

## Licensing Sub-Committee

Thursday 10 October 2024

10.00 am

Innovation Space, Ground Floor, 160 Tooley Street, London SE1 2QH

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Sunil Chopra  
Councillor Jane Salmon

### Reserves

Councillor Sunny Lambe

---

### INFORMATION FOR MEMBERS OF THE PUBLIC

---

#### Access to information

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

#### Babysitting/Carers allowances

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

#### Access

The council is committed to making its meetings accessible. For details on building access, translation, provision of signers or any other requirements for this meeting, please contact the person below.

#### Contact

Andrew Weir by email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

---

Members of the committee are summoned to attend this meeting

**Althea Loderick**

Chief Executive

Date: 1 October 2024



## Licensing Sub-Committee

Thursday 10 October 2024

10.00 am

Innovation Space, Ground Floor, 160 Tooley Street, London SE1 2QH

### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003: HOT BOX CHICKEN AND PIZZA, ARCH 182, 30 MANOR PLACE, LONDON SE17 3BB</b>	1 - 54
6.	<b>LICENSING ACT 2003: CITY WINES (AKA DENNIS WINES), 141 JAMAICA ROAD, LONDON SE16 4SH</b>	55 - 89

**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: 1 October 2024

<b>Meeting Name:</b>	Licensing Sub-Committee
<b>Date:</b>	10 October 2024
<b>Report title:</b>	Licensing Act 2003: Hot Box Chicken and Pizza, Arch 182, 30 Manor Place, London SE17 3BB
<b>Ward(s) or groups affected:</b>	North Walworth
<b>Classification:</b>	Open
<b>Reason for lateness (if applicable):</b>	Not applicable
<b>From:</b>	Acting Strategic Director of Environment, Sustainability and Leisure

## RECOMMENDATION

1. That the licensing sub-committee considers an application made Mr. Ibrahim Mohamed for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Hot Box Chicken and Pizza, Arch 182, 30 Manor Place, London SE17 3BB.
2. Notes:
  - a) This application is for a premises licence and has been submitted under Section 17 of the Licensing Act 2003. The application is subject to representations submitted by four responsible authorities and is therefore referred to the licensing sub-committee for determination.
  - b) Paragraphs 8 to 13 of this report provide a summary of the application. A copy of the application submitted with the application are attached to this report as Appendix A.
  - c) Paragraphs 14 to 21 of this report deal with the representations submitted in respect of the application. A copy of the representations from the Responsible Authorities are available in Appendix B. Discussions between parties are attached as Appendix C. There are supporting representations in favour of the application in Appendix D. A map showing the location of the premises is attached to this report as Appendix E.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.



## **BACKGROUND INFORMATION**

### **The Licensing Act 2003**

3. The Licensing Act 2003 provides a licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
  
4. Within Southwark, the licensing responsibility is wholly administered by this council.
  
5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
  - The prevention of crime and disorder
  - The promotion of public safety
  - The prevention of nuisance
  - The protection of children from harm.
  
6. In carrying out its licensing functions, a licensing authority must also have regard to:
  - The Act itself
  - The guidance to the act issued under Section 182 of the Act
  - Secondary regulations issued under the Act
  - The licensing authority's own statement of licensing policy
  - The application, including the operating schedule submitted as part of the application
  - Relevant representations.
  
7. The premises licence application process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies under the Act. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence application**

8. On 2 August 2024 Mr. Ibrahim Mohamed applied to this council for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Hot Box Chicken and Pizza, Arch 182, 30 Manor Place, London SE17 3BB.

9. The hours applied for are summarised as follows:
- The provision of late night refreshment (indoors):
    - Sunday and Thursday from 23:00 to 02:00
    - Friday and Saturday from 23:00 to 03:00
  - Opening Hours:
    - Sunday and Thursday from 23:00 to 02:00
    - Friday and Saturday from 23:00 to 03:00.
10. The premises, and the intended operation of the premises, are described in the application simply as follows:
- “Take-away, delivery and cafe”.
11. The premises licence application form provides the applicant’s operating schedule. Parts A, B, E, F, G, H, J, K, L, and M of the operating schedule set out the proposed licensable activities, operating hours and operating control measures in full, with reference to the four licensing objectives as stated in the Licensing Act 2003. Should a premises licence be issued in respect of the application the information provided in part M of the operating schedule will form the basis of conditions that will be attached to any licence granted subsequent to the application.
12. A copy of the application is attached to this report as Appendix A.

### **Representations from responsible authorities**

13. There are representations from four responsible authorities, namely the Metropolitan Police Service (Licensing Division), the council’s environmental protection team, health and safety team and licensing as a responsible authority.
14. The representation from the Metropolitan Police Service objects to the granting of the licence in its entirety as the terminal hours proposed by the applicant would have a detrimental impact on the local community by means of an increase in crime and disorder, noise nuisance and anti-social behaviour, particularly at the terminal hours. It is also noted that the premises operates as a shisha café, but that element lacks detail.
15. The representation from the council’s environmental protection team has concerns regarding the use of the premises late at night, due to the proximity to residential addresses. It also asks for an additional condition in relation to the pickup of delivery food.
16. The representation from the council’s health and safety team follows a visit where the premises is found to be operating as a shisha lounge with officers having witnessed patrons smoking indoors, contrary to the Health Act 2006. There are concerns with the hours being excessively outside of the Southwark statement of licensing policy.

17. There is a representation from licensing as a responsible authority raising concerns with the excessive hours and asking for a significant raft of conditions to mitigate any negative impact, should members be minded to grant the licence.
18. The representations are available in Appendix B.

### **Conciliation**

19. All representations were sent to the applicant. None of the representations have been conciliated, however, discussions have been taking place between parties in an attempt to conciliate. Copies of those discussions are available for members' information in Appendix C.

### **Representations from other persons**

20. There are three representations for other persons, all supporting the application. Their representations are available in Appendix D.

### **Premises history**

21. This premises has not been licensed previously and there is no history of complaints.

### **Temporary event notices**

22. No temporary event notices (TENs) have been submitted in respect of the premises.

### **Map**

23. A map showing the location of the premises is attached to this report as Appendix E. The following are a list of similarly licensed premises are in the immediate vicinity (100 metres) of the premises application:

#### **McDonalds, 198-200 Walworth Road, London SE17 1JJ, licenced for:**

- The provision of late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 05:00.

#### **Fees Restaurant, 210 Walworth Road, London SE17 1JE, licenced for:**

- The sale by retail of alcohol (on and off sales):
  - Monday to Sunday: 10:00 to 23:00

The provision of late night refreshment (indoors and outdoors):

- Monday to Sunday: 23:00 to 03:00

**El Mero, 18 Amelia Street, London SE17 3PY**, licenced for:

- The sale by retail of alcohol (on sales):
  - Monday to Sunday: 10:00 to 22:30
- The provision of regulated entertainment in the form of recorded music and performances of dance (indoors):
  - Thursday to Saturday: 22:00 to 23:00.

### **Southwark Council statement of licensing policy**

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

25. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
- Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
- Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.
- Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
- Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
- Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
- Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
- Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.

26. 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.
27. Members should take into consideration both the Southwark statement of licensing policy and the Section 182 Guidance when making decisions. The links for these are below:

Southwark policy:

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

Section 182 Guidance:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

### **Cumulative impact area**

28. The premises is located outside of a cumulative impact area but within the Elephant and Castle major town centre.
29. The recommended closing hours for restaurants under the statement of licensing policy for that location are:
- Sunday to Thursday until 00:00
  - Friday and Saturday until 01:00.
30. The recommended closing hours for takeaways within the statement of licensing policy for that location are:
- Sunday to Thursday until 00:00 (midnight)
  - Friday and Saturday until 01:00.

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

#### **Community impact statement**

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

#### **Equalities (including socio-economic) impact statement**

32. 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.

33. 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 who have 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.
34. 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>.

35. The equalities impact assessment is available at:

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

### **Health impact statement**

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

### **Climate change implications**

37. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
38. 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.
39. 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.
40. The council's climate change strategy is available at:

<https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf>

### **Resource implications**

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

### **Consultation**

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

### **Assistant Chief Executive - Governance and Assurance**

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

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

45. The sub-committee is asked to determine the application for a premises licence under section 17 of the Licensing Act 2003.
46. The principles which sub-committee members must apply are set out below.
47. The general principle is that applications for premises licence applications must be granted unless relevant representations are received. This is subject to the proviso that the applicant has complied with regulations in advertising and submitting the application.
48. Relevant representations are those which:
- Are about the likely effect of the granting of the application on the promotion of the licensing objectives
  - Are made by an interested party or responsible authority
  - Have not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
49. If relevant representations are received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives to:
- To grant the licence subject to:
    - The conditions mentioned in section 18 (2)(a) modified to such extent as the licensing authority considers necessary for the promotion of the licensing objectives

- Any condition which must under section 19, 20 or 21 be included in the licence.
- To exclude from the scope of the licence any of the licensable activities to which the application relates.
- To refuse to specify a person in the licence as the premises supervisor.
- To reject the application.

### **Conditions**

50. The sub-committee's discretion is thus limited. It can only modify the conditions put forward by the applicant, or refuse the application, if it is necessary to do so. Conditions must be necessary and proportionate for the promotion of one of the four licensing objectives, and not for any other reason. Conditions must also be within the control of the licensee, and should be worded in a way which is clear, certain, consistent and enforceable.
51. The four licensing objectives are:
- The prevention of crime and disorder
  - Public safety
  - The prevention of nuisance
  - The protection of children from harm.
52. 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.
53. Conditions will not be necessary if they duplicate a statutory position. Conditions relating to night café and take away aspect of the license must relate to the night time operation of the premises and must not be used to impose conditions which could not be imposed on day time operators.
54. Members are also referred to the Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 on conditions, specifically section

### **Reasons**

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

### **Hearing procedures**

56. 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.

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

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

58. 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.
59. 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.
60. 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.

61. 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.
62. 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.
63. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.
64. 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.
65. 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.

### **Strategic Director of Resources**

66. 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark statement of licensing policy Case file	Southwark Licensing, C/O Regulatory Services, 160 Tooley Street, London SE1 2QH	Mrs Kirty Read Tel: 55748

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	Copy of the application
Appendix B	Representations from responsible authorities
Appendix C	Response to representations
Appendix D	Representations from other persons supporting the application
Appendix E	Map of locality

**AUDIT TRAIL**

<b>Lead Officer</b>	Toni Ainge, Acting Strategic Director Environment, Sustainability and Leisure	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	24 September 2024	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Assistant Chief Executive - Governance and Assurance	Yes	Yes
Strategic Director of Resources	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		24 September 2024

02/08/2024

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

Ref No. 2271115

## Name of Applicant

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

	Ibrahim Mohamed
--	-----------------

## Notes for Guidance

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

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

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

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

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

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

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

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

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

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

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

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

11. The application form must be signed.

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

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

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

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

from partnerships which are not limited liability partnerships:

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

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

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

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
  
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  - o evidence of the applicant's own identity – such as a passport,
  
  - o evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  
  - o evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

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

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

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



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

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

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

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

#### Home Office online right to work checking service

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

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

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

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

#### Premises Details

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

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

£	10500
	Band D and E only applies to premises which uses exclusively or primarily for the supply of alcohol for consumption on the premises
	No

#### Premises trading name

	Hot Box Pizza & Chicken
--	-------------------------

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

Do you have a Southwark postcode?	Yes
Address Line 1	30 Manor Place and part of Arch 182
Address Line 2	
Town	London
Post code	SE17 3BB
Ordnance survey map reference	
Description of the location	
Telephone number	██████████

Applicant Details

Please select whether you are applying for a premises licence as

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

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

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

Details of Individual Applicant

Personal Details

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

Current Address

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

County	
Post code	

## Contact Details

Daytime contact telephone number	
Email Address	

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

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

Note 15: Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

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.

Do you wish to add a second individual applicant?

	No
--	----

## Operating Schedule

When do you want the premises licence to start?

	01/09/2024
--	------------

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

--	--

General description of premises ( see guidance note 1 )

	Take-away, delivery and cafe
--	------------------------------

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

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

Note 1

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

Operating Schedule part 2

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

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

Provision of regulated entertainment (Please read guidance note 2)


Provision of late night refreshment

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

Supply of alcohol

--	--

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

I - Late Night Refreshment

Will the provision of late night refreshment take place indoors or outdoors or both? ( Please read guidance note 3 )

	Indoors
--	---------

Please give further details here ( Please read guidance note 4 )

	Take-away and delivery of hot food, consumption of hot food on the premises, cafe area serving hot and cold drinks
--	--

Standard days & timings for Late night refreshment (Late night start time is from 23.00, see guidance notes 7)

Day	Start	Finish
Mon	23:00	02:00
Tues	23:00	02:00
Wed	23:00	02:00
Thur	23:00	02:00
Fri	23:00	03:00
Sat	23:00	03:00
Sun	23:00	02:00

State any seasonal variations for the provision of late night refreshment ( Please read guidance note 5 )

	n/a
--	-----

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 6 )

	n/a
--	-----

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

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

- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 23:00) and only give details for the days of the week when you intend the premises to be used for the activity. Start time begins from 23:00

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children ( Please read guidance note 9)

	n/a
--	-----

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

L - Hours premises are open to public

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

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

Day	Start	Finish
Mon	11:00	02:00
Tues	11:00	02:00
Wed	11:00	02:00
Thur	11:00	02:00
Fri	11:00	03:00
Sat	11:00	03:00
Sun	11:00	02:00

State any seasonal variations ( Please read guidance note 5 )

	n/a
--	-----

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

	n/a
--	-----

M - Steps to promote four licencing objectives

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

	<p>There will be strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:</p> <ul style="list-style-type: none"> <li>- no disorderly, violent or antisocial behavior on the premises area</li> <li>- no unacceptable noise levels</li> <li>- clean and tidy premises and street area outside at all times</li> </ul> <p>A designated premises supervisor will be in day-to-day control of the premises.</p>
--	---

b) the prevention of crime and disorder

	<p>A clear and legible notice will displayed outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.</p> <p>Clear and conspicuous notices will be displayed warning of potential criminal activity, such as theft, that may target customers.</p> <p>Staff will be well trained in asking customers to use premises in an orderly and respectful manner.</p>
--	---

c) public safety

	The operators comply with all health and safety regulations.
--	--

d) the prevention of public nuisance

	<p>There are no residential properties nearby - the site is next to the railway line on one side and police station on the other - and so minimal opportunity for noise and disturbance. Bins are be located outside the operator will sweep the street outside the premises after closing time every day.</p>
--	--

e) the protection of children from harm

	No alcohol will be served so no harm to children.
--	---

Guidance note 10

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

Please upload a plan of the premises

--	--

Please upload any additional information i.e. risk assessments

--	--

Checklist

	<p>I have enclosed the plan of the premises.                  I understand that if I do not comply with the above requirements my application will be rejected.                  I understand that I must now advertise my application (In the local paper within 14 days of applying</p>
--	---

Home Office Declaration

Please tick to indicate agreement

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

Proof of Entitlement to work in the UK

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

--	--

Note 15: Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

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.



Declaration

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

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

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

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

I agree to the above statement

	Yes
PaymentDescription	, ,
PaymentAmountInMinorUnits	██████
AuthCode	██████
LicenceReference	██████████
PaymentContactEmail	██████████████████

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

Full name	██████████
Date (DD/MM/YYYY)	02/08/2024
Capacity	Agent

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

Full name	
Date (DD/MM/YYYY)	02/08/2024
Capacity	

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

Contact name and address for correspondence	
Telephone No.	

If you prefer us to correspond with you by e-mail, your email address (optional)	
--	--

**GUIDANCE NOTES**

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

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

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

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

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

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

**Our reference:** MD/24/966

**Date:** 07 21/08/2024

Dear Sir/Madam

**Re: Hot Box Pizza and Chicken 30 Manor Place SE17 3BB**

Police are in possession of an application from the above for a New Premises Licence for late night refreshment. The operating schedule describes it as Take-away and delivery of hot food, consumption of hot food on the premises, café area serving hot and cold drinks. The venue is situated in the Elephant and Castle Major Town Centre and the hours requested are outside those recommended in the Southwark council Statement of Licensing policy and are as follows

Open to the public  
Sun-Thur-1100hrs-0200hrs  
Fri-Sat-1100hrs-0300hrs

Late Night Refreshment  
Sun-Mon-Thurs-2300hrs-0200hrs  
Fri-Sat-2300hrs-0300hrs

The venue is located in the Elephant and Castle Major Town Centre according to the Southwark Statement of Licensing Policy however the venue has residential buildings opposite and to the side, this means any dispersal from the venue will have to pass residential buildings and is likely to cause a disturbance to local residents. This is in contradiction to the application which states "There are no residential properties nearby - the site is next to the railway line on one side and police station on the other - and so minimal opportunity for noise and disturbance"

The application also states that it will operate as "Take-away and delivery of hot food, consumption of hot food on the premises, café area serving hot and cold drinks".

The plan provided by the applicant also shows a shisha area which is not stated in the application , there is a lack of detail as to the venues operation and appears no capacity limit.

The applicant has provided some control measures in the operating schedule however they are either not clear and not easily enforced in their current format and do not address the licensing objective in particular that of prevention of crime and disorder, Police would expect to see more robust and clearer conditions for a venue in such an area.

In regards to the control measures offered the Home office guidance issued under Sec 182 of the licensing Act 2003 'General principles' state that it is important in setting the parameters within which the premises may operate. Conditions must be precise and enforceable.

The Metropolitan Police object to the granting of this licence in its entirety as the terminal hours proposed by the applicant would have a detrimental impact on the local community by means of an increase in crime and disorder, noise nuisance and anti-social behaviour particular at the terminal hours. The Police also have concerns in regards to the applicants attempt to address the licensing objectives whereby it is clear from the conditions offered they have not considered the local community or the impact the venue would have on them. The control measures offered do not address the licensing objectives in particular that of prevention of crime and disorder.

Submitted for your consideration.  
Yours Sincerely

**PC Mark Lynch 2246AS**  
Southwark Police Licensing Unit  
Tel: 0207 232 6756/6639

# MEMO: Environmental Protection Team

---

**To** Regen.licensing;      **Date** 16/09/24

**Copies** [REDACTED]

**From** Ken Andrews      **Telephone** 020 7525 4258      **Fax** 020 7525 5728

**Email** ken.andrews@southwark.gov.uk

---

**Subject** **Hot Box Pizza and Chicken SE17 3BB APP A27643 Responsible Authority (EPRA) representation;**

EPRA has reviewed an application for a new premises licence for the above address. In addressing how they will promote the licensing objective of preventing a public nuisance, the applicant indicated that “there were no residential properties nearby”. This, however, is not the case as there are residential properties along Manor Place that can be affected by the operation, particularly the delivery vehicles or motorbikes/ mopeds during the early morning hours.

I have discussed this with the applicant, who suggested delivery takes place at the back of the premises. I am satisfied that it’s a solution but want licensing to include it as a condition if possible.

I am proposing the following as a condition “that all deliveries related to the takeaway are conducted at the rear of the premises. This measure is necessary to mitigate any potential disturbances to the residents along Manor Place.

Kind regards

**Ken**

**Ken Andrews - Principal Environmental Health Officer**

## MEMO: Licensing Unit

---

**To** Licensing                      **Date** 9<sup>th</sup> September 2024

**Copies** Wesley McArthur – Licensing Responsible Authorities

**From** Farhad Chowdhury      **Telephone** 020 7525 0398

**Email** [Farhad.chowdhury@southwark.gov.uk](mailto:Farhad.chowdhury@southwark.gov.uk)

---

### **Subject: Hot Box Pizza & Chicken, 30 Manor Place London SE17 3BB**

I write in reference to the premises licence application made by Ibrahim Mohamed, for a new premises licence for Hotbox Pizza & Chicken, 30 Manor Place London SE17 3BB . I have read the application and visited the premises recently and would make the following comments: -

- 1) The general description says it is a café doing take away and delivery, however when I visited the premises, it is in fact operating as a Shisha bar and lounge. There were two arches at the rear and next door which the owner is currently refurbishing and will extend the premises.
- 2) The Hours applied for are outside that recommended in the Southwark statement of licensing policy.
- 3) Officers from the Nighttime Economy team witnessed customers smoking indoors also the premises was substantially enclosed at the time of the visit. As far as I can see the premises does not have a suitable outside area and is substantially enclosed, therefore does not comply with the Health Act 2006. Can the applicant explain how they will comply with the Health Act 2006 as smoking indoors is prohibited under the legislation.
- 4) There is no accommodation limit provided with the application, so I am unable to assess whether the premises is suitable for public safety, the applicant needs to provide details how they assessed the maximum capacity for the premises.

The rear area has a retractable roof shelter which is closed when it rains, therefore it does not comply with the Health Act 2006, as smoking shelters need to be 50% open at all times.

There is an open fire at the rear of the premises which is by the rear fire exit, I am concerned about the risk of fire spreading from using hot charcoals.

The premises does not comply with "The Health Act 2006" and "The Smoke-free (Premises and Enforcement) Regulations 2006". I therefore object to this application on grounds of public safety, until the matters above have been addressed properly.



**Farhad Chowdhury**  
**Principal Enforcement Officer**

<b>To:</b> Licensing Unit	<b>From:</b> Wesley McArthur <a href="mailto:wesley.mcarthur@southwark.gov.uk">wesley.mcarthur@southwark.gov.uk</a> 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	<b>Date:</b> 14 September 2024
<b>Subject:</b>	Representation	
<b>Act:</b>	The Licensing Act 2003 (the Act)	
<b>Premises:</b>	Hot Box Pizza & Chicken, 30 Manor Place and part of Arch 182 Manor Place, Walworth, London, SE17 3BB	
<b>Application number:</b>	<b>883753</b>	
<b>Location ID:</b>	198396	<b>Ward:</b> North Walworth

We object to the grant of an application for a premises licence, submitted by Ibrahim Mohamed under The Licensing Act 2003 (the Act), in respect of the premises known as Hot Box Pizza & Chicken, 30 Manor Place and part of Arch 182 Manor Place, Walworth, London, SE17 3BB.

### 1. The application

The application is to allow for the provision of the following licensable activities and opening hours:

Late night refreshment (indoors) –

- **Sunday & Thursday: 23:00 – 02:00**
- **Friday & Saturday: 23:00 – 03:00**

The proposed opening hours of the premises are –

- **Sunday & Thursday: 11:00 – 02:00**
- **Friday & Saturday: 11:00 – 03:00**

**The premises, and its intended operation, are described in the application as follows (verbatim):**

- *“Take-away, delivery and café  
Take-away and delivery of hot food, consumption of hot food on the premises, café area serving hot and cold drinks”*

**NB** – We note from the plans submitted with the application that the premises will also house a shisha lounge.

### 2. The Locale

The premises are located towards the north of Manor Place, not far from the junction of Manor Place and Walworth Road.

Walworth Road is a very busy main thoroughfare and commercial road in the borough. Many bus routes use Walworth Road.

Walworth Road has a high level of traffic both day and night, being part of one of the main routes from the south to the north of the borough. It is a busy area in the daytime, and maintains a high level of pedestrian traffic in the early evening and late at night.



Manor Place itself, however, is a quiet road that has a low level of vehicular traffic in the daytime, and little such traffic at night, and is *not* a busy pedestrian travel route, except for local residents.

Where the premises are located, Manor place houses railway arches used for various commercial uses, warehouses, a police station, a postal sorting office and a vacant prior swimming pool.

The rest of Manor Place is primarily residential with many housing blocks, both old and new.

A map showing the location of the premises and the local area is attached as appendix 1.

### **3. The Statement Of Licensing Police (SoLP)**

According to section 7 of this council's statement of licensing policy 2021 – 2026 (the SoLP), the premises fall within The Elephant and Castle Major Town Centre.

A copy of the SoLP is available via:

<https://www.southwark.gov.uk/assets/attach/7473/Statement-of-Licensing-Policy-2021-2026.pdf>

The following closing times are recommended in our SoLP in respect of various types of licensed premises located in residential areas as stated -

#### **Take away establishments providing late night refreshment**

- **Sunday – Thursday:       00:00**
- **Friday and Saturday:    01:00**

### **4. Our objection**

Our objection relates to the promotion of all of the licensing objectives.

#### **4.1 Operating hours**

We say that the late night / early morning provision of late night refreshment is likely to have a negative effect on the promotion the crime and disorder and the prevention of public nuisance licensing objectives.

Although, according to the SoLP, the premises are located in Elephant and Castle Major Town Centre area, Manor Place itself has a high density of residential dwellings and is a quiet road.

We do not think it is appropriate to allow premises providing late night refreshment later than the closing times suggested in the SoLP in area with so many residential properties (often housing families, school age children and many people of working age) in close proximity. We say that granting extended operating hours is likely to have a detrimental effect on the quality of life and amenity of local residents.

Late operating hours can also have a negative effect on local residents, and other people, travelling through the local vicinity late at night.

Premises providing late night refreshment late at night and in the early hours of the morning often become hubs for crime and disorder, anti-social behavior and nuisance. Confrontations

can often arise between customers who have been drinking at local licensed premises and are intoxicated.

We note that there are numerous late night licensed premises in the locale that sell alcohol and contend that in areas where the number, type and density of premises selling alcohol are high, serious problems of nuisance and disorder may arise some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area. Typically this occurs when customers leave premises at peak times **or where there is queuing at fast food outlets** or for public transport.

Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport services, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of people and this can lead to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be dispersed quickly. We therefore suggest that, if the application is granted, the premises are **not** permitted to close later than the hours suggested in the SoLP.

The operational hours suggested in the SoLP exist to protect residents in the borough.

The operational hours suggested in the SoLP were ratified by councilors at full licensing committee and we suggest that the licensing sub-committee adheres to this council's own policies, which we say have been applied for good reason.

We further add that full council assembly approved the current version of the SoLP, and have maintained the suggested operating hours four times in a row. This shows that there is still a need for the recommended hours to be given **considerable** weight in the determination of premises licence applications.

We further say that the licensing sub-committee should be **the gatekeeper of the Statement of Licensing Policy** that was, in part, ratified by councillors who form part of this very licensing sub-committee.

**We therefore recommend the following operating hours:**

Late night refreshment (indoors) –

- **Sunday – Thursday: 23:00 - 00:00**
- **Friday and Saturday: 23:00 - 01:00**

Late night refreshment (delivery from the premises only) –

- **Sunday – Thursday: 23:00 - 02:00**
- **Friday and Saturday: 23:00 - 03:00**

Opening hours –

- **Sunday & Thursday: 11:00 – 02:00**
- **Friday & Saturday: 11:00 – 03:00**

#### 4.2 Conditions

In part 'M' of the application, the applicant has proposed various measures to address the licensing objectives. We welcome these measures, but do not feel that they sufficiently address the licensing objectives and we say that further conditions are required.

Further to the above, we contend that the conditions proposed need clarification to ensure that they are precise, practicable, enforceable and unambiguous.

Paragraph 1.16 (Licence conditions – general principles) of the Guidance to the Licensing Act 2003 issued by the Secretary of State under section 182 of the Licensing Act 2003 states that conditions –

- “*must be precise and enforceable;*”
- “*must be unambiguous and clear in what they intend to achieve;*”

We therefore recommend that the following conditions be included in any premises licence issued subsequent to this application, and replace the measures proposed in part ‘M’ of the application ***in their entirety***.

#### **A. General – all four licensing objectives:**

1. That all relevant staff shall be trained in their responsibilities under the Licensing Act 2003, the promotion of the licensing objectives and the terms and conditions of this licence. Records pertaining to such training (‘the staff training logs’) shall be kept at the premises, shall be updated every 6 months and shall be made immediately available to responsible authority officers on request. The training logs shall include the trainee’s name (in block capitals), the trainer’s name (in block capitals), the date(s) of training and a declaration that the training has been received and understood by the trainee. If the staff training logs are a paper hardcopy then the signature of the trainee, the signature of the trainer shall be included.

#### **B. The prevention of crime and disorder:**

2. That a digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises. The CCTV system shall be correctly time and date stamped. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly defined / focused footage.
3. That all CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to responsible authority officers on request.
4. That a member of staff shall be on duty at all times that the premises are in use who is trained in the use of the CCTV system and who is able to view, and download to a removable storage device, CCTV footage at the immediate request of police and / or council officers.
5. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers advising to the effect that CCTV is in operation at the premises. The signage shall be kept free from obstructions at all times.
6. That an incident log shall be kept at the premises to record details of any of the following occurrences at the premises:
  - Instances of anti-social or disorderly behaviour
  - Calls to the police or other emergency services

- Any complaints received
- Ejections of people from the premises
- Visits to the premises by the local authority or emergency services
- Any malfunction in respect of the CCTV system
- All crimes reported by customers, or observed by staff
- Any seizures of drugs or weapons
- Any other relevant incidents

The incident log shall record the time, date, location in the premises and description of each incident, details of any action taken in respect of the incident and the printed name of the person reporting the incident. Details of incidents shall be recorded contemporaneously. The incident log shall be available / be accessible at the premises at all times that the premises are in use, and shall be made immediately available to responsible authority officers on request. Details of incidents shall be recorded contemporaneously. If the incident log is a paper hardcopy then the signature of the person reporting the incident in the log shall also be included. All relevant staff employed at the premises shall be trained in the use of the incident log. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

If 3<sup>rd</sup> party hire of the premises will be allowed by the licensee then we propose the following condition.

7. That any 3<sup>rd</sup> parties / members of the public using the premises for a promoted or private event must complete a venue hire agreement as written and supplied by the premises licence holder. The venue hire agreement shall include the full name and address of the hirer, copy of valid photo identification of the hirer (kept on file in accordance with data protection requirements), the hirer's signature and the date that the venue hire agreement has been signed. The venue hire agreement shall include all of the licensee's terms of hire. Such agreements shall be kept on file for 6 months from the date of the event and be made immediately available to responsible authority officers on request.

If no 3<sup>rd</sup> party hire of the premises is to be permitted then we propose the following condition:

8. That no 3<sup>rd</sup> party hire of the premises shall be permitted at any time. All activities at the premises shall be under the direct control of the licensee, and any permanent staff employed directly by the licensee.

### **C. Public Safety**

9. That the maximum number of people permitted on the premises at any one time (the 'accommodation limit') is **X** people (excluding staff). The accommodation limit shall be known by all staff and shall not be exceeded at any time.

**<<The applicant is to provide the accommodation limit>>**

10. That illuminated emergency escape route and emergency exit signage ('emergency lighting') shall be installed at the premises, be maintained in full working order, be operational at all times that the premises are in use and shall be maintained free from obstruction at all times.
11. That all emergency exits, emergency escape routes and entry / exit doors at the premises shall be kept free from obstructions at all times that the premises are in use.

12. That appropriate first aid equipment / materials shall be kept at the premises in a dedicated first aid box / boxes. The first aid box(es) shall be kept easily accessible and unobstructed at all times. All staff shall be made aware of where the first aid boxes are located.
13. That an accident book / recording system shall be maintained at the premises and be available and in use at all times that the premises are in operation. The accident book / recording system shall meet all current legislative requirements. Details of any accidents will be recorded in the accident book / recording system contemporaneously. The accident book / recording system shall be made immediately available to responsible authority officers on request. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
14. That 'Ask for Angela' posters (or posters relating to whatever similar scheme may be recommended at any time) shall be displayed in the toilet facilities and kept free from obstructions at all times. All staff shall be trained in the 'Ask for Angela' scheme (or similar scheme) and shall perform the appropriate course of action in the event of a customer requesting assistance. Details of such training, including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

#### **D. The prevention of public nuisance**

15. That delivery drivers will be instructed to turn their engines off when collecting orders for delivery from the premises.
16. That clearly legible signage shall be prominently displayed both inside and outside the premises where it can easily be seen and read by delivery drivers advising to the effect that
  - (a) all vehicle engines are turned off,
  - (b) that all delivery drivers behave in a quiet and orderly manner with respect to local residents,
  - (c) that delivery drivers do not use vehicle horns to attract the attention of workers at the premises or otherwise use their vehicle horns unnecessarily when approaching or leaving the premises; and
  - (d) that delivery drivers do not engage in unnecessary revving of engines on approaching or leaving the premises and locale.
17. That the premises shall be closed to 'walk in' customers after 00:00 hours on Sunday to Thursday, and after 01:00 hours on Friday and Saturday.
18. That after 00:00 hours on Sunday to Thursday, and after 01:00 hours on Friday and Saturday, the entrance to the premises shall be kept locked closed except to allow the immediate access and egress of delivery drivers in respect of deliveries from the premises, or in respect of emergency access and egress.
19. That signage shall prominently displayed where it can easily be seen and read by passersby stating to the effect that the premises are shut for walk-in service after after 00:00 hours on Sunday to Thursday, and after 01:00 hours on Friday and Saturday This is to discourage members of the public approaching the premises after these times.

20. That clearly legible signage stating a dedicated contact telephone number for the premises shall be prominently displayed where it can easily be seen read by passers-by. The signage shall state to the effect that the phone number shown can be used to contact the premises in respect of any complaints regarding the operation of the premises. Such signage shall be kept free from obstructions at all times.
21. That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers, at all exits from the premises, in the shisha lounge and in any external areas, requesting to the effect that customers behave in a quiet and orderly manner and / or leave the premises and locale in a quiet and orderly manner with respect to local residents. Such signage shall be kept free from obstructions at all times.
22. That any litter caused by the operation of the premises shall be cleared away from the immediate vicinity of the premises periodically throughout operating hours, and at the end of trade, on each day that the premises are in operation. Relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.
23. That suitable external containers for customer's cigarette butts shall be provided at all times that the premises are in use. Such containers shall be emptied regularly to ensure that they can be used at all times that the premises are in use, and so that they do not overflow and cause cigarette butt litter in the vicinity.
24. That external waste handling collections of goods from the premises, deliveries of goods to the premises and the cleaning of external areas shall only occur between the 07:00 hours and 20:00 hours, except for food deliveries from the premises.
25. That, if and when required, staff shall interact with customers to ensure that customers behave at the premises in a quiet and orderly manner and also leave the premises and locale in a quiet and orderly manner. Customers deemed by staff to be engaging in anti-social behaviour shall be asked to leave the premises. All relevant staff shall be trained in this, and details of such training including the printed name(s) of the trainee(s), and the date(s) that the training was given, shall be recorded in the staff training logs at the premises.

#### **E. The protection of children from harm:**

26. That after 22:00 no person under 16 years old shall be permitted on the premises unless they are accompanied by an adult.
27. That no person under 18 shall be permitted in the shisha lounge at the premises at any time.

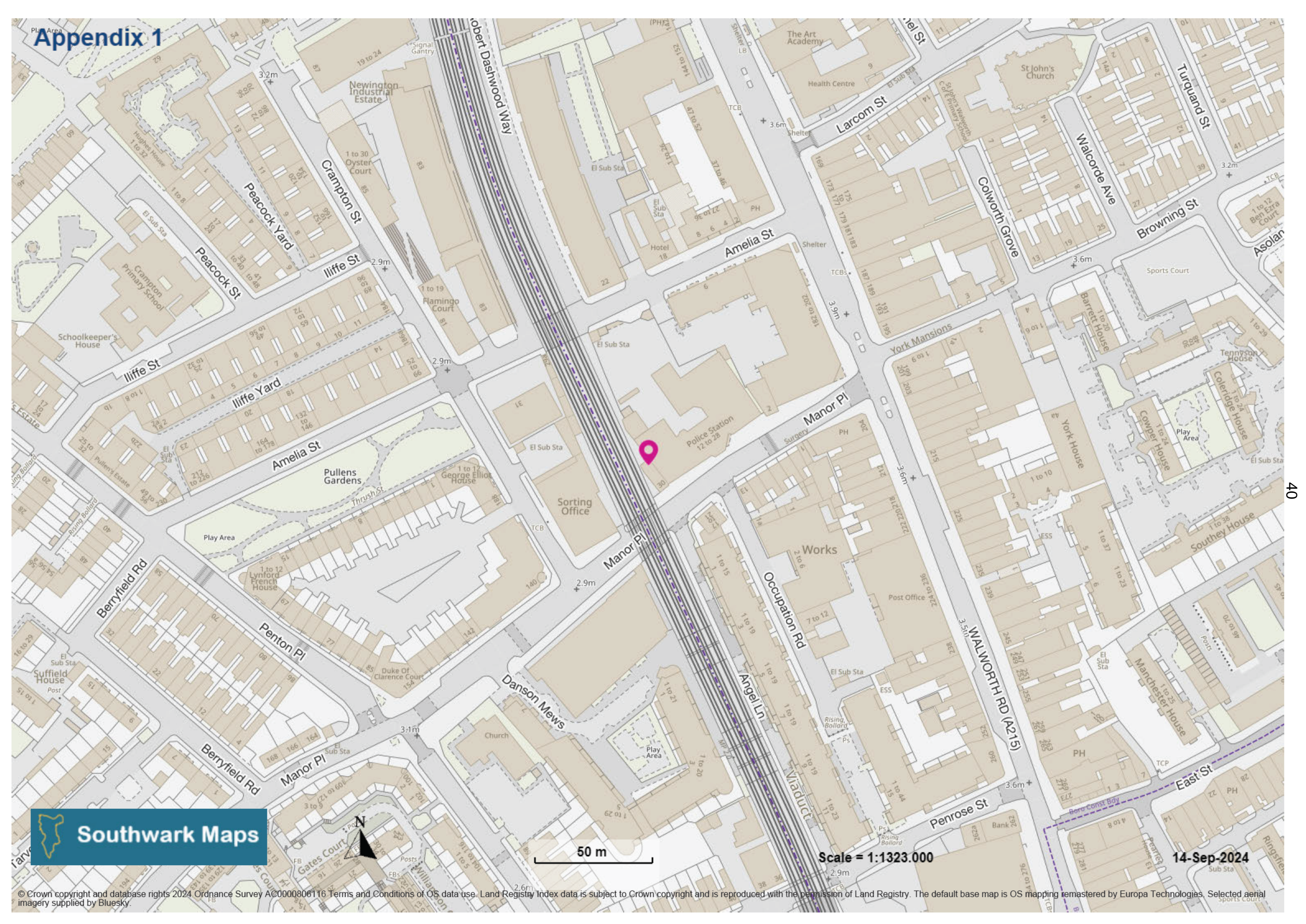
We welcome discussion with the applicant on any of the matters above; however should the applicant agree to all of our proposed amendments to the application then we will withdraw this representation.

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer



# Appendix 1



50 m

Scale = 1:1323.000

14-Sep-2024



**From:** [REDACTED]  
**Sent:** Wednesday, August 28, 2024 2:58 PM  
**To:** mark.A.Lynch@met.police.uk  
**Cc:** [REDACTED]  
[REDACTED]  
**Subject:** RE: Hot Box

Hi Mark,  
OK, thank you, we will consider these options.

[REDACTED]  
On 28/08/2024 10:35 BST [mark.a.lynch@met.police.uk](mailto:mark.a.lynch@met.police.uk) wrote:

Good Morning

Whilst I appreciate the applicant states they have operated for 5 years without a complaint, they have not operated late night refreshment beyond 2300hrs and for this reason I would ask the applicant to consider the policy hours and this will allow the applicant to later provide evidence of late night opening and responsible management whilst licenced. There has been a few reports regarding the venue, the last being fighting outside the venue. I believe that at this stage the Southwark council subcommittee would probably be best placed to make a decision on hours

Kind regards

Mark

**From:** [REDACTED]  
**Sent:** 28 August 2024 09:50  
**To:** Lynch Mark A - AS-CU <[mark.A.Lynch@met.police.uk](mailto:mark.A.Lynch@met.police.uk)>  
**Cc:** [REDACTED]  
[REDACTED]  
**Subject:** RE: Hot Box

Hi Mark,

Thanks for the feedback. The capacity now is around 60 in total (shisha plus cafe).

The applicant states that the venue is East African community-based, with most of the customers being Uber drivers taking breaks before they return to work. This client base as well as no alcohol being served means that they have not had any need for door controls/bouncers.

The applicant has run the site for 5 years and has never had any complaints as far as he is aware, and has never had to call the police. The site is next to the police station which adds a sense of security.

Does this change your recommendation at all?

If they have to comply with the hours in your email below, do you allow delivery-only past this time?

Kind regards,



On 25/08/2024 10:20 BST [mark.a.lynch@met.police.uk](mailto:mark.a.lynch@met.police.uk) wrote:

Good Morning

Thank you for your reply . In regards to timings The Southwark Policy terminal hours for restaurants/Takeaways are

Sunday-Thursday -0000hrs

Friday-Saturday-0100hrs

The shisha bar is not licensed however the area covered by this addition increase its capacity hence I mention the capacity of the venue . The capacity of the venue is important especially in regards to dispersal of customers with the access to the property passing residential buildings . If timings can be agreed then I will be in a position to propose relevant conditions

Kind regards

Mark

**From:** [REDACTED]

**Sent:** 23 August 2024 14:31

**To:** Lynch Mark A - AS-CU <[mark.A.Lynch@met.police.uk](mailto:mark.A.Lynch@met.police.uk)>

**Subject:** Re: Hot Box

Hi Mark,

I am the agent dealing with this licence application.

Further to your letter below, what sort of hours would you be able to support? Would you consider delivery only hours after a certain time?

Please note there is no alcohol served at the premises. Because of this I don't think the shisha needs a licence - the Council have not asked us to include it.

There is a 24hour MCDonalds on the corner very close to this property.

Would be good to get some guidance on what would be acceptable.

Thanks

[REDACTED]

**RESPONSE TO HEALTH AND SAFETY****From:** [REDACTED]**Sent:** Monday, September 16, 2024 3:43 PM**To:** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Subject:** RE: Hot Box Pizza and Chicken 30 Manor Place SE17 3BB

Dear Farhad,

Thank you - we agree to these conditions.

Kind regards,

[REDACTED]

On 16/09/2024 14:44 BST Chowdhury, Farhad  
<[farhad.chowdhury@southwark.gov.uk](mailto:farhad.chowdhury@southwark.gov.uk)> wrote:

Dear [REDACTED]

**Re: Hot Box Pizza and Chicken 30 Manor Place SE17 3BB**

Thank you for your email, if we can agree to add the following conditions on the licence I am happy to withdraw my representation.

1. Shisha smoking will only be allowed in the rear yard whilst the canopy is open to comply with the Health Act 2006. The smoking shelter must be at least 50% open all of the time.
2. The maximum capacity of the premises should be no more than 60 persons.
3. A suitable fire risk assessments should be undertaken and kept on site for inspection, by officers from the Licensing team and Fire officer and reviewed annually.

Kind Regards,

**Farhad Chowdhury**  
**Principal Enforcement Officer****Environment and Leisure**  
**Regulatory Services - Trading Standards and Environmental Health**

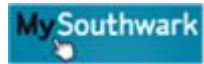
Health and Safety Team  
160 Tooley Street  
Third Floor – Hub 1B  
SE1 2QH

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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

"Southwark Council does not accept liability for loss or damage resulting from software viruses.

The views expressed in this e-mail may be personal to the sender and should not be taken as necessarily representing those of Southwark Council. The information in this e-mail and any attached files is confidential and may be covered by legal and/or professional privilege or be subject to privacy legislation. It is intended solely for the individual or entity to which it is addressed. If you are not the intended recipient, the retaining, distribution or other use of any transmitted information is strictly prohibited. E-mails are transmitted over a public network and Southwark Council cannot accept any responsibility for the accuracy of a message that may have sustained changes in transmission"



For council services at your fingertips, register online  
at [www.southwark.gov.uk/mysouthwark](http://www.southwark.gov.uk/mysouthwark)

Helpful links:

Visit: [www.southwark.gov.uk/business/health-and-safety/about-the-health-and-safety-team?article](http://www.southwark.gov.uk/business/health-and-safety/about-the-health-and-safety-team?article)

(HSE) [risk assessment template](#) and [information on how to do a risk assessment](#).

Southwark Councils COVID compliant business accreditation scheme  
[www.southwark.gov.uk/covid-cbascheme](http://www.southwark.gov.uk/covid-cbascheme)

From: [REDACTED]

Sent: Thursday, September 12, 2024 1:03 PM

To: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Subject: RE: Hot Box Pizza and Chicken 30 Manor Place SE17 3BB

Dear Farhad,

Thank you for this clarification.

1. Shisha will only be served in the rear yard with the canopy fully open to comply with smokefree regulations.
2. Noted re operating hours.
3. Noted re keeping the canopy open.
4. The capacity of 60 is the total covering the rear yard and the two arches (one arch is used solely for storage anyway).

Kind regards,

On 11/09/2024 13:40 BST Chowdhury, Farhad  
<[farhad.chowdhury@southwark.gov.uk](mailto:farhad.chowdhury@southwark.gov.uk)> wrote:

Dear

RE: Hot Box Pizza and Chicken 30 Manor Place SE17 3BB

Thank you for your email, and your explanation to our representation to the premises licence application.

I would like to clarify the following :-

1. You are indeed correct that Shisha does not require a licence to operate, however selling hot food and drinks with Shisha does require a premises licence as they go hand in hand. Currently it is not clear if shisha will be smoked in the arches, can you please clarify if Shisha will only be served in the rear yard with the canopy fully open to comply with smokefree regulations.
2. With regards to the operating hours your seeking, I would need to discuss this with my licensing colleagues and get back to you.
3. Please ensure the canopy is always kept open when Shisha is being smoked.
4. You have stated the Capacity is 60 persons does the include the rear yard and the two arches please state clearly which area.

Kind Regards,



**Farhad Chowdhury**  
**Principal Enforcement Officer**

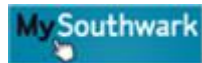
**Environment and Leisure  
Regulatory Services - Trading Standards and Environmental Health  
Health and Safety Team  
160 Tooley Street  
Third Floor – Hub 1B  
SE1 2QH**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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

"Southwark Council does not accept liability for loss or damage resulting from software viruses.

The views expressed in this e-mail may be personal to the sender and should not be taken as necessarily representing those of Southwark Council. The information in this e-mail and any attached files is confidential and may be covered by legal and/or professional privilege or be subject to privacy legislation. It is intended solely for the individual or entity to which it is addressed. If you are not the intended recipient, the retaining, distribution or other use of any transmitted information is strictly prohibited. E-mails are transmitted over a public network and Southwark Council cannot accept any responsibility for the accuracy of a message that may have sustained changes in transmission"



**For council services at your fingertips, register online  
at [www.southwark.gov.uk/mysouthwark](http://www.southwark.gov.uk/mysouthwark)**

Helpful links:

Visit: [www.southwark.gov.uk/business/health-and-safety/about-the-health-and-safety-team?article](http://www.southwark.gov.uk/business/health-and-safety/about-the-health-and-safety-team?article)

(HSE) [risk assessment template](#) and [information on how to do a risk assessment](#).

Southwark Councils COVID compliant business accreditation scheme  
[www.southwark.gov.uk/covid-cbascheme](http://www.southwark.gov.uk/covid-cbascheme)

**From:** [REDACTED]  
**Sent:** Tuesday, September 10, 2024 10:10 AM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Cc:** [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** Fwd: Hot Box Pizza and Chicken 30 Manor Place SE17 3BB

Hello,

Thank you for forwarding the environmental health response. Some quick comments:

1) We understand that the shisha element of the use does not need a licence which is why we did not include it in the description. The client does indeed own two arches - one is included within the premises licence application (see floorplan) and the other is used for storage.

2) We do understand that the hours applied for are outside that recommended in the Southwark statement of licensing policy. However given that no alcohol is served and this a facility used by the community it seems reasonable that longer hours could be permitted.

3) The shisha area is open, with a retractable canopy roof.

4) Capacity proposed is 60.

Kind regards,

[REDACTED]

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

From: "Chowdhury, Farhad" <[Farhad.Chowdhury@southwark.gov.uk](mailto:Farhad.Chowdhury@southwark.gov.uk)>

To: "[REDACTED]"

[REDACTED]

Date: 09/09/2024 15:05 BST

Subject: Hot Box Pizza and Chicken 30 Manor Place SE17 3BB

Dear Licensing Team,

**Re: Hot Box Pizza and Chicken 30 Manor Place SE17 3BB**

Further to the above application for a premises licence please find attached my representation.

Kind Regards,



**Farhad Chowdhury**

**Principal Enforcement Officer**

**Environment and Leisure  
Regulatory Services - Trading Standards and Environmental Health  
Health and Safety Team**

**From:** [REDACTED]  
**Sent:** Monday, September 16, 2024 5:34 PM  
**To:** McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>  
**Cc:** [REDACTED]  
[REDACTED]

**Subject:** Re: Application for a premises licence: Hot Box Pizza & Chicken, 30 Manor Place and part of Arch 182 Manor Place, Walworth, London, SE17 3BB (Our ref: L1U 883753) - Loc ID: 198396 - North Walworth ward

Hi Wesley,  
Yes the client is happy to accept all of your proposed conditions.  
Kind regards,  
[REDACTED]

Sent from my iPhone

On 16 Sep 2024, at 16:19, McArthur, Wesley  
<[Wesley.McArthur@southwark.gov.uk](mailto:Wesley.McArthur@southwark.gov.uk)> wrote:

Dear [REDACTED]

Thank you for your reply.

Please can you confirm if your client is willing to accept any of the conditions proposed in my representation?

Regards,

**Wesley McArthur**

Principal Enforcement Officer - Licensing Unit  
London Borough of Southwark

**E-mail:** [wesley.mcarthur@southwark.gov.uk](mailto:wesley.mcarthur@southwark.gov.uk)

**General:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

**Phone:** 020 7525 5779

**Switchboard:** 020 7525 5000

**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)

**Address:** Licensing, Health & Safety, Hub [1, 3rd Floor, 160 Tooley Street, SE1 2QH](#)

**From:** [REDACTED]  
**Sent:** Monday, September 16, 2024 3:48 PM  
**To:** McArthur, Wesley <[Wesley.McArthur@southwark.gov.uk](mailto:Wesley.McArthur@southwark.gov.uk)>  
**Cc:** [REDACTED]  
[REDACTED]

**Subject:** Re: Fwd: Application for a premises licence: Hot Box Pizza & Chicken, 30 Manor Place and part of Arch 182 Manor Place, Walworth, London, SE17 3BB (Our ref: L1U 883753) - Loc ID: 198396 - North Walworth ward



Dear Wesley,

Thank you for your representation.

The client would like to point out that they are not aware of any complaints against them. There was a recent incident but the client says that this was related to the nightclub which has started up in another of the arches.

The cafe/shisha at 30 Manor Place and arch is a community venue, used by locals and often uber drivers between shifts. They do not serve alcohol and do not have any problems with anti-social behaviour.

The client would like to apply for the hours as proposed and understands that this may need to go to the sub-committee.

The capacity of the venue is 60 (total for the whole premises).

Kind regards,

██████████

## OTHER PERSON A

**From:** [REDACTED]  
**Sent:** Wednesday, August 28, 2024 6:49 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Licensing - Hot Box Pizza & Chicken - 30 Manor Pl, London SE17 3BB

Dear Southwark Council,

I am writing to express my strong support for Hot Box Pizza & Chicken and its application for a business license in our community.

Hot Box Pizza & Chicken has been an invaluable addition to our local area which has been operating for many many years, providing food and a hub for the community that enriches the local community. Their commitment to engage with the community with the Browning Estate Management team and providing for their events in the past has made a positive impact and aligned with our shared values as a community.

Approving this license will not only allow Hot Box Pizza & Chicken to continue contributing to the vibrancy of our area but will also support local employment and help sustain a diverse range of services that benefit all residents.

We believe some residents from the new builds in the area are being unfair and unjust complaining and raising complaints against this business though there are no issues coming from here but from surrounding businesses that have drunk customers.

I sincerely hope that the council will consider the positive influence that Hot Box Pizza & Chicken has on our community and grant them the business license they require to operate.

Thank you for considering my support.

Yours sincerely,

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**Sent:** Wednesday, September 11, 2024 7:54 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** License for Hotbox Pizza & Chicken 30 manor place

Hello,

This email is in support for the license of the premises at 30 manor place, SE17 3BB  
I [REDACTED] [REDACTED] I live next to the shop I have  
been a long customer to the shop for over 10 years.

If you need anything else please do not hesitate to contact me.

[REDACTED]

From: [REDACTED]  
Sent: Thursday, September 5, 2024 7:36 PM  
To: Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
Subject: License for Hotbox pizza & chicken

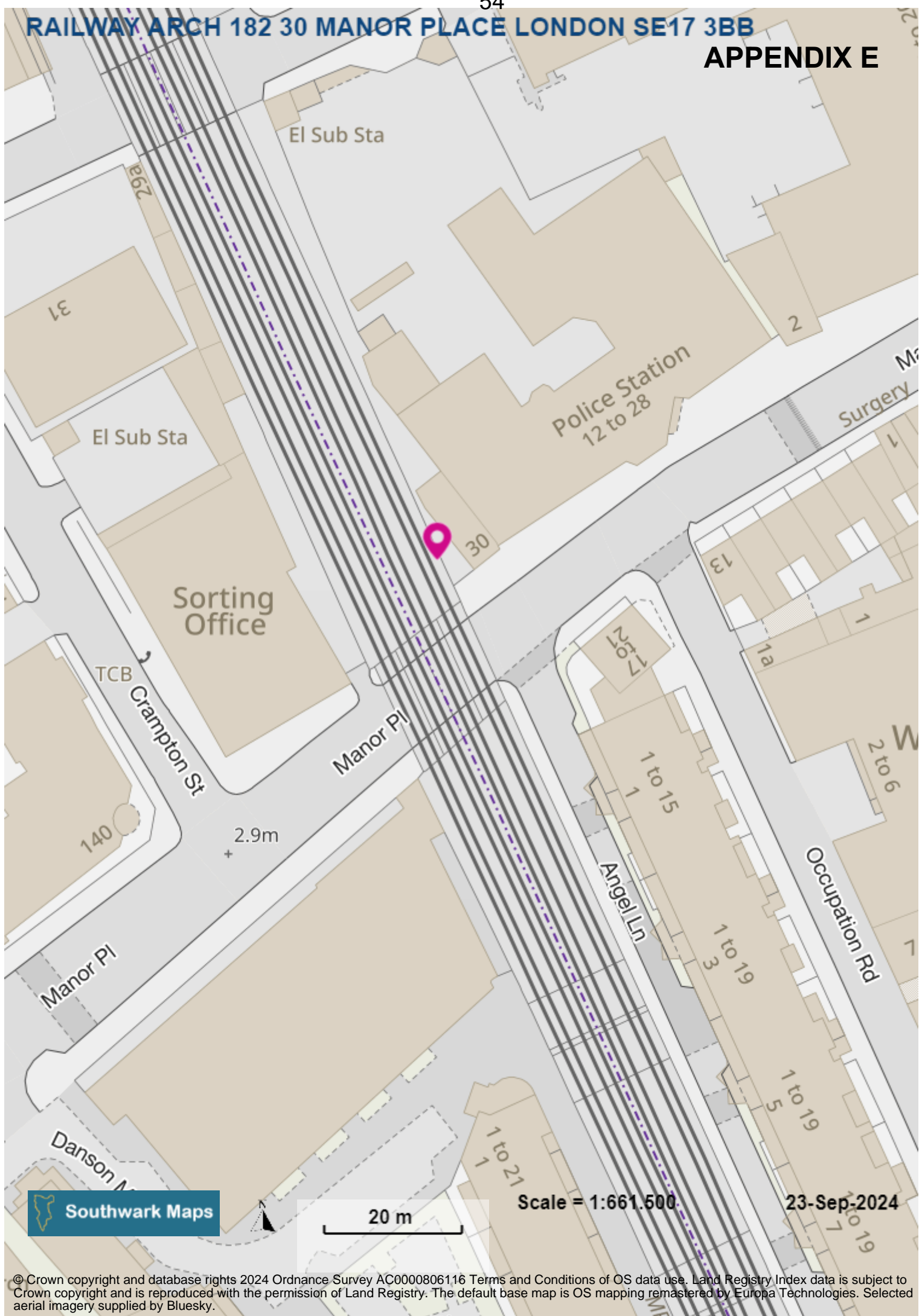
Hello,

I am a local resident ([REDACTED] [REDACTED]) to Hotbox pizza and chicken at 30 manor place SE17 3BB I have been going to this shop for 22 years. I support this application because I work late nights and have no options for food after midnight. My kids and family always go to this shop. The staff and owners always treat us with respect and provide us great customer service.

Thank you.

[REDACTED]

Please take my support in to consideration.



Southwark Maps

20 m

Scale = 1:661,500

23-Sep-2024

<b>Meeting Name:</b>	Licensing Sub-Committee
<b>Date:</b>	10 October 2024
<b>Report title:</b>	Licensing Act 2003: City Wines (aka Dennis Wines), 141 Jamaica Road, London SE16 4SH
<b>Ward(s) or groups affected:</b>	North Bermondsey
<b>Classification:</b>	Open
<b>Reason for lateness (if applicable):</b>	Not applicable
<b>From:</b>	Acting Strategic Director of Environment, Sustainability and Leisure

## RECOMMENDATION

1. That the licensing sub-committee considers an application submitted by the councils trading standards service under Section 51 of the Licensing Act 2003 (the Act) for the review of the premises licence held by Kavirach Nagarajah in respect of the premises known as City Wines (aka Dennis Wines), 141 Jamaica Road, London SE16 4SH.
2. Notes:
  - a) The grounds for the review are stated in paragraphs 13 to 19 of this report. A copy of the premises licence review application is attached as Appendix A.
  - b) The review application is supported by a representation submitted from one responsible authority and is attached to the report as Appendix C. Details of the representation are provided in paragraphs 20 to 24 of this report.
  - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix B. A map of the area that the premises are located in is attached as Appendix D.
  - d) A copy of the council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

## BACKGROUND INFORMATION

### The Licensing Act 2003

3. The Licensing Act 2003 provides a licensing regime for:

- The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment
4. Within Southwark, the licensing responsibility is wholly administered by this council.
  5. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
    - The prevention of crime and disorder
    - The promotion of public safety
    - The prevention of nuisance
    - The protection of children from harm
  6. In carrying out its licensing functions, a licensing authority must also have regard to:
    - The Act itself
    - The guidance to the act issued under Section 182 of the Act
    - Secondary regulations issued under the Act
    - The licensing authority's own statement of licensing policy
    - The application, including the operating schedule submitted as part of the application
    - Relevant representations
  7. The applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.
  8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any Responsible Authority or other person to apply to the local Licensing Authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence**

9. The premises licence holder is Kavirach Nagarajah.
10. The premises licence allows the provision of licensable activities as follows:
  - The sale by retail of alcohol (off the premises):
    - Monday to Saturday from 08:00 to 23:00
    - Sunday from 10:00 to 22:30

- Opening hours:
    - Not stipulated.
11. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is attached to the report as Appendix B.

### **Designated premises supervisor (DPS)**

12. The current designated premises supervisor (DPS) named on the licence is Kavirach Nagarajah, who holds a personal licence issued by the London Borough of Lewisham.

### **The review application**

13. On 20 August 2024, an application was submitted by the councils trading standards Service under Section 51 of the Licensing Act 2003, for the review of the premises known as City Wines (aka Dennis Wines), 141 Jamaica Road, London SE16 4SH.
14. The applicant served the application on the licensee on 21 August 2024, therefore the 28 consultation period was started from that day.
15. The review application was submitted in respect of all the licensing objectives but most specifically under the prevention of crime and disorder and the protection of children from harm.
16. The grounds for the review concerns several pieces of legislation but are primarily concerned with the sale of alcohol to a minor. On Saturday 15 June 2024 officers with the London Borough of Southwark trading standards team were undertaking an underage sales exercise using a 15 year old male volunteer. A sale of a 500ml bottle of Fullers Bengal Lancer Ale 5.4% ABV was made to the 15 year old volunteer for £2.50.
17. The following offences were discovered at the time of the visit:
- Licensing Act 20023, Section 146(1) – sale of alcohol to a minor (15 year old male) Licensing Act 2003, Section 144 – keeping of smuggled goods on the 5 premises? (Alomo Bitters).
  - Consumer Protection from Unfair Trading Regulations 2008, regulation 12 and paragraph 9, schedule 1 – giving the impression that a product can legally be sold when it cannot? (Alomo Bitters).
  - Tobacco and Related Products Regulations 2016, regulation 36(3) and 46(d); - illegal vapes with excess tank capacity.
  - Food Safety and Hygiene (England) Regulations 2013 – failure to provide traceable invoices for a food product (alcohol-Alomo Bitters):



- Children and Young Persons (Protection from Tobacco) Act 1991, section 4 – not displaying A3 statutory notice.
  - Tobacco Advertising and Promotion Act 2002, Tobacco Advertising.
  - Promotion (Display) Regulations 2012, section 7A(1) - tobacco openly displayed to the public.
18. Trading standards ask that the licence be revoked but can supply a list of conditions should the licensing sub-committee choose to take a different route.
19. Full details of the grounds for the review are provided within the application. A copy of the review application is attached to the report at Appendix A.

### **Representations from responsible authorities**

20. A representation supporting the application has been submitted by licensing as a responsible authority.
21. The representation from the licensing responsible authority is concerned with the prevention of crime and disorder and the protection of children from harm licensing objectives.
22. The licensing representation states that offences under the licensing act have taken place. In addition to this, offences under other legislation have been witnessed and/or are alleged and although there has only been one failed test purchase regarding the sale of alcohol (which relates to the Act and is therefore the primary concern to the licensing sub-committee) the other failed test purchases regarding age restricted products show an ongoing and persistent pattern of behaviour in that the licensee consistently sells high risk products to underage individuals even after being warned about such activities.
23. The licensing responsible authority officer contends that it is likely that alcohol sales to underage individuals will take place at the premises should the premises licence remain in place at the premises and therefore supports the trading standards service's recommendation that the premises licence be revoked
24. The representation from licensing as a responsible authority is attached to the report at Appendix C.

### **Representations from other persons**

25. There are no representations received from other persons.

### **Operating History**

26. On 6 August 2005 a premises licence was granted to Senay Donmez. The DPS named on the licence was also Senay Donmez.
27. Following a transfer application a premises licence was issued to Nihat Donmez on 25 April 2012. Simultaneously the DPS was varied to Nihat Donmez on 26 April 2012.

28. Following a transfer application a premises licence was issued to Kavirach Nagarajah on 13 November 2023.
29. Following a DPS variation on 4 December 2023, Kavirach Nagarajah was specified as the DPS on the premises licence.

### **Temporary event notices**

30. No temporary event notices (TENs) have been submitted in respect of the premises.

### **Complaints**

31. There are no complaint received to the licensing unit regarding the premises.

### **Compliance Visits**

32. On 9 January 2024 at 14:05 a licensing enforcement officer carried out an inspection to determine whether the licensable activities at the premises were carried out in accordance with the premises licence.
33. At the time of the visit the premise was found to be operating in full compliance with terms and conditions of the premises licence.

### **The local area**

34. A map showing the location of the premises and a list of licence premises shown on the map is attached to this report as Appendix D.

### **Southwark Council statement of licensing policy**

35. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and it came into effect on 1 January 2021.
36. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:
  - Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this Authority relies in determining licence applications
  - Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
  - Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy.

- Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this authority might consider appropriate by type of premises and (planning) area classification.
  - Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective.
  - Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective.
  - Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective.
  - Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.
37. 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.
38. Members should take into consideration both the Southwark statement of licensing policy and the Section 182 Guidance when making decisions. The links for these are below.

Southwark policy:

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

Section 182 Guidance:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

### **Cumulative impact area (CIA)**

39. The premises does not fall within a cumulative impact area (CIA).
40. The premises are situated in a residential area.
41. Under the Southwark’s statement of licensing policy 2021 - 2026 the following closing times are recommended as appropriate within a residential area
- Off-licences and alcohol sales in grocers and supermarkets:
    - Monday to Sunday: 23:00.

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

### **Community impact statement**

42. 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**

43. 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.
44. 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 who have 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.
45. 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>.

46. The equalities impact assessment is available at:

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

### **Health impact statement**

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

### **Climate change implications**

48. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.
49. 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.

50. Examples of such an agreement may be:

- Not to 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.

51. The council's climate change strategy is available at:

<https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf>

### **Resource implications**

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

### **Consultation**

53. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003. A public notice was exhibited outside of the premises for a period of 28 consecutive days and the application was also advertised on the council's website.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Assistant Chief Executive - Governance and Assurance**

54. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

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

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

56. Under Section 52 the licensing authority must hold a hearing to determine the review and any relevant representations.

57. The four licensing objectives are:

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

58. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition
  - Exclude a licensable activity from the scope of the licence
  - Remove the designated premises supervisor
  - Suspend the licence for a period not exceeding three months
  - Revoke the licence.
59. For the purpose of determining a relevant representation under section 52 of the Act a “relevant representation” means representations which:
- Are relevant to one or more of the licensing objectives
  - Are made by the holder of the premises licence, a responsible authority or another person within the prescribed period
  - Have not been withdrawn
  - If made by another person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.
60. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
61. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
62. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
63. It is of particular importance that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

### **Reasons**

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

## Hearing procedures

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

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

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

## **Guidance**

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



## Strategic Director of Resources

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

## BACKGROUND DOCUMENTS

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

## APPENDICES

Name	Title
Appendix A	Application for the review
Appendix B	The premises licence
Appendix C	Representation from licensing as a responsible authority
Appendix D	Map of the locality and list of licensed premises shown on map

## AUDIT TRAIL

<b>Lead Officer</b>	Toni Ainge, Acting Strategic Director of Environment, Sustainability and Leisure	
<b>Report Author</b>	Jayne Tear, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	20 September 2024	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Strategic Director of Resources	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	23 September 2024	



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

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I Yemisi FORREST (On behalf of Trading Standards)

*(Insert name of applicant)*

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

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

141 JAMAICA Road	
<b>Post town</b> London	<b>Post code (if known)</b> SE16 4SH

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mr Kaviraj NAGARAJAH

<b>Number of premises licence or club premises certificate (if known )</b>
881877

**Part 2 - Applicant details**

I am

**Please tick yes**

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

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

**Please tick**

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

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

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

Name and address

Southwark Council – Trading Standards

Yemisi FORREST  
 Principal Trading Standards Enforcement Officer  
 Regulatory Services  
 3<sup>rd</sup> Floor Hub 1  
 PO Box 64529  
 London SE1P 5LX

Telephone number (if any)

0207 525 5739

E-mail address (optional)

yemisi.forrest@southwark.gov.uk

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

Please tick one or more boxes

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

x

This matter is brought by Trading Standards as a responsible authority under the Licensing Act 2003 in respect of all the licensing objectives but most specifically under the prevention of crime and disorder and the protection of children from harm. The facts of the matter are as follows.

This matter concerns several pieces of legislation but is primarily concerned with the sale of alcohol to a minor. On Saturday 15<sup>th</sup> June 2024 officers with the London Borough of Southwark Trading Standards Team were undertaking an underage sales exercise using a 15 year old male volunteer. A sale of a 500ml bottle of Fullers Bengal Lancer Ale 5.4% ABV was made to the 15 year old volunteer for £2.50, no questions asked. A total of 14 attempted test purchases were made that day using this volunteer and this was the only sale that was made. All other premises refused.

The sale was witnessed by the Licensing Team Leader, Bina PATEL and there were no questions asked of the volunteer such as “Do You Have Any ID?” The sale was made by the owner of the business Mr Kavirach

NAGARAJAH. A full inspection was made of the premises immediately after the sale by Mr Ray MOORE, a Principal Trading Standards Enforcement Officer, accompanied by Bina PATEL who confirmed the identity of the seller as Mr Kavirach NAGARAJAH. Mr MOORE found 10 illegal vapes on the premises which exceeded the maximum capacity of the tank size. There were also 21 x 200ml bottles of Alomo Bitters which appeared to have been smuggled without payment of duty. He formally requested traceable invoices for these items which have not been provided. He also requested invoices for a case of 24 x 500ml cans of Karpackie 9% ABV lager and an invoice was produced dated 20/02/2024 from Euro Wines, 5-9 Creekside, Depford, SE8 4SA.

Mr MOORE wrote out a seizure notice regarding the above matters number 3587. He also wrote out an Age-Related Products Notice number A051. This recorded the following further offences at the time of the visit:-

- The tobacco gantry was open, and the tobacco products were clearly openly on display to the public.
- There was no A3 statutory notice stating that tobacco products can't be sold to under 18-year-olds.
- There were two opened packets of cigarettes on the till which is usually a sign that single cigarettes are being sold.

As well as the above criminal matters good practice matters were also looked at. The underage sale offence carries a due diligence style defence as it is an absolute offence (strict liability). However, as the sale was made by the owner he would not be able to apply such a defence.

It should be noted that he employs one person in the business, S [REDACTED] P [REDACTED]. There were no training records for this person. There was no refusals register.

The police found a knife behind the counter. The premises licence has few conditions on it which was initially issued when the new Licensing Act 2003 came into force in 2005.

The following offences were discovered at the time of the visit:-

Licensing Act 20023, Section 146(1) – sale of alcohol to a minor (15 year old male)

Licensing Act 2003, Section 144 – keeping of smuggled goods on the

premises? (Alomo Bitters)

Consumer Protection from Unfair Trading Regulations 2008, regulation 12 and paragraph 9, schedule 1 – giving the impression that a product can legally be sold when it cannot? (Alomo Bitters)

Tobacco and Related Products Regulations 2016, regulation 36(3) and 46(d);  
- illegal vapes with excess tank capacity

Food Safety and Hygiene (England) Regulations 2013 – failure to provide traceable invoices for a food product (alcohol-Alomo Bitters)

Children and Young Persons (Protection from Tobacco) Act 1991, section 4 – not displaying A3 statutory notice

Tobacco Advertising and Promotion Act 2002, Tobacco Advertising and Promotion (Display) Regulations 2012, section 7A(1) - tobacco openly displayed to the public

Mr NAGARAJAH came in for an interview under caution on 29<sup>th</sup> July 2024. He stated that he was the owner of the business and that he had made the sale. He said that the volunteer had a hood up and that he should have asked him to lower it in order to assess his age. He said that he hadn't got an invoice for the alcohol as he hadn't paid for it yet. He also said that the alcohol and vapes were brought to the shop by companies delivering these things and again he had no invoices for the vapes as well as the alcohol. He apologised for what had happened.

It should be noted that an underage sale was made by Mr NAGARAJAH of a vape on 15<sup>th</sup> February 2024. This test purchase was made after a complaint made to this office by a member of the public stating that he was selling vapes to teenagers on the estate where the shop is. He was interviewed under caution on 13<sup>th</sup> March 2024 and signed a simple caution for the offence along with offences relating to illegal vapes and a quantity of illicit tobacco that was seized. This visit came about as a result of a complaint from a member of the public that vapes were being sold from the shop openly to teenagers from the local estate where the shop is located.

A further test purchase was attempted on 6<sup>th</sup> June 2024 (again of a vape by a different 15 year old male). The volunteer was told by the person behind the counter that he didn't know him and he should try somewhere else.

Shortly after the test purchase on the 15<sup>th</sup> June 2024 a further complaint was received by this office about vapes being sold to local teenagers.

All options are open to the Licensing Sub-committee regarding these matters including imposing conditions and / or suspending or revoking the licence.

Trading Standards would ask that the licence be revoked but can supply a list of conditions should the LSC choose to take a different route.

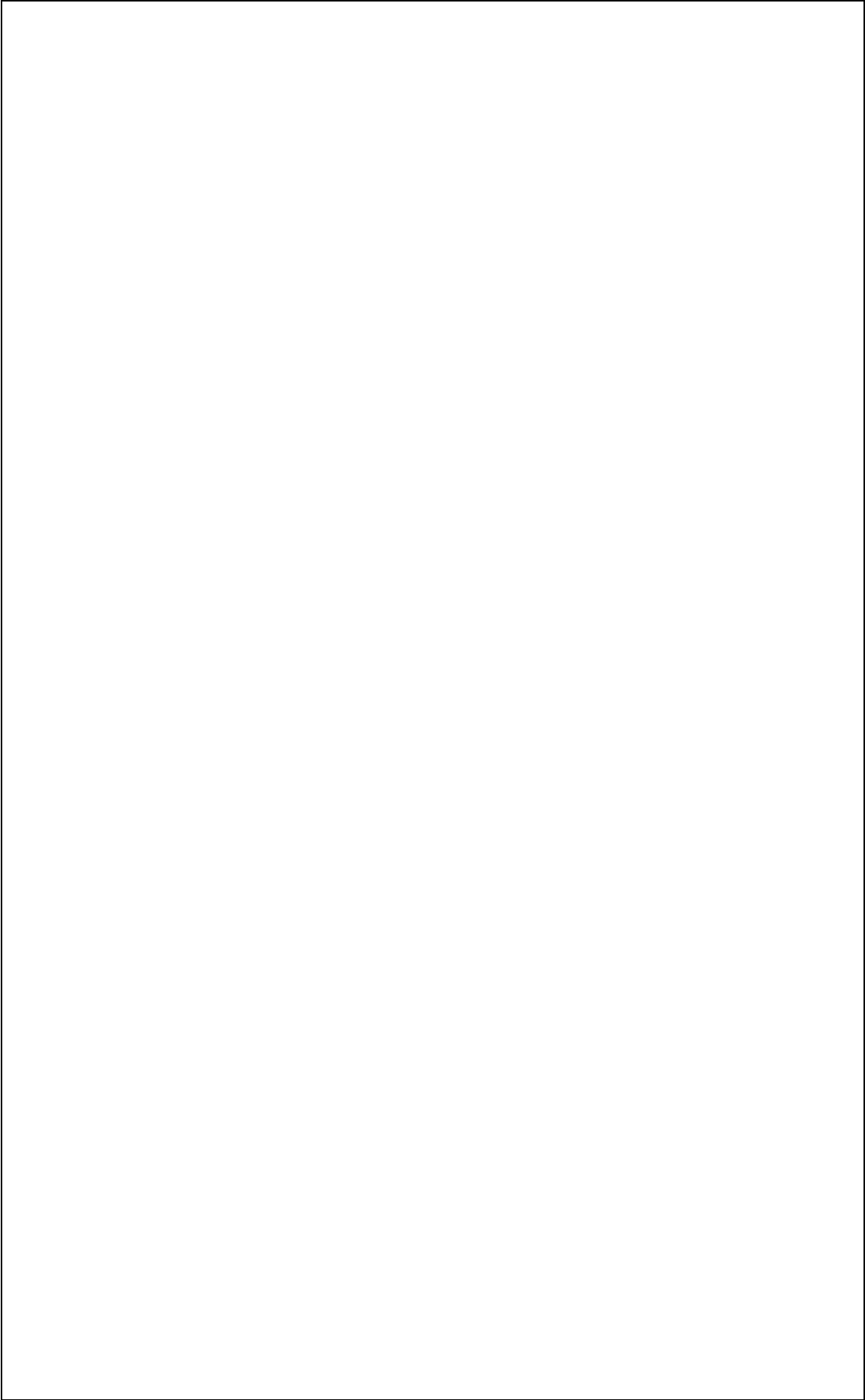
The following documents will be supplied in support of this review in due course:-

RAY/1 Notices in relation to matters on 15<sup>th</sup> June 2024

RAY/2 Caution from the February 2024 sale of a vape etc

RAY/3 Transcript of the PACE interview that took place on 29<sup>th</sup> July 2024





**Please tick yes**Have you made an application for review relating to this premises before 

If yes please state the date of that application

\_\_\_\_\_

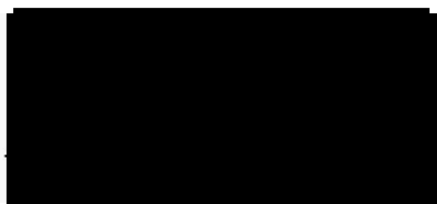
**If you have made representations before relating to this premises please state what they were and when you made them****No previous representations made.****Please tick yes**

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

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

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

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



.....  
Date      20/08/2024  
.....

Capacity    Trading Standards Officer acting on behalf of Southwark Council  
.....

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

<b>Post town</b>	<b>Post Code</b>
------------------	------------------

<b>Telephone number (if any)</b>
----------------------------------

<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>
---

**Notes for Guidance**

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

# Licensing Act 2003 Premises Licence



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

Premises licence number

881877

## Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Dennis Wines 141 Jamaica Road London SE16 4SH	
Ordnance survey map reference (if applicable), 534339179489	
<b>Post town</b> London	<b>Post code</b> SE16 4SH
<b>Telephone number</b>	

Where the licence is time limited the dates

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

The opening hours of the premises
For any non standard timings see <b>Annex 2</b>

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	
<b>Sale by retail of alcohol to be consumed off premises</b>	
Monday	08:00 - 23:00
Tuesday	08:00 - 23:00
Wednesday	08:00 - 23:00
Thursday	08:00 - 23:00
Friday	08:00 - 23:00
Saturday	08:00 - 23:00
Sunday	10:00 - 22:30

## Part 2

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

Kavirach Nagarajah



**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**

Kavirach Nagarajah

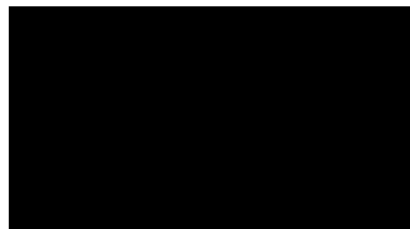


**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence No. [REDACTED]

Authority. [REDACTED]

Licence Issue date 04/12/2023



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 means:

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

The above restrictions do not prohibit:

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

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

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

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



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

**Annex 4 - Plans - Attached**

Licence No. 881877  
Plan No. N/A  
Plan Date May 2005

<b>To:</b> Licensing Unit	<b>From:</b> Wesley McArthur <a href="mailto:wesley.mcarthur@southwark.gov.uk">wesley.mcarthur@southwark.gov.uk</a> 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	<b>Date:</b> 12 September 2024
<b>Subject:</b>	Representation	
<b>Act:</b>	The Licensing Act 2003 (the Act)	
<b>Premises:</b>	Dennis Wines, 141 Jamaica Road, London, SE16 4SH	
<b>Ref:</b>	<b>883894</b>	
<b>Location ID:</b>	200817	
<b>Ward:</b>	North Bermondsey	

We support the application submitted by this council's Trading Standards service for the review of the premises licence issued under The Licensing Act 2003 (the Act) in respect of the premises known as Dennis Wines, 141 Jamaica Road, London, SE16 4SH.

### 1. The application

The application relates to all of the licensing objectives, but in particular the prevention of crime and disorder and the protection of children from harm licensing objectives. The grounds for the review in the application are as follows (copied verbatim):

*"This matter is brought by Trading Standards as a responsible authority under the Licensing Act 2003 in respect of all the licensing objectives but most specifically under the prevention of crime and disorder and the protection of children from harm. The facts of the matter are as follows.*

*This matter concerns several pieces of legislation but is primarily concerned with the sale of alcohol to a minor. On Saturday 15th June 2024 officers with the London Borough of Southwark Trading Standards Team were undertaking an underage sales exercise using a 15 year old male volunteer. A sale of a 500ml bottle of Fullers Bengal Lancer Ale 5.4% ABV was made to the 15 year old volunteer for £2.50, no questions asked. A total of 14 attempted test purchases were made that day using this volunteer and this was the only sale that was made. All other premises refused.*

*The sale was witnessed by the Licensing Team Leader, Bina PATEL and there were no questions asked of the volunteer such as "Do You Have Any ID?" The sale was made by the owner of the business Mr Kavirach NAGARAJAH. A full inspection was made of the premises immediately after the sale by Mr Ray MOORE, a Principal Trading Standards Enforcement Officer, accompanied by Bina PATEL who confirmed the identity of the seller as Mr Kavirach NAGARAJAH. Mr MOORE found 10 illegal vapes on the premises which exceeded the maximum capacity of the tank size. There were also 21 x 200ml bottles of Alomo Bitters which appeared to have been smuggled without payment of duty. He formally requested traceable invoices for these items which have not been provided. He also requested invoices for a case of 24 x 500ml cans of Karpackie 9% ABV lager and an invoice was produced dated 20/02/2024 from Euro Wines, 5-9 Creekside, Depford, SE8 4SA.*

*Mr MOORE wrote out a seizure notice regarding the above matters number 3587. He also wrote out an Age-Related Products Notice number A051. This recorded the following further offences at the time of the visit:-*

- *The tobacco gantry was open, and the tobacco products were clearly openly on display to the public.*
- *There was no A3 statutory notice stating that tobacco products can't be sold to under 18-year-olds.*
- *There were two opened packets of cigarettes on the till which is usually a sign that single cigarettes are being sold.*

*As well as the above criminal matters good practice matters were also looked at. The underage sale offence carries a due diligence style defence as it is an absolute offence (strict liability). However, as the sale was made by the owner he would not be able to apply such a defence. It should be noted that he employs one person in the business, S [REDACTED] F [REDACTED]. There were no training records for this person. There was no refusals register.*

*The police found a knife behind the counter. The premises licence has few conditions on it which was initially issued when the new Licensing Act 2003 came into force in 2005.*

*The following offences were discovered at the time of the visit:-*

*Licensing Act 2003, Section 146(1) – sale of alcohol to a minor (15 year old male)*

*Licensing Act 2003, Section 144 – keeping of smuggled goods on the premises? (Alomo Bitters)*

*Consumer Protection from Unfair Trading Regulations 2008, regulation 12 and paragraph 9, schedule 1 – giving the impression that a product can legally be sold when it cannot? (Alomo Bitters)*

*Tobacco and Related Products Regulations 2016, regulation 36(3) and 46(d); - illegal vapes with excess tank capacity*

*Food Safety and Hygiene (England) Regulations 2013 – failure to provide traceable invoices for a food product (alcohol-Alomo Bitters)*

*Children and Young Persons (Protection from Tobacco) Act 1991, section 4 – not displaying A3 statutory notice*

*Tobacco Advertising and Promotion Act 2002, Tobacco Advertising and Promotion (Display) Regulations 2012, section 7A(1) - tobacco openly displayed to the public*

*Mr NAGARAJAH came in for an interview under caution on 29th July 2024. He stated that he was the owner of the business and that he had made the sale. He said that the volunteer had a hood up and that he should have asked him to lower it in order to assess his age. He said that he hadn't got an invoice for the alcohol as he hadn't paid for it yet. He also said that the alcohol and vapes were brought to the shop by companies delivering these things and again he had no invoices for the vapes as well as the alcohol. He apologised for what had happened.*

*It should be noted that an underage sale was made by Mr NAGARAJAH of a vape on 15th February 2024. This test purchase was made after a complaint made to this*

*office by a member of the public stating that he was selling vapes to teenagers on the estate where the shop is. He was interviewed under caution on 13th March 2024 and signed a simple caution for the offence along with offences relating to illegal vapes and a quantity of illicit tobacco that was seized. This visit came about as a result of a complaint from a member of the public that vapes were being sold from the shop openly to teenagers from the local estate where the shop is located.*

*A further test purchase was attempted on 6th June 2024 (again of a vape by a different 15 year old male). The volunteer was told by the person behind the counter that he didn't know him and he should try somewhere else. Shortly after the test purchase on the 15th June 2024 a further complaint was received by this office about vapes being sold to local teenagers.*

*All options are open to the Licensing Sub-committee regarding these matters including imposing conditions and / or suspending or revoking the licence. Trading Standards would ask that the licence be revoked but can supply a list of conditions should the LSC choose to take a different route."*

## **2. The premises licence**

The premises licence (number 881877) allows for the provision of the following licensable activities as stated:

### **The sale of alcohol to be consumed off the premises –**

Monday – Saturday:           08:00 – 23:00

Sunday:                         10:00 – 22:30

There are no standard opening hours in respect of the premises licence.

## **3. Operating history**

The premises licence was originally issued to a Senay Donmez on 06 August 2005.

The licence was transferred to the current licensee, Kavirach Nagarajah, on 13 November 2023.

On 04 December 2023 Kavirach Nagarajah was specified as the designated premises supervisor (DPS) regarding the licence.

On 09 January 2024 a licensing officer undertook an inspection of the premises and found the premises to be being operated compliantly.

No complaints have been received by the Licensing Unit regarding the operation of the premises.

## **4. Possible outcomes**

The licensing sub-committee may choose to:

1. Take no further action
2. Impose further conditions

3. Curtail or remove licensable activities
4. Remove the DPS from the premises licence
5. Suspend the premises licence for a period of up to 3 months
6. Revoke the premises licence

## **5. Reasons for supporting the review application**

An offence under the Act has taken place at the premises, to wit, the sale of alcohol to an individual aged under 18. Section 146 (1) of the Act states:

- **“146 Sale of alcohol to children**  
*(1) A person commits an offence if he sells alcohol to an individual aged under 18.”*

It is also likely that an offence under section 144 (1) of the Act has taken place, to wit, the keeping of smuggled goods on the premises. Section 144 (1) of the Act states:

- **“144 Keeping of smuggled goods**  
*(1) A person to whom subsection (2) applies commits an offence if he knowingly keeps or allows to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.”*

In addition to the offences above, offences under other legislation have been witnessed and / or are alleged.

We say that, although there has only been one failed test purchase regarding the sale of alcohol (which relates to the Act and is therefore the primary concern to the licensing sub-committee) the other failed test purchases regarding age restricted products **show an ongoing and persistent pattern of behaviour** in that the licensee consistently sells high risk products to underage individuals **even after being warned about such activities**.

Given the established pattern of behaviour, we say that it is **highly likely** that previous sales of alcohol to underage individuals have taken place at the premises, and that if the licensee had not been subject to a failed test purchase, such sales would have continued.

We contend that it is likely that alcohol sales to underage individuals will take place at the premises should the premises licence remain in place at the premises.

The licensee is also the DPS, and so we say that removing the DPS from the licensee will have no affect on reducing the likelihood of underage sales at the premises.

**We therefore support the Trading Standards service’s recommendation that the premises licence be revoked.**

If, however, the licensing sub-committee does not choose to revoke the premises licence then we would seek that robust conditions are imposed on the premises licence. Because we support revocation of the premises licence, we do not think it is appropriate to provide a schedule of proposed conditions prior to the hearing, but will be happy to discuss recommended conditions at the hearing.

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer

**List of Premises Shown On Map**

**Londis / Post Office, 156-158, Jamaica Road, SE16 4RT, licensed for:**

- The sale by retail of alcohol (off the premises)
  - Monday to Saturday from 08:00 to 23:00, Sunday from 10:00 to 22:30

**Local Express, 154, Jamaica Road, SE16 4BD, licensed for:**

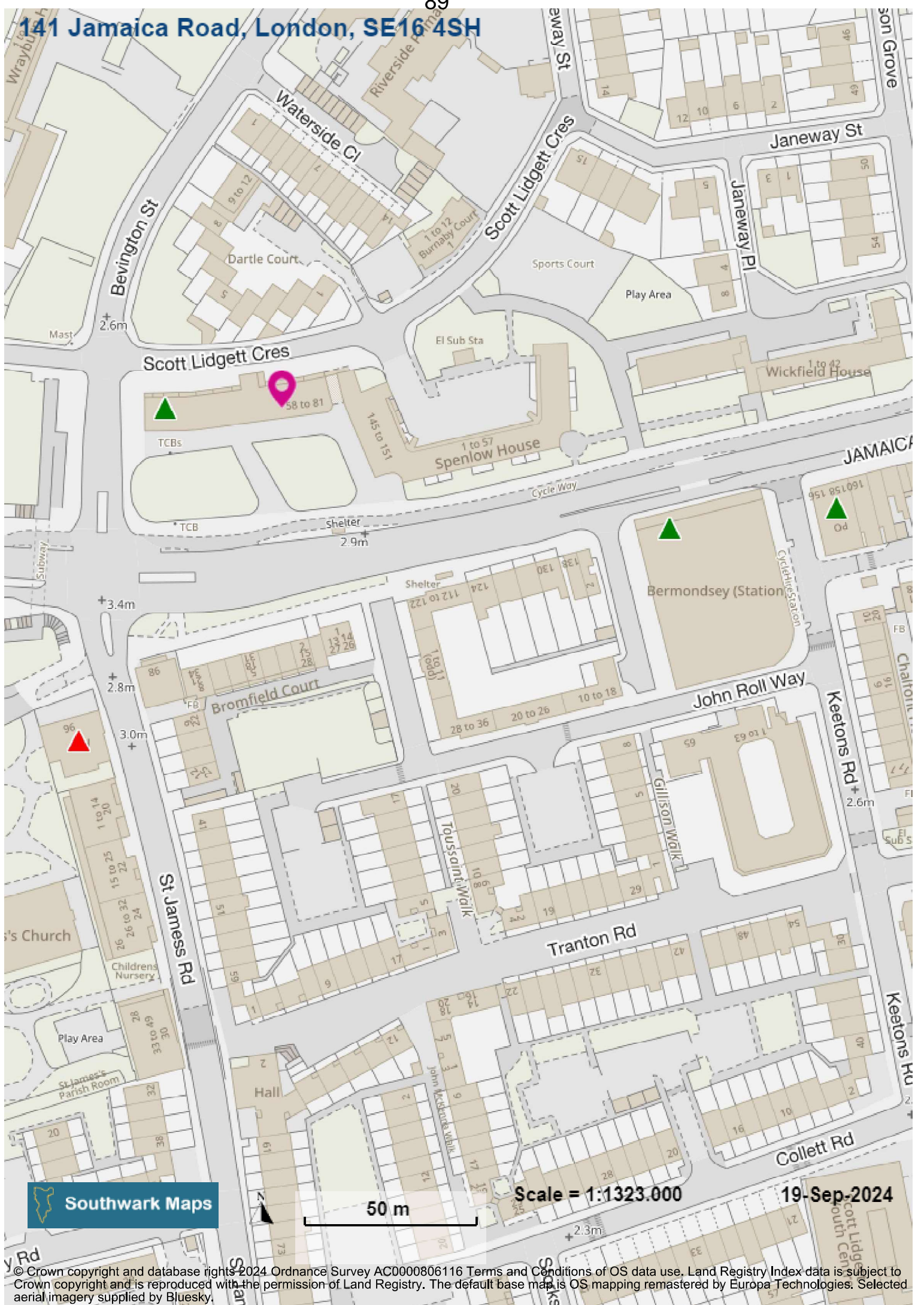
- The sale by retail of alcohol (off the premises)
  - Monday to Sunday 00:00 to 00:00
- Opening hours
  - Monday to Sunday 00:00 to 00:00

**The Gregorian, 94A-96 Jamaica Road, SE16 4SQ, licensed for:**

- Live music (indoors)
  - Monday to Thursday from 11:00 to 23:00, Friday and Saturday from 11:00 to 00:00, Sunday from 12:00 to 22:30
- Recorded music (indoors)
  - Monday to Thursday from 11:00 to 00:00, Friday and Saturday from 11:00 to 01:00, Sunday from 12:00 to 22:30
- The sale by retail of alcohol (on and off the premises):
  - Monday to Thursday from 11:00 to 00:00, Friday and Saturday from 11:00 to 01:00, Sunday from 12:00 to 22:30
- Opening hours
  - Monday to Thursday from 11:00 to 00:30, Friday and Saturday from 11:00 to 01:30, Sunday from 12:00 to 23:00



# 141 Jamaica Road, London, SE16 4SH



Southwark Maps

50 m

Scale = 1:1323.000

19-Sep-2024



This page is intentionally blank.

**LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2022-23**

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

Name	No of copies	Name	No of copies
<b>Members</b>		<b>Officers (by email only)</b>	
Councillor Renata Hamvas (Chair)	1	Debra Allday, legal team	
Councillor Sunil Chopra	1	Toyin Calfos, legal team	
Councillor Jane Salmon	1	Charlotte Precious, legal team	
		Andrew Heron, licensing team	
<b>Reserve</b>		Jayne Tear, licensing team	
Councillor Sunny Lambe	1	Wesley McArthur, licensing team	
		Ken Andrews, environmental protection team	
		Farhad Chowdhury, health and safety team	
		Yemisi Forrest, trading standards team	
		P.C. Mark Lynch, Metropolitan Police Service	
		Andrew Weir, constitutional team	
		<b>Total printed copies: 4</b>	
		<b>Dated: 1 October 2024</b>	