



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Thursday 25 September 2025 at 10.00 am at Innovation Space, Ground Floor, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Renata Hamvas (Chair)
Councillor Dora Dixon-Fyle MBE
Councillor Margy Newens

**OTHER
AUTHORITIES
PRESENT:** P.C. Mark Lynch, Metropolitan Police Service
P.C. Maria O'Mahoney, Metropolitan Police Service
P.C. Lorena Haughey, Metropolitan Police Service

**OFFICER
SUPPORT:** Debra Allday, legal officer
Wesley McArthur, licensing officer
Andrew Heron, licensing responsible authority officer
Charlie Jerrom, trading standards officer
Andrew Weir, constitutional officer

1. APOLOGIES

The chair explained to the participants and observers how the meeting would run.

Everyone then introduced themselves.

There were no apologies for absence.

2. CONFIRMATION OF VOTING MEMBERS

The voting members were confirmed verbally.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: THE GRAND LOUNGE, FIRST FLOOR, 777 OLD KENT ROAD, LONDON SE15 8 1NZ

It was noted that this item had been conciliated.

6. LICENSING ACT 2003: PECKHAM FOOD AND WINE, 176 PECKHAM HIGH STREET, LONDON SE15 5EG - TRANSFER APPLICATION

The licensing officer presented their report. Members had no questions for the licensing officer.

The applicant and their legal representative addressed the sub-committee. Members had questions for the applicant and their legal representative.

The officer from the Metropolitan Police Service addressed the sub-committee. They advised that they would be calling the trading standards officer (the applicant for the review for item 7 on the agenda) and two other police officers as witnesses. Members had questions for the police officer and their witnesses.

Both parties were given up to five minutes for summing up.

The meeting adjourned at 12.33pm for the sub-committee to consider its decision.

The meeting reconvened at 1.50pm and the chair advised everyone present of the decision.

RESOLVED:

That having considered the objection notice submitted by the Metropolitan Police Service relating to the application submitted by The Peckham Food Point Ltd to transfer a premises licence under the Licensing Act 2003, in respect of the premises known Peckham Food & Wine, 176 Peckham High Street, London SE15 5EG, the licensing sub-committee has granted the transfer application.

Reasons

This was an application made by The Peckham Food Point Ltd for the transfer of the premises licence in respect of Peckham Food & Wine, 176 Peckham High Street, London SE15 5EG.

The application was made prior to a review of the premises licence of the Peckham Food & Wine premises, made by Peckham Food Point Ltd. Reference to the review application is pertinent to this transfer application and this decision should be read alongside to the decision of the review application and vice versa.

The representative for the applicant advised that the (current) licence holder, Mr Muhammed Baloch was in Pakistan tending to family matters. Due to the issues that had arisen, which resulted in the trading standards review application, he accepted that he was unable to run the business and remained in Pakistan. Mr Baloch had, therefore, approached the applicant, Mr Asif Ali offering to sell the business to him, which he accepted. Mr Ali formed the company Peckham Food Point Ltd, which he is the sole director of. The company is VAT registered, has its own business accounts and a valuation of stock has been carried out.

Only in exceptional circumstances could the police object to the transfer of the licence. It was asserted that there were no exceptional circumstances in this case. The evidence that the police had submitted to support its objection, was largely hearsay.

Both the police and trading standards had failed to provide information that resulted in Mr Ali being banned from the premises on 17 May 2022, however, this condition had been removed following variation application on 21 April 2023 (licensing sub-committee report, paragraph 27).

In any event, any caution or warning would be considered “spent” under the Rehabilitation of Offenders Act 1974 and The Exceptions Order 1975. Mr Ali was therefore of good character with no cautions or warnings against him. The licensing sub-committee heard from the police, who were of the view that there were exceptional grounds to transfer of the premises licence. The transfer application had been received after trading standards had submitted a Section 51 review due to concerns as to the operation of the premises and illegal items being stored and sold by the premises to members of the public. Numerous breaches of the licence had been witnessed, and staff had been employed without carrying out the correct right to work checks being carried out.

All the matters of concern had taken place whilst Mr Ali had been employed as the manager at the premises. He had been in charge of the day-to-day operations of the premises since 2023. Therefore, the police argued that Mr Ali had to accept a degree of responsibility for the premises, despite not being the designated premises supervisor.

During the period of the review application covered (1 March 2025 to 21 May 2025), Mr Ali was working the day shifts but was now working night shifts until the other employees had obtained their personal licences, in compliance with condition 101 of the premises licence.

It was the police’s contention that the transfer application did not provide the premises with any new management, and the police had no confidence in the director for the applicant to be the holder of the premises licence based on his poor management history.

The police also referred to paragraphs 94 and 95 of the Southwark statement of licensing policy (SoLP) which provided documented proof of transfer of the business/lawful occupancy of the premises (such as a lease), to the new proposed

licence holder to support the contention that the business was under new management control. No such documentation had been provided. The police were of the view that the business was not under new management control particularly given the applicant's director was still part of the management team. The transfer application circumvented the review process.

The representative for the applicant responded to the paragraphs 94 and 95 point and advised that the lease to the premises was in the process of being assigned to the applicant and in the meantime, the applicant was paying all the rent.

The police had brought several witnesses that supported their objection. The witnesses were the same as the officer had brought for the review application, being the trading standards officer and other police officers, who had attended the premises on various occasions. The sub-committee questioned the witnesses concerning the various licence breaches and inspections but was dissatisfied that Mr Ali had been present at the time of most of the breaches and nor had the majority of the warning letters been addressed to him:

- i. 6 March 2025: Notice of Powers and Rights to Occupier. Notice was addressed to the previous holder, Muhammed Baloch.
- ii. 6 March 2025: Age Restricted Products Business Report Form - addressed to the previous licence holder.
- iii. 16 March 2025: Notice of Seizure under Tobacco and related Products Regulations 2016 - addressed to the previous licence holder.
- iv. 20 March 2025: Warning letter concerning matters arising on 6 March 2025 addressed to the previous licence holder.
- v. 15 April 2025 - Age Restricted Products Business Report Form (Exhibit CAJ/PFW/01), this was addressed to the previous licence holder.
- vi. 29 April 2025: Section 9 Witness Statement of Charlie Jeromm.
- vii. 5 September 2025: Warning letter concerning matters from 30 August 2025 addressed to the previous designated premises supervisor, Mr Naseem Baluch.
- viii. 29 September 2025: Warning letter addressed to the previous licence holder.

The licensing sub-committee found only two of the documents produced were specifically relevant to Mr Ali:

- i. 30 August 2025: Book 963 Form: Notification of Licensing Act 2002 Offences. Identifies three licence condition breaches namely conditions, 342 (no signage), 4AI (refusals log- recordings inputted to different person who received the sale) and 349 (no training records relating to dispersal). This

appeared to be signed by Asif Ali.

- ii. 5 September 2025: Warning letter concerning matters from 30 August 2025 addressed to Asif Ali.

Of note, condition 342 relates to Challenge 25, but had been specified on the Book 963 form as “signage”. Because of the inconsistency, the sub-committee were dissatisfied with the evidence produced for the breach of this condition.

The licensing sub-committee felt it disproportionate to refuse the licence transfer on two breaches, which could be satisfactorily addressed with additional training.

Asif Ali had been on the premises but was ultimately responsible for any breaches. Identifying whom Notices and warning letters were served on demonstrated to the sub-committee that Mr Ali had neither been on the premises on each occasion when breaches were witnessed, nor had Notices all been served on him. After establishing this, the sub-committee questioned the role that Mr Ali did have. It was explained by the applicant’s representative that Mr Ali was the manager of the premises and was in charge of the day-to day running of the shop.

The licensing sub-committee were referred to paragraph 10.27 of the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 (February 2025), that provides:

“The main purpose of the ‘designated premises supervisor’ as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder”.

Given that Mr Ali was not the designated premises supervisor, he could not be held “ultimately responsible” for the premises shortcomings.

Concerning the failure to produce the documents as per paragraphs 94 and 95 SoLP, the sub-committee were advised that these were in the hands of the Applicant’s conveyancing solicitors and awaiting approval from the council’s property services. The position was accepted with no evidence to the contrary.

The licensing sub-committee did accept that the reason why the police objected to the transfer, however upon scrutiny, the evidence did not come up to proof. In the circumstances, the sub-committee were of the view that there were no exceptional circumstances that the business (applicant) or individual (Mr Ali) are linked or involved in crime or disorder and undermine the licensing objectives.

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

Appeal rights

The applicant may appeal against any decision:

- a) To refuse the application to transfer the premises licence
- b) To refuse the application to specify a person as premises supervisor.

Any person who submitted a relevant objection in relation to the application who desire to contend that:

- a) That the application to transfer the premises licence ought not to be been granted or
- b) That the application specify a person as premises supervisor ought not to be been granted

May appeal against the decision.

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

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

The licensing officer presented their report. Members had no questions for the licensing officer.

The trading standards officer, the applicant for the review, addressed the sub-committee. Members had questions for the trading standards officer. The legal representative for the licensee also had questions.

The officer from the Metropolitan Police Service, supporting the review, addressed the sub-committee. Members had questions for the police officer.

The licensing responsible authority officer addressed the sub-committee. Members had questions for the licensing responsible authority officer. The legal representative for the licensee also had questions.

The licensee and their legal representative addressed the sub-committee. Members had questions for the licensee and their legal representative.

All parties were given up to five minutes for summing up.

The meeting adjourned at 3.05pm for the sub-committee to consider its decision.

The meeting reconvened at 3.56pm and the chair advised all parties of the decision.

RESOLVED:

That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 submitted by trading standards for the review of the premises licence issued in respect of Peckham Food & Wine, 176 Peckham High Street, London SE15 5EG, and having had regard to all relevant representations, has decided to suspend and modify the premises licence.

Conditions

1. That the premises licence shall be suspended for eight weeks.
2. That a personal licence holder shall be on the premises at all times when alcohol is sold.
3. That Muhammad Baloch and Naseem Baluch shall be banned from the premises.

Reasons

This was an application made by trading standards for the review of the premises licence in respect of Peckham Food & Wine, 176 Peckham High Street, London SE15 5EG. The review application was submitted in respect of the prevention of crime and disorder, and the protection of children from harm, licensing objectives.

The application was made following an application for the transfer of the premises licence of the Peckham Food & Wine premises, made by Peckham Food Point Ltd which was granted by the licensing sub-committee.

Reference to the transfer application is pertinent as the facts of the review application was the reason for the police objection to the transfer. The application was made prior to a review of the premises licence of the Peckham Food & Wine premises, made by Peckham Food Point Ltd. Reference to the decision for the transfer application should therefore be read alongside this decision for the review application and vice versa.

In summary the trading standards application was on the basis that on 6 March 2025 officers from trading standards team and the Night-Time Economy (NTE) police team, inspected the premises following a complaint that on 03 March 2025 concerning an underage sale being made. The inspection identified a number of breaches of the licence:

- i. Condition 289 (retention of CCTV made immediately available to authority officers)

- ii. Condition 4AB (staff training records regarding underage sales not made available to by an employee at the premises).
- iii. Condition 348 (operational EPOS or POS).
- iv. Condition 840 (surrender of premises licence number 880978).

During the visit neither the owner, Muhammed Baloch nor the designated premises supervisor, Naseen Baluch were present. A member of staff was behind the till and was later joined by Mr Asif Ali, the manager of the shop.

Officers also found a total of 400 cigarettes at the premises, that were seized under the Tobacco and Related Products Regulations 2016 due to the packets appeared to be for the Nigerian market and displayed foreign health warnings and the supply of these being contrary to the UK regulations. Mr Ali claimed these cigarettes were his, however they were found at the premises in a black bag under the counter. Under the Tobacco and Related Products Regulations 2016, a person supplies a tobacco product if, in the course of a business, the person possesses it for supply.

On 8 March 2025 at 00:14am, the premises was witnessed allowing customers into the premises to purchase goods in breach of condition 340 (between 00:00 to 06:00 hours all alcohol and convenience sales to be made via a window hatch/no admittance to the premises by members of the public during these times).

On 15 March 2025, officers attended the premises and at 00:45 witnessed a number of people inside purchasing items, in breach of condition 340. A subsequent compliance check of the previous breached conditions was carried out and found further breaches:

- i. Condition 100 (no supply of alcohol when there is no DPS).
- ii. Condition 101 (all alcohol sold by, a person who holds a personal licence or authorised by one).
- iii. Condition 289 (EPOS) all CCTV footage kept for thirty-one (31) days and made immediately available on request).
- iv. Condition 336 (a minimum of one (1) personal licence holder between the hours of 00:00 and 06:00).
- v. Condition 340 (sales between 00:00 and 06:00 to be made via a window hatch).
- vi. Condition 341 (CCTV must be available to view or download to a removable storage device, at the immediate request).

A warning letter addressed to Muhammed Baloch and hand delivered to the premises on 21 March 2025.

On 15 April 2025 trading standards carried out an underage sales test purchasing at the premises and a disposable nicotine inhaling product was sold to a 17 year old volunteer by a member of staff at the premises contrary to the nicotine Inhaling products (Age of Sale and Proxy Purchasing) Regulations 2015. The seller did not ask for proof of age nor did the member of staff make any checks on the purchaser's age. An age restricted products checklist was completed and found:

- i. No A3 sized tobacco warning statement notice on display (Regulation 4 Children and Young Persons (Protection from Tobacco) Act 1991).
- ii. One of the two sliding doors on the tobacco display cabinet was open so that tobacco products could be seen by members of the public (Section 7A(1) Tobacco Advertising and Promotion Act 2002).
- iii. Behind the counter there was an open packet of cigarettes with five sticks inside it, indicative of the sale of single unpackaged cigarettes (Regulation 3 Children and Young Persons (Protection from Tobacco) Act 1991).
- iv. 58 vapes containing nicotine found on display and behind the counter were seized for non-compliance (Tobacco and Related Products Regulations 2016), with non-English language labelling and exceeded the 2ml tank size, which a single use vaping device is allowed.

The licensing sub-committee heard from the police who supported the review application. For the purposes of this notice of decision only, the police evidence was primarily addressed in the notice of decision for the transfer application.

Having transferred the licence to Peckham Food Point Ltd, the licensing sub-committee heard from the representative for the current licence holder who stated that the breaches had occurred when the premises was under the previous ownership of Muhammed Baloch. The review application was limited in time (between 1 March 2025 and 21 May 2025), there had been no persistent underage sales, nor other failed test purchases, nor any pending prosecution(s).

Neither Peckham Food Point Ltd nor Mr Ali were responsible for the breaches that had occurred. Mr Ali was not the controlling mind of the operation as suggested by the police. Mr Ali's responsibility was limited to the possession of the Nigerian cigarettes that were on the premises on 6 March 2025.

The sub-committee could deal with the review application by way of a suspension and additional conditions being added to the premises licence. It was asserted that moving forward Peckham Food Point Ltd and Mr Ali had all the necessary training and qualifications that would ensure that the premises would be run in compliance with the premises licence in the future.

The options available to this sub-committee were:

- i. **Take no action.** The licensing sub-committee found a significant number of breaches have taken place and taking no action was not an option.
- ii. **Revoke the licence.** The licensing sub-committee too the view that the revocation of the licence would on this occasion be too draconian and disproportionate to the matters alleged.
- iii. **Exclude a licensable activity.** It was possible to excluded from the licence the sale of the sale of alcohol and prohibit the sale of all tobacco and all nicotine Inhaling products. However, it was considered the permanent exclusion of these products was determined to be disproportionate.
- iv. **Remove the designated premises supervisor.** Having just determined the transfer, this step was considered unnecessary.
- v. **Suspend the licence.** Because the transfer applications had just been determined, and the newly appointed designated premises supervisor had been an employee when the breaches had been carried out, it was felt that the suspension of the licence was an appropriate course of action. The suspension of the licence would also allow the designated premises supervisor time to overhaul the management and procedures of the business, and for staff to complete additional training and allow them to complete their personal licence training and obtain their personal licence certificates. The period of suspension was therefore felt justified in the circumstances.
- vi. **Modify the premises licence.** The additional conditions set out in this notice of decision reinforced the matters that concerned the sub-committee and would ensure compliance of the premises in the future.

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

Appeal rights

This decision is open to appeal by either:

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

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

This decision does not have effect until either:

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

The meeting ended at 4.01pm.

CHAIR:

DATED: