.
18/11/2014	Re-visit - all OK, new DPS	KA	Bottle & Basket	187 Waterloo Road, London, SE1 8UX	Re-visit - all OK, new DPS
12/06/2015	20:50 NTE Visit MAD & FRC	MO	Bottle & Basket	187 Waterloo Road, London, SE1 8UX	Monitored premises due to reports of serving street drinkers and street drinkers. No sign of street drinkers, two customers talking outside the premises only. Entered premises and spoke with supervisor [REDACTED] and advised him to use a refusal log to ensure full compliance with an age verification policy and to prove if questioned that the premises does check ID. He stated that sometimes when refusing sales the customers can react in an abusive manner and it can be quite confrontational. I advised that when a customer like that has been refused on a couple of occasions then they are unlikely to return unless they improve their behaviour. No issues and CCTV in operation.
19/03/2016	21:35 NTE Visit	JT	Bottle & Basket	187 Waterloo Road, London, SE1 8UX	21:35 on 19/3/2016 JMT & COT at Bottle & Basket, 187 Waterloo Road, London, SE1 8UX. Carried out an inspection assisted by [REDACTED]. Full licence not available at the premises, summary was on display. [REDACTED] told me that the police had been there and told him that the incorrect licence number was on the summary that he had displayed. I checked the number and it was correct. I told him that the licence number was correct on the summary – but that it was an offence not to have the full licence at the premises. I explained that the DPS or licensee needed to write to the licensing unit with a cheque for £10.50 to obtain a new copy. There was an authorisation on display from the DPS for staff selling alcohol. Took photo. Gave advice re not serving street drinkers or drunk people. I asked if he opened bottles for people and he said yes but only for soft drinks. I asked if he had a bottle opener behind the counter and he said yes and showed it to me. I told him that it could be construed that he was opening bottles of beer for people. He said that he does not do that. I then advised him to get rid of the can opener. He threw the can opener in the bin. He explained that the licensee was in Turkey and I explained that he could not defend the review without written authorisation from the licensee. He said that he had instructed a solicitor to sort everything out. – warning letter to follow.



Application to transfer 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 ABBAS DERINYER

(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

851733

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
<u>187 Waterloo Road</u> <u>London</u> <u>SE1 8UX</u>	
Post town	Post code
<u>London</u>	<u>SE1 8UX</u>
Telephone number at premises (if any)	
<u>0207 928 3630</u>	

Please give a brief description of the premises

Lock up shop

Name of current premises licence holder

RIZA CICEKLI (Bottle & Basket UK LTD)

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

a) an individual or individuals*

Please tick yes

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) an individual 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 respect of 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 Mrs Miss Ms Other title (for example, Rev)

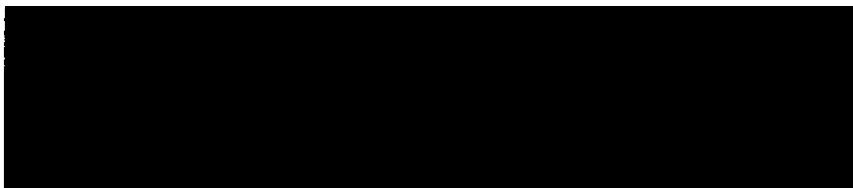
Surname

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)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

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) 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

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day	Month	Year													
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Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the

application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

recently there was a change of OPS and therefore we haven't received the updated premises Licence and that's the reason why we can't enclose the premises Licence.

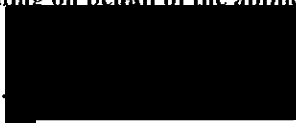
- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 4 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature



Date

05-05-16

Capacity

Lease Holder (pending)

For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date
.....Capacity
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) GIZEM DERINYER	
Post town [REDACTED]	Post Code [REDACTED]
Telephone number (if any) [REDACTED]	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) [REDACTED]	

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Southwark Licensing Team

Community Safety EHTS,

3rd Floor Hub 2

PO Box 64529

London SE1P 5LX

E-mail: licensing@southwak.gov.uk**Tel 0207 525 4261**

Consent of premises licence holder to transfer

I/we BOTTLE & BASKET UK LTD (MR RIZA CICEKLI)
[full name of premises licence holder(s)]

the premises licence holder of premises licence number 851733
[insert premises licence number]

relating to

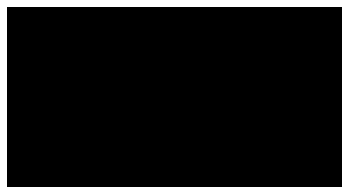
Bottle & Basket 187 Waterloo Road, London SE1 8UX
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

851733
[insert premises licence number]

to

ABBAS DERINYER
[full name of transferee].



signed

name
(please print)

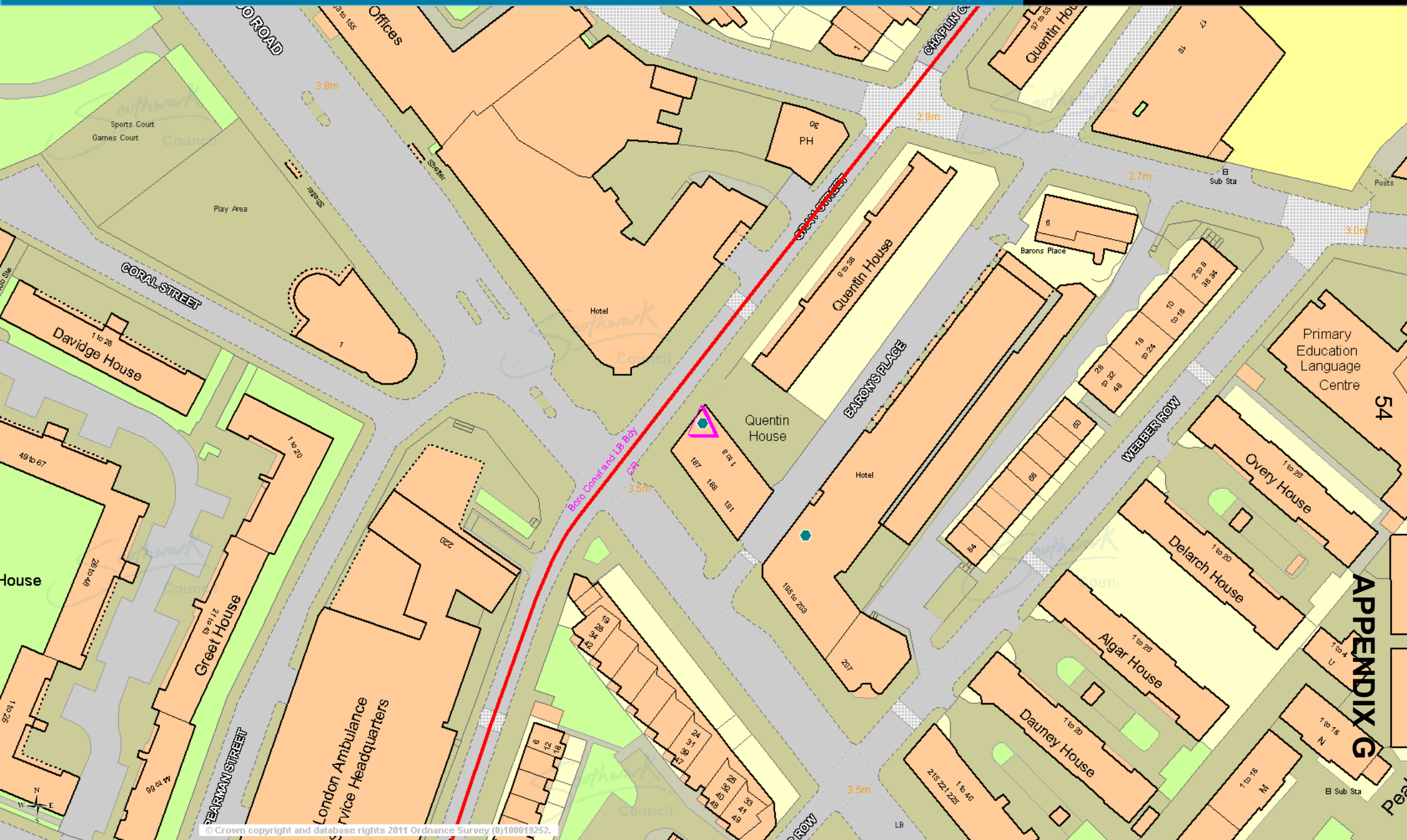
RIZA CICEKLI

dated

05/05/16

Bottle & Basket 187 Waterloo Road

Date 12/4/2016



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APPENDIX G

LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2016-17

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

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Councillor David Hubber	1	Bill Masini, Trading Standards team	1
Councillor Lorraine Lauder MBE	1	Dorcas Mills, Licensing team	1
		David Franklin, Licensing team	1
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