

Licensing Sub-Committee

Tuesday 13 September 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 Margy Newens
Councillor Jane Salmon
Councillor Charlie Smith

Reserves

Councillor Barrie Hargrove

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.

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Contact

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

Members of the committee are summoned to attend this meeting

Althea Loderick

Chief Executive

Date: 5 September 2022



Licensing Sub-Committee

Tuesday 13 September 2022
10.00 am

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Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	ELECTION OF CHAIR	
	To elect a chair for this meeting.	
2.	APOLOGIES	
	To receive any apologies for absence.	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
4.	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.	
5.	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.	

Item No.	Title	Page No.
6.	LICENSING ACT 2003: PRESCO FOOD AND WINE, 133-135 SOUTHAMPTON WAY, LONDON SE5 7EW - TRANSFER OF PREMISES LICENCE AND VARIATION OF DESIGNATED PREMISES SUPERVISOR	1 - 48
7.	LICENSING ACT 2003: PREMIER FOOD AND WINE, 244-246 CAMBERWELL ROAD, LONDON SE5 0DP	49 - 87

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: 5 September 2022

Item No. 6.	Classification: Open	Date: 13 September 2022	Meeting name: Licensing Sub-Committee
Report Title		Licensing Act 2003: Presco Food and Wine, 133-135 Southampton Way, London SE5 7EW – Transfer of Premises Licence and Variation of Designated Premises Supervisor	
Ward(s) or groups affected:		St Giles Ward	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Soho Sweets (UK) Limited to transfer the premises licence, submitted under Section 42 of the Licensing Act 2003 in respect of the premises known as Presco Food and Wine, 133-135 Southampton Way, London SE5 7EW.
2. That the licensing sub-committee considers an application made by Soho Sweets (UK) Limited to also vary the designated premises supervisor (DPS) under Section 37 of the Act.
3. Notes:
 - a) The applications are subject to objection notices from the Metropolitan Police Service and are therefore referred to the sub-committee for determination.
 - b) Paragraphs 12 to 14 of this report provide a summary of the application under consideration by the sub-committee. A copy of the current premises licence is attached as Appendix A. Copies of the applications are attached as Appendices D and E.
 - c) Paragraphs 26 to 27 of this report deals with the police objection notice received to the transfer application. A copy of the relevant police objection notice is attached as Appendix F.
 - 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

4. 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.
5. Within Southwark, the licensing responsibility is wholly administered by this council.
6. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.
7. In carrying out its licensing functions, a licensing authority must also have regard to:
 - The Act itself
 - The Guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own statement of licensing policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.
8. The application to transfer a premises licence involves the provision of all relevant information required under the Act to the licensing authority. If the licensing authority receives a police objection notice that is not withdrawn, it must hold a hearing to consider the objection notice (unless all parties agree that this is unnecessary).
9. The police may submit an objection notice to an application to transfer a premises licence when relevant to the promotion of the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

Premises licence transfer and variation of designated premises supervisor

10. The premises licence had been in the name of Mohammed Ahmadzai as licence holder and DPS. A copy of the premises licence is available in Appendix A.
11. Mohammed Ahmadzai surrendered the premises licence on 4 July 2022. A copy of the surrender is available in Appendix B. Once a licence is surrendered, there is a 28 day period in which it can be transferred to a different entity.
12. Alcohol has continued to be sold at the premises without a licence. A warning letter was sent to the premises on 20 July 2022. A copy of that warning letter is available in Appendix C.
13. An application to transfer the premises was received on 21 July 2022, to take place with immediate effect. This application was to remove Mohammed Ahmadzai as the licence holder and replace it with Soho Sweets (UK) Limited. A copy of the application is available in Appendix D.
14. An application for the variation of the DPS was made on 5 August 2022, to take place with immediate effect. A copy of the application is available in Appendix E.
15. The effect of an application to transfer a premises licence or a vary DPS is that it will have immediate interim effect unless an objection is received from the Police.

Premises history

16. A premises licence was first issued to the premises on 30 September 2005. The latest licence was transferred with a variation of DPS to Mohammed Ahmadzai in March 2020.
17. On 15 August 2022, the Metropolitan Police submitted a representation against both the transfer and variation of DPS.

The police objection

18. The police upon receipt of the application to transfer the premises licence holder and to vary the DPS submitted an objection notice on 15 August 2022. A copy of the representation is available in Appendix F.

19. Based on information received by the police from trading standards, the representation considers that to grant the application to transfer the premises licence for the above premises would undermine the licensing objectives, in particular the prevention of crime and disorder. It is believed the persons that have the overriding control of the premises have previously held premises licences that were subject to reviews of the premises licence, resulting in the revocation of the premises licence.

Consideration by the sub-committee

20. It has not been possible to reach a negotiated outcome of this matter and the sub-committee is asked to consider whether the police objection notice is upheld under the necessity to promote the licensing objective of crime and disorder and refuse the application to transfer.

The local area

21. A map of the local area is attached as Appendix G. There is one similarly licensed premises in the vicinity (100 metres), namely:

Costcutter, 156 Southampton Way, London SE5 7EW

- The sale by retail of alcohol (off sales):
 - Monday to Sunday from 00:00 to 00:00.

Southwark council statement of licensing policy

22. Council assembly approved Southwark's statement of licensing Policy 2021 – 2026 on 25 November 2020. The policy came into effect on 1 January 2021. 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 of 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.
23. 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.
24. Link to the Southwark policy:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

25. Link to Section 182 Guidance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Cumulative Impact Area (CIA)

26. The premises is situated within the Camberwell CIA.
27. Under the Southwark statement of licensing policy 2021 - 2026 the local CIA applies to the following premises:

- Clubs, pubs and bars, off-licences, grocers, supermarkets, convenience stores and similar premises.
28. The premises is within the Camberwell District Town Centre Area. Under the Southwark statement of licensing policy 2016 - 2020 the following closing times are recommended as appropriate within this area for the following categories of premises:
- Closing time for off-licences and alcohol sales in grocers and supermarkets:
 - Monday to Sunday: 23:00 daily.

Camberwell CIA

29. On 5 November 2008, council assembly agreed that it was appropriate and necessary to introduce a local policy dealing with the cumulative impact of licensed premises in the Camberwell area.
30. The boundary of the area is defined as follows: From Camberwell New Road at the junction with Wyndham Road progressing via Camberwell Road / Bowyer Place / Edmund Street / Benhill Road / Wilson Road / Graces Road / Graces Mews / Camberwell Grove (via alley) / Grove Lane / De Crespigny Park / Denmark Hill following the Lambeth boundary to Coldharbour Lane / Denmark Road / Flodden Road and Camberwell New Road returning to the start.
31. The classes of premises to which the policy applies is defined as follows: night clubs, pubs and bars, off-licences, grocers, supermarkets, convenience stores and similar premises.

Climate change implications

32. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
33. 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.
34. 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.

35. 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

36. 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

37. 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.

38. 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.

39. The equalities impact statement for licensing decisions is contained within the Southwark statement of licensing policy 2021 – 2026 at:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>.

40. The equalities impact assessment is available at:

<https://moderngov.southwark.gov.uk/documents/s92016/Appendix%20F%20-%20Equalities%20Impact%20Assessment.pdf>

Health impact statement

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

Resource implications

42. A fees have been paid by the applicant in respect of these application being the statutory fees payable for the transfer and vary DPS of a premises licence.

Consultation

43. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**Director of Law and Governance**

44. The sub-committee is asked to determine the application for the transfer of a premises licence under Section 42 of the Licensing Act 2003.
45. The principles which sub-committee members must apply are set out below.

Principles for making the determination

46. The general principle is that applications for the transfer of a premises licence must be granted unless a police objection notice is received. This is subject to the proviso that the applicant has complied with regulations in submitting the application.
47. An application to transfer a premises licence under section 42 shall be in the form and shall contain the information set out in the application and accompanied by the prescribed fee.
48. If a relevant police objection notice is received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives.

Reasons

49. If the sub-committee determines that it is necessary to refuse the application to transfer the premises licence, it must give reasons for its decision.

Hearing procedures

50. Subject to the licensing hearing regulations, the licensing sub-committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the 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.
51. This matter relates to the determination of an application for a premises licence under section 42 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

52. 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.

53. 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.
54. 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.
55. 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.
56. The sub-committee can only consider matters within the application that have been raised through the objection notice submitted by the police. This will be decided on a case to case basis.
57. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making objection 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.
58. All interested parties 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

59. 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

60. 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 & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Tel: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Premises licence
Appendix B	Licence surrender
Appendix C	Warning letter
Appendix D	Copy of the transfer application
Appendix E	Copy of the variation of the designated premises supervisor application
Appendix F	Police representations
Appendix G	Map

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	31 August 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	31 August 2022	

Licensing Act 2003 Premises Licence



Regulatory Services
Licensing Unit
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

872179

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Presco Food & Wine 133-135 Southampton Way London SE5 7EW	
Ordnance survey map reference (if applicable), 533114177230	
Post town London	Post code SE5 7EW
Telephone number [REDACTED]	

Where the licence is time limited the dates
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Licensable activities authorised by the licence
Sale by retail of alcohol to be consumed off premises

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

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

The times the licence authorises the carrying out of licensable activities

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

Sale by retail of alcohol to be consumed off premises

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

Part 2

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

Mohammed Ahmadzai

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

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

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

Mohammed Ahmadzai

[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

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

Licence No. [Redacted]

Authority L.B Barnet

Licence Issue date 03/03/2020

[Redacted]
Head of Regulatory Services
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

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

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

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

488 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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

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

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

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

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

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

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

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

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence;
- (ii) the designated premises supervisor (if any) in respect of such a licence; or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

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

- a. On Christmas day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.
- b. On Good Friday, 8.00.a.m. to 10.30.p.m.

The above restrictions do not prohibit:

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

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

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

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

255 a. Fire extinguishers and equipment as approved by the Council shall be efficiently maintained in satisfactory working order and kept available for instance use. They shall be in the charge of a suitable person specially nominated for the purpose.

b. Portable fire extinguishers shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an antifreeze agent shall be examined and recharged in compliance with manufacturer's instructions.

c. Where provided hydraulic hose reels shall be tested once a year to check that they are in working order and produce a satisfactory jet of water, and the test shall be recorded in a log book.

d. All testing of fire extinguishers and equipment shall be at the expense of the licensee.

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

289 That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty-one (31) days.

326 That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council

334 That an age identification scheme shall be established and maintained. The scheme shall Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol

340 The Licensee will undertake to ensure that all staff supplying intoxicating liquor shall attend a Recognised Training Scheme in all aspects of the Licensing Act.

341 A Personal Licence holder will be on the premises at all times that intoxicating liquor is supplied.

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

8AA 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.

8AB 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.

8AC 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.

8AI A register of refused sales of alcohol and cigarettes sales, which is clearly marked with the details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by the Council's authorised officers or the Police

Annex 4 - Plans - Attached

Licence No. 872179
Plan No. N/A
Plan Date July 2005

Mohammed Ahmadzai
[REDACTED]



Direct Line: 020 7525 5748
Direct Fax: 020 7525 5705
[REDACTED]

DATE: 4 July 2022

Dear Sir/Madam

**Re: THE LICENSING ACT 2003 – Presco Food & Wine, 133 135
Southampton Way, London, SE5 7EW**

We have noted that the business is now closed or has moved to different address.

Please forward your premises licence to the Licensing Service at the address below, with a covering letter explaining that you are surrendering the licence. If you are unable to include the premises licence, please provide a statement explaining the failure to provide the licence. Failure to do so will result in you being charged the maintenance fee for the premises licence, which must be paid annually. This fee is owed to the Council under section (5) of The Licensing Act 2003 (Fees) Regulations 2005 part (5)(1) says "... the holder of a premises licence shall pay to the relevant licensing authority an annual fee ..." and part (5)(6) states "... The fee determined under paragraphs (2), (3) or (4) shall become due and payable each year on the anniversary of the date of the grant of the premises licence."

It is up to the licence holder to ensure that this fee is paid every year on time to the Council. If the fee is not paid then the Council can pursue payment of the debt. The Council assists licence holders with the process payment of this fee by issuing invoices the debt is still owed.

https://forms.southwark.gov.uk/ShowForm.asp?fn_id=1470&np=1

Should you require further information please contact me on the phone number above.

Yours sincerely
KRead

Kirby Read
Processing Manager
Licensing@southwark.gov.uk

Section B – Checklist

I have:

(a) Enclosed both **Part A and B** of the existing Premises Licence Yes / No

If 'No', please explain why:

Section C – Please provide us with a forwarding address and contact details, so that we can contact you to confirm receipt of this Notification.



Section D – Declaration

The information contained within this form is correct to the best of my knowledge.

A person commits an offence if he knowingly or recklessly makes a false statement in or in connection with an application for the grant, variation, transfer or review of a premises licence. A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement. To do so could result in prosecution and a fine not exceeding level 5 on the standard scale (£5,000).

Signature:	Signature:
Name: <i>Mohammed Ahmed Zai</i>	Name: <i>Mohammed Ahmed Zai</i>
Date: <i>04/07/2022</i>	Date: <i>04/07/2022</i>

Please send this completed form and any enclosures to:

Licensing, Southwark Council Floor 3 Hub 1, PO BOX 64529, London, SE1P 5LX

Email: licensing@southwark.gov.uk



Waheed Safi
Presco Food & Wine
133-135 Southampton Way
London
SE5 7EW

Licensing Unit
Direct Dial – 0207 525 2436
Facsimile - 020 7525 5705
Email: Licensing@southwark.gov.uk

Ref: M/872179

20 July 2022

Dear Sir/Madam,

RE: THE LICENSING ACT 2003 – Presco Food & Wine, 133-135 Southampton Way, London, SE5 7EW

I write to inform you that it has been brought to my attention that licensable activities including the **retail sale of alcohol** is being provided at the above premises without the necessary licence having firstly been obtained from this Council.

The premises licence was surrendered to Southwark licensing unit on the 15th July 2022; therefore, the premises does not hold a premises licence. Any licensable activities are from the premises is unlawful.

I would strongly urge you to cease displaying and selling alcohol from the premises.

As you will be committing a criminal offence contrary to the Licensing Act 2003.

In particular, I would advise you that Section 136 (1)(a) of the Licensing Act 2003 states that:

A person commits an offence if -

- (a) He carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or
- (b) Knowingly allows a licensable activity to be so carried on.

This Service warns you that should any further offences be reported to us we will give consideration to the appropriate legal action to be taken. You should understand that this could lead to legal proceedings being taken.

Southwark Council - Regulatory Services, Licensing team, Hub 1, 3rd Floor, PO Box 64529, SE1P 5LX
Switchboard - 020 7525 5000 Website - www.southwark.gov.uk
Strategic Director of Environment and Leisure- Caroline Bruce

I would make clear that it is the practice of the Council's Licensing Unit to send officers to visit premises to check to see if unauthorised activities are being provided. Licensing officers will gain admission to the premises in the same way as ordinary members of the public, and will not necessarily make themselves known to the staff or the licence holder at the time of the visit.

You should also understand that where other Services have interest in the matters noted we will be notifying them of this recent visit. You may receive follow-up visits from them.

Information and online applications can be found using the following link:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing>

Please ensure you act promptly on this letter. If you require advice or assistance on how to comply with the matters raised please contact us on the telephone number given above.

Yours faithfully,

Justin Williams
Licensing Enforcement Officer

21/07/2022

Application to transfer premises licence to be granted under the Licensing Act 2003

Ref No. 1872932

Please enter the name/s who wishes to apply to transfer the premises licence under the section 42 of the Licensing Act 2003

Full name	Soho Sweets (UK) Ltd
Full name (2nd Applicant if appropriate)	

Premises licence number

	872179
--	--------

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.

2. Right 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 which is not a limited liability partnership 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 on or after 6 April 2017 will lapse if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensing 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 apply].
- 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, together 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 do the work in question.
 - A current Residence Card issued by the Home Office to a person who is not a national of an EEA 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 an EEA 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 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 an EEA 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 EEA family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - o evidence that the EEA 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 EEA nationals who are studying or financially independent must also provide evidence that the EEA 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.

3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
6. This is the address which we shall use to correspond with you about this application.

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

Address Line 1	133-135 SOUTHAMPTON WAY
Address Line 2	
Town	LONDON
County	
Post code	SE5 7EW
ordnance survey map reference	

Telephone Numbers (at premises)

Telephone number	
------------------	--

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

	Convenience Store
--	-------------------

Name of current premises licence holder

	Mohammed Ahmadzai
--	-------------------

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.

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

	b) a person other than an individual - i. as a limited company
--	--

If you have selected a) or b) above, 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
--	---

Please provide name and registered address of applicant/s 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.

Personal Details - First Entry

Full Name	Soho Sweets (UK) Ltd
-----------	----------------------

Address - First Entry

Address Line 1	26 CAMBERWELL CHURCH STREET
Address Line 2	
Town	LONDON
County	
Post code	SE5 8QU

Registered Number (where applicable) - First Entry

	13621641
--	----------

Description of applicant (for example partnership, company, unincorporated association etc) - First Entry

	Private Limited Company
--	-------------------------

Telephone Number (if any) - First Entry

Daytime	██████████
---------	------------

Email Address - First Entry

	██
--	--

[Click here to download consent form which must be signed by the previous licence holder and then scanned and upload here](#)

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

	No
--	----

Do you wish the transfer to have an immediate effect?

	Yes
--	-----

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

--	--

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

	No
Upload consent form	

Please give reasons for not providing the consent form

	Licence has been surrendered.
--	-------------------------------

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

	Yes
--	-----

I will post the existing Premises Licence back

	No
--	----

If you unable to post us the original premises licence referred to above please give the reasons why not.

	Licence has been surrendered.
--	-------------------------------

Checklist

	I have posted the premises licence or relevant part of it or explanation I understand that if I do not comply with the above requirements my application will be rejected I have submitted the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
--	---

I confirm the Information I have submitted is true and accurate

	I agree
PaymentDescription	Application to Transfer a Premises Licence
PaymentAmountInMinorUnits	████
AuthCode	██████
LicenceReference	██████████

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Please tick to indicate agreement

<input type="checkbox"/>	I am a company or limited liability partnership
--------------------------	---

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

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

I agree to the above statement

<input type="checkbox"/>	Yes
--------------------------	-----

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 for 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.

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 2)

Note 2: Right to work/immigration status

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability 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 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 the right 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: by providing with this application copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance. 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). Home Office online right to work checking service.

As an alternative to providing a copy of original documents, 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 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, 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 shared digitally. 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 copies of documents as set out above.

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. You have complied with this guidance.

Name of applicant or applicant's solicitor or other duly authorised agent. If submitting on behalf of the applicant please state in what capacity. (Please read guidance note 4)

Name of Applicant	
Applicant's solicitor or other duly authorised agent	Duncan Craig
Capacity	Barrister and Duly Authorised Agent
Date	21/07/2022

Joint Applicants Names or Joint Applicant's solicitor or other duly authorised agent (Please read guidance notes 5)

Joint names	
Capacity	Nottingham
Date	21/07/2022

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Contact name	██████████
Telephone	██████████
Email	████████████████████

Postal address for correspondence associated with this application

Address Line 1	████████████████████
Address Line 2	██████████
Town	██████████
County	
Post code	██████

Guidance Notes

- An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- Where there is more than one applicant, both applicants or their respective agents must sign the application form.
- This is the address which we shall use to correspond with you about this application.

05/08/2022

Application to vary a premises licence to specify designated premises supervisor
Ref No. 1879395Application to vary a premises licence to specify an individual as designated premises supervisor under
the Licensing Act 2003

I / we (full name(s) of the current licence holders)

	Soho Sweets (UK) Ltd
	being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

	878051
--	--------

Guidance notes

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

Part 1 &ndash; Premises details

Address Line1	133-135 SOUTHAMPTON WAY
Address Line 2	
Town	LONDON
County	
Post code	SE5 7EW
Ordnance survey map reference	
Telephone number (if any)	
Email	

Description of premises (please read guidance note 1)

	Off-licence
--	-------------

Guidance Note 1

Describe the premises. For example the type of premises it is.

Full name of proposed designated premises supervisor

First name	Agha
Surname	Sayed Safi

Please state your nationality

	██████████
--	------------

Please state your place of birth

	██████████
--	------------

Please state your date of birth (dd/mm/yyyy)

	██████████
--	------------

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

Personal licence no.	██████████
Issuing authority	London Borough of Southwark

Full name of existing designated premises supervisor (if any)

First name	Mohammed
Surname	Ahmadzai

Please select the appropriate option

<input type="checkbox"/>	I would like this application to have immediate effect under section 38 of the Licensing Act 2003 I have posted the premises licence or relevant part of it
<input type="checkbox"/>	(If I cannot post the premises licence or relevant part of it, please give reasons why not below)

Please scan and upload a copy of your premises licence and send the hard copy in the post

	██████████
--	------------

Reasons why I have failed to enclose the premises licence or relevant part of it

--	--

If you wish to sell alcohol, the application must be accompanied by a consent form from the proposed DPS to show that they consent to taking on this responsible role. Please download the consent form. The DPS must be signed by the individual and submitted with the application.

Please select the appropriate option(s)

	I will give a copy of this form to the existing premises supervisor, if any rejected I have posted the premises licence, or relevant part of it
Upload consent form	

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Name of applicant or applicant's solicitor or other duly authorised agent. If submitting on behalf of the applicant please state in what capacity. (Please read guidance note 3)

Name of Applicant	
Applicant's solicitor or other duly authorised agent	Duncan Craig
Capacity	Barrister and Duly Authorised Agent
Date	05/08/2022

Joint Applicants Names or Joint Applicant's solicitor or other duly authorised agent (Please read guidance notes 4)

Joint names	
Capacity	Leicester
Date	

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

Contact name	
Telephone	
Email	

Postal address for correspondence associated with this application

Address Line 1	
Address Line 2	
Town	
County	

Post code	██████
-----------	--------

Guidance Notes

3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

I agree that the Information i've submitted is true and accurate

	I agree
PaymentDescription	Application to vary a premises licence to specify designated premises supervisor
PaymentAmountInMinorUnits	██████
AuthCode	██████
LicenceReference	██████████

I HEREBY DECLARE that the information provided is accurate and correct

I agree to the above statement

	I agree
--	---------



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: 0207 232 6756
Email: SouthwarkLicensing@met.police.uk

Date: 15th August 2022
Ref 123/21/2022

Re:-Soho Sweets UK ltd 133-135 Southampton Way Presco Food & Wine

Dear Sir/Madam

Police are in receipt of an application form the above to transfer the premises licence.

Police have received evidence from Ray Moore of Southwark's Trading Standards Service that to grant the application to transfer the premises licence for the above premises would undermine the licensing objectives, in particular the prevention of crime and disorder.

This application was received alongside an application to vary the DPS for the same premises licence. It is believed the persons that have the overriding control of the premises have previously held premises licences that were subject to reviews of the premises licence, resulting in the revocation of the premises licence.

The full evidence will be provided by Ray Moore. Full statements to be attached in due course as additional evidence.

Submitted for consideration.

Yours Sincerely

PC Ian Clements 2362AS
Licensing Officer
Southwark Police Licensing Unit

**VARY DPS**

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: 0207 232 6756

Email: SouthwarkLicensing@met.police.uk

Date: 15th August 2022
Ref 122/21/2022

Re:-Soho Sweets UK ltd 133-135 Southampton Way Presco Food & Wine

Dear Sir/Madam

Police are in receipt of an application form the above to vary the premises licence by way of changing the DPS.

Police have received evidence from Ray Moore of Southwark's Trading Standards Service that to grant the application to vary the DPS of the above premises would undermine the licensing objectives, in particular the prevention of crime and disorder.

This application was received alongside an application to transfer the premises licence. It is believed the persons that have the overriding control of the premises have previously held premises licences that were subject to reviews of the premises licence, resulting in the revocation of the premises licence.

Submitted for consideration.

Yours Sincerely

PC Ian Clements 2362AS
Licensing Officer
Southwark Police Licensing Unit

IN THE CAMBERWELL GREEN MAGISTRATES COURT

IN THE MATTER OF THE LICENSING ACT 2003

BETWEEN

COSTCUTTER

Premises Located at 257 – 259 Southwark Park Road London SE16 3PT
Appellant

And

LONDON BOROUGH OF SOUTHWARK

Respondent

WITNESS STATEMENT OF WILLIAM ROBERT MASINI

1. I, William Robert Masini of Southwark Council, 160 Tooley Street, SE1 will say as follows:

2. I am employed as a Trading Standards Officer authorised by The London Borough of Southwark. In that capacity I am authorised to enforce many statutes including The Licensing Act 2003 and the Trade Marks Act 1994.

3 Trading Standards regularly carries out joint visits with Her Majesty's Revenue and Customs (HMRC). HMRC is looking for illicit tobacco and alcohol. This will often take the form of what is known as duty diversion fraud. Diversion spirit fraud is where spirits are either produced in the UK for export or are produced abroad for another country but are diverted into the UK (smuggled) and sold in the UK, thereby avoiding UK duty. Originally these products have a duty stamp label of some sort for the intended market on the reverse of the bottle. These are removed and counterfeit "UK Duty Paid" labels are put in their place leading

people to believe the product for sale is legal. As well as the offence of evading duty, this is also an offence under the Trade Marks Act 1994 because there will be an unauthorised use of the relevant trade mark on the label later applied. Amongst other matters, Trading Standards is looking to identify counterfeit tobacco and alcohol and to check for compliance with conditions on an alcohol licence.

4. I should point out here there is a real problem particularly in inner London with the supply of counterfeit alcohol and tobacco both of which can cause particularly damaging to health because their manufacture is almost always with poor quality products in a non-existent quality control environment. For a retailer to purchase such products from an unauthorised source such as "white van man" (unknown individual who touts such items from a van by visiting retailers on spec, receiving payment in cash only with no invoices and thus untraceable) and then sell to the general public is to put their health at risk and irresponsible as well as avoiding tax and duty payable. Trading Standards say it is also anti-competitive and unfair on other retailers who buy the legal products at higher prices.

5. On 31st January 2014, accompanied by two officers from HMRC, I visited Costcutter at 257/259 Southwark Park Road London SE16 3TP at around 10.30am to carry out such a visit. I made enquiries of the staff working there and ascertained there was no personal licence holder on the premise. A condition of the Premise Licence for this shop is for there to be a personal licence holder on the premise at all times alcohol is supplied so that such sales are legal. I

witnessed alcohol being sold before I was able to establish that no one held a personal licence.

6. The HMRC officers inspected the alcohol on the shelves and also in the stock room. They found a significant quantity of alcohol on the premise both for sale and in the stock room that was diversion spirit fraud as outlined earlier in this statement. The man in the back of the shop gave his name as [REDACTED] and said he was the manager of the shop but did not hold a personal licence. [REDACTED] said he had been the manager for about three months and when questioned further, said September 2013. In the shop was a sign saying "Blue Supermarket Limited". He later said he was a director of that business. He was unable to say where the alcohol had come from and unable to produce any invoices. To date no invoices have been produced for these items.

7. HMRC seized these items. – 210 bottles. They were:

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

8. The 31 bottles of Glens Vodka (70cl) were also identified as counterfeit. By that, it is meant that unlike the other spirits, the vodka in the bottle was not that produced by Glen Catrine Limited, the manufacturer of "Glens vodka". All duty would have been evaded as well. The other spirits listed above contained what was said on the bottle but UK duty had been evaded with the use of a counterfeit "UK duty paid" label on the back of the bottle.

9. No alcohol licence was displayed on the premise. I asked [REDACTED] if there was one on the premise, or at least a summary thereof. He found some paperwork in an envelope at the back of the shop. When I asked [REDACTED] for some identification he gave an address of [REDACTED]

[REDACTED] On the summary of the licence he produced, it showed [REDACTED] [REDACTED] of the same address to be the premise licence holder. I pointed this out to him and he said that was him. I also pointed out to him he had been the premise licence holder since 22 June 2009, some four and a half years. I asked him what, if any, steps had been taken to transfer the premise licence in his absence and he was unable to give an answer.

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

11. The man behind the counter said he was [REDACTED]. He gave a home address in Slough Berkshire and said he did not hold a personal licence. He said he had received no training. He looked blank when asked whether there was a

refused sales book in use. He clearly had no understanding of what he was being asked of him.

12. [REDACTED] requested [REDACTED] The Designated Premises Supervisor to attend the shop. When he arrived he eventually located a refused sales book. The last entry was shown as 3rd February 2012, almost two years previously.

13. In the paperwork [REDACTED] had found in the office, there was a signed training record declaration dated:-

18 November 2009 - [REDACTED]

19 November 2009 and 10 August 2010 - [REDACTED]

10 August 2010 and 10 March 2011 - [REDACTED]

18 March 2011 - [REDACTED]

There were no training record declarations for anyone else including none for [REDACTED] or [REDACTED]

STATEMENT OF TRUTH

I, William Robert Masini, confirm that the content of this witness statement is true to the best of my knowledge and belief

Signed.. [REDACTED]
William Robert Masini

Dated 17 October 2014

STATEMENT OF WITNESS

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9)

Statement of (full name): Raymond Henry MOORE

Age of witness (if over 18, write "over 18"): Over 18

This statement (consisting of 3 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I am employed by the London Borough of Southwark as a Principal Trading Standards Officer and as such I am authorised under a wide range of legislation including the relevant provisions of the Licensing Act 2003.

I am making this statement in relation to a recent application to transfer a premises license for the business trading at 133-135 Southampton Way, SE5 7EW. The previous premises license holder surrendered the license. The application is to transfer the surrendered license to Soho Sweets (UK) Ltd and the proposed DPS is to be [REDACTED]

The applicant Soho Sweets (UK) Ltd (Company registered no 13621641) has a registered office at 26 Camberwell Church Street, SE5 8QU. The sole director is [REDACTED] who also has the majority share in the company. The address of 26 Camberwell Church Street, SE5 8QU is the address of Cruson Supermarket which applied for a premises license in 2020. The LSC refused the application on 24th September 2020.

I produce a copy of the company house details for Soho Sweets (UK) Ltd as an exhibit RAY/PRESCO/1. I produce a copy of the Notice of Decision (NOD) for the refusal of the application for Cruson Supermarket as an exhibit RAY/PRESCO/2.

Note the following from the Notice of Decision:-

Signed: (witness) Date:

(To be completed if applicable: being unable to read the above statement I,of, read it to him/her before he/she signed it.

Signed: [REDACTED] Date: 15/8/22) CL4

"The licensing sub-committee heard from the applicant's representative who advised that the application was made by Cruson Local Food Limited. [REDACTED] was the sole director, who was unable to attend the hearing due to IT issues. The representative advised that the applicant was available on the telephone via the designated premises supervisor (DPS), [REDACTED] who was present at the meeting and able to speak on her behalf, having bought a 25% share of the business. However, this 25% share had not been registered at Companies House to date...

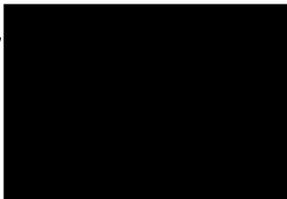
... It was also established that the director of Cruson Local Food Limited, [REDACTED] [REDACTED] was married to [REDACTED] who was a designated premises supervisor of a premises at 257 Southwark Park Road, London SE16 3TP, that was reviewed in 2014 and had its premises licence revoked for, amongst other things, selling counterfeit vodka. It was trading standards' contention that [REDACTED] was the person in control of the operation."

It should be noted that the previous premises license holder for 133-135 Southampton Way handed in the license because he had concerns over the running of the business. After he had spoken to licensing he asked to speak to Ray MOORE in the trading standards team to explain his concerns. He also said that the business was controlled by [REDACTED] who owns the building but that it was managed by [REDACTED] [REDACTED] Southwark Personal License [REDACTED] He was the business partner of [REDACTED] at the Southwark Park Road premises. His previous address in Southwark was [REDACTED]

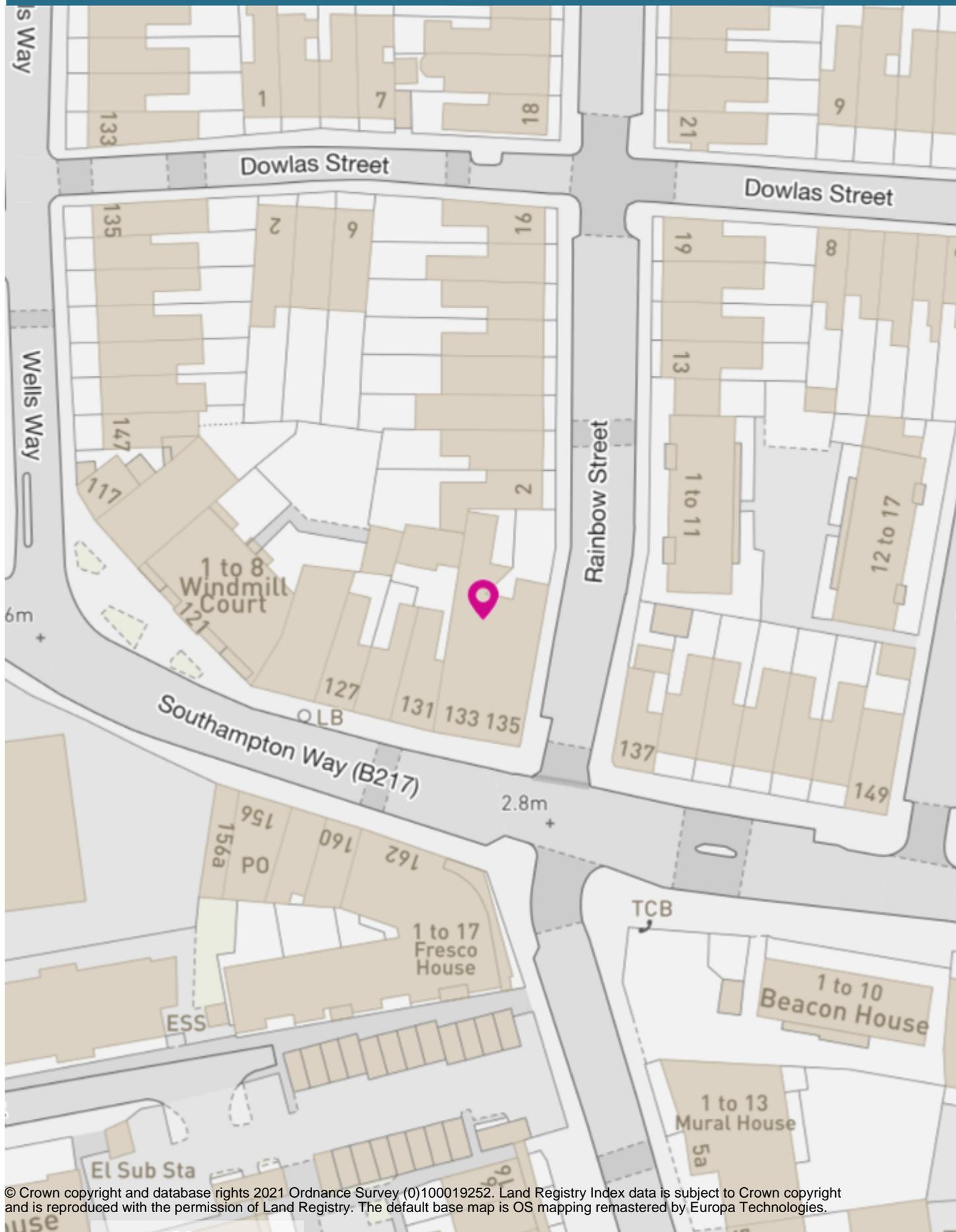
[REDACTED] and [REDACTED] ran a business called Costcutters at 257-259 Southwark Road, SE16 3TP which had its license revoked in 2014 over a substantial

quantity of counterfeit and smuggled alcohol found on the premises by Trading Standards and HMRC.

I produce a copy of the company house records for Cruson Food Ltd (Co Number) as an exhibit RAY/PRESCO/3. I produce a copy of the notice of decision for Costcutters in 2014 as an exhibit RAY/PRESCO/4



s/8/22



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Item No. 7.	Classification: Open	Date: 13 September 2022	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Premier Food and Wine, 244-246 Camberwell Road, London SE5 0DP	
Ward(s) or groups affected:		Camberwell Green	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Jeyanthan Thangarasa to fully vary the premises licence granted under the Licensing Act 2003 in respect of the premises known as: Premier Food and Wine, 244-246 Camberwell Road, London SE5 0DP.
2. Notes:
 - The application seeks to vary the premises licence held under current legislation in respect of the premises known as: Premier Food and Wine, 244-246 Camberwell Road, London SE5 0DP under section 34 of the Licensing Act 2003. Existing permitted licensable activities are not under consideration at this meeting and the plans are not being updated. The variation application is subject to outstanding representations submitted by responsible authorities and is therefore referred to the sub-committee for determination.
 - Paragraph 7 of this report provides a summary of the existing premises licence. A copy of the existing premises licence is attached at Appendix A.
 - Paragraphs 10 to 15 of this report provide a summary of the application under consideration by the sub-committee. A copy of the full application is attached as Appendix B. A map showing the location of the premises is attached as Appendix D.
 - Paragraphs 17 to 21 of this report deal with the representations submitted in respect of the application from responsible authorities. Copies of the representations are attached in Appendix C.

BACKGROUND INFORMATION

The Licensing Act 2003

3. The Licensing Act 2003 provides a new licensing regime for:
 - The sale of and supply of alcohol

- The provision of regulated entertainment
 - The provision of late night refreshment.
4. Within Southwark, this council wholly administers the licensing responsibility.
 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 interested parties within the local community may make representations on any part of the application where relevant to the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

The current premises licence

8. The current premises licence issued in respect of the premises known as Premier Food and Wine, 244-246 Camberwell Road, London SE5 0DP was issued on 15 March 2022 and allows the following licensable activities:
 - The sale by retail of alcohol (off sales):
 - Monday to Sunday: from 08:00 to 00:00
 - Opening hours:
 - Monday to Sunday: from 00:00 to 00:00
9. A copy of the existing premises licence is attached as Appendix A.

The variation application

10. On 6 June 2022, the premises licence holder Jeyanthan Thangarasa applied under section 34 of the Licensing Act 2003 to this council to vary the premises licence issued in respect of the premises known as Premier Food and Wine, 244-246 Camberwell Road, London SE5 0DP.
11. The application for variation is described as follows:

“Our shop has paypoint which is open 24 hours 7 days a week, we also do oyster from 6am till midnight. amongst this we have all parcels from dpd too amazon and collect plus which also runs 24 hours. Our concern is that customers can not do many of these through a hatch which is proving diffuclt due to the hatch being used from 11pm. We also have a supermaket and lotto which is also hard to do via a hatch when customers want to do there shopping. I am only requesting that the hatch is not to be used until 1am which will help our customers and our cumunity as well as ourselves. We do not serve alcohol from the hours of 12 midnight till 7am however all the above is in use during night service [sic]”
12. The application seeks to add additional licenceable activities:
 - The provision of late night refreshment (outdoors):
 - Monday to Sunday: from 23:00 to 05:00
13. The current licence has the following condition:
 - **841** The premises shall install a secure night time serving hatch and between the hours of 23.00 and 07.00 all sales will take place via this hatch. Members of the public will not be allowed entry to the premises during the above hours.
14. The application would seek to amend the start time of the use of the hatch to 01:00.
15. A copy of the application is attached to this report as Appendix B.

Designated premises supervisor

16. The current designated premises supervisor (DPS) under the existing premises licence is Uthayagarunan Thavarajah who holds a personal licence with the London Borough of Croydon.

Representations from responsible authorities

17. The Metropolitan Police Service have made a representation. They are concerned by the application to vary condition 841 as the applicant has not fully addressed the licensing objectives or cumulative impact, in particular the prevention of crime and disorder licensing objective.

18. The licensing authority have made representation under the prevention of crime and disorder and the prevention of public nuisance licensing objectives and has regard to the Southwark statement of licensing policy 2021 – 2026.
19. The premises is situated in a residential area and under the Southwark statement of licensing policy 2021-2026 the appropriate closing times for off licenses and alcohol sales in grocers and supermarkets is 23:00 daily.
20. The premises also lies within the Camberwell cumulative impact area. It states that the applicant has not addressed the presumption to refuse this application within the operating schedule. The licensing authority recommend refusal of this application unless the applicant can demonstrate that the premises will not be contributing to crime and disorder and public nuisance within the policy area. The licensing authority recommend condition 841 on the current license remains in place.
21. Copies of the representations are available in Appendix C.

Representations from other persons

22. There are no representations from other persons.

Conciliation

23. Copies of representations were provided to the applicant. At the point that this report was written, the representations had not been conciliated.

Operating history

24. The premises licence was first issued in March 2014. The application was heard by the Southwark licensing sub-committee. A copy of the notice of decision is held within the representation from the licensing authority.
25. The premises applied for a vary DPS and transfer to the current named individuals and was issued on 15 March 2022.
26. On 6 June 2022, the premises licence holder Jeyanthan Thangarasa applied under section 34 of the Licensing Act 2003 to this Council to vary the premises licence.
27. There is no history of recent complaints or temporary events notice applications for the premises.

Map

28. A map of the area is attached to this report as Appendix D. There are some licensed premises in the immediate vicinity (100 metre radius).

The Nags Head, 242 Camberwell Road, London SE5 0DP

- The sale by retail of alcohol (both on and off sales):
 - Monday to Sunday from 10:00 to 00:00

Mozah Anx, 278 Camberwell Road, London SE5 0DL

- The sale by retail of alcohol (on sales):
 - Monday to Tuesday from 12:00 to 00:00
 - Wednesday from 12:00 to 00:30
 - Thursday to Saturday from 12:00 to 01:30
 - Sunday from 12:00 to 23:30
- The provision of late night refreshment (indoors):
 - Monday to Tuesday from 23:00 to 00:00
 - Wednesday from 23:00 to 00:30
 - Thursday to Saturday from 23:00 to 01:30
 - Sunday from 23:00 to 23:30

Jecy Jackson's Food & Wine, 209 Camberwell Road, London SE5 0HG

- The sale by retail of alcohol (off sales):
 - Monday to Saturday from 08:00 to 23:00
 - Sunday from 12:00 to 22:30.

Southwark council statement of licensing policy

29. Council assembly approved Southwark's statement of licensing Policy 2021 – 2026 on 25 November 2020. The policy came into effect on 1 January 2021. 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 of 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.
30. 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.
31. Link to the Southwark policy:
- <https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>
32. Link to Section 182 Guidance:
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Cumulative Impact Area (CIA)

33. The premises is situated within the Camberwell CIA.
34. Under the Southwark statement of licensing policy 2021 - 2026 the local CIA applies to the following premises:
- Clubs, pubs and bars, off-licences, grocers, supermarkets, convenience stores and similar premises.

Camberwell Cumulative Impact Area

35. On 5 November 2008, council assembly agreed that it was appropriate and necessary to introduce a local policy dealing with the cumulative impact of licensed premises in the Camberwell area.
36. The boundary of the area is defined as follows: From Camberwell New Road at the junction with Wyndham Road progressing via Camberwell Road / Bowyer Place / Edmund Street / Benhill Road / Wilson Road / Graces Road / Graces Mews / Camberwell Grove (via alley) / Grove Lane / De Crespigny Park / Denmark Hill following the Lambeth boundary to Coldharbour Lane / Denmark Road / Flodden Road and Camberwell New Road returning to the start.
37. The classes of premises to which the policy applies is defined as follows: night clubs, pubs and bars, off-licences, grocers, supermarkets, convenience stores and similar premises.
38. Under the Southwark statement of licensing policy 2021 - 2026 the following closing times are recommended as appropriate within this area for these categories of premises:
 - Closing time for takeaway establishments:
 - Sunday to Thursday: 00:00 (midnight);
 - Friday and Saturday: 01:00 (the following day).
 - Closing time for off licences:
 - Daily 23:00

Climate change implications

39. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
40. 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.
41. 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.

42. 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

43. 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

44. 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.
45. 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.
46. The equalities impact statement for licensing decisions is contained within the Southwark statement of licensing policy 2021 – 2026 at:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>.

47. 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

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

Resource implications

49. A fee of £190.00 being the statutory fee payable for premises within Band B rateable value has been paid by the Applicant Company in respect of this application.

Consultation

50. Consultation has been carried out in respect of this application in accordance with the provisions of the Licensing Act 2003.

Community Impact Statement

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

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

52. The sub-committee is asked to determine the application to vary the premises licence under Section 34 of the Licensing Act 2003.

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

Principles for making the determination

54. Section 35 of the Licensing Act 2003 sets out the licensing authority's powers and duties in considering the determination of an application for variation.

55. The general principle is that applications for variation 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.

56. 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 other party or responsible authority
- Have not been withdrawn
- Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

57. 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:

- Add to, omit, and/or alter the conditions of the licence or,
- Reject the whole or part of the application for variation.

Conditions

58. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the variation, 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.

59. The four licensing objectives are
- The prevention of crime and disorder
 - Public safety
 - The prevention of nuisance
 - The protection of children from harm.
60. 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.
61. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to late night refreshment and take away aspect of the licence 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.
62. The Licensing Act requires mandatory conditions in respect of supply of alcohol, the exhibition of films and in respect of door supervisors. The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2003 introduced three new conditions in respect of irresponsible promotions, the oral dispensing of alcohol and free tap water. In October 2010 an additional two conditions came into force – age verification policy and smaller measures for alcoholic drinks.
63. Members the Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 on conditions, specifically Section 10.

Reasons

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

Hearing procedures

65. 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.
66. This matter relates to the determination of an application to vary a premises licence under section 34 of the Licensing Act 2003. Regulation 26(1) (a) of the Licensing Act 2003 (Hearings) Regulations 2005 requires the sub-committee to make its determination at the conclusion of the hearing.

The council's multiple roles and the role of the licensing sub-committee

67. 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.
68. 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.
69. 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.

70. 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.
71. 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.
72. 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.
73. 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

74. 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

75. 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 & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirby Read Tel: 020 7525 5748

APPENDICES

Name	Title
Appendix A	Copy of the existing premises licence
Appendix B	Copy of the application
Appendix C	Copies of representations from responsible authorities:
Appendix D	Map of the local area

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	2 September 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	2 September 2022	

Licensing Act 2003 Premises Licence

APPENDIX A



Regulatory Services
Licensing Unit
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

877018

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Premier Food & Wine 244-246 Camberwell Road London SE5 0DP	
Ordnance survey map reference (if applicable), 532440177035	
Post town London	Post code SE5 0DP
Telephone number	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Sale by retail of alcohol to be consumed off premises

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

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

The times the licence authorises the carrying out of licensable activities

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

Sale by retail of alcohol to be consumed off premises

Monday	08:00 - 00:00
Tuesday	08:00 - 00:00
Wednesday	08:00 - 00:00
Thursday	08:00 - 00:00
Friday	08:00 - 00:00
Saturday	08:00 - 00:00
Sunday	08:00 - 00:00

Part 2

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

Jeyanthan Thangarasa
244-246 Camberwell Road,
London, SE5 0DP
[REDACTED]

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

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

[REDACTED]
[REDACTED]
[REDACTED]

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

Licence No [REDACTED]
Authority. London Borough of Croydon

Licence Issue date 15/03/2022



Neighbourhood Nuisance Service Manager
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX

Annex 1 - Mandatory conditions

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

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

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

488 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

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

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

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

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

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

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

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

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

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

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

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

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;
- (2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

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

8AA The premises shall operate a 'Challenge 25' policy whereby customers purchasing alcohol who 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 of proof of age shall include a driving licence, passport or a Proof of Age Standards Scheme (PASS) approved proof of age card

8AB All staff involved in the sale of alcohol shall attend a training scheme which will include training in the 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.

8AC '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 a 'Challenge 25' policy applies and proof of age may be required. This shall be maintained free from obstruction at all times.

8AI A register of refused sales of alcohol and if applicable, cigarette sales, which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the Challenge 25 policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

628 The premises shall not sell or offer for sale any beers, lagers or ciders with an ABV of above 7%.

788 A CCTV system be installed at the premises and be maintained in good working order to the satisfaction of the Metropolitan Police and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.

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

793 All staff shall be trained in their responsibilities under the licensing Act 2003 and training records to be kept and updated every six months.

840 Two personal licence holders shall be on duty and on the premises at all times when the premises are in operation under its licence.

841 The premises shall install a secure night time serving hatch and between the hours of 23.00 and 07.00 all sales will take place via this hatch. Members of the public will not be allowed entry to the premises during the above hours.

Annex 4 - Plans - Attached

Licence No. 877018

Plan No. N/A

Plan Date 21 Jan 2016

06/06/2022

Business - Application to vary a premises licence under the Licensing Act 2003
Ref No. 1852906

Please enter the name(s) of the premises licence holders who is applying to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

	Jeyanthan Thangarasa
Premises licence number	877018

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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.
3. 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. For example state 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.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. 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.
9. 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'.
10. 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.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.

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

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

£	16500
---	-------

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

Address Line 1	244-246
Address Line 2	CAMBERWELL ROAD
Town	CAMBERWELL
County	LONDON
Post code	SE50DP
Ordnance survey map reference	532440177035
Description of the location	OFF LICENCE
Telephone number	02034411820

Part 2 - Applicant details

Daytime contact telephone number	██████████
Email address	██████████
Postal Address if different from premises address	██████
Town / City	██████████
Postcode	██████

Do you want the premises licence to have effect as soon as possible?

Please tick	Yes
-------------	-----

If not from what date do you want the variation to take effect?

(DD/MM/YYYY)	
--------------	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)

	Yes
--	-----

Please describe briefly the nature of the proposed variation (see guidance note 2)

	<p>Our shop has paypoint which is open 24hrs 7 days a week, we also do oyster from 6am till midnight. amongst this we have all parcels from dpd too amazon and collect plus which also runs 24 hours. our concern is that customers can not do many of these through a hatch which is proving diffcult due to the hatch being used from 11pm. we also have a supermaket and lotto which is also hard to do via a hatch when customers want to do there shopping. i am only requesting that the hatch is not to be used untill 1am which will help our customers and our cumunity as well as ourselves.</p> <p>we do not serve alcohol from the hours of 12 midnight till 7am however all the above is in use during night service.</p>
--	--

If your proposed variation would mean that 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

Please select number from range	Less than 5000
---------------------------------	----------------

Notes

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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.

IN ALL CASES COMPLETE BOXES K, L AND M

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

Provision of late night refreshment (if ticking fill in box I)

	i) Late night refreshment
--	---------------------------

Supply of alcohol (if ticking fill in box J)

--	--

In all cases complete boxes K, L and M

Will the provision of late night refreshment take place indoors or outdoors or both? (Please read guidance

note 4)

	Outdoors
--	----------

Please give further details here (Please read guidance note 5)

	we only sell refreshments and food
--	------------------------------------

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 8)

Day	Start	Finish
Mon	23.00	05.00
Tues	23.00	05.00
Wed	23.00	05.00
Thur	23.00	05.00
Fri	23.00	05.00
Sat	23.00	05.00
Sun	23.00	05.00

State any seasonal variations for the provision of late night refreshment (Please read guidance note 6)

	there are no variations
--	-------------------------

Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed. Please list, (Please read guidance note 7)

	no
--	----

4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. 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.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week you intend the premises to be used for the activity.

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 10)

	none applicable
--	-----------------

Guidance Notes

10. 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.

Hours premises are open to the public (standard timings Please read guidance note 8)

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

State any seasonal variations (Please read guidance note 6)

	none
--	------

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 7)

	no
--	----

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

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

8. 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.

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

	the window hatch which i am told to use from the hours of 11pm till 7am
--	---

I have uploaded relevant part of the previous premises licence (Please send a hard copy in the post)

	██████████

Reason for not uploading the premises licence

--	--

a) General - all four licensing objectives (b,c,d,e) (Please read guidance note 11)

	i am objective to all four licensing other than the hatch which is the main concern
--	---

b) the prevention of crime and disorder

	i intend to use the hatch from the hours of 1am till 7am in order to prevent crime also it is not only for the staff safety but for customers as well/
--	--

c) public safety

	our community has never not since we have taken over given us any reasons to fear for our safety or staff. and we have never had any public disorder.
--	---

d) the prevention of public nuisance

	the hatch will be used at 1am to prevent any nuisance
--	---

e) the protection of children from harm

	there are no children during the night shift.
--	---

Guidance note 11

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

If the plan of the premises are varying please upload a plan of the premises,

by e-mail, your email address (optional)	
--	--

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 MAYBE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

GUIDANCE NOTES

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

Please tick to indicate agreement

<input type="checkbox"/>	I am not a company or limited liability partnership
--------------------------	---

Please upload proof of entitlement to work in the UK

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

[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, if appropriate.

I/We Hereby declare the Information we have provided is true and Accurate.

I agree to the above statement

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

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.

Once you complete form you will be redirected to payments and won't be able to return back.

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.



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

Date: 7th July 2022

Ref MD/21/107/22

Re:- Premier Food & Wine 244-246 Camberwell Road SE5 0DP

Dear Sir/Madam

Police are in receipt of an application from the above for a variation to their current premises licence under the licensing act 2003. The application relates to the provision of late night refreshment between 2300 & 0500 on each day of the week. It also seeks to vary or remove the following condition.

841 - The premises shall install a secure night time serving hatch and between the hours of 23.00 and 07.00 all sales will take place via this hatch. Members of the public will not be allowed entry to the premises during the above hours.

The premises sits within the Camberwell cumulative impact area and the Camberwell district town centre. The above control measure was placed on the licence to promote the prevention of crime and disorder licensing objective.

The cumulative impact police creates a rebuttable presumption that new applications or variations that are likely to add to the existing cumulative impact will normally be refused or subject to limitations. It is for the applicant to demonstrate that the application will not if granted further contribute to the negative cumulative impact on the licensing objectives.

I object to this granting of this variation as the applicant has not fully addressed the licensing objectives or cumulative impact, in particular the prevention of crime and disorder licensing objective.

Within the application it does mention that they will use the serving hatch between 0100 and 0500 as opposed to the current 2300 to 0500. However they have not offered an alternative control measure that is either precise or enforceable.

In relation to the provision of late night refreshment Police take no issue with this part of the variation as the premises is open 24hrs a day each day of the week, and this addition would merely be a different offering.

If the licensing committee are minded to grant the variation we would like to see the following condition on the licence.

The premises shall install a secure night time serving hatch and between the hours of 0100 and 05.00 all sales will take place via this hatch. Members of the public will not be allowed entry to the premises during the above hours.

Submitted for your consideration

Yours Sincerely

PC Ian Clements 2362AS
Licensing Officer
Southwark Police Licensing Unit

MEMO: Licensing Unit

To	Licensing Unit	Date	7 July 2022
From	Jayne Tear	Telephone	020 7525 0396
Email	jayne.tear@southwark.gov.uk		

Subject Re: Premier Food & Wine, 244-246 Camberwell Road, London, SE5 0DP
 – Application for a premises Licence

I write with regards to the above application for a premises Licence submitted by Jeyanthan Thangarasa under the Licensing Act 2003, which seeks to add the following licensable activities:

- Late night refreshment on Monday to Sunday from 23:00 to 05:00
- Overall opening times shall be on Monday to Sunday from 00:00 to 00:00
- To remove the following condition:
841 - The premises shall install a secure night time serving hatch and between the hours of 23.00 and 07.00 all sales will take place via this hatch. Members of the public will not be allowed entry to the premises during the above hours.

The nature of the variation is described as *'Our shop has pay point which is open 24hrs 7 days a week, we also do oyster from 6am till midnight. Amongst this we have all parcels from DPD too amazon and collect plus which also runs 24 hours. Our concern is that customers cannot do many of these through a hatch which is proving difficult due to the hatch being used from 11pm. We also have a supermarket and lotto which is also hard to do via a hatch when customers want to do their shopping. I am only requesting that the hatch is not to be used until 1am which will help our customers and our community as well as ourselves. We do not serve alcohol from the hours of 12 midnight till 7am however all the above is in use during night service.*

My representation is submitted under the prevention of crime and disorder and the prevention of public nuisance licensing objectives and has regard to the Southwark Statement of Licensing Policy 2021 – 2026.

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

The premises also falls within the cumulative impact area (CIA) for Camberwell. 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 Camberwell policy area as defined in paragraph 152 of the policy and falls into the class of premises in 153 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 be contributing to crime and disorder and public nuisance within the policy area.

Further to this the application is seeking to remove condition 841 which was added to the licence in order to promote the licensing objectives at a Licensing Sub-Committee (LSC) hearing for a new premises licence application on 21 March 2014. I attach a copy of the notice of decision from the LSC to this representation. This new premises licence application followed the revocation of the licence prior to that on 10 October 2013.

I appreciate that the licence holder/DPS are now different following various transfers and DPS variations, however the condition was added to the licence in order to promote the licensing objectives and this application has offered no suitable alternative in order to negate the impact of crime and disorder or public nuisance should the condition be removed.

Additionally the police working on the NTET visited the premises on 23 April 2022 and witnessed breaches of licence conditions 841 and 8AB. I attach a copy of the police warning served to the premises to this representation.

I have no objection the addition of late night refreshment as long as condition 841 remains in place to promote the licensing objectives.

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

Southwark'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 – DATED - 21 March 2014

POLICE NOTIFICATION OF OFFENCES- DATED - 23 April 2022



**METROPOLITAN
POLICE**

Police Copy

Notification of alleged offences under the Licensing Act 2003

Venue Name: PREMIER FOOD & WINE/AN CASHMERE REF: (CAD/CRIS etc.) _____

Address: 244-246 CAMDENWELL _____

Date: 0029 Time: 23/4/2022

Details of person in charge at the relevant _____
20/2/89

DPS Personal Licence Holder

Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y No)
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y No)
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y No)
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

841 - CUSTOMERS BEING SERVED IN STORE, NOT VIA
NIGHT HATCH AS REQUIRED, 4 PEOPLE SEEN TO ENTER
STORE WITHIN 10 MINUTE PERIOD.
848 - NO ALCOHOL SALES TRAINING FOR STAFF PRESENT

Issuing officer: PC ROSS KENNEDY _____

I acknowledge receipt of this form: (venue) _____

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001



NOTICE OF DECISION

LICENSING SUB-COMMITTEE – 21 MARCH 2014

LICENSING ACT 2003 – PREMIER FOOD & WINE, 244-246 CAMBERWELL ROAD, LONDON SE5 ODP

1. Decision

That the application by Zulfiqar Ahmed for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Premier Food & Wine, 244-246 Camberwell Road, London SE5 ODP be granted without specifying the designated premises supervisor as follows:

Licensable Activity	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Sale and supply of alcohol (on the premises)	08.00 to 00.00						
Opening hours	00.00 to 00:00	00.00 to 00.00					

2. Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions, conditions derived from the operation schedule highlighted in Section M of the application form and the following conditions:

- 1) The premises shall operate a 'Challenge 25' policy whereby customers purchasing alcohol who 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 of proof of age shall include a driving licence, passport or a Proof of Age Standards Scheme (PASS) approved proof of age card.
- 2) That all staff involved in the sale of alcohol shall attend a training scheme which will include training in the 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.
- 3) That '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 a 'Challenge 25' policy applies and proof of age may be required. This shall be maintained free from obstruction at all times.
- 4) That a register of refused sales of alcohol and if applicable, cigarette sales, which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the Challenge 25 policy. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

- 5) That the premises will not sell or offer for sale any beers, lagers or ciders with an ABV of above 7%.
- 6) That a CCTV system be installed at the premises and be maintained in good working order to the satisfaction of the Metropolitan Police and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
- 7) That all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made immediately available to officers of the police and the council.
- 8) That all staff are trained in their responsibilities under the licensing Act 2003 and training records to be kept and updated every six months.
- 9) That two personal licence holders will be on duty and on the premises at all times when the premises are in operation under its licence.
- 10) The premises will install a secure night time serving hatch and between the hours of 23.00 and 07.00 all sales will take place via this hatch. Members of the public will not be allowed entry to the premises during the above hours.

3. Reasons

This was an application submitted by Zulfiqar Ahmed for a grant of a Premises Licence issued under the Licensing Act 2003 in respect of Premier Food & Wine, 244-246 Camberwell Road, London SE5 ODP

The licensing sub-committee heard evidence from the applicant's representative who confirmed to the sub-committee that his application had been amended in respect of the sale of alcohol and he now sought the sale of alcohol to take place daily between the hours of 08.00 and 00.00. The application to operate the premises for 24 hours remained. The applicant advised that had taken over the business on 1 November 2013. A copy of the management contract between Mr Tassawar Ehsan and Mr Zulfiqar Ahmed, dated 1 November 2013 was produced at the sub-committee. The applicant submitted that he had been ill advised and misrepresented at the sub-committee on 10 October 2013. The applicant attended the previous sub-committee hearing as he had an interest in entering into the management contract at the time. The applicant advised that he had no relationship to the previous licence holder and received no benefit until after 1 November 2013.

The applicant advised that since the revocation of the licence they had sold alcohol under temporary event notices (TENs) and there have been no complaints from any of the responsible authorities since he had taken over on 1 November 2013. The applicant stated that they currently trade 24 hours a day and that the premises closed its doors at 23.00 with all sales between 23.00 and 07.00 taking place through a serving hatch. The applicant advised that he had agreed to the conditions proposed by the Metropolitan Police along with the reduction in hours for the sale of alcohol. The applicant also agreed to the conditions proposed by the licensing officer as a responsible authority.

The licensing sub-committee heard from the Metropolitan Police Service who had advised that his initial representations were in relation to the application for the sale of alcohol for 24 hours. However, since the application had been varied for the sale of alcohol from 08.00 to 00.00, the officer felt that the proposed conditions would address his concerns regarding public nuisance and crime and disorder.

The licensing sub-committee heard from the trading standards officer who stated that he had concerns relating to the actual date that Mr Ahmed took over the running of the business and that the sub-committee had been misinformed at the sub-committee meeting on 10 October 2013. He also raised concerns about the capability of Mr Ahmed to be the designated premises supervisor (DPS). The

officer was of the opinion that Mr Ahmed did not understand the necessity to implement conditions with particular regard to Challenge 25 procedures.

The licensing sub-committee heard from the licensing officer representing the council as a responsible authority who suggested that there be two personal licence holders on the premises at any time that the licence was in operation, one of whom should be the DPS. The officer stated that the premises would be monitored for at least 28 days by the responsible authorities in order to work with the premises to ensure that all conditions were being adhered to.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

4. **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:

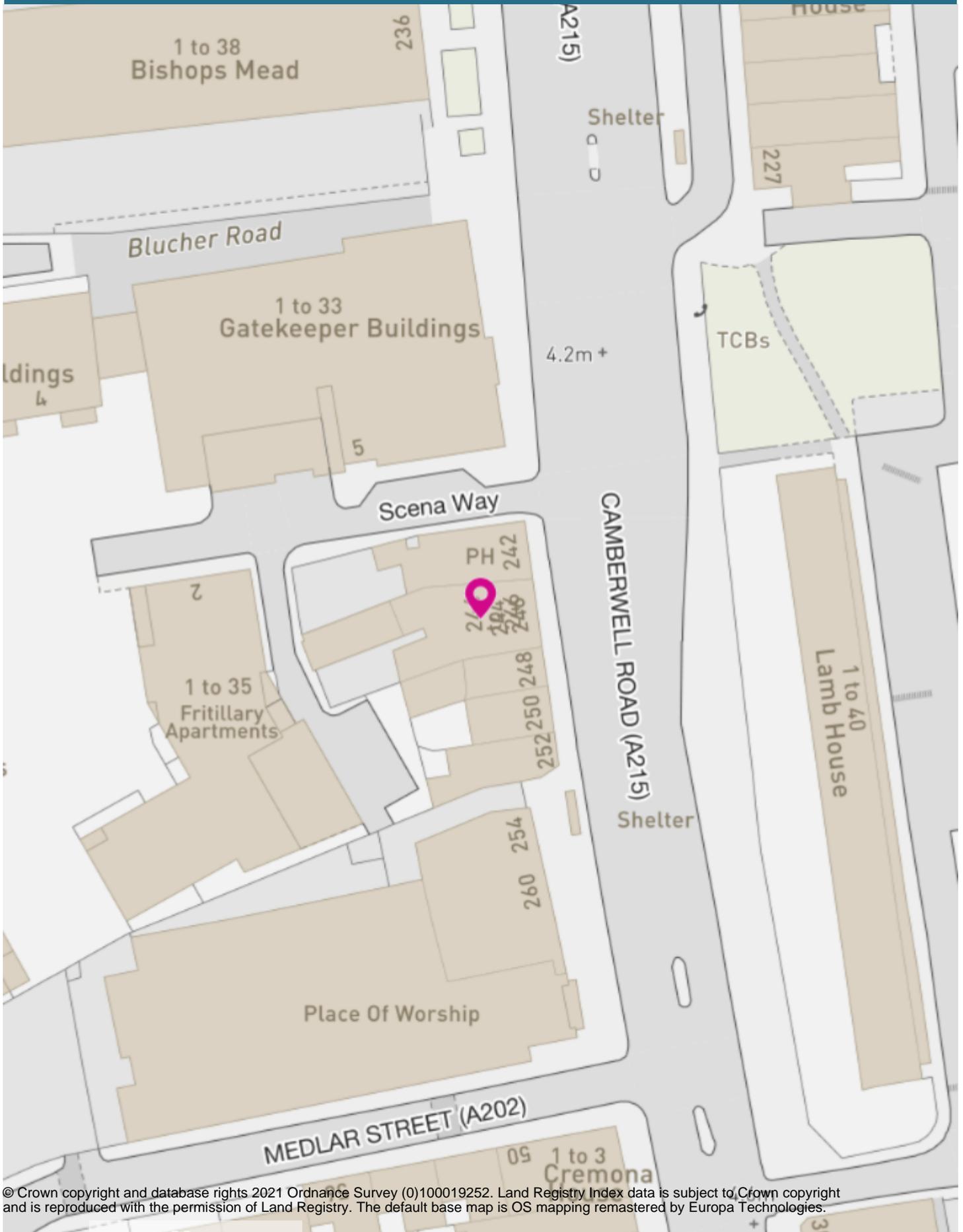
- a) That the licence ought not to be been granted; or
- b) That on granting the licence, the Licensing Authority ought to have imposed different or additional conditions the conditions of the licence, or ought to have modified them in a different way

May appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions 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 Legal Services

Date: 21 March 2014



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