

Licensing Sub-Committee

Thursday 17 March 2022

10.00 am

Online/Virtual: please contact andrew.weir@southwark.gov.uk for a link to the meeting and the instructions for joining the online meeting

Membership

Councillor Renata Hamvas (Chair)
Councillor Charlie Smith
Councillor Kath Whittam

Reserves

Councillor Ian Wingfield

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact

Andrew Weir by email: andrew.weir@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 8 March 2022



Licensing Sub-Committee

Thursday 17 March 2022
10.00 am

Online/Virtual: please contact andrew.weir@southwark.gov.uk for a link to the meeting and the instructions for joining the online meeting

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: PECKHAM FOOD AND WINE, 176 PECKHAM HIGH STREET, PECKHAM, LONDON SE15 5EG	1 - 75
6.	LICENSING ACT 2003: 97 - 99 COMMERCIAL WAY, PECKHAM, LONDON SE15 6DB	76 - 129

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: 8 March 2022

Item No. 5.	Classification: Open	Date: 17 March 2022	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Peckham Food and Wine, 176 Peckham High Street, Peckham, London SE15 5EG	
Ward(s) affected	of	group(s)	Rye Lane
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers whether an application made under the Licensing Act 2003 by Mr. Muhammad Baloch for a premises licence in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, Peckham, London SE15 5EG be granted.
2. Notes:
 - a) This application is submitted under Section 17 of the Licensing Act 2003. The application is subject to representations submitted by responsible authorities and is therefore referred to the licensing sub-committee for determination.
 - b) Paragraphs 9 to 12 of this report provide a summary of the application. Copies of the full application and the application plan are attached in Appendix A.
 - c) Paragraphs 13 to 24 of this report deal with the representations submitted in respect of the application. Copies of the representations, and related correspondence, are attached to this report in Appendix B. A map showing the location of the premises is attached as Appendix 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 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 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 20 December 2022 Mr. Muhammad Baloch applied to this council for the grant of a premises licence in respect of Peckham Food and Wine, 176 Peckham High Street, Peckham, London SE15 5EG.
9. The application is summarised as follows:
 - **The sale of alcohol to be consumed off the premises**
 - Monday to Sunday: 07:00 to 23:00
 - **Proposed opening hours of the premises**
 - Monday to Sunday: 07:00 to 23:00.

10. The premises and the intended style of operation of the premises are described in the application as follows:

“A convenience store offering a range of groceries and goods in addition to the sale of alcohol.” (Text copied from the application verbatim).

11. The premises licence application form includes an ‘operating schedule’. Parts J, K, L and M of the operating schedule set out the proposed licensable activities, operating hours and operational control measures in full with reference to the four licensing objectives. Should a premises licence be issued in respect of the application then the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application. Copies of the application and application plan are attached to this report as Appendix A.

Designated premises supervisor

12. The proposed designated premises supervisor (DPS) is Mr. Asif Ali.

Representations from responsible authorities

13. Representations have been submitted by the Metropolitan Police Service, this council’s environmental protection team, this council’s trading standards service and by the council’s licensing service in its role as a responsible authority.
14. The Metropolitan Police Service notes that the premises were subject to a premises licence review submitted by this council’s trading standards service in 2017, when the premises licence was revoked, and that an appeal against the licence revocation was rejected by the Magistrates’ Court.
15. The Metropolitan Police service further notes that the premises are located in the Peckham cumulative impact area and that the locale has a large problem with street drinking, alcohol abuse and associated crime and disorder. The Metropolitan Police Service contends that the applicant has not addressed cumulative impact at all in the application. The Metropolitan Police Service recommend that the licence is refused, but propose that, if the licensing sub-committee is minded to grant the licence, various conditions be imposed on any issued licence.
16. The environmental protection team’s representation was submitted in respect of the prevention of public nuisance licensing objective. The environmental protection team notes that the premises are located in a cumulative impact area.
17. The environmental protection team contends that any increase in alcohol sales in the already saturated cumulative impact area is likely to contribute to the negative cumulative impact on public nuisance caused by street drinking, drunkenness, street fouling, and rowdy conduct in the street. The environmental protection team contends that the applicant has not addressed

cumulative impact. The environmental protection team objects to the application.

18. The trading standards service's representation was submitted with regard to all four licensing objectives. The trading standards service notes that the premises were subject to a premises licence review submitted by the trading standards service in 2017, when the premises licence was revoked, and that an appeal against the revocation was rejected by the Magistrates' court.
19. The trading standards Service further notes that the premises are located in the Peckham cumulative impact area. The trading standards service states that there is a presumption that new premises licence applications for off licensed premises in the Peckham cumulative impact area will be refused on the basis that the area is already saturated with such premises. The trading standards service notes that the proposed designated premises supervisor of the premises, Mr Asif Ali, received a caution under the Licensing Act 2003 pertaining to another off licence premises located in Southwark. The Trading Standards Service asks that the application be refused.
20. Licensing as a responsible authority submitted a representation with regard to all four licensing objectives. The licensing responsible authority notes that the premises are located in a cumulative impact area. Licensing as a responsible authority contends that the applicant has failed to address both cumulative impact, and the presumption to refuse applications that are subject to a cumulative impact policy.
21. Licensing as a responsible authority notes that the premises were subject to a premises licence review submitted by this council's trading standards service in 2017, when the premises licence was revoked, and that an appeal against the revocation was rejected by the Magistrates' Court. Licensing as a responsible authority further notes that an application for a premises licence submitted in 2021 was refused by the licensing sub-committee and that the previous Licensee or DPS may still have an interest in the business.
22. Licensing as a responsible authority recommends that the application is refused unless the applicant can demonstrate that the proposed operation of the premises will not contribute to crime and disorder and public nuisance within the Peckham cumulative impact area.
23. Copies of the representations submitted by responsible authorities, and related correspondence, are attached as Appendix B.

Representations from other persons

24. No representations were submitted by 'other persons'.

Conciliation

25. The applicant was sent copies of the representations and replied to the responsible authorities. The environmental protection team and trading standards service responded by stating that they uphold their representations.

26. The representations submitted by the Metropolitan Police Service and licensing as a responsible authority remain outstanding.
27. Therefore, at the time of the writing of this report, all of the representations submitted remain outstanding and must be considered by the licensing sub-committee. At the hearing to determine this application the licensing sub-committee will be apprised as to any conciliation, whether partial or full, of any of the responsible authorities.

Premises history

28. On 6 August 2006 a premises licence was issued in respect of the premises to Muhammed Islam and Saima Shahzadi. The premises licence allowed for the sale of alcohol 24 hours a day and 24 hours a day opening hours.
29. On 15 June 2009 the licence was transferred to Kiran Israr. Kiran Israr was also specified as the designated premises supervisor on this date.
30. On 19 June 2017, an application was submitted by this council's trading standards service under Section 51 of the Licensing Act 2003, for the review of the premises licence held by Kiran Israr in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG.
31. On 27 June 2017 an application, to have immediate effect, was submitted to specify Aamir Ali as the DPS of the premises. The application was granted and issued on 27 June 2017. The licensee remained Kiran Israr.
32. A licensing sub-committee hearing to determine the review application submitted in respect of the premises on 19 June 2017 took place on 15 September 2017. At the hearing the licensing sub-committee decided to revoke the premises licence issued in respect of the premises. A copy of the notice of decision pertaining to the review hearing of 15 September 2017 is attached in Appendix C.
33. On 4 September 2018 High Street Food Store Limited applied for a premises licence to allow the off sale of alcohol at the premises between 09:00 to 23:00 daily. By 2 October 2018 representations had been received by this council's licensing responsible authority, this council's trading standards service and by the Metropolitan Police Service. The application was withdrawn on 3 October 2018. High Street Food Store Limited is now dissolved. Companies House records show that the director of High Street Food Store Limited was a Mr Ali Yasir.
34. On 25 April 2021 Mr. Abdul Aziz Umer applied to this council for the grant of a premises licence in respect of Peckham Food and Wine, 176 Peckham High Street, Peckham, London SE15 5EG.
35. A licensing sub-committee hearing to determine the premises licence application submitted in respect of the premises on 25 April 2021 by Mr. Abdul Aziz Umer 2021 took place on 22 July 2021. At the hearing the

licensing sub-committee decided to reject the application. A copy of the Notice of Decision pertaining to the hearing of 22 July 2021 is attached in Appendix C.

36. No temporary event notices have been submitted in respect of the premises.

Map

37. A map showing the location of the premises is attached to this report as Appendix D. The following licensed premises are also shown on the map and provide licensable activities as stated below:

Prince of Peckham, 1 Clayton Arms Clayton Road, London SE15 5JA
licensed for:

- Films, indoor sporting events, recorded music and the sale of alcohol to be consumed on or off the premises:
 - Sunday to Thursday: 10:00 to 00:00 (midnight)
 - Friday and Saturday: 10:00 to 02:00

Peckham News, 133 Peckham High Street, London SE15 5SL licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Sunday: 09:00 to 23:00

Binder Off Licence, 149 Peckham High Street, London SE15 5SL
licensed for:

- The sale of alcohol to be consumed off the premises:
 - Monday to Sunday: 10:00 to 00:00

The Copper Tap at the Red Cow, 190-192 Peckham High Street, SE15 5EG licensed for:

- Recorded music, performances of dance and the sale of alcohol to be consumed on or off the premises:
 - Monday to Thursday: 12:00 to 23:00
 - Friday and Saturday: 12:00 to 01:00
 - Sunday: 12:00 to 22:30
- Late night refreshment and live music:
 - Friday and Saturday: 12:00 to 01:00

Southwark Council statement of licensing policy

38. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and came into effect on 1 January 2021.
39. 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.
40. 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.

Cumulative Impact Area (CIA)

41. The premises are situated in the Peckham cumulative impact area and in the Peckham major town centre area.

42. Under the Southwark's statement of licensing policy 2021 - 2026 the following closing times are recommended as appropriate within this area for the categories of premises stated:
- Off licences and alcohol sales in grocers and supermarkets:
 - Monday to Sunday: 00:00 (midnight).

Climate Change Implications

43. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
44. Climate change is not a legal factor in the consideration of a grant of a premises license under the current licensing objectives, however members can make enquiries and request an agreement from applicants to promote the reduction of the impact of climate change that may be caused by the operation of the premises.
45. Examples of such agreements may be:
- Not use single use plastics, such as disposable plastic glasses, when selling alcohol at the premises.
 - Encourage patrons not to drive to venues by providing details of public transport on their webpages/tickets.
46. The council's climate change strategy is available at:
<https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf>

Community, equalities (including socio-economic) and health impacts

Community impact statement

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

Equalities (including socio-economic) impact statement

48. This report does not result in a policy decision and each application is required to be considered upon its own individual merits with all relevant matters taken into account. In considering the recommendations of this report, due regard must be given to the public sector equality duty set out in section 149 of the Equality Act 2010. This requires the Council to consider all individuals when carrying out its functions.
49. Importantly, the council must have due regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct; advance equality of opportunity and foster good relations between people

with protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The public sector equality duty also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct.

50. The equalities impact statement for licensing decisions is contained within the Southwark statement of licensing policy 2021 – 2026:
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>.
51. The equalities impact assessment is available at:
<https://moderngov.southwark.gov.uk/documents/s92016/Appendix%20F%20-%20Equalities%20Impact%20Assessment.pdf>

Health impact statement

52. Health impacts cannot be considered by law when making decisions under the Licensing Act 2003.

Resource implications

53. A fee of £190.00 has been paid by the applicant in respect of this application, that fee being the statutory fee payable for premises within non-domestic rateable value band 'B'.

Consultation

54. 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 similar notices were exhibited outside of the premises for a period of 28 consecutive days.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

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

Principles for making the determination

57. 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.

58. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
59. 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

60. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
61. The four licensing objectives are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
62. 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.
63. 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.

64. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically Section 10.

Reasons

65. 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

66. 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.
67. 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

68. 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.
69. 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.
70. 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.
71. 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.
72. 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. 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.
73. 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.

74. 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

75. 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

76. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Application and application plan
Appendix B	Representations submitted by responsible authorities, and related correspondence
Appendix C	Notices of decision pertaining to the licensing sub-committee hearings of 15 September 2017 and 22 July 2021
Appendix D	Map showing the location of the premises

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	16 February 2022	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		16 February 2022

20/12/2021

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

Ref No. 1776674

Name of Applicant

Please enter the name(s) who is applying for a premises licence under section 17 of the Licensing Act 2003 and am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

	Muhammad Baloch
--	-----------------

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the

entertainment is provided by or on behalf of the health care provider;

o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and

o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

5. For example (but not exclusively), where the activity will occur on additional days during the summer months.

6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.

8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

10. Please list here steps you will take to promote all four licensing objectives together.

11. The application form must be signed.

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.

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

15. Entitlement to work/immigration status for individual applicants and applications

from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A current Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a

European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - o evidence of the applicant's own identity – such as a passport,

 - o evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and

 - o evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;

- (ii) any page containing the holder's photograph;

- (iii) any page containing the holder's signature;

(iv) any page containing the date of expiry; and

(v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Premises Details

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

Non-domestic rateable value of premises in order to see your rateable value [click here](#) (opens in new window)

£	19250
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises

Premises trading name

	Peckham Food and Wine
--	-----------------------

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

Do you have a Southwark postcode?	Yes
Address Line 1	176 PECKHAM HIGH STREET
Address Line 2	
Town	LONDON
Post code	SE15 5EG
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Applicant Details

Please select whether you are applying for a premises licence as

	An individual or individuals
--	------------------------------

If you are applying as an individual or non-individual please select one of the following:-

	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
--	---

Details of Individual Applicant

Personal Details

Title	Mr
If other, please specify	
Surname	Baloch
Forenames	Muhammad
Date of birth	██████████
I am 18 years old or over	Yes
Nationality	██████

Current Address

Street number or Building name	█
Street Description	██████████
Town	██████

County	
Post code	██████

Contact Details

Daytime contact telephone number	██████████
Email Address	██████████

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see guidance below)

Please enter	
--------------	--

Guidance notes

Do you wish to add a second individual applicant?

	No
--	----

Operating Schedule

When do you want the premises licence to start?

	18/01/2022
--	------------

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

--	--

General description of premises (see guidance note 1)

	A convenience store offering a range of groceries and goods in addition to the sale of alcohol
--	--

If 5,000 or more people are expected to attend the premises at any one time please use the drop down below to select the number.

	Less than 5000
--	----------------

Note 1

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

description of where the place will be and its proximity to the premises.

Operating Schedule part 2

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

	(Please see sections 1 and 14 of the Licensing Act 2003 and schedule 1 and 2 of the Licensing Act 2003)
--	---

Provision of regulated entertainment (Please read guidance note 2)

Provision of late night refreshment

--	--

Supply of alcohol

	j) Supply of alcohol
--	----------------------

In all cases please complete boxes K, L and M.

J - Supply of Alcohol

Will the supply of alcohol be for consumption (Please read guidance note 8)

	Off the premises
--	------------------

Standard days and timings for Supply of alcohol (Please read guidance note 7)

Day	Start	Finish
Mon	07:00	23:00
Tues	07:00	23:00
Wed	07:00	23:00
Thur	07:00	23:00

Fri	07:00	23:00
Sat	07:00	23:00
Sun	07:00	23:00

State any seasonal variations for the supply of alcohol (Please read guidance 5)

--	--

Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed. Please list, (Please read guidance note 6)

--	--

Please download and then upload the consent form completed by the designated proposed premises supervisor

--	--

- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

Premises Supervisor

State the name and details of the individual whom you wish to specify on the licence as the designated premises supervisor (Please see declaration about the entitlement to work in the check list at the end of the form)

Full name of proposed designated premises supervisor

First names	Asif
Surname	Ali

DOB

Date Of Birth	
---------------	--

Address of proposed designated premises supervisor

Street number or Building name	█
Street Description	██████████
Town	██████
County	████
Post code	██████

Personal licence number of proposed designated premises supervisor, if any,

Personal licence number (if known)	████
Issuing authority (if known)	████████████████████

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 9)

	There is no activity of this nature
--	-------------------------------------

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

L - Hours premises are open to public

- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Hours premises are open to the public (standard timings Please read guidance note 7)

Day	Start	Finish
Mon	07:00	23:00
Tues	07:00	23:00
Wed	07:00	23:00
Thur	07:00	23:00
Fri	07:00	23:00
Sat	07:00	23:00
Sun	07:00	23:00

State any seasonal variations (Please read guidance note 5)

--	--

Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed. Please list, (Please read guidance note 6)

--	--

M - Steps to promote four licencing objectives

a) General - all four licensing objectives (b,c,d,e) (Please read guidance note 10)

	<p>PROPOSED SCHEDULE OF CONDITIONS</p> <p>The premises licence holder is a responsible operator who is aware of the 4 Licensing objectives, the Council's licensing policy and their responsibilities under the Licensing Act 2003. The business is run lawfully and in accordance with good business practice and offers the following conditions to be attached to the premises licence.</p> <p>All health & safety, fire and other legal commitments will be complied with under the relevant legislation.</p> <ol style="list-style-type: none"> 1. A CCTV recording system shall be installed that is compliant with, and capable of, capturing an image of evidential standards. The system shall continually record whilst the venue is open for licensable activity and/or when customers are present on the premises. All CCTV recordings shall be time- & date-stamped and maintained for a minimum of thirty-one (31) days. Cameras shall be installed so as to cover both internal and external areas of the premises. At least one camera shall cover ingress/egress points. 2. Staff shall be fully trained in the operation of the CCTV system and there shall be at least one member of staff on duty during trading hours who is able to provide copies of CCTV recordings to the Police and authorised officers of the Local Authority. Such copies shall, in any event, be provided within forty-eight (48) hours. 3. The "Challenge 25"/"Think 25" proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved identity card bearing the holographic 'PASS' mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person. 4. All relevant staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and refusing service where individuals cannot produce acceptable means of identification, acceptable forms of ID, and using the refusal register. Such training (including any refresher training) will be logged and ongoing. 5. The premises licence holder shall ensure that notices shall be displayed in the premises, advising; <ul style="list-style-type: none"> • CCTV is in operation • a 'Challenge 25' scheme operates in the premises • 'No proof of age – no Sale' • Patrons should respect the needs of local residents and leave the area quietly 6. A refusals log must be kept at the premises, and made immediately available on request to the police or an authorised person. The refusals log is to be inspected on a monthly basis by the DPS and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following: <ol style="list-style-type: none"> a) the identity of the member of staff who refused the sale; b) the date and time of the refusal; c) the alcohol requested and reason for refusal; d) description of the person refused
--	--

	<p>alcohol.</p> <p>7. Alcohol shall only be purchased for sale within the premises from reputable sources and not from door-to-door sellers. The premises licence holder shall ensure all receipts for goods brought include the following details:</p> <ul style="list-style-type: none"> i. Seller's name and address ii. Seller's company details, if applicable iii. Seller's VAT details, if applicable <p>Such receipts are to be made available to officers of the local authority or police service upon reasonable request.</p> <p>8. The area immediately outside the premises shall be monitored to ensure that any litter generated by the premises and/or its customers is regularly cleared.</p> <p>9. Alcohol shall not be sold in an open container or consumed on the premises.</p>
--	---

b) the prevention of crime and disorder

	Please see box a above
--	------------------------

c) public safety

	Please see box a above
--	------------------------

d) the prevention of public nuisance

	Please see box a above
--	------------------------

e) the protection of children from harm

	Please see box a above
--	------------------------

Guidance note 10

Please list here steps you will take to promote all four licensing objectives together.

Please upload a plan of the premises

	plan-for-licensing.pdf
--	--

Please upload any additional information i.e. risk assessments

	[REDACTED]
--	------------

Checklist

	I have enclosed the plan of the premises. I understand that if I do not comply with the above requirements my application will
--	---

	be rejected. I understand that I must now advertise my application (In the local paper within 14 days of applying)
--	---

Home Office Declaration

Please tick to indicate agreement

	I am not a company or limited liability partnership
--	---

Proof of Entitlement to work in the UK

Please upload your proof of entitlement to work in the UK or share code issued by the Home Office online right to work checking service. (Please see guidance below)

	[REDACTED]
--	------------

Guidance notes

Declaration

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK.

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work.

I/We hereby declare the information provided is true and accurate.

I agree to the above statement

	Yes
PaymentDescription	[REDACTED]
PaymentAmountInMinorUnits	[REDACTED]
AuthCode	[REDACTED]
LicenceReference	[REDACTED]
PaymentContactEmail	[REDACTED]

Please provide name of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If completing on behalf of the applicant, please state in what capacity.

Full name	[REDACTED]
Date (DD/MM/YYYY)	20/12/2021
Capacity	Applicant's Solicitor

Where the premises licence is jointly held, enter the 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (guidance note 13). If completing on behalf of the applicant state in what capacity

Full name	
Date (DD/MM/YYYY)	
Capacity	

Contact name (where not previously given) an address for correspondence associated with this application (please read guidance note 14)

Contact name and address for correspondence	[REDACTED]
Telephone No.	[REDACTED]
If you prefer us to correspond with you by e-mail, your email address (optional)	[REDACTED]

GUIDANCE NOTES

12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.

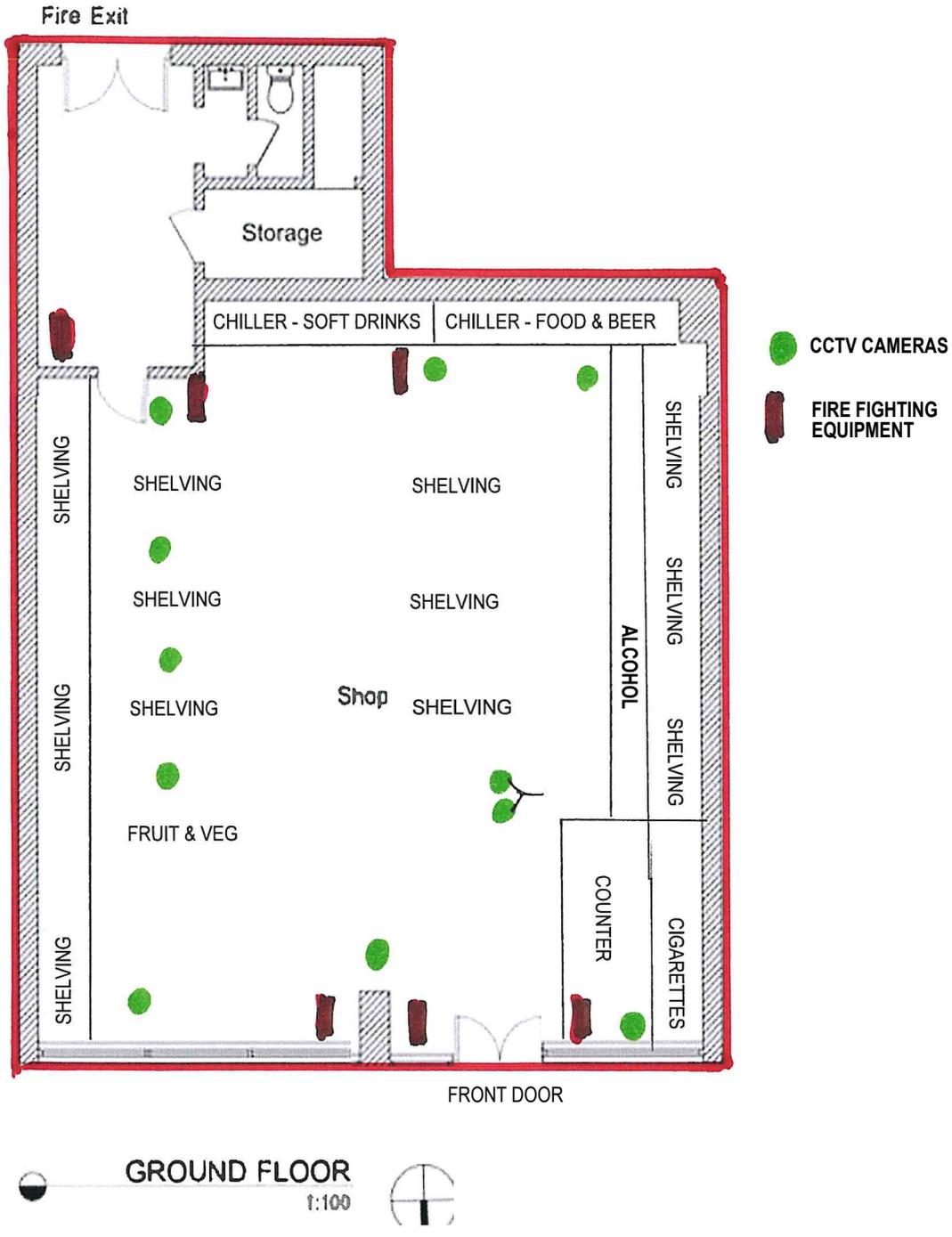
14. This is the address which we shall use to correspond with you about this application.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

LICENSING PLAN - 176 Peckham High Street, London, SE15 5EG





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
graham.s.white@met.police.uk

Our MD/21/1004/22
reference:

Date: 12th January 2022

Dear Sir/Madam

Re:- Peckham Food and Wine, 176 Peckham High Street, London SE5 5EG

Police are in possession of an application from Muhammad Baloch for the above premises for a new premises licence. The premises was subject to a review by trading standards in 2017 and the licence was revoked in September 2017. The premises appealed to the magistrate's court, which was unsuccessful, and the transfer application was also unsuccessful.

The premises are situated in the Peckham Cumulative impact Zone (CIZ) as designated by Southwark Council. The High Court approval of Cumulative impact policies came in Westminster City Council v Middlesex Crown Court. In brief, it stated 'A licence could be refused on the sole ground that the area was already saturated with licensed premises'.

Peckham has a considerable amount of licensed premises including a high number of off licence style premises. The area has a large problem with street drinking and alcohol abuse and the associated crime and disorder. The hours applied are 0700hrs to 2300hrs seven days a week.

The applicant has failed to address the cumulative impact in any way within the application and the conditions offered are minimal. They have failed to offer a restriction on the maximum ABV allowed to sell which I would expect from any responsible operator especially within a CIZ.

The premises is owned by Southwark council and is leased out. No documentation has been submitted indicating how the applicant has come to run the premises. I

would expect a copy of a lease showing how long the lease is for and who with. This would indicate that if the licence is granted if the previous management could reclaim the use of the premises and circumvent the revocation and appeals process.

The metropolitan police object to the granting of the licence in full, as any further premises selling alcohol will only add to the cumulative impact and attract alcohol dependent people and add to the local crime and disorder.

We do not recommend the granting of the licence however if the licensing subcommittee decide that the premises would not have any impact on the area or add to the public nuisance, crime and disorder in the area, we have the following comments.

We would also require a condition excluding the previous management of the premises or being involved in the running of the premises.

The applicant has offered a number of conditions as part of the operating schedule, the conditions set out in the operating schedule should be precise and enforceable, as stated in the Section 182 Guidance of the Licensing Act 2003 issued by the Home Office.

If the licensing subcommittee grants the licence, the Police would like to see further control measures.

1. No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter.
2. No beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.
3. When the premises are open to the public and the licence is not in operation. All alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.

Submitted for your consideration.

Yours Sincerely

PC Graham White 2288AS
Licensing Officer
Southwark Police Licensing Unit

From: Binya, Raymond <Raymond.Binya@southwark.gov.uk>
Sent: Friday, January 14, 2022 10:27 AM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Cc:
Subject: Application for a new premises 176 Peckham High Street EPT's ref 968371

Dear Licensing Team

**Application for a premises licence to be granted under the Licensing Act 2003
Ref No. 876417
Off sales of alcohol at 176 Peckham High Street.**

On behalf of the Environmental Protection Team (EPT) I wish to object to this application on the grounds of the prevention of public nuisance through cumulative impact (CIP).

The application is for off sales of alcohol until 2300. Although hours applied are within the policy hours however the premises is within a Peckham CIP area.

As we noted on previous applications, any increase in alcohol sales in the already saturated cumulative impact area is likely to contribute to a cumulative impact on public nuisance from street drinking, drunkenness, street fouling, and rowdy conduct in the street.

The application has not addressed the potential cumulative impact of the proposed licence, nor given any compelling reason, nor any reason at all, why this premises should be considered an exception to the cumulative impact policy.

EPT recognise applicant's proposed conditions to address prevention of public nuisance objective, however, it is our opinion that proposed measures will only affect immediate vicinity of the shop, on the other hand, cumulative impact is intended to prevent the creeping additional impact that is not attributable to particular premises, once the patrons are out of vicinity.

Kind Regards

Raymond Binya
Principal Environmental Protection Officer
Environmental Protection Team
Tel: 020 7525 4809

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX
Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH

From: Moore, Ray <Ray.Moore@southwark.gov.uk>
Sent: Monday, January 17, 2022 3:33 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Subject: Application for a new premises license - 176 Peckham High Street, London, SE15 5EG Ref 1776674 / 876417

As a responsible authority under the Licensing Act 2003, Trading Standards are in receipt of an application from Mahammad Baloch for a premises license for off sales only from 07:00hrs to 23:00hrs Monday to Sunday with opening times from 07:00hrs to 23:00hrs Monday to Sunday for a premises at 176 Peckham High Street, SE15 5EG This premises was previously subject to a review of its license on 15th September 2017 and the Licensing Sub Committee revoked the license. This matter went to the Magistrates Courts by way of appeal and the appeal was refused.

An application for a new premises license at this premises was received in 2021 in the name of Mr Abdul Aziz Umar who was managing the shop on behalf of Mahammad Baloch who had recently had the lease reassigned. This was heard by the Licensing Sub Committee on 22nd July 2021 when the application was refused.

It is noted that in this application the proposed Designated Premises Supervisor is a Mr Asif ALI of [REDACTED]

Trading Standards are therefore making representations with respect to all four licensing objectives: The prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm.

Firstly, attached are the representations made by Trading Standards in 2021 relating to the application made by Mr Abdul Aziz Umar as manager for Mr Baloch. APPENDIX A.

Secondly, attached is a copy of the Notice of Decision from the Licensing Sub Committee on 22nd July 2021. APPNDIX B.

Thirdly the proposed DPS was subjected to action by this authority in relation to licensed premises trading under the name "Presco" at 133 Southampton Way, SE5 and 234 Southwark Park Road, SE16. A notice of decision from the Licensing Sub Committee in relation to an application for a premises license in the name of [REDACTED], [REDACTED] from 14th November 2014 for a new premises license at 234 Southwark Park Road, SE16. This application was refused. APPENDIX C.

Fourthly, a caution for [REDACTED] in relation to Presco, 133 Southampton Way, SE5. APPENDIX D.

Trading Standards would ask that the subcommittee refuse this application owing to the past history of those involved. It should also be noted that this premises is in the Peckham Cumulative Impact Zone and that there is a presumption that such applications should be refused for off licenses.

Ray MOORE
Principal Trading Standards Enforcement Officer

Moore, Ray

From: Moore, Ray
Sent: 24 May 2021 17:14
To: Regen, Licensing
Subject: Application for a new premises license - 176 peckham High Street, SE15 5EG Ref 874643

Categories: Egress Switch: Unprotected
Switch-MessageId: 0ef6e5907a3a4de0ab85f3fbb8d7aec0

As a responsible authority under the Licensing Act 2003, Trading Standards are in receipt of an application from Abdul Aziz UMER for a premises license for off sales only from 07:00hrs to 03:00hrs Monday to Sunday with opening times from 07:00hrs to 03:00hrs Monday to Sunday for a premises at 176 Peckham High Street, SE15 5EG

This premises was previously subject to a review of its license on 15th September 2017 and the Licensing Sub Committee revoked the license. This matter went to the Magistrates Courts by way of appeal and the appeal was refused.

Trading Standards are therefore making representations with respect to all four licensing objectives: The prevention of crime and disorder; public safety; the prevention of public nuisance and the protection of children from harm

The facts of the matter are as follows:-

The previous license was revoked following a review brought by trading standards concerning the following matters:-

Prevention of Crime and disorder –

- Illegal workers in shop on 6 separate occasions – 23 Nov 2016, 8 Feb 2017, 2 March 2017, 5 April 2017, 26 April 2017 & 20 May 2017
- Failure to pay the National Minimum Wage
- Failure to have CCTV working in accordance with conditions 288 and 289
- Failure to display sale price of “super strength” beers, lagers and ciders
- Failure to have a personal Licence holder on the Premise at all times – condition 336
- Supplying alcohol when no authorisation from a Personal Licence holder – condition 101
- Duty evaded alcohol sold.
- Offering to sell unsafe and counterfeit “Apple” Phone chargers

Protection of children from harm –

- Failure to train staff on age verification and to keep and make available records of that training – condition 326.

The ownership of the business at the time was as follows:-

The premises licence holder and Designated Premises Supervisor was [REDACTED]. The business was operated through a Limited Company, Peckham Foods and Wines Ltd (company number 06263942) Registered Office: Danmir Consultants, 170 Church Road, Mitcham CR4 3BW. There were three directors,

The property is owned by the London Borough of Southwark who hold the freehold. This is leased to a Mr Muhammad Islam on a 15 year lease from 6th January 2016. The current land registry documents show this as the current leaseholder.

Mr Ray MOORE from the Trading Standards Team with Southwark Council visited the premises with officers from the Night Time Economy Team on Friday 21st May 2021 and spoke with the applicant who was at the shop, (Mr Abdul Aziz UMER). He showed Mr MOORE some documents on his phone including a new “License to assign” dated 28th January 2020 which assigned the lease to Mr Muhammad Hayat BALOUCH of [REDACTED].

Mr UMER told Mr MOORE that the business was owned by a company (A & M Local Store Ltd) and that Mr Muhammad Hayat BALOUCH was the director of that company. He was the manager of the shop and the applicant for the premises license. He said he was in the process of applying for a personal license. Amongst the documents he showed Mr MOORE was an application for a COVID business grant for A & M Local store Ltd addressed to Mr Aziz BALOUCH. Mr MOORE asked him who Mr Aziz BALOUCH was and Mr Muhammad UMER said that Aziz BALOUCH was himself. He then produced a DBS certificate which Mr MOORE said that he didn’t want to look at but he insisted as it gave his other names these being...

David UMER

Abdul Aziz UMER

Abdul Aziz BALOUCH

He said that there was a reason for changing his name which was related to religion and which Mr MOORE didn’t fully understand.

Trading Standards make representations on the following basis:-

1. This premises is in the Peckham Cumulative Impact Zone as defined in the Southwark Statement of Licensing Policy and there is a presumption that new off license applications will be refused on the basis that the area is already saturated with such premises.
2. The hours exceed those which would be acceptable in the neighbourhood.

3. There would need to be further conditions than those alluded to in the application.

Trading Standards are therefore asking that the application is refused in accordance with the provisions of the Southwark Statement of Licensing Policy. Should the Licensing Sub Committee be minded to grant the license then Trading Standards would ask that the hours be restricted and would ask that the Sub Committee consider a list of conditions to be provided beforehand.

Ray MOORE

Principal Trading Standards Officer 24/05/2021

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| Regulatory Services

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

Direct line 020 7525 0816 | Fax 020 7525 5735 | Call Centre 020 7525 2000

www.southwark.gov.uk/TradingStandards

Need proof of age? Visit www.southwark.gov.uk/pal

Need advice on consumer issues? Visit Citizens Advice via www.direct.gov.uk/consumer



<http://www.southwark.gov.uk/business/trading-standards-and-food-safety/illegal-tobacco-e-cigarettes-and-shisha>

Please consider the environment - do you really need to print this email?

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 22 JULY 2021

LICENSING ACT 2003: PECKHAM FOOD & WINE, 176 PECKHAM HIGH STREET, LONDON SE15 5EG

1. Decision

That the application made by Mr. Abdul Aziz Umer for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG be refused.

2. Reasons

This was an application made by Mr. Abdul Aziz Umer for a premises licence to be granted under section 17 of the Licensing Act 2003 in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG.

The licensing sub-committee heard from the applicant's representative who advised that the premises was a convenience shop. They advised that the applicant had accepted most of the conditions and reduced the hours sought to 00:00. They added that they would consider any further recommended conditions.

They informed the sub-committee that the business had been affected by the pandemic and trade had reduced by 55%. It was vital that an alcohol licence be granted, increasing the walk-in trade and the business' profit margin. Without licence the business would become insolvent. Already, customers would leave and not return when informed that the premises does not sell alcohol. There were two shops opposite the premises, both of which have licences until 00:00. The applicant stated that there were no other shops near the premises.

The applicant understood and appreciated that the premises was in a cumulative impact area (CIA) and recognised that there were problems with the suppliers and illegal workers at the premises pre-2017, stating that he didn't know the previous owners/licence holder. If a licence was granted, purchases would be made only at "authentic suppliers". When asked by the chair of the sub-committee, the applicant was surprised, but acknowledged one of the parties to the licence to assign was the same as that referred to in paragraph 28 in the report, but the applicant didn't know him; he was just a name on the lease.

The licensing sub-committee heard from the Metropolitan Police Service officer whose representation related to the prevention of crime and disorder licensing objective. They advised that premises was in the Peckham cumulative impact area where there was already a considerable amount of licensed premises including a

high number of off-licences. Peckham had a large problem of street drinking and alcohol abuse and the associated crime and disorder.

The police officer was of the view that the applicant had failed to address the cumulative impact in any way within the application and the conditions detailed in the operating schedule were minimal. The premises was owned by the council and a lease agreement was in place with the director of Peckham Food and Wine Limited in 2017. The land registry search showed the premises had been sub-leased to the applicant, suggesting the previous licence holder still had a controlling interest in the premises. If the licence was granted, the previous management could reclaim the use of the premises and circumvent the revocation and appeals process. The Metropolitan Police Service officer objected to the granting of the licence in its entirety and stated any further premises selling alcohol would only add to the cumulative impact, attract further alcohol dependence and increase crime and disorder.

The licensing sub-committee heard from the officer from trading standards whose representation was made in respect all four of the licensing objectives. The officer advised that he visited the premises with officers from the night time economy team on 21 May 2021 and spoke with the applicant, who was at the shop.

The applicant showed the officer some documents on his phone including a license to assign, dated 28 January 2020, which assigned the lease to Mr Muhammad Hayat Balouch. The applicant advised the business was owned by A & M Local Store Ltd and that Mr Muhammad Hayat Balouch was the director of that company; the applicant was the manager of the premises and he was in the process of applying for a personal license.

The applicant also showed the officer an application for a COVID business grant for A & M Local Store Limited addressed to Mr Aziz Balouch. When asked, the applicant stated that he was Aziz Balouch. The applicant then produced a DBS certificate which gave three further aliases and stated that the reason for changing his name was religious. In addition to this, trading standards objected to the application as the premises was in the Peckham cumulative impact area and there was a presumption that new license applications should be refused on the basis that the area was already saturated.

The licensing sub-committee then heard from the officer from licensing as a responsible authority who advised that the premise was situated within the Peckham cumulative impact area. Paragraph 131 of Southwark's statement of licensing policy was a rebuttable presumption that applications for new premises licences would add to the existing cumulative impact and should be refused. It was for the applicant to demonstrate that the application would not contribute to the negative local cumulative impact on any of the licensing objectives. The licensing responsible authority officer was of the view that the applicant had not addressed the presumption in his application and therefore recommended that the application be refused.

The licensing sub-committee then heard from the officer from the council's environmental protection team who also stated that any increase in alcohol sales in

the already saturated cumulative impact area was likely to contribute to a cumulative impact on public nuisance from street drinking, drunkenness, street fouling, and rowdy conduct in the street, particularly during the night and late evening. The application had not addressed the potential cumulative impact of the proposed licence, nor given any compelling reason, nor any reason at all, why this premises should be considered an exception to the cumulative impact policy.

The licensing sub-committee was informed that the premise had been a problem premises that was subject to a review by trading standards in 2017 when the licence was revoked. Despite this, the applicant failed to address the concerns raised by the responsible authorities either during the application's consultation period, or in the meeting. The sub-committee was unhappy that neither of the directors of A & M Local Store Ltd were in attendance at the meeting, especially when concerns had been raised of one of the assignees to the licence to assign having had previous dealings with the premises.

The applicant also failed to rebut the presumption to refuse this premises licence application. The sub-committee were referred to R (on the application of Westminster City Council) -v- Middlesex Crown Court [2002] EWHC 1104 in which HHJ Baker determined "...a licence could be refused on the sole ground that the area was already saturated with licence premises...and the cumulative effect of the existing premises was impacting adversely on the area to an unacceptable level". Since the premise is located in the Peckham CIA, this application is refused.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

3. Appeal Rights

The applicant may appeal against any decision:

- a. To impose conditions on the licence
- b. To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a. The licence ought not to be granted; or
- b. That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days

beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Issued by the Constitutional Team on behalf of the Director of Law and Governance.

Date 22 July 2021

Trading Standards - Appendix C

SOUTHWARK PARK ROAD, LONDON SE10 3RN

[Meeting of Licensing Sub-Committee, Monday 10 November 2014 10.00 am \(Item 5.\)](#)

[\(ieListDocuments.aspx?CId=172&MID=5021#A134809\)](#)

Share this item

Minutes:

The licensing officer presented their report. The licensing officer advised that the police and the trading standards officers had requested that additional documentary evidence be placed before the sub-committee. The applicants' representative objected to this under Section 18 of the Licensing Act 2003 (Hearings) Regulations 2005, but were agreeable that both police and trading standards could make oral representations, which was accepted by the police and trading standards.

Members had no questions for the licensing officer.

The applicants addressed the sub-committee. Members had questions for the applicants

The trading standards officer addressed the sub-committee. Members had questions for the trading standards officer.

The Metropolitan Police Service representative addressed the sub-committee. Members had questions for the police representative.

The meeting adjourned at 1.02pm, at the request of the applicants' representative to allow the applicants and their representative time for a private discussion. The meeting resumed at 1.09pm.

The meeting adjourned at 1.21pm, at the request of the applicants' representative to allow the applicants and their representative time for a private discussion. The meeting resumed at 1.26pm. At this point the applicants' representative advised that they were no longer representing the applicants and that the applicants would continue without any representation.

The meeting went into closed session at 11.02am.

The meeting resumed at 12.32pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Anna Ali for the grant of a premises licence issued under the Licensing Act 2003 in respect of 244 Southwark Park Road, SE16 3RN be refused.

Reasons

The police and the trading standards officer requested that additional documentary evidence be placed before the sub-committee. However, the applicant's representatives objected under Section 18 of the Licensing Act 2003 (Hearings) Regulations 2005, but were agreeable that both police and trading standards could make oral representations, which was accepted by the police and trading standards.

The licensing sub-committee heard evidence from the applicant's representative who informed the sub-committee that the premises was a groceries convenience newsagents that was owned by Yaqoob Khan, the uncle of Mr Ali, the applicant's husband, who owned 12 other such stores. Two previous Temporary event notices (TENs) had been granted without issues, which had been applied for after Mrs Balakrishna, who had surrendered the licence after she was sacked for selling single cigarettes. The application was to reinstate the licence on the same basis as that granted in March 2006.

It was accepted that Mr Ali had drafted the application, and that Mrs Ali had accepted all of the suggested police conditions and that she would work in the shop as an assistant manager. Mr Ali had accepted a simple caution in respect of counterfeit alcohol, which was accepted by him. The applicant's representative highlighted that there were no representations made by local residents or local

businesses or from the environmental protection team. The sub-committee enquired as to who would be running the premises on a day to day basis and were informed that it would be Mr Ali and the designated premises supervisor (DPS) and a Mr Michael, who has a personal licence (currently employed at another premises owned by Mr Yakoob Khan). Mrs Ali and a Mr John would be working in the premises when they receive their personal licences. Mrs Ali confirmed that she had completed the personal licence course in June/July 2014 but had yet to apply for her personal licence. When asked about the Challenge 25 obligations she was unable to provide specific details.

The licensing sub-committee heard from the trading standards officer who stated that the applicant, Mrs Ali, was a front for her husband, Mr Asif Ali, who would not be a suitable personal licence holder (or DPS). It was the trading standards officer's belief that the application was a sham in order to circumvent the provisions and the aims of the Licensing Act 2003. All of the documentation had been completed by the applicant's husband and Mr Ali sought to be the DPS. The original application had been rejected because Mr Ali had signed it on behalf of his wife. Two TENs had been granted in the name of Mr Ali, each requesting the sale of alcohol 24 hours per day, seven days per week. A third TENs was rejected following objections from the environmental protection team.

Trading standards went on to give evidence concerning diversion fraud spirits from a shop owned by Yakoob Khan and managed by Mr Asif Ali at Presco, 133-135 Southampton Way SE5 7EW. A quantity of diversion fraud spirits were found at the premises being seven bottles of High Commission Whisky and two bottles of Glenn's Vodka. Mr Ali and Mr Yakoob Khan were interviewed by trading standards on 1 September 2014 who stated that the offending spirits had been bought off of a student. Both Mr Asif Ali and Mr Yakoob Khan accepted simple cautions for these trademarks offences.

Trading standards also stated that in August 2014 a Mrs Balakrishna voluntarily surrendered the old licence after she was forcibly evicted from the premises, after a prolonged campaign of harassment by Mr Ali and that her colleague, Nazim Ali had been assaulted by Mr Asif Ali, in addition to taking cigarettes and money from the till.

Due to a lack of premises licence, no licensable activities were permitted to take place at the premises. On 5 September 2014, a warning letter was hand delivered to the premises, advising of the same. Trading standards returned to the premises on 10 October 2014 and noted that there was alcohol on the shelves but covered with paper bags; the two people working in the shop stated that Mr Asif Ali was their boss. On 24 October 2014, officers from trading standards and the police attended the premises. One male with a foreign student visa was working in the shop and stated that he was being paid £2.50 per hour/£30 for a 12 hour shift. The sub-committee noted that the employment of a person on a student visa was an immigration offence.

The licensing sub-committee heard from the Metropolitan Police Service representative who stated that their original representation was in response to the application that was before him. However, on 29 October 2014 he received additional information and stated that there were exceptional reasons to refuse the application. The sub-committee were provided with evidence from the police representative of a highly sensitive nature in closed session, in accordance with paragraph 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

When all other parties returned to the room, the police officer stated that the employees of the premises did not control the amount of youths that they had in the shop at any one time and that this was causing serious anti-social behaviour in the area. Furthermore, the premises failed to assist the police in providing CCTV to assist in prosecuting offenders.

On 5 November 2014 armed police were called to the premises in response to a report that a male was seen standing at the doorway of the premises with a gun, walking in and out of the premises. The male was seen waving the gun with both

hands on it and pointing it at members of the public. The police arrested the suspect, who was employed by the premises. The gun was in fact a BB gun and in addition to it, a magazine and pellets were found at the premises as well as a baton.

On 6 November 2014 there was a fire at the location and both the police and fire brigade were required to attend. The fire brigade confirmed that a firework, being a rocket that would be used in public displays, had been let off into the shop. The fire brigade noted that the fire exit at the rear of the premises had been padlocked shut and if persons had been in the premises it was unlikely that they would have been able to escape safely.

Mr Ali stated that the gun was a plastic gun and that youths had been aggressive to the employee and that the plastic gun was the same as those of being sold in the shop. He also stated that the pellets were sold separately. Mr Ali stated that he had received a lot of threats as a result of not selling alcohol to young people. Concerning the baton found on the premises, Mr Ali stated that this was Mr John's, which he had in the premises previously.

After a short adjournment, requested by the applicant's representative, the representative withdrew their services. Mr and Mrs Ali advised that they wished to continue with the application without representation. Neither Mr nor Mrs Ali explained the incident that took place on 6 November 2014.

The sub-committee found that this was a sham application and that it was in the name of Mrs Ali only. Mr Ali is a relative of the leaseholder Mr Yakoob Khan. Mr Ali and Mr Khan have accepted cautions in relation to trade marks offences relating to spirits. There are allegations of violence and theft in relation to Mr Asif Ali. The TENs applications were submitted in the name of Mr Asif Ali. Staff at the premises stated in October 2014 that Mr Asif Ali was their boss. If the application is by Mrs Ali, she has exercised poor judgement in appointing Mr Asif Ali as the DPS. Furthermore, she has allowed the payment of staff substantially below the minimum wage and in breach of immigration laws. The incident on 5 November 2014 involved Mr John, who the applicant originally stated would be on a day to

day basis as a personal licence holder. This contention was retracted on the police disclosure of the incident. Finally, the incident on 6 November 2014, which was serious in itself, the fire brigade found that the fire exits were padlocked shut, which potentially was a public safety concern.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

Appeal rights

The applicant may appeal against any decision

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that

- a) That the licence ought not to be been granted or
- b) That on granting the licence, the licensing authority ought to have imposed different or additional conditions on the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the magistrates' court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

	<p>mark and name – a registered trade mark of Glen Catrine Bonded Warehouse Limited <i>Contrary to Section 92(1)(b) of the Trade Marks Act 1994</i></p>
--	--

Ministry of Justice guidance on simple cautions (issued 8th April 2013)

Please read the guidance below and the attached declaration. Make sure you understand it before you sign. You may seek independent legal advice before you accept the caution. Some of these points are applicable to cautions issued by the Police and will not be relevant to this matter.

1. A simple caution is an admission of guilt to committing an offence and forms part of an offender's criminal record. A record will be retained by the Council for future use. It may also be disclosed in a court in any future proceedings.
2. If after the simple caution has been administered, new evidence comes to light suggesting that the offence(s) committed are more serious, a prosecution may still be brought.
3. A simple caution may be disclosed to a current or prospective employer in certain circumstances. Separate guidance governs the disclosure of criminal record information
4. Simple cautions become spent immediately they are administered. This means that you do not need to disclose a simple caution when asked unless you are seeking work in an occupation that is listed in the Exceptions Order to the Rehabilitation of Offenders Act 1974 such as working with children and vulnerable adults or for other excepted purposes such as seeking to obtain certain licences. Police Cautions will also be disclosed under Disclosure and Barring Service (DBS) standard and enhanced checks. Further information can be obtained from the DBS.
5. The DBS maintains the lists of those barred from working with children and vulnerable groups, including adults. A simple caution may be taken into account by the DBS when reaching a decision about the suitability of persons to work with children and adults. Accepting a simple caution for certain offences may lead to the offender's inclusion on such a list which will prevent them from working in a regulated post with children and vulnerable groups. Further information should be obtained from the DBS.
6. If the offence(s) involve a victim or victims they might still take civil action or bring a private prosecution against you. The Council may provide your details to the victims if this is necessary for legal action to take place.
7. Countries requiring foreign nationals to obtain entry visas may require applicants to declare simple cautions on their application forms or at interview. Other country's immigration rules may mean that a person who has received a simple caution is refused entry as though they have a criminal conviction. The Rehabilitation of Offenders Act 1974 only applies within the UK which means simple cautions, even if spent, may still need to be disclosed to some countries in some circumstances. This will vary from country to country and may apply to people who want to emigrate permanently or those who simply want to visit for short term purposes, such as on business, for a holiday or to study. For specific information on what an individual may be required to disclose, the relevant embassy of the country of travel should be contacted.

Further information relating to certain cautions

If this caution relates to the sale of age restricted products (ARPs) or services please note that further covert test purchases will be attempted by the Council at your business. This means we will send in underage, or young looking, volunteers to attempt to buy ARPs or services. Such test purchasing may be covertly observed and recorded. You should also advise all sales staff of this.

SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

DECLARATION:

I have read and understand all this information.
I hereby declare that I (insert name)

[Redacted Name]

admit the offences described above and agree to accept a caution in this case. I understand that a record will be kept of this caution and that it may influence a decision to institute proceedings should I be found to be infringing the law in the future. I further understand that this caution may be cited should I subsequently be found guilty of an offence by a Court of Law. I also understand that in some circumstances I may be under a duty to disclose the existence of this caution.

NAME: [Redacted]

SIGNED: [Redacted Signature]

(Block capitals)

DATED THIS 01 DAY of Sept 2014

After a signature has been added above, an officer of Southwark Council will countersign and return a copy.

NAME: DAVID LITTLETON SIGNED: [Redacted Signature]

DESIGNATION: Environmental Health & Trading Standards Business Manager

DATED THIS 22 DAY of SEPTEMBER 2014

Copy served on [Redacted] at licensy head
on 10/11/14

MEMO: Licensing Unit

To Licensing Unit Date 17 January 2022
From Jayne Tear
Email jayne.tear@southwark.gov.uk

Subject Peckham Food and Wine, 176 Peckham High Street, London, SE15 5EG
- Application for a premises licence

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

- Supply of alcohol (off the premises) on Monday to Sunday from 07:00 to 23:00
- Overall opening times shall be on Monday to Sunday from 07:00 to 23:00

The premises is described with in the application as *'A convenience store offering a range of groceries and goods in addition to the sale of alcohol'*.

My representation is based on the Southwark Statement of Licensing policy 2021 – 2026 and relates to the licensing objectives for the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.

This premise is situated within the Peckham Major Town Centre and under the Southwark Statement of Licensing Policy 2021 - 2026 the appropriate closing times off-licences and alcohol sales in grocers and supermarkets is 00:00 hours daily.

The premises also falls within the cumulative impact area (CIA) for Peckham. Under the Southwark Statement of Licensing Policy 2021 - 2026 the local CIA applies to night clubs, public houses & bars, off-licences, supermarkets, convenience stores and similar premises.

Section six of the policy (from page 34) deals with Southwark's local cumulative impact policies. This premises sits in the Peckham policy area as defined in paragraph 155 of the policy and this premises falls into the class of premises in 156 of the policy.

Therefore under 131 of the policy there is a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations. In such circumstances, it is for the applicant to demonstrate that the application will not, if granted, further contribute to the negative local cumulative impact on any one or more of the licensing objectives.

The applicant has not addressed the presumption to refuse this application within the operating schedule. I would recommend refusal of this application unless the applicant can demonstrate that the premises will not contributing to crime and disorder and public nuisance within the policy area.

Further to this this premises has previously held a licence which was subject to a review submitted by Trading Standards. The review was concerned with the following:

Prevention of Crime and disorder

- Illegal workers in shop on 6 separate occasions – 23 Nov 2016, 8 Feb 2017, 2 March 2017, 5 April 2017, 26 April 2017 & 20 May 2017
- Failure to pay the National Minimum Wage
- Offering to sell unsafe and counterfeit “Apple” Phone chargers
- Failure to display sale price of “super strength” beers, lagers and ciders
- Duty evaded alcohol sold.
- Failure to have CCTV working contrary to conditions 288 and 289 on the premises licence
- Failure to have a personal Licence holder on the Premise at all times – contrary to condition 336 on the premises licence
- Supplying alcohol when no authorisation from a Personal Licence holder – contrary to condition 101 on the premises licence

Protection of Children from Harm

- Failure to train staff on age verification and to keep and make available records of that training – contrary to condition 326 on the premises licence.

At the hearing for the review on 15 September 2017 the licensing sub-committee revoked the premises in order to promote the licensing objectives. I attach a copy of the notice of decision from the LSC hearing on 15 September 2017 to this representation.

The decision to revoke the licence was appealed and District Judge Julie Cooper dismissed the appeal against the decision to revoke the licence on 28 June 2018.

A new premises licence application was submitted on 4/ 9/2018 and was subsequently withdrawn on 03/10/2018.

A further application was submitted in May 2021 and was refused by the licensing sub-committee on 22 July 2021. I attach a copy of the notice of decision from that hearing to this representation.

I appreciate that this new application is applied for in a different name to the previous licence held, however I have concerns that the previous Licensee or DPS may be the controlling mind of the business (and clearly did not promote the licensing objectives) and would ask that the applicant provides a lease to show that he is the new business owner.

I therefore submit this representation and welcome any discussion with the applicant.

Southward’s Statement of Licensing Policy 2021 – 2026 can be found on the following link: <https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

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

ATTACHMENTS: NOD 15 September 2017
NOD 22 July 2021

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 15 SEPTEMBER 2017

LICENSING ACT 2003: PECKHAM FOOD & WINE , 176 PECKHAM HIGH STREET, LONDON SE15 5EG - REVIEW

1. That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by the council's trading standards service for the review of the premises licence issued in respect of the premises known as PECKHAM Food and Wine, 176 Peckham High Road, London SE15 5EG and having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:
 - Revoke the licence.

2 **Reasons**

The reasons for this decision are as follows:

The licensing sub-committee heard from the trading standards officer who advised that the licence to the premises Peckham Food and Fine allows alcohol to be sold 24 hours per day, seven days per week but does require there to be a personal licence holder on the premises and on duty at all times that alcohol is supplied (condition 341). During the course of trading standards investigation into the premises, the premises licence holder and designated premises supervisor (DPS) was Kiran Israr ("KI"). The business operates under Peckham Foods and Wines Ltd when there were three female directors, KI, SY and SI. Following a complaint from a member of the public about alleged counterfeit cigarettes being bought from this premise, trading standards carried out a joint visit with the Metropolitan Police on 23 November 2016 to check compliance with the premise licence, trading standards legislation and other criminality such as employing illegal workers.

During that visit a cupboard was discovered at the back of the shop that contained a single mattress. There was a lockable door and the "cupboard" had a toilet at the back. There were no windows and the floor was bare concrete. There was a small electric heater on the floor in addition to a fan. Two men were sleeping there. One was on the mattress and one was on the floor. Both were arrested in respect of immigration matters. Behind the counter was a personal licence holder, AG. A bottle opener was behind the counter which was seized by the police as suspected at being used to open bottles of alcohol contrary to condition 125 of the premises licence. This condition is intended to stop/reduce street drinking, which is a problem in the vicinity. No training records were available for inspection in breach of condition 326 of the premises licence. During the course of this investigation, no records were ever made available to trading standards making it reasonable to assume no age verification scheme was in operation and/or no training had been given to workers.

During the course of this inspection, trading standards found 10 x "Apple" style phone chargers on sale, identified as counterfeit. No purchase invoices have been supplied to trading standards for these items. During this visit AA arrived at the shop stating that he was the manager; he gave exactly the same home address as AG.

Trading standards have been concerned for a significant time of the sale of super strength beers, lagers and ciders because of the harm they cause to those drinking them, which generally have serious alcohol addiction and the anti social behaviour and crime that often goes with it. The government has sought to use price as a way of reducing consumption and therefore drinks with an ABV of 7.5% and above attract a proportionately higher duty. Trading standards have identified this to be a problem in Southwark with retailers often offer these drinks for sale without any price being displayed, (contrary to a requirement under pricing legislation) and then sell either below the duty price or below what a legitimate cash and carry would sell it to a retailer for, which suggests retailers have obtained items from an illegal source where duty has been evaded. There was a significant quantity and variety of these drinks offered for sale at this premise but no prices were displayed. There was also a significant quantity of those drinks near to the cupboard referred to earlier. The officer therefore served a notice requiring the business to reduce traceable invoices for these drinks.

A further visit was carried out by trading standards and the police on 8 February 2017. A test purchase was made of Carlsberg Special Brew in advance of the visit. The Carlsberg Special Brew cans were not price marked. The seller ("NM"), sold the can for £1.40, being 25 pence above the duty price (duty for the year 2016-2017 was £1.15). Officers asked NM for his manager. NM immediately went to the back of the shop and locked an internal door preventing officers from gaining access. Police parked in a police vehicle immediately at the back of the shop and noted the rear door to the shop was trying to be opened. Eventually the internal door was opened and NM was identified as an illegal worker and was arrested. NM said he started at 6am and was paid £30 for an 8 hour shift, equating to less than £4.00 per hour. Checks showed he had breached a Visitor's Visa issued in 2006 and was not permitted to work and not authorised to sell alcohol – contrary to condition 101 of the premises licence.

On the premises, sleeping on the mattress in the cupboard, was one of the men arrested on 23 November 2016. It was evident there was clothing belonging to more than one person. The CCTV was not working properly. Concerning the price charged for the super strength beer, only some of the invoices have been produced. The sub-committee was invited to conclude that an unknown proportion had been acquired from illegal sources where duty had been evaded.

On 2 March 2017, trading standards visited the premise because the requested invoices had not been received. Two males were working behind the counter. AG, who produced his personal licence and one other who refused to give his details and left the shop. CCTV was still not working (breach of conditions 288 and 289). The manager, AA attended the premises, stating that he said he ran the business and had tried to email through the invoices to the officer, but had not been received as an incorrect email address had been used. These were later sent to the correct mail address, but found to be indecipherable. That email gave the senders name as "AM". AA stated that KI had very little to do with running the business. Examination of business invoices showed that a number of different individuals held accounts with cash and carry businesses.

On 5 April 2017 a further visit took place with trading standards and the police made. Another illegal worker was working in the shop. He was arrested for immigration offences. The CCTV was still not working (breach of conditions 288 and 289).

A further visit was carried out on 26 April 2017 when a test purchase of alcohol was made. AG was in the shop working behind the counter when the test purchase was made. AG again produced his personal licence but the Police carried out an immigration check on him. It transpired that from 12 December 2013 he had been an "absconder" and was duly arrested. Amongst other things, he was not permitted to work. Once again, the CCTV was not working (breach of conditions 288 and 289). The CCTV had been switched off, but even after switching it on, the CCTV was not fully operational.

On 20 May, trading standards carried out a further visit with Immigration Officers. AG was seen walking out of the shop. The immigration officers ran after him and arrested him. He returned to the shop and denied he had been working. The CCTV was checked and it was clear he had been working that day. The other person in the shop was "YS" who was stressed by the further visit and the responsibility of visits from various enforcement agencies. Another bottle opener was found on the counter by the till (breach of condition 125) and was seized

Trading standards advised that they had no confidence whatsoever with the premises licence holder and urged the licensing sub-committee to revoke the licence.

The officer representing licensing as a responsible authority addressed the sub-committee and stressed her concerns of the number and diversity of alleged criminal offences witnessed by trading standards officers and other enforcement agencies. The officer highlighted that several different people had been working at the premises and that there has never been any person held accountable such as the DPS or licensee available at the premises to discuss the concerns regarding breaches or license conditions or other criminal activity. Because of the extent of offending, licensing as a responsible authority concluded that they had no faith that the licensing objective being promoted and fully supported the revocation of the licence.

The licensing sub-committee heard from an officer from the Home Office who confirmed that illegal workers had been encountered at the premises. As a result, a £20,000 civil penalty had been issued, initially incorrectly to AA, but this was rectified and re-issued to Peckham Food and Wine Limited. The officer confirmed that the current licence holder and DPS had made contact and a payment plan had been agreed. The office also confirmed that two of the three directors at that time had no valid leave

The licensing sub-committee heard from the representative for the current licence holder and DPS for the premises, albeit, the transfer application had been refused which the representative said would be appealed. The history of the premises as set out by the responsible officers was accepted and rather consider the various breaches, wished to concentrate on what could be offered to promote the licensing objectives. He reminded the committee that the purpose of a revocation was not to be punitive. Whilst his client had links with the previous owner (and DPS) in addition to the directors, it did not follow that his knew what was going on in the business. He did not know the extent his wife was involved. He pair were largely estranged and she was an individual in her own right. His client had been abroad for most of the last 12 months. His client was a personal licence holder and was of good character. Training had been provided to all staff and there was now currently three personal licence holders employed, with an additional two about to undertake the course. His client was now the sole director and sole shareholder of Peckham Food and Wine Limited. It was a matter to look at activities of concern and find a resolution which is both appropriate and proportionate.

A list of proposed conditions was submitted to the sub-committee and the responsible authorities. The schedule of conditions offered was largely no more than what a responsible operator should be already do. Whilst the licence holder could not be held account for any of the wrong-doing witnessed by trading standards, a period of suspension was also offered.

This was offered, not as a punitive measure, but as a deterrent to other operators. Because a 24 hour licence was extremely generous and that the 24 hour operation allowed illegal workers to gain temporary shelter, it was suggested that the premises may think it prudent to curb its operating hours. This was refused. When questioned on the super strength beers, lagers and ciders, the premises would only consider a ban on those with an ABV of 6.5 % and also, would seek the sale of the more premium brands.

During the course of this trading standards investigation, six visits were carried out with the premises and on all occasion illegal workers have been present. The premises has operated with a total disregard to the licensing objectives in addition to the law relating to the employment of workers both in terms of those having the right to work and the poor payment made. This licensing sub-committee agree that the premises has effectively operated as a modern form of slavery with appalling sleeping conditions also being provided. By operating a 24 hour, seven days a week business, the shop front door is never closed meaning people can come and go at any time with some taking refuge. The then licence holder and DPS has not engaged with the authorities and have shown little interest or involvement with the day to day running of the business and has allowed and/or instructed the business to be run in this illegal manner.

Whilst the current licence holder and DPS claims that he is now the sole director and shareholder, Companies House records shows the extremely regular movement of personnel in Peckham foods & Wine Limited. Some of the appointments and resignation have taken place on the same day. The licence holder has links with the previous directors, and these persons have been involved in the poor management and illegal practices at the premises of crime and employing illegal workers. He may show as being the sole director and shareholder of the company, but the history of this company does not give this licensing sub-committee confidence that it will remain in his name, particularly in view of the dormant second company being incorporated and operating from the same premises. Further, the licence holder has failed to demonstrate a sufficient distance from these previous poor management practices, including the removal of all previous staff, since it is noted that this same member of staff is a co-director of the second company operating from the premises, Ya Sir Minimarket Limited. In these circumstances, the premise licence is therefore revoked.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

3 **Appeal Rights**

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 15 September 2017

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 22 JULY 2021

LICENSING ACT 2003: PECKHAM FOOD & WINE, 176 PECKHAM HIGH STREET, LONDON SE15 5EG

1. Decision

That the application made by Mr. Abdul Aziz Umer for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG be refused.

2. Reasons

This was an application made by Mr. Abdul Aziz Umer for a premises licence to be granted under section 17 of the Licensing Act 2003 in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG.

The licensing sub-committee heard from the applicant's representative who advised that the premises was a convenience shop. They advised that the applicant had accepted most of the conditions and reduced the hours sought to 00:00. They added that they would consider any further recommended conditions.

They informed the sub-committee that the business had been affected by the pandemic and trade had reduced by 55%. It was vital that an alcohol licence be granted, increasing the walk-in trade and the business' profit margin. Without licence the business would become insolvent. Already, customers would leave and not return when informed that the premises does not sell alcohol. There were two shops opposite the premises, both of which have licences until 00:00. The applicant stated that there were no other shops near the premises.

The applicant understood and appreciated that the premises was in a cumulative impact area (CIA) and recognised that there were problems with the suppliers and illegal workers at the premises pre-2017, stating that he didn't know the previous owners/licence holder. If a licence was granted, purchases would be made only at "authentic suppliers". When asked by the chair of the sub-committee, the applicant was surprised, but acknowledged one of the parties to the licence to assign was the same as that referred to in paragraph 28 in the report, but the applicant didn't know him; he was just a name on the lease.

The licensing sub-committee heard from the Metropolitan Police Service officer whose representation related to the prevention of crime and disorder licensing objective. They advised that premises was in the Peckham cumulative impact area where there was already a considerable amount of licensed premises including a

high number of off-licences. Peckham had a large problem of street drinking and alcohol abuse and the associated crime and disorder.

The police officer was of the view that the applicant had failed to address the cumulative impact in any way within the application and the conditions detailed in the operating schedule were minimal. The premises was owned by the council and a lease agreement was in place with the director of Peckham Food and Wine Limited in 2017. The land registry search showed the premises had been sub-leased to the applicant, suggesting the previous licence holder still had a controlling interest in the premises. If the licence was granted, the previous management could reclaim the use of the premises and circumvent the revocation and appeals process. The Metropolitan Police Service officer objected to the granting of the licence in its entirety and stated any further premises selling alcohol would only add to the cumulative impact, attract further alcohol dependence and increase crime and disorder.

The licensing sub-committee heard from the officer from trading standards whose representation was made in respect all four of the licensing objectives. The officer advised that he visited the premises with officers from the night time economy team on 21 May 2021 and spoke with the applicant, who was at the shop.

The applicant showed the officer some documents on his phone including a license to assign, dated 28 January 2020, which assigned the lease to Mr Muhammad Hayat Balouch. The applicant advised the business was owned by A & M Local Store Ltd and that Mr Muhammad Hayat Balouch was the director of that company; the applicant was the manager of the premises and he was in the process of applying for a personal license.

The applicant also showed the officer an application for a COVID business grant for A & M Local Store Limited addressed to Mr Aziz Balouch. When asked, the applicant stated that he was Aziz Balouch. The applicant then produced a DBS certificate which gave three further aliases and stated that the reason for changing his name was religious. In addition to this, trading standards objected to the application as the premises was in the Peckham cumulative impact area and there was a presumption that new license applications should be refused on the basis that the area was already saturated.

The licensing sub-committee then heard from the officer from licensing as a responsible authority who advised that the premise was situated within the Peckham cumulative impact area. Paragraph 131 of Southwark's statement of licensing policy was a rebuttable presumption that applications for new premises licences would add to the existing cumulative impact and should be refused. It was for the applicant to demonstrate that the application would not contribute to the negative local cumulative impact on any of the licensing objectives. The licensing responsible authority officer was of the view that the applicant had not addressed the presumption in his application and therefore recommended that the application be refused.

The licensing sub-committee then heard from the officer from the council's environmental protection team who also stated that any increase in alcohol sales in

the already saturated cumulative impact area was likely to contribute to a cumulative impact on public nuisance from street drinking, drunkenness, street fouling, and rowdy conduct in the street, particularly during the night and late evening. The application had not addressed the potential cumulative impact of the proposed licence, nor given any compelling reason, nor any reason at all, why this premises should be considered an exception to the cumulative impact policy.

The licensing sub-committee was informed that the premise had been a problem premises that was subject to a review by trading standards in 2017 when the licence was revoked. Despite this, the applicant failed to address the concerns raised by the responsible authorities either during the application's consultation period, or in the meeting. The sub-committee was unhappy that neither of the directors of A & M Local Store Ltd were in attendance at the meeting, especially when concerns had been raised of one of the assignees to the licence to assign having had previous dealings with the premises.

The applicant also failed to rebut the presumption to refuse this premises licence application. The sub-committee were referred to R (on the application of Westminster City Council) -v- Middlesex Crown Court [2002] EWHC 1104 in which HHJ Baker determined "...a licence could be refused on the sole ground that the area was already saturated with licence premises...and the cumulative effect of the existing premises was impacting adversely on the area to an unacceptable level". Since the premise is located in the Peckham CIA, this application is refused.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

3. Appeal Rights

The applicant may appeal against any decision:

- a. To impose conditions on the licence
- b. To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a. The licence ought not to be granted; or
- b. That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days

beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Issued by the Constitutional Team on behalf of the Director of Law and Governance.

Date 22 July 2021

From: Jean Adams
Sent: Tuesday, January 25, 2022 4:50 PM
To: 'Graham.S.White@met.police.uk' <Graham.S.White@met.police.uk>; Tear, Jayne <Jayne.Tear@SOUTHWARK.GOV.UK>; Moore, Ray <Ray.Moore@southwark.gov.uk>; Binya, Raymond <Raymond.Binya@southwark.gov.uk>
Cc: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>
Subject: RE: Application for a premises licence: Peckham Food & Wine, 176 Peckham High Street, London, SE15 5EG (our ref': 876417) Loc ID: 172186 - Rye Lane ward

Dear all

As you have all made representations in regard to this application and to save 4 separate emails to which the licensing authority will need to be copied in; I have included you all in this email so that you are all aware of the situation going forward.

Mr Baloch has made the application for the premises licence as he is the leaseholder - I have attached a copy of the lease. It is a council leased premises and was signed on 28th January 2020 as I am sure you are all aware (with hindsight he may not have taken it on at this particular time, but obviously was unaware as were we all of the shortcomings of the next couple of years!)

He has no link with the previous leaseholder. It is a new business.

Your representations are all similar in that you mention the CIZ and the history of the premises. We apologise for not addressing the CIZ further in the application; the presumption was that you would ask for additional conditions and we would put them forward to the client for his agreement.

The history of the premises was dealt with and revoked in 2017/18. It was a different owner / operator and has nothing to do with this applicant.

As PC White has requested in his representation, the applicant is happy to add a condition excluding the previous management from the premises or from being involved in the running in or working in the premises.

PC White also required further conditions to address the cumulative impact area, whereas no other representation requested specific conditions.

The police conditions requested were:

1. No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter.
2. No beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.
3. When the premises are open to the public and the licence is not in operation. All alcohol shall be stored in a locked cabinet/fridge, behind a lockable blind or behind the counter.

Mr Baloch is agreeable to **all** of these conditions being added to the schedule of conditions / operating schedule of the licence.

If these undertakings make a difference to your representations or if you have any further comments to make or we can assist you further with any requirements, please do not hesitate to contact us.

With best regards

Jean

From: Moore, Ray <Ray.Moore@southwark.gov.uk>
Sent: Wednesday, January 26, 2022 7:30 AM
To: Jean Adams; 'Graham.S.White@met.police.uk' <Graham.S.White@met.police.uk>; Tear, Jayne <Jayne.Tear@SOUTHWARK.GOV.UK>; Binya, Raymond <Raymond.Binya@southwark.gov.uk>
Cc: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>
Subject: RE: Application for a premises licence: Peckham Food & Wine, 176 Peckham High Street, London, SE15 5EG (our ref': 876417) Loc ID: 172186 - Rye Lane ward

Dear Jean,

Thanks for the below...additional conditions would not affect Trading Standards concerns about this application.

Yours etc.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| Regulatory Services

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

Direct line 020 7525 0816 | Fax 020 7525 5735 | Call Centre 020 7525 2000

www.southwark.gov.uk/TradingStandards

Need advice on consumer issues? Visit Citizens Advice via

www.direct.gov.uk/consumer

From: Binya, Raymond <Raymond.Binya@southwark.gov.uk>
Sent: Wednesday, January 26, 2022 2:10 PM
To: Jean Adams
Cc: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>;
'Graham.S.White@met.police.uk' <Graham.S.White@met.police.uk>; Moore, Ray
<Ray.Moore@southwark.gov.uk>; Tear, Jayne
<Jayne.Tear@SOUTHWARK.GOV.UK>
Subject: RE: Application for a premises licence: Peckham Food & Wine, 176
Peckham High Street, London, SE15 5EG (our ref': 876417) Loc ID: 172186 - Rye
Lane ward

Dear Jean,

Thank you for your email.

Unfortunately, the potential cumulative impact of the proposed licence and reason for exception to the policy has still not been addressed apart from proposing conditions around that matter.

As noted on our representation, cumulative impact is intended to prevent the creeping additional impact that is not attributable to particular premises, once the patrons are out of vicinity. Therefore, on behalf of Environmental Protection Team, I will not be withdrawing our representation.

Kind Regards

Raymond Binya
Principal Environmental Protection Officer
Environmental Protection Team
Tel: 020 7525 4809

Postal address: Southwark Council, Environmental Protection Team, Regulatory
Services, 3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX
Office address (By appointment only): Southwark Council, 160 Tooley Street,
London, SE1 2QH



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 15 SEPTEMBER 2017

LICENSING ACT 2003: PECKHAM FOOD & WINE , 176 PECKHAM HIGH STREET, LONDON SE15 5EG - REVIEW

1. That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 by the council's trading standards service for the review of the premises licence issued in respect of the premises known as PECKHAM Food and Wine, 176 Peckham High Road, London SE15 5EG and having had regard to all other relevant representations has decided it necessary for the promotion of the licensing objectives to:
 - Revoke the licence.

2 **Reasons**

The reasons for this decision are as follows:

The licensing sub-committee heard from the trading standards officer who advised that the licence to the premises Peckham Food and Fine allows alcohol to be sold 24 hours per day, seven days per week but does require there to be a personal licence holder on the premises and on duty at all times that alcohol is supplied (condition 341). During the course of trading standards investigation into the premises, the premises licence holder and designated premises supervisor (DPS) was Kiran Israr ("KI"). The business operates under Peckham Foods and Wines Ltd when there were three female directors, KI, SY and SI. Following a complaint from a member of the public about alleged counterfeit cigarettes being bought from this premise, trading standards carried out a joint visit with the Metropolitan Police on 23 November 2016 to check compliance with the premise licence, trading standards legislation and other criminality such as employing illegal workers.

During that visit a cupboard was discovered at the back of the shop that contained a single mattress. There was a lockable door and the "cupboard" had a toilet at the back. There were no windows and the floor was bare concrete. There was a small electric heater on the floor in addition to a fan. Two men were sleeping there. One was on the mattress and one was on the floor. Both were arrested in respect of immigration matters. Behind the counter was a personal licence holder, AG. A bottle opener was behind the counter which was seized by the police as suspected at being used to open bottles of alcohol contrary to condition 125 of the premises licence. This condition is intended to stop/reduce street drinking, which is a problem in the vicinity. No training records were available for inspection in breach of condition 326 of the premises licence. During the course of this investigation, no records were ever made available to trading standards making it reasonable to assume no age verification scheme was in operation and/or no training had been given to workers.

During the course of this inspection, trading standards found 10 x "Apple" style phone chargers on sale, identified as counterfeit. No purchase invoices have been supplied to trading standards for these items. During this visit AA arrived at the shop stating that he was the manager; he gave exactly the same home address as AG.

Trading standards have been concerned for a significant time of the sale of super strength beers, lagers and ciders because of the harm they cause to those drinking them, which generally have serious alcohol addiction and the anti social behaviour and crime that often goes with it. The government has sought to use price as a way of reducing consumption and therefore drinks with an ABV of 7.5% and above attract a proportionately higher duty. Trading standards have identified this to be a problem in Southwark with retailers often offer these drinks for sale without any price being displayed, (contrary to a requirement under pricing legislation) and then sell either below the duty price or below what a legitimate cash and carry would sell it to a retailer for, which suggests retailers have obtained items from an illegal source where duty has been evaded. There was a significant quantity and variety of these drinks offered for sale at this premise but no prices were displayed. There was also a significant quantity of those drinks near to the cupboard referred to earlier. The officer therefore served a notice requiring the business to reduce traceable invoices for these drinks.

A further visit was carried out by trading standards and the police on 8 February 2017. A test purchase was made of Carlsberg Special Brew in advance of the visit. The Carlsberg Special Brew cans were not price marked. The seller ("NM"), sold the can for £1.40, being 25 pence above the duty price (duty for the year 2016-2017 was £1.15). Officers asked NM for his manager. NM immediately went to the back of the shop and locked an internal door preventing officers from gaining access. Police parked in a police vehicle immediately at the back of the shop and noted the rear door to the shop was trying to be opened. Eventually the internal door was opened and NM was identified as an illegal worker and was arrested. NM said he started at 6am and was paid £30 for an 8 hour shift, equating to less than £4.00 per hour. Checks showed he had breached a Visitor's Visa issued in 2006 and was not permitted to work and not authorised to sell alcohol – contrary to condition 101 of the premises licence.

On the premises, sleeping on the mattress in the cupboard, was one of the men arrested on 23 November 2016. It was evident there was clothing belonging to more than one person. The CCTV was not working properly. Concerning the price charged for the super strength beer, only some of the invoices have been produced. The sub-committee was invited to conclude that an unknown proportion had been acquired from illegal sources where duty had been evaded.

On 2 March 2017, trading standards visited the premise because the requested invoices had not been received. Two males were working behind the counter. AG, who produced his personal licence and one other who refused to give his details and left the shop. CCTV was still not working (breach of conditions 288 and 289). The manager, AA attended the premises, stating that he said he ran the business and had tried to email through the invoices to the officer, but had not been received as an incorrect email address had been used. These were later sent to the correct mail address, but found to be indecipherable. That email gave the senders name as "AM". AA stated that KI had very little to do with running the business. Examination of business invoices showed that a number of different individuals held accounts with cash and carry businesses.

On 5 April 2017 a further visit took place with trading standards and the police made. Another illegal worker was working in the shop. He was arrested for immigration offences. The CCTV was still not working (breach of conditions 288 and 289).

A further visit was carried out on 26 April 2017 when a test purchase of alcohol was made. AG was in the shop working behind the counter when the test purchase was made. AG again produced his personal licence but the Police carried out an immigration check on him. It transpired that from 12 December 2013 he had been an "absconder" and was duly arrested. Amongst other things, he was not permitted to work. Once again, the CCTV was not working (breach of conditions 288 and 289). The CCTV had been switched off, but even after switching it on, the CCTV was not fully operational.

On 20 May, trading standards carried out a further visit with Immigration Officers. AG was seen walking out of the shop. The immigration officers ran after him and arrested him. He returned to the shop and denied he had been working. The CCTV was checked and it was clear he had been working that day. The other person in the shop was "YS" who was stressed by the further visit and the responsibility of visits from various enforcement agencies. Another bottle opener was found on the counter by the till (breach of condition 125) and was seized

Trading standards advised that they had no confidence whatsoever with the premises licence holder and urged the licensing sub-committee to revoke the licence.

The officer representing licensing as a responsible authority addressed the sub-committee and stressed her concerns of the number and diversity of alleged criminal offences witnessed by trading standards officers and other enforcement agencies. The officer highlighted that several different people had been working at the premises and that there has never been any person held accountable such as the DPS or licensee available at the premises to discuss the concerns regarding breaches or license conditions or other criminal activity. Because of the extent of offending, licensing as a responsible authority concluded that they had no faith that the licensing objective being promoted and fully supported the revocation of the licence.

The licensing sub-committee heard from an officer from the Home Office who confirmed that illegal workers had been encountered at the premises. As a result, a £20,000 civil penalty had been issued, initially incorrectly to AA, but this was rectified and re-issued to Peckham Food and Wine Limited. The officer confirmed that the current licence holder and DPS had made contact and a payment plan had been agreed. The office also confirmed that two of the three directors at that time had no valid leave

The licensing sub-committee heard from the representative for the current licence holder and DPS for the premises, albeit, the transfer application had been refused which the representative said would be appealed. The history of the premises as set out by the responsible officers was accepted and rather consider the various breaches, wished to concentrate on what could be offered to promote the licensing objectives. He reminded the committee that the purpose of a revocation was not to be punitive. Whilst his client had links with the previous owner (and DPS) in addition to the directors, it did not follow that his knew what was going on in the business. He did not know the extent his wife was involved. He pair were largely estranged and she was an individual in her own right. His client had been abroad for most of the last 12 months. His client was a personal licence holder and was of good character. Training had been provided to all staff and there was now currently three personal licence holders employed, with an additional two about to undertake the course. His client was now the sole director and sole shareholder of Peckham Food and Wine Limited. It was a matter to look at activities of concern and find a resolution which is both appropriate and proportionate.

A list of proposed conditions was submitted to the sub-committee and the responsible authorities. The schedule of conditions offered was largely no more than what a responsible operator should be already do. Whilst the licence holder could not be held account for any of the wrong-doing witnessed by trading standards, a period of suspension was also offered.

This was offered, not as a punitive measure, but as a deterrent to other operators. Because a 24 hour licence was extremely generous and that the 24 hour operation allowed illegal workers to gain temporary shelter, it was suggested that the premises may think it prudent to curb its operating hours. This was refused. When questioned on the super strength beers, lagers and ciders, the premises would only consider a ban on those with an ABV of 6.5 % and also, would seek the sale of the more premium brands.

During the course of this trading standards investigation, six visits were carried out with the premises and on all occasion illegal workers have been present. The premises has operated with a total disregard to the licensing objectives in addition to the law relating to the employment of workers both in terms of those having the right to work and the poor payment made. This licensing sub-committee agree that the premises has effectively operated as a modern form of slavery with appalling sleeping conditions also being provided. By operating a 24 hour, seven days a week business, the shop front door is never closed meaning people can come and go at any time with some taking refuge. The then licence holder and DPS has not engaged with the authorities and have shown little interest or involvement with the day to day running of the business and has allowed and/or instructed the business to be run in this illegal manner.

Whilst the current licence holder and DPS claims that he is now the sole director and shareholder, Companies House records shows the extremely regular movement of personnel in Peckham foods & Wine Limited. Some of the appointments and resignation have taken place on the same day. The licence holder has links with the previous directors, and these persons have been involved in the poor management and illegal practices at the premises of crime and employing illegal workers. He may show as being the sole director and shareholder of the company, but the history of this company does not give this licensing sub-committee confidence that it will remain in his name, particularly in view of the dormant second company being incorporated and operating from the same premises. Further, the licence holder has failed to demonstrate a sufficient distance from these previous poor management practices, including the removal of all previous staff, since it is noted that this same member of staff is a co-director of the second company operating from the premises, Ya Sir Minimarket Limited. In these circumstances, the premise licence is therefore revoked.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

3 **Appeal Rights**

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

- a) The end of the period for appealing against this decision; or
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 15 September 2017

NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 22 JULY 2021

LICENSING ACT 2003: PECKHAM FOOD & WINE, 176 PECKHAM HIGH STREET, LONDON SE15 5EG

1. Decision

That the application made by Mr. Abdul Aziz Umer for a premises licence to be granted under Section 17 of the Licensing Act 2003 in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG be refused.

2. Reasons

This was an application made by Mr. Abdul Aziz Umer for a premises licence to be granted under section 17 of the Licensing Act 2003 in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, London SE15 5EG.

The licensing sub-committee heard from the applicant's representative who advised that the premises was a convenience shop. They advised that the applicant had accepted most of the conditions and reduced the hours sought to 00:00. They added that they would consider any further recommended conditions.

They informed the sub-committee that the business had been affected by the pandemic and trade had reduced by 55%. It was vital that an alcohol licence be granted, increasing the walk-in trade and the business' profit margin. Without licence the business would become insolvent. Already, customers would leave and not return when informed that the premises does not sell alcohol. There were two shops opposite the premises, both of which have licences until 00:00. The applicant stated that there were no other shops near the premises.

The applicant understood and appreciated that the premises was in a cumulative impact area (CIA) and recognised that there were problems with the suppliers and illegal workers at the premises pre-2017, stating that he didn't know the previous owners/licence holder. If a licence was granted, purchases would be made only at "authentic suppliers". When asked by the chair of the sub-committee, the applicant was surprised, but acknowledged one of the parties to the licence to assign was the same as that referred to in paragraph 28 in the report, but the applicant didn't know him; he was just a name on the lease.

The licensing sub-committee heard from the Metropolitan Police Service officer whose representation related to the prevention of crime and disorder licensing objective. They advised that premises was in the Peckham cumulative impact area where there was already a considerable amount of licensed premises including a

high number of off-licences. Peckham had a large problem of street drinking and alcohol abuse and the associated crime and disorder.

The police officer was of the view that the applicant had failed to address the cumulative impact in any way within the application and the conditions detailed in the operating schedule were minimal. The premises was owned by the council and a lease agreement was in place with the director of Peckham Food and Wine Limited in 2017. The land registry search showed the premises had been sub-leased to the applicant, suggesting the previous licence holder still had a controlling interest in the premises. If the licence was granted, the previous management could reclaim the use of the premises and circumvent the revocation and appeals process. The Metropolitan Police Service officer objected to the granting of the licence in its entirety and stated any further premises selling alcohol would only add to the cumulative impact, attract further alcohol dependence and increase crime and disorder.

The licensing sub-committee heard from the officer from trading standards whose representation was made in respect all four of the licensing objectives. The officer advised that he visited the premises with officers from the night time economy team on 21 May 2021 and spoke with the applicant, who was at the shop.

The applicant showed the officer some documents on his phone including a license to assign, dated 28 January 2020, which assigned the lease to Mr Muhammad Hayat Balouch. The applicant advised the business was owned by A & M Local Store Ltd and that Mr Muhammad Hayat Balouch was the director of that company; the applicant was the manager of the premises and he was in the process of applying for a personal license.

The applicant also showed the officer an application for a COVID business grant for A & M Local Store Limited addressed to Mr Aziz Balouch. When asked, the applicant stated that he was Aziz Balouch. The applicant then produced a DBS certificate which gave three further aliases and stated that the reason for changing his name was religious. In addition to this, trading standards objected to the application as the premises was in the Peckham cumulative impact area and there was a presumption that new license applications should be refused on the basis that the area was already saturated.

The licensing sub-committee then heard from the officer from licensing as a responsible authority who advised that the premise was situated within the Peckham cumulative impact area. Paragraph 131 of Southwark's statement of licensing policy was a rebuttable presumption that applications for new premises licences would add to the existing cumulative impact and should be refused. It was for the applicant to demonstrate that the application would not contribute to the negative local cumulative impact on any of the licensing objectives. The licensing responsible authority officer was of the view that the applicant had not addressed the presumption in his application and therefore recommended that the application be refused.

The licensing sub-committee then heard from the officer from the council's environmental protection team who also stated that any increase in alcohol sales in

the already saturated cumulative impact area was likely to contribute to a cumulative impact on public nuisance from street drinking, drunkenness, street fouling, and rowdy conduct in the street, particularly during the night and late evening. The application had not addressed the potential cumulative impact of the proposed licence, nor given any compelling reason, nor any reason at all, why this premises should be considered an exception to the cumulative impact policy.

The licensing sub-committee was informed that the premise had been a problem premises that was subject to a review by trading standards in 2017 when the licence was revoked. Despite this, the applicant failed to address the concerns raised by the responsible authorities either during the application's consultation period, or in the meeting. The sub-committee was unhappy that neither of the directors of A & M Local Store Ltd were in attendance at the meeting, especially when concerns had been raised of one of the assignees to the licence to assign having had previous dealings with the premises.

The applicant also failed to rebut the presumption to refuse this premises licence application. The sub-committee were referred to R (on the application of Westminster City Council) -v- Middlesex Crown Court [2002] EWHC 1104 in which HHJ Baker determined "...a licence could be refused on the sole ground that the area was already saturated with licence premises...and the cumulative effect of the existing premises was impacting adversely on the area to an unacceptable level". Since the premise is located in the Peckham CIA, this application is refused.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

3. Appeal Rights

The applicant may appeal against any decision:

- a. To impose conditions on the licence
- b. To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a. The licence ought not to be granted; or
- b. That on granting the licence, the licensing authority ought to have imposed different or additional conditions to the licence, or ought to have modified them in a different way

may appeal against the decision.

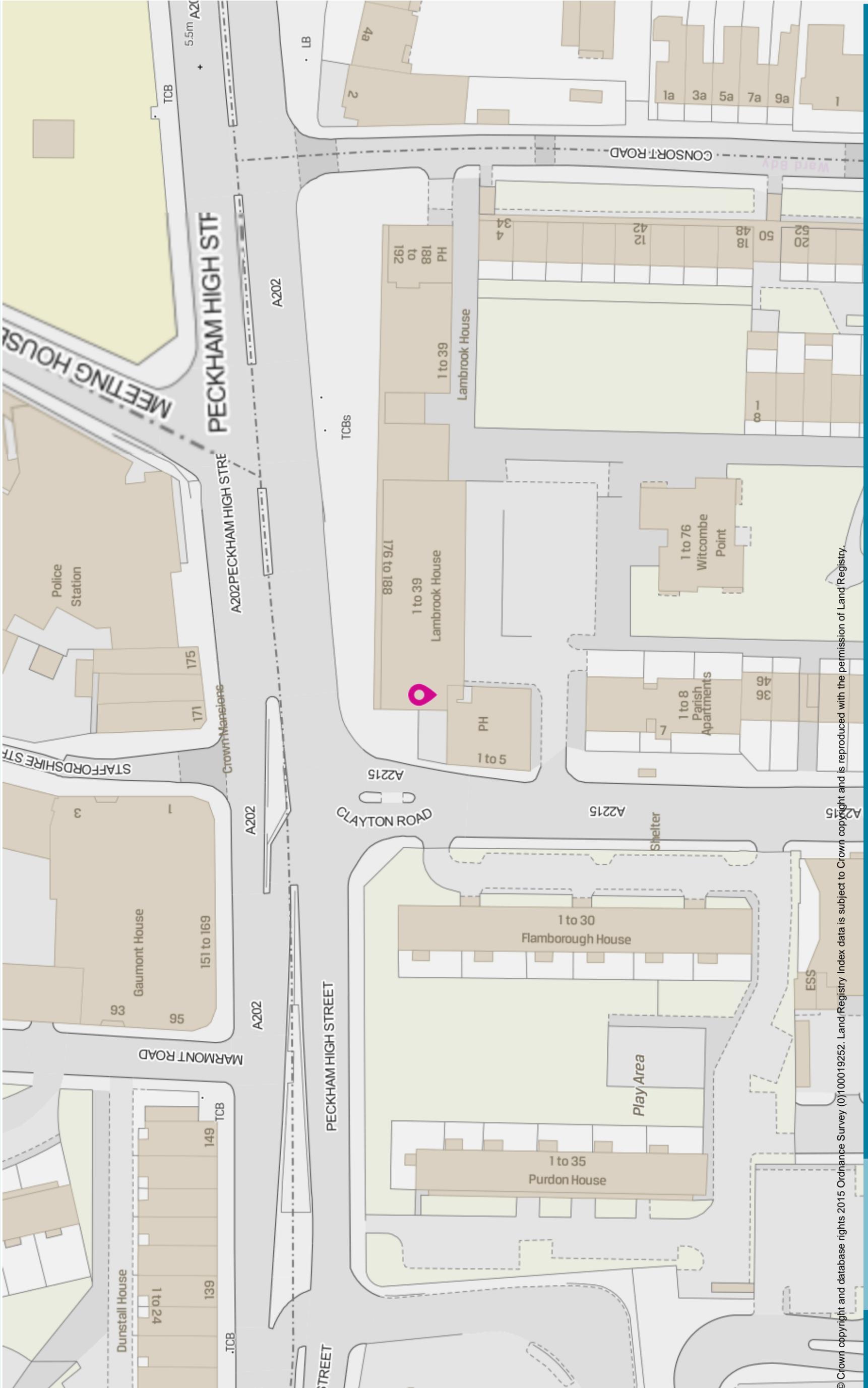
Any appeal must be made to the Magistrates' Court for the area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court within the period of 21 days

beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Issued by the Constitutional Team on behalf of the Director of Law and Governance.

Date 22 July 2021

PECKHAM FOODS & WINES LTD, 176, PECKHAM



© Crown copyright and database rights 2015 Ordnance Survey (0100019252). Land Registry Index data is subject to Crown copyright and is reproduced with the permission of Land Registry.

20 m



Item No. 6.	Classification: Open	Date: 17 March 2022	Meeting Name: Licensing Sub-Committee
Report Title		Licensing Act 2003: 97 – 99 Commercial Way, Peckham, London SE15 6DB	
Ward(s) of group(s) affected		Peckham Ward	
From		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Mr Jeyendran Alakendran for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as, 97 – 99 Commercial Way, Peckham, London SE15 6DB.
2. Notes:
 - a) This application is for a premises licence and has been submitted under Section 17 of the Licensing Act 2003. The application is subject to representations submitted by responsible authorities and by ‘other persons’ and is therefore referred to the licensing sub-committee for determination.
 - b) Paragraphs 8 to 11 of this report provide a summary of the application. Copies of the application and the floor plan submitted with the application are attached to this report as Appendix A
 - c) Paragraphs 13 to 20 of this report deal with the representations submitted in respect of the application. Copies of the representations are attached to this report in Appendices B and C. A map showing the location of the premises is attached to this report as Appendix 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 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 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 19 January 2022 Mr Jeyendran Alakendran applied to this council for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as 97 – 99 Commercial Way, Peckham, London, SE15 6DB.

9. The hours applied for are summarised as follows:
 - The sale of alcohol to be consumed off the premises
 - Monday to Sunday: 07:00 to 23:00
 - Opening hours:
 - Monday to Sunday: 07:00 to 23:00.

10. The premises, and the intended operation of the premises, are described in the application as follows:

“It is going to be a local convenience store selling day to day products to the locals such as groceries, confectionaries and alcohol.”

11. The proposed designated premises supervisor of the premises is Mr Jeyendran Alakendran (the applicant).

12. Copies of the application, and the floor plan submitted with the application, are attached to this report as Appendix A.

Representations from responsible authorities

13. Representations have been submitted by the Metropolitan Police Service, by this council's trading standards service and by this council's licensing service in its role as a responsible authority (referred to hereafter as the 'licensing responsible authority').
14. The Metropolitan Police Service's representation suggested control measures, which the Metropolitan Police Service recommended, become conditions of any licence issued in respect of the application. The applicant accepted the proposed conditions and the Metropolitan Police Service withdrew their representation.
15. The trading standards service's representation suggested control measures, which the trading standards service recommended, become conditions of any licence issued in respect of the application. The applicant accepted the proposed conditions and the trading standards service withdrew their representation.
16. The licensing responsible authority's representation suggested control measures, which the licensing responsible authority recommended, become conditions of any licence issued in respect of the application. The applicant accepted the proposed conditions and the licensing responsible authority withdrew their representation.
17. Copies of the representations submitted by responsible authorities, and related correspondence, are attached to this report in Appendix B.

Representations from other persons

18. Three representations have been submitted on behalf of 148 other persons (referred to as parties 1, 2-147 and 148 elsewhere in this report). All of the other persons are local residents. The representation submitted on behalf on parties 2-147 takes the form of a representation outlining concerns submitted by party 2 and a petition signed by parties 3-147 supporting the representation.
19. In summary, the other persons' representations contend that the premises are located in an area that already suffers from high rates of crime and disorder, anti-social behavior and street drinking and already has a high concentration of premises licensed for the sale of alcohol. They also state that the operation of the premises is likely to cause noise nuisance in the locale, that the operation of the premises is likely to lead to increased street drinkers, anti-social behavior and crime and disorder in the locale. They further add that the operation of the premises may facilitate an unsafe environment for children and that pedestrians and cyclists may be put in danger caused by reduced visibility due to the premises' customers parking in the streets adjacent to the premises.
20. Copies of the representations submitted by other persons, and related correspondence, are attached to this report in Appendix C.

Conciliation

21. All of the representations were sent to the applicant. Further to communication between the responsible authorities and the applicant, the responsible authorities withdrew their representations.
22. The applicant provided a response to the other persons' representations, however at the time of the writing of this report all of the other persons' representations remain active and must therefore be considered by the licensing sub-committee in its determination of the application.
23. The licensing sub-committee will be apprised as to any conciliation, whether partial or full, of any of the other persons.

Premises licensing history

24. No permanent licensing authorisation, under current or prior legislation, is or has been held regarding the premises.
25. No temporary event notices have been submitted regarding the premises.

Map

26. A map showing the location of the premises is attached to this report as appendix D. The following licensed premises are also shown on the map and provide licensable activities as stated:

James Stores, 103 Commercial Way, London SE15 6DB licensed for:

- The sale of alcohol for consumption both on and off the premises:
 - Monday to Saturday: 08:00 to 23:00
 - Sunday: 08:00 to 22:30

Eren Express, 133 Sumner Road, London SE15 6JL licensed for:

- The sale of alcohol for consumption off the premises:
 - Monday to Sunday: 08:00 to 23:00.

Southwark Council statement of licensing policy

27. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and it came into effect on 1 January 2021.
28. 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.
29. 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.

Cumulative Impact Area (CIA)

30. The premises are not situated in a cumulative impact area.
31. The premises are situated in a residential area.
32. Under the Southwark’s statement of licensing policy 2021 - 2026 the following closing times are recommended as appropriate within this residential areas for the categories of premises stated:
- Off-licences and alcohol sales in grocers and supermarkets:
 - Monday to Sunday: 23:00.

Climate Change Implications

33. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.

34. Climate change is not a legal factor in the consideration of a grant of a premises license under the current licensing objectives, however members can make enquiries and request an agreement from applicants to promote the reduction of the impact of climate change that may be caused by the operation of the premises.
35. Examples of such agreements may be:
- Not use single use plastics, such as disposable plastic glasses, when selling alcohol at the premises.
 - Encourage patrons not to drive to venues by providing details of public transport on their webpages/tickets.
36. The council's climate change strategy is available at:
<https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf>

Community, equalities (including socio-economic) and health impacts

Community impact statement

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

Equalities (including socio-economic) impact statement

38. This report does not result in a policy decision and each application is required to be considered upon its own individual merits with all relevant matters taken into account. In considering the recommendations of this report, due regard must be given to the public sector equality duty set out in section 149 of the Equality Act 2010. This requires the Council to consider all individuals when carrying out its functions.
39. Importantly, the council must have due regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct; advance equality of opportunity and foster good relations between people with protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The public sector equality duty also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct.
40. The equalities impact statement for licensing decisions is contained within the Southwark statement of licensing policy 2021 – 2026:
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>.
41. The equalities impact assessment is available at:
<https://modern.gov.southwark.gov.uk/documents/s92016/Appendix%20F%20-%20Equalities%20Impact%20Assessment.pdf>

Health impact statement

42. Health impacts cannot be considered by law when making decisions under the Licensing Act 2003.

Resource implications

43. A fee of £190.00 has been paid by the applicant company in respect of this application being the statutory fee payable for premises within non-domestic rateable value B.

Consultation

44. 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 similar notices were exhibited outside of the premises for a period of 28 consecutive days.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

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

Principles for making the determination

47. The sub-committee is asked to determine the application for a premises licence under Section 17 of the Licensing Act 2003.
48. The principles which sub-committee members must apply are set out below.
49. 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.
50. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
 - Are made by an interested party or responsible authority
 - Have not been withdrawn
 - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

51. 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

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

53. The four licensing objectives are:

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

54. 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.

55. 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.

56. Members are also referred to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 on conditions, specifically section 10.

Reasons

57. 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

58. 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.
59. 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

60. 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.
61. 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.

62. 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.
63. 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.
64. 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.
65. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
66. 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.
67. 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

68. 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

69. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

BACKGROUND DOCUMENTS

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

APPENDICES

Name	Title
Appendix A	Application and the floor plan submitted with the application
Appendix B	Representations submitted by responsible authorities, and related correspondence
Appendix C	Representations submitted by 'other persons', and related correspondence
Appendix D	Map showing the location of the premises

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Wesley McArthur, Principal Licensing Officer	
Version	Final	
Dated	3 March 2022	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team	4 March 2022	

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 Jeyendran Alakendran

(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 97-99 Commercial Way			
Post town	London	Postcode	SE15 6DB
Telephone number at premises (if any)		[REDACTED]	
Non-domestic rateable value of premises		£25000	

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/limited liability partnership please complete section (B)
- ii as a partnership (other than limited liability) 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 (by ticking yes to one box below):

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 ██████████			First names ██████████		
Date of birth ██████████		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality British					
Current residential address if different from premises address		██████████ ████████████████████			
Post town	██████████	Postcode	██████████		
Daytime contact telephone number		████████████████████			
E-mail address (optional)	████████████████████				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

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		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential 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
01	03	2022

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)

It is going to be a local convenience store selling day to day products to the locals such as groceries, confectionaries and alcohol.

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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all 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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	07.00	23.00			
Tue	07.00	23.00			
Wed	07.00	23.00			
Thur	07.00	23.00			
Fri	07.00	23.00			
Sat	07.00	23.00			
Sun	07.00	23.00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name		
Date of birth		
Address		
Postcode		
Personal licence number (if known)		
Issuing licensing authority (if known)		

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 9).

It is going to be a local convenience store selling day to day products to the locals such as groceries, confectionaries and alcohol.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	07.00	23.00	<p><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 6)</p>
Tue	07.00	23.00	
Wed	07.00	23.00	
Thur	07.00	23.00	
Fri	07.00	23.00	
Sat	07.00	23.00	
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 10)

I will always ensure that when the premises are open for trading that there are sufficient competent and knowledgeable staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing any crime and disorder on the premises. I will also ensure that all staff will undertake continuous training in their responsibilities in relation to the sale of alcohol, particularly regarding vulnerable and underage people. Records of staff training will be kept for references and refusal of sale to underage will be logged in refusal book.

b) The prevention of crime and disorder

To prevent any crime and disorder around the premises, I will make sure sufficient CCTV coverage across the inside and outside of the property is available. In the event of any incidents of a criminal nature that may occur on or outside the premises will be reported to the Police immediately. The CCTV system will be maintained at the premises and will make sure that it has got the following features: 1. Cameras must be sited to observe the entrance and exit doors both inside and outside. 2. Cameras on the entrances must capture full frame shots of the heads and shoulders of all customers entering the premises i.e., capable of identification 3. Cameras viewing till areas capturing people served. 4. Cameras overlooking floor areas should be wide angled to give an overview of the premises. 5. Be capable of visually confirming the nature of the crime committed. 6. Provide a linked record of the date, time and place of any image. 7. Provide good quality images –colour during opening times. 8. Have the recording device located in a secure area or locked cabinet. 10. Have a screen to review images and recorded picture quality. 11. Be regularly maintained to ensure continuous quality of image capture retention. 12. Have signage displayed in the customer area to advise that CCTV is in operation. 13. Digital images must be kept for 31 days. 14. Police will have access to images at any reasonable time for any incidents to be reviewed.

c) Public safety

For the safety of the public, I shall make sure that fire safety procedures are in place in the event of a fire at the same time have numerous smoke detectors and emergency lighting in place for any emergency. I shall also make sure relevant signage for any hazards such as “WET FLOOR” signage are displayed in the event of any spillage or cleaning processes.

d) The prevention of public nuisance

To prevent public nuisance within the premises I will make sure that the noise level is always kept at the very lowest level. Clear and visible signs will be displayed to leave quietly and have regard to our neighbourhood. I will also make sure that the sale of alcohol only takes places throughout the proposed trading hours this will also help prevent any public nuisance around the premises

e) The protection of children from harm

Any customers who would like to purchase alcohol and appear to be under 25 will be required to show or provide photographic ID such as proof of age cards, citizen card, photographic driving license or passport. The ID should bear the photograph and date of birth of the customer. All staff will be trained for UNDERAGE Sales and prevention and protection regularly. A register of refused sales will be always logged and maintained on the premises.

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.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	████████████████████
Date	18.01.2022
Capacity	████████████████████

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **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 14)			
████████████████████			
████████			
████████████████████			
Post town	████████████████	Postcode	████████
Telephone number (if any)	████████████████████		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
████████████████████			





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: 07880 053191

Email:

SouthwarkLicensing@met.police.uk
graham.s.white@met.police.uk

Our MD/21/021/2022
reference:

Date: 1st February 2022

Re:- Commercial Way Londis, 97-99 Commercial Way, London SE15 6DB

Dear Sir/Madam

Police are in receipt of an application from the above for a new premises licence to operate as an off licence. The hours applied for are inside that recommended within the Southwark Statement of licensing policy.

The current licence application contains minimal in the way of enforceable conditions. The Home office guidance issued under Sec 182 of the licensing Act 2003 'General principles' state that it is important in setting the parameters within which the premises may operate. Conditions must be precise and enforceable which the application fails to do.

We object to the granting of the licence on the grounds of Public nuisance, Crime and disorder. We would like the following condition and wording of condition offered be included on the licence.

1. All alcohol sales shall be sold in sealed containers for consumption away from the premises.
2. No beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.
3. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises

4. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
5. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
6. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
7. No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter

Submitted for your consideration, Police would welcome the opportunity to conciliate with the applicant should the need arise.

Yours Sincerely

PC Graham White 2288AS

Licensing Officer

Southwark Police Licensing Unit

From: Jean Adams
Sent: 01 March 2022 11:38
To: White Graham S - AS-CU <Graham.S.White@met.police.uk>; Moore, Ray <Ray.Moore@southwark.gov.uk>; Jayne.Tear@SOUTHWARK.GOV.UK
Cc: Clements Ian J - AS-CU <Ian.Clements@met.police.uk>; McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>
Subject: RE: CASE NO 1540 - Commercial Way Londis

Dear Graham

Thank you for your response. I have spoken to the client and they have agreed to remove the ciders from the list of exceptions.

I have attached the updated schedule of conditions covering all of the requested conditions from you at the Police, Ray Moore at Trading Standards and Jayne Tear at Licensing. I have had a response from Ray saying that he is agreeable to this and we are just waiting to hear from Jayne Tear.

If this is agreeable to Jayne, and we have an agreement from you all that your representations will be withdrawn on this basis, we will confirm that the updated schedule should be attached to the licence.

We understand that there are some other local objections, but we appreciate the agreement with the responsible authorities for this application.

With thanks and best regards
Jean

Jean Adams
Dadds LLP Licensing Solicitors

Proposed updated schedule of operating conditions

1. All alcohol sales shall be sold in sealed containers for consumption away from the premises.
2. Beers and ciders sold at the premises shall not exceed 6.5% alcohol by volume except for the specific brands listed below that shall only be displayed for sale behind the counter and shall not be available for self-service by customers: -
 - Nigerian Guinness (7.5%ABV)
 - Jamaican Dragon Stout (7.5%ABV)
 - Lion Beer/Stout (8.8%ABV)
 - Guinness Original 7.5%

3. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises
4. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
5. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
6. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
7. No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter
8. clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises.
9. 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.
10. 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.
11. 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.
12. 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.

From: Graham.S.White@met.police.uk
Sent: Tuesday, March 1, 2022 11:51 AM
To: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>
Subject: FW: CASE NO 1540 - Commercial Way Londis

Wes,

Please see attached document with agreed list of conditions. We withdraw are objection on these grounds

Regards

Graham

Graham White | Constable
MPS Central South BOCU
Neighbourhoods Policing- Partnership & Prevention
Licensing Officer – Southwark
Mobile 07880 053191
MPS Internal 726639
MPS Telephone 0207 232 6639

From: Moore, Ray <Ray.Moore@southwark.gov.uk>
Sent: 15 February 2022 14:39
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>;
Cc: Forrest, Yemisi <Yemisi.Forrest@Southwark.gov.uk>
Subject: RE: Application for a new premises license, Mr Jeyendran Alakandran
 Londis, 97-99 Commercial Way, SE15 6DB Ref: 876573

Trading Standards as a responsible authority are in receipt of a new premises license application for Mr Jeyendran ALAKANDRAN in respect of a premises at 97-99 Commercial Way, London, SE15 4SE. Trading Standards as a responsible authority are making representation in respect of this application under all the licensing objectives, but primarily the protection of children from harm.

In the general description this is to be:-

“It is going to be a local convenience store selling day to day product to the locals such as groceries, confectionaries and lcohol.”

The application is for off sales of alcohol only. The hours for the sale of alcohol are to be Monday to Sundays 07:00hrs to 23:00hrs. These hours are the same as for the opening hours.

The intended Designated Premises Supervisor is the applicant.

The premises license holder would be Mr Jeyendran ALAKANDRN
 Under the general – all four licensing objectives M(a) it states:-

“I will always ensure that when the premises are open for trading that there are sufficient competent and knowledgeable staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing any crime and disorder on the premises. I will also ensure that all staff will undertake continuous training in their responsibilities in relation to the sale of alcohol, particularly regarding vulnerable and underage people. Records of staff training will be kept for references and refusal of sale to underage will be logged in refusal book.”

Under the licensing objective “The protection of children from harm it states:-

“Any customers who would like to purchase alcohol and appear to be under 25 will be required to show or provide photographic ID such as proof of age cards, citizen card, photographic driving license or passport. The ID should bear the photograph and date of birth of the customer. All staff will be trained for UNDERAGE Sales and prevention and protection regularly. A register of refused sales will be always logged and maintained on the premises.”

This is good in that it address the core issues around age verification; staff training etc. Trading Standards as a responsible authority would simply ask that the applicant agrees to these matters being tidied up into the following conditions.

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.

Also as street drinking is a major problem in the surrounding areas we would also ask that the following condition also be applied in regard to super strength lagers; beers and cider.

840 - That no beers, lagers or ciders exceeding 6.5% alcohol by volume (ABV).

This authority can provide suitable training records and training materials for the business upon request at no cost. An easy to use refusals register can also be provided – again at no cost to the business. I attach electronic versions of these for the business that can be used.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| Regulatory Services

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

Direct line 020 7525 0816 | Fax 020 7525 5735 | Call Centre 020 7525 2000

From: Jean Adams
Sent: Tuesday, March 1, 2022 11:01 AM
To: Moore, Ray <Ray.Moore@southwark.gov.uk>
Cc: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>
Subject: RE: Application for a new premises license, Mr Jeyendran Alakendran Londis, 97-99 Commercial Way, SE15 6DB Ref: 876573

Dear Ray,

We act on behalf of the above client and write in regard to your recent representation to the new licence application.

I understand that you may have spoken to Graham White with regards to the email I sent him yesterday - apologies for not sending this to you yesterday, but I just ran out of hours in the day!

As, I asked him, I understand that you have made a representation and had a discussion via email with the client (below) regarding conditions. We had proposed to add some beers to the condition (2) but as the police have responded, I am currently asking the client if they are happy to remove the Henry Weston and K Cider elements to just leave the specialist stouts as exceptions.

If this is agreeable to you, please could you let me know

Thank you
Jean

1. All alcohol sales shall be sold in sealed containers for consumption away from the premises.
2. Beers and ciders sold at the premises shall not exceed 6.5% alcohol by volume except for the specific brands listed below that shall only be displayed for sale behind the counter and shall not be available for self-service by customers:-
 - Nigerian Guinness (7.5%ABV)
 - Jamaican Dragon Stout (7.5%ABV)
 - Lion Beer/Stout (8.8%ABV)
 - Guinness Original 7.5%
 - ~~Henry Weston 8.2%~~
 - ~~K Cider 7.5%~~
3. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises
4. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.

5. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.

6. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.

7. No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter

8. clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises.

9. 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.

10. 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.

11. 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.

12. 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.

Kind regards

Jean Adams
Dadds LLP Licensing Solicitors

From: Moore, Ray <Ray.Moore@southwark.gov.uk>
Sent: Tuesday, March 1, 2022 11:04 AM
To: Jean Adams
Cc: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>
Subject: RE: Application for a new premises license, Mr Jeyendran Alakendran
Londis, 97-99 Commercial Way, SE15 6DB Ref: 876573

Morning Jean...I am happy with those proposed changes to the 6.5% condition with the ciders not included as an exemption.

Ray MOORE
Principal Trading Standards Enforcement Officer
Southwark Council | Environment & Leisure| Regulatory Services
Post: 3rd Floor Hub 2, PO Box 64529 | London SE1P 5LX
Direct line 020 7525 0816 | Fax 020 7525 5735 | Call Centre 020 7525 2000

MEMO: Licensing Unit

To Licensing Unit **Date** 16 February 2022
From Jayne Tear
Email jayne.tear@southwark.gov.uk

Subject Re: 97-99 Commercial Way, London, SE15 6DB
– Application for a premises licence

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

- Supply of alcohol (off the premises) on Monday to Sunday from 07:00 to 23:00
- Opening times shall be on Monday to Sunday from 07:00 to 23:00

The premises is described within the application as *'It is going to be a local convenience store selling day to day products to the locals such as groceries, confectionaries and alcohol'*

My representation is based on the Southwark Statement of Licensing policy 2021 – 2026 and relates to the licensing objectives for the prevention of crime and disorder and the prevention of public nuisance.

The premises is situated in a residential area and under the Southwark Statement of Licensing policy 2021 - 2026 the appropriate closing times for off-licences and alcohol sales in grocers and supermarkets is 23:00 hours daily.

Due to the limited information provided and to promote the licensing objectives I ask the applicant to also consider adding the following conditions to the operating schedule:

- Off sales of alcohol shall be sold in closed containers and taken away from the premises.
- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises.

I welcome any discussion with the applicant to consider the above representation.

Southward's Statement of Licensing Policy 2021 – 2026 can be found on the following link:
<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

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

From: Jean Adams

Sent: Monday, February 28, 2022 2:23 PM

To: Tear, Jayne <Jayne.Tear@SOUTHWARK.GOV.UK>

Cc: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>

Subject: CASE NO 1540 - Londis - New Application, 97-99 Commercial Way,

Dear Jayne

With reference to your representation regarding the above application, we act on behalf of the applicant and confirm that the applicant agrees to add your suggested conditions to the operating schedule -

- Off sales of alcohol shall be sold in closed containers and taken away from the premises.
- Clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises.

We also advise that he has also agreed to add the following additional conditions to the schedule:

- 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.
- 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.
- 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.
- 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.
- All alcohol sales shall be sold in sealed containers for consumption away from the premises.
- That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises.

- All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
- A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
- That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
- No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter

We would appreciate it if you could confirm that, with this agreement in place, you would be agreeable to withdrawing your representation for this matter.

We look forward to hearing from you.

Kind regards

Jean Adams
Dadds LLP Licensing Solicitors

From: Tear, Jayne <Jayne.Tear@SOUTHWARK.GOV.UK>
Sent: Tuesday, March 1, 2022 12:38 PM
To: Jean Adams <jean.adams@dadds.co.uk>
Cc: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>
Subject: RE: CASE NO 1540 - Londis - New Application, 97-99 Commercial Way,

Dear Jean,

Thank you very much for your response to the representation submitted by me as responsible authority for licensing.

As the applicant has agreed to add the conditions recommended within my representation (in your email below **Sent:** Monday, February 28, 2022 2:23 PM), on that basis I can confirm that my representation is now withdrawn,

With kindest regards

Jayne

Jayne Tear - Principal Licensing Officer – As Responsible Authority for Licensing
Southwark Council | Licensing Unit
160 Tooley Street | London | SE1 2QH

Party 1**From:****Sent:** Tuesday, February 8, 2022 12:34 PM**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>**Subject:** Objection for Alcohol License: Licence No. 876573

Dear Licensing Service,

I am writing to object the proposed Alcohol Licence (**876573**) by Jeyendran Alakendran of 97-99 Commercial Way, SE15 6DB. This is the application regarding the sale of alcohol, 7 days a week, between 7am and 11pm.

I am a resident at _____ . I hope that my email of objection will reach you before the objection deadline. I believe this application should be rejected for the following reasons:

To prevent crime and disorder

- On streetcheck.com, you can observe that the number of crimes surrounding SE15 6DB is at 286. This is extremely high for a residential area and I believe another licensed outlet will only add to this worrying number. _
- If another shop serves alcohol until 11pm, this will cause an influx of customers at late times; with most being under the influence. This not only increases the likelihood of crime at the nearby park but also poses a threat to local residents who live around that shop. _
- There have been multiple incidents of thefts and stabbings on Commercial Way, by individuals under the influence; preventing these incidents should be the number one priority, as opposed to another late closing off-licence shop._

To prevent public nuisance

- If there is another licensed shop open until 11pm, the nuisance levels will drastically increase. The late-night shouting, screaming and swearing localised around CNJ convenience store and James store is already apparent. These shops are only open until 11am.
- Another shop opened for even longer will draw in more alcohol consumers.

To maintain public safety

- From walking down Sumner road and Commercial Way, I have witnessed on many occasions a hold up in traffic due to the tight corners.
- This is a concern to pedestrians and cyclists as cars are parked on the corners for the current off-licence adjacent to the proposed licensed store. If this is allowed to proceed, there will be more cars pulling into the tight roads and parking on

thecorners. This will obscure view for other drivers and jeopardise pedestrians / cyclists.

To protect children from harm

- The licence conflicts with the amenities available to children in the area, putting them at risk from anti-social behaviour, increased littering and exposure to the marketing and sale of alcohol.
- Another shop selling alcohol until 11pm will result in more empty bottles and cans left around on the nearby streets as well as in the Jowett Street Park. Children often use this park to cross through and this is a bad influence to young kids who would think it is normal to litter and leave alcohol bottles/cans around.
- The marketing of alcohol will promote younger kids to want to try alcohol at a younger age. This will be bad for the neighbourhood especially with the high crime rate; as alcohol consumption would potentially promote bad behaviours at a young age.

Additionally, I had previously objected the Alcohol Licence **(874013)** by Shafait Ali at the start of 2021 at the same property for similar reasons. I hope you will take the time to consider these objections as they are in the best interest for the local community.

Yours faithfully,

ALCOHOL LICENSING: PETITION OBJECTION LETTER

The Licensing Service,
Southwark Licensing Team,
Hub1 - 3rd Floor,
160 Tooley Street,
London,
SE1 2QH

2nd February 2022

Dear Licensing Department,

Re: Business - Application for a premises licence: Licence No. 876573

This is an objection in reference to the new application by Jeyendran Alakendran, 97-99 Commercial Way, SE15 6DB, to sell alcohol between the hours of 7am and 11pm, Monday to Sunday (7 days a week).

We would like to raise the following concerns by way of formal objection.

Concentration of Licensed Outlets.

There are 5 shops selling alcohol within close proximity to the proposed licenced shop:

- James Store (within 10 metres) - open until 11pm
- CNJ Convenience Store – open until 11pm
- Brothers Food and Wine – open 24hrs
- Mini Market – open until 11:30pm
- Payless – open 24hrs

In addition to above, there are numerous restaurants and public houses with alcohol licences within half a mile on the high street, of the proposed licence so there is also the potential overspill from places for people to be drawn into this area at late hours.

The addition of another outlet selling alcohol in this location, is inappropriate during daylight hours and after dark as it adds to concerns about breaches of the peace increasing in and around the park down the road from the site (as referred to below). The need for another licensed outlet in such close proximity is only of concern.

Crime and Disorder.

Another alcohol licence until 11pm will draw unwelcome attention and increased footfall at unsociable hours to this area even more.

There is already noise, public nuisance, anti-social behaviour, low-level nuisance (non-reportable crime inc. shouting, swearing, urination in public, littering) in this area due to the high concentration of licenced shops, which will only be increased.

The site is adjacent to Jowett Street Park. Historically there have been vagrants sleeping in the park and incidents of regular gatherings of youths drinking alcohol and causing disturbances. Police attention to this issue has largely cured this, however, the site is acknowledged by the Police to be of concern. We note that in December 2021 alone, there have been 292 crimes within half a mile of Jowett street Park. This usually peaks even more to 365 crimes around summer time (records from July 2021).

Recently there have been 2 incidents of alcohol related malicious woundings in the Park. Another licensed shop, Costless Superstore, within close vicinity at 135/137 Commercial Way, shut down amidst safety concerns, due to the increased crime rate and theft close to the store. This illustrates the reality of the Police and local residents' concerns.

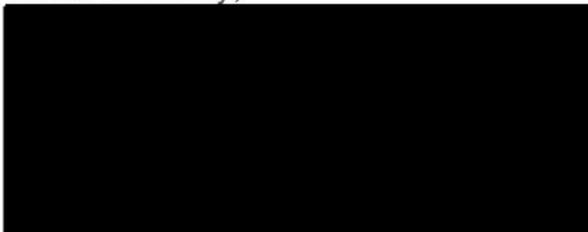
Public Nuisance.

Having another off-licence in the area which is open until 11pm will unnecessarily draw people from a wider area at unsociable hours. The signage will be visible from a distance, which will add to the additional draw of pedestrians and vehicles.

The convenience store, James Store, which is directly next to the shop already has limited parking in front of the store which often causes traffic issues when people try to park outside it. The same will happen at the shop acquiring the license. This will in turn increase road safety issues and have serious public safety implications as this store is also on a tight corner at a narrow crossroad. This could be dangerous at night if people are being drawn to this area to find an off-licence.

Thank you for taking the time to seriously consider these objections. The petition has been attached below with signatures of local residents who are also objecting for these reasons outlined above.

Yours Sincerely,



Objecting Alcohol Licence 876573 – For licenced outlet concentration and crime rate
Objectors (please print clearly)

Name	Address	Signature	Date
			3.02.22
			2.2.22
			22.22
			2.2.22.
			2.2.22
			2.2.22
			3/2.22
			3/2/22
			05.02.22
			03.02.2022
			3.2.22
			3.2.22
			3/2/22
			3/2/22
			3/2/22
			8 2 22
			3/2-22
			3/02/22
			3/02/22

Objecting Alcohol Licence 876573– For licenced outlet concentration and crime rate
Objectors (please print clearly)

Name	Address	Signature	Date
			3/2/22
			4/2/22
			4/2/22
			4/2/22
			6/2/22
			4 2 22
			4.2.22
			4/2/22
			4/2/22
			04/2/22
			04/2/22
			4/2/22
			4/2/22
			7/2/22
			4/2/22
			4/2/22
			4/2/22
			4/2/22
			4/2/22
			4/2/22

Objecting Alcohol Licence 876573— For licenced outlet concentration and crime rate
 Objectors (please print clearly)

Name	Address	Signature	Date
			4 - 2 - 202
			4-2-202
			4-2-202
			4-2-202
			4/22
			4/22
			4/22
			4/22
			4/22
			4/22
			4/22
			4/22
			4/22
			4/22
			4/22
			4/22
			4/22

Objecting Alcohol Licence 876573– For licenced outlet concentration and crime rate
 Objectors (please print clearly)

Name	Address	Signature	Date
			4/7/22
			4/1/22
			4/1/22
			4/1/22
			21/1/22
			u
			lr
			4/2/22
			4/2/22
			4/2/22
			4/2/22
			4/2/22
			4/2/22
			4/12/22
			4/1
2/1/22			

Objecting Alcohol Licence 876573– For licenced outlet concentration and crime rate
Objectors (please print clearly)

Name	Address	Signature	Date
			4/02/2022
			04/2/22
			5.2.22
			5 3 22
			5.3.22
			05/02/22
			05/02/22
			06/02/22
			6/2/22
			6-2-22
			6/2/22
			6/2/22
			6/2/22
			6/2/22
			6/2/22
			6/2/22
			6/2/22
			6/2/22
			8/2/22
			6/2/22

Objecting Alcohol Licence 876573 – For licenced outlet concentration and crime rate
Objectors (please print clearly)

Name	Address	Signature	Date
[Redacted]			6/2/22
			6/2/22
			6/2/22
			6-2-22
			6.2.22
			6-2-22
			6.2.22
			6/2/22
			6/2/22
			6/2/22
			6/2/22
			6/2/22
			6- 2 22
			6/2/22
			6/2/22
6/2/22			

Objecting Alcohol Licence 876573 – For licenced outlet concentration and crime rate
Objectors (please print clearly)

Name	Address	Signature	Date
			2/2/22
			3 2 22
			3/2/22
			4/2/22
			4/2/22
			4/2/22
			4/2/22
			4/2/22
			4.2.22
			4.2.22
			4.2.22
			4.2.22
			5/2/22
			5-2/22
			5-2-22
			5-2-22
			5-2-22
			5-2-22
			5-2-22

Party 148**From:****Sent:** Friday, February 11, 2022 12:24 PM**To:** Regen, Licensing <Licensing.Regen@southwark.gov.uk>**Subject:** Objection of Premise License (No. 876573)

Dear Sir/Madam,

I am writing to object the Premise License (No. 876573) filed by Jeyendran Alakendran for the property at 97-99 Commercial Way, SE15 6DB.

First of all, the occupier has placed the notice stating they have applied for the license at an inappropriate place. As you can see in the images attached, it is far above head height and eye level which is not visible to majority of the public.

Secondly, I am the occupier of . This business has been around for 50 years and I have operated this business for the passed 20 years. With the recent pandemic, my business has been struggling, with fewer customers and electricity and water bills increasing too. If another shop was to open then I fear that my business will have to close down; which will be disappointing to locals who have been coming for the last 20 years.

Additionally, I was the previous owner of at the end of Commercial Way. I had to shut this shop and remove the premise licence a couple years ago due to increased crime rate and hooliganism around the area. Increased thefts and incidents not only diminished sales of superstore but also affected activity. I believe another premise licence open until 11pm in close vicinity will increase the crime rates in the area and attract more people at late hours. The short term gain of more sales will be overshadowed by the decrease in customers long term with increasing crime.

I hope that you will consider my points when making your final decision.

Kind regards,





Our Ref: dd/ja/LON1-8

3rd March 2022

Conciliation statement – Re Premises licence application

Londis, 97 – 99 Commercial Way, Peckham, London, SE15 6DB

As way of introduction, we write to you as we are solicitors acting on behalf of the applicant who has applied for a premises licence at the above address. We understand you have made an objection to the application and would like to contact you regarding this matter.

We had representations from three responsible authorities; Police, Licensing and Trading Standards. These bodies are the main source of advice on crime and disorder, public nuisance and safety relating to licensed premises and they asked for certain conditions to be added to the licence application before they would agree to approve the licence. We have agreed these conditions and the Responsible authorities are now content with the premises and its operating schedule and hours as applied for and have all withdrawn their representations and raise no further concerns.

The licensing authority have asked if we could prepare a statement to advise you of the agreement made with Police, trading standards and Licensing officers and let you know the conditions which, if granted, will be placed on the licence. These conditions assist the premises licence holder to ensure they fully promote the licensing objectives and that the premises is run within the legislation. All concerns are taken seriously by our client and should you have further questions we would be happy to address them with you.

We therefore attach a copy of the operating schedule now agreed as the operating conditions attached to the application and hope that this allays any concerns which you may have had in the running of the operation.

Please contact our office by telephone on [REDACTED] or email [REDACTED] to arrange a meeting or just to have a conversation with us and/or the new operator and we will gladly arrange this with you.

We hope that, after reading the attached conditions that you may be able to withdraw your representation to the application and that we can come to an agreement with you regarding this matter and we look forward to hearing from you in this regard.

Yours sincerely

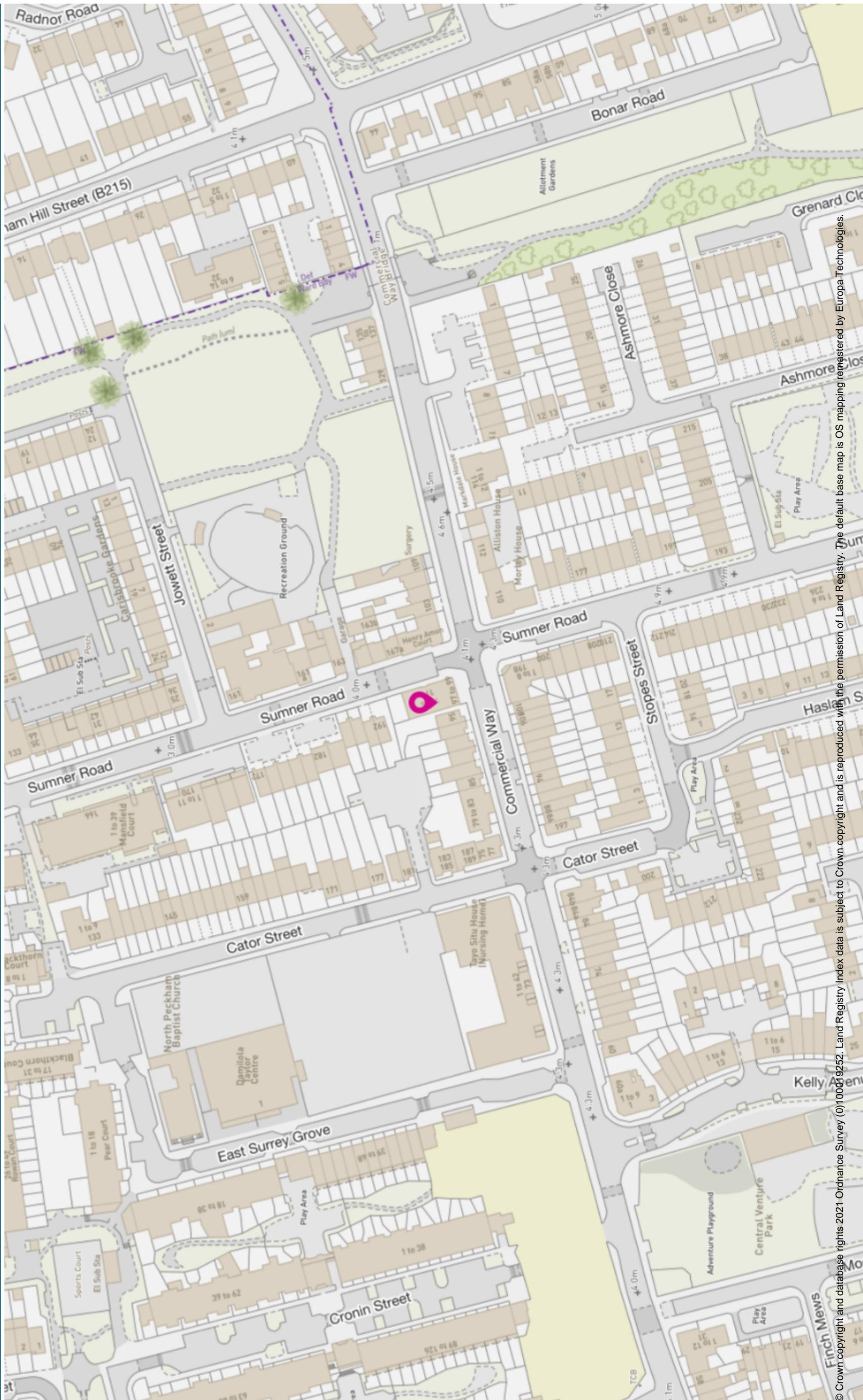
D. Dadds
DADDS LLP

Dadds Solicitors



Updated schedule of operating conditions – agreed with Trading Standards, Police and Licensing officers

1. All alcohol sales shall be sold in sealed containers for consumption away from the premises.
2. Beers and ciders sold at the premises shall not exceed 6.5% alcohol by volume except for the specific brands listed below that shall only be displayed for sale behind the counter and shall not be available for self-service by customers: -
 - Nigerian Guinness (7.5%ABV)
 - Jamaican Dragon Stout (7.5%ABV)
 - Lion Beer/Stout (8.8%ABV)
 - Guinness Original 7.5%
3. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises
4. All CCTV footage be kept for a period of 31 days and shall on request be made immediately available to officers of the police and the council.
5. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
6. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon request, be made immediately available to Officers of the Police and the Council.
7. No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter
8. clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that alcohol sold as 'off sales' should not be opened and consumed in the vicinity of the premises.
9. 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.
10. 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.
11. 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.
12. 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.



© Crown copyright and database rights 2021 Ordnance Survey (0100019252). Land Registry index data is subject to Crown copyright and is reproduced with the permission of Land Registry. The default base map is OS mapping remastered by Europa Technologies.

50 m

3-Mar-2022

Scale =
1322_999999999999998

This page is intentionally blank.

LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2021-22

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

Name	No of copies	Name	No of copies
Members		Officers (by email only)	
Councillor Renata Hamvas (Chair)	1	Debra Allday, legal team	
Councillor Charlie Smith	1	Toyin Calfos, legal team	
Councillor Kath Whittam	1	Charlotte Precious, legal team	
		Wesley McArthur, licensing team	
Reserve		Raymond Binya, environmental protection team	
Councillor Ian Wingfield	1	Ray Moore, trading standards team	
		Jayne Tear, licensing team	
		P.C. Ian Clements, Metropolitan Police Service	
		Andrew Weir, constitutional team	
		Total printed copies: 4	
		Dated: 8 March 2022	