

**From:** "Newman, Paul" <[Paul.Newman@southwark.gov.uk](mailto:Paul.Newman@southwark.gov.uk)>  
**Date:** 6 May 2021 at 10:36:39 BST  
**To:** "Beswick, Claire" <[Claire.Beswick@southwark.gov.uk](mailto:Claire.Beswick@southwark.gov.uk)>  
**Cc:** "Regen, Licensing" <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>, "Tear, Jayne" <[Jayne.Tear@southwark.gov.uk](mailto:Jayne.Tear@southwark.gov.uk)>

**Subject: RE: New Premises 176 Peckham High Street**

Dear Licensing Team

**Application for a premises licence to be granted under the Licensing Act 2003  
Ref No. 1665267**

**Off sales of alcohol at 176 Peckham High Street.**

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

The application is for off sales of alcohol until 3am in the morning, in a cumulative impact area. The hours applied for are outside the policy hours that would normally be considered acceptable, but only in an area that is not already saturated with public nuisance fuelled by alcohol sales.

Any increase in alcohol sales in the already saturated cumulative impact area, especially outside of licensing policy hours, is likely to contribute to a cumulative impact on public nuisance from street drinking, drunkenness, street fouling, and rowdy conduct in the street, particularly during the night and late evening.

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

Kind regards

**Paul Newman**  
**Team Leader - Environmental Protection Team**  
**Project Manager – Walworth LEN**

Ext: 53551

Environmental Protection Team, Regulatory Services, Environment, Leisure and Public Health

Tooley Street 3rd Floor Hub 1

----- Forwarded message -----

From: **Muzaffar Ahmad**

Date: Tue, 11 May 2021 at 16:15

Subject: Re: New Premises 176 Peckham High Street

To: aziz umer

Dear Paul,

Thank you for your email.

I apologise for not highlighting and addressing enough the issue regarding the potential cumulative impact of the proposed license, but I have considered it greatly as I do live in the area with my family and has been for many years.

Please note the following points;

1. Business is a small grocery shop serving the local community for a couple of years now,
2. Grocery, confectionary and fresh vegetables will be the main focus of the business,
3. There is a demand for alcoholic drinks by our local regulator customers,
4. Majority of our customer are residents,
5. We will be vigilant and decline the sale of alcohol to drunk customers,
6. Decline sale to customers which we notice drink on street or become rowdy,
7. Won't do any promotions/deals on alcoholic drinks after 11:00,
8. Won't be allowing customers to hang around in or outside the shop,
9. Will display courtesy notices for the customer to enter, leave shop and locality quietly,
10. Will engage with customers for a better understanding and to avoid any nuisance in the locality,
11. Will monitor and record any events/issues and report them to relevant authorities if necessary,
12. other licensed shops in the locality are operating by 1:00 am.

We are open to your suggestion and recommendations. In light of your objections, we are willing to reduce our hours of operations to 1:00 am instead of 3:00 am

Please contact me if you have any query.

Kind regards,

Aziz Umer

**From:** Newman, Paul <[Paul.Newman@southwark.gov.uk](mailto:Paul.Newman@southwark.gov.uk)>

**Sent:** Tuesday, May 25, 2021 3:56 PM

**To:** Beswick, Claire <[Claire.Beswick@southwark.gov.uk](mailto:Claire.Beswick@southwark.gov.uk)>

**Cc:**

**Subject:** RE: New Premises 176 Peckham High Street

Hi Claire

Further to the email received, I have the comments below on the reply to my representation

Kind regards

1. Business is a small grocery shop serving the local community for a couple of years now,

NOTED, BUT IT MAKES NO DIFFERENCE TO THE LICENSING POLICY ON CUMMULATIVE IMPACT.

2. Grocery, confectionary and fresh vegetables will be the main focus of the business, THE EPT OBJECTION IS ONLY CONCERNED WITH THE IMPACT OF THE SUPPLY OF ALCOHOL.

3. There is a demand for alcoholic drinks by our local regulator customers, DEMAND IS NOT RELEVANT TO CUMMULATIVE IMPACT

4. Majority of our customer are residents, THIS IS AN ADMISSION THAT THERE IS A MINORITY OF CUSTOMERS WHO ARE NOT RESIDENTS THAT WILL CONTRIBUTE TO THE CUMMULATIVE IMPACT

5. We will be vigilant and decline the sale of alcohol to drunk customers, YOU ARE REQUIRED TO DO THIS ANYWAY

6. Decline sale to customers which we notice drink on street or become rowdy, THIS WILL ONLY AFFECT IMPACT IN THE IMMEDIATE VICINITY OF THE SHOP, CUMMULATIVE IMPACT IS INTENDED TO PREVENT THE CREEPING ADDITIONAL IMPACT THAT IS NOT ATTRIBUTABLE TO PARTICULAR PREMISES, ONCE THE PATRONS ARE OUT OF IMMEDIATE VICINITY

7. Won't do any promotions/deals on alcoholic drinks after 11:00, NOTED, BUT THIS ONLY PREVENTS THE CUMMULATIVE IMPACT FROM BEING EVEN WORSE, AND IS NOT RELEVANT TO THE BASE LEVEL OF LIKELY CUMULATIVE IMPACT THAT THE OBJECTION SEEKS TO PREVENT

8. Won't be allowing customers to hang around in or outside the shop, THIS IS LIKELY TO HAVE ONLY A MINIMAL IMPACT OF THE CUMMULATIVE IMPACT AS FOR REPLY TO POINT 7 ABOVE

9. Will display courtesy notices for the customer to enter, leave shop and locality quietly, YOU SHOULD BE DOING THIS ANYWAY

10. Will engage with customers for a better understanding and to avoid any nuisance in the locality,

IT IS NOT CLEAR WHAT THIS WOULD MEAN IN PRACTICE

11. Will monitor and record any events/issues and report them to relevant authorities if necessary,

THIS IS ABOUT PREMISES MANAGEMENT, AND ALL PREMISES ARE EXPECTED TO BE WELL RUN AND MANAGED

12. other licensed shops in the locality are operating by 1:00 am.

THE WHOLE POINT OF CUMMULATIVE IMPACT AREAS IS TO ACKNOWLEDGE THAT THE AREA IS ALREADY AT SATURATION POINT, AND INCREASING LICENSABLE SUPPLY FURTHER IN THE LOCAL AREA WILL BE UNACCEPTABLE

**Paul Newman**

**Team Leader - Environmental Protection Team**

**Project Manager – Walworth LEN**

Ext: 53551

Environmental Protection Team, Regulatory Services, Environment, Leisure and Public Health

Tooley Street 3rd Floor Hub 1



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](mailto:SouthwarkLicensing@met.police.uk)

[Graham.S.White@met.police.uk](mailto:Graham.S.White@met.police.uk)

**Our** MD/21/123/21  
**reference:**

**Date:** 19<sup>th</sup> May 2021

Dear Sir/Madam

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

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

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

Peckham has a considerable amount of licensed premises including a high number of off licence style premises. The area has a large problem with street drinking and alcohol abuse and the associated crime and disorder. The hours applied are 0700hrs to 0300hrs seven days a week which are considerably outside that recommended in the Statement of Licensing policy.

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

The premises is owned by Southwark council and a lease agreement is in place with a Muhammed Islam who was a director of Peckham food and wine ltd in 2017. Mr

Safeer Shah is a current director and has been since 2017 who was the previous licence holders.

It appears from a land registry search that the premises has been sub leased to the new applicant. This indicates that the previous licence holder still has a controlling interest in the premises. No documentation has been submitted showing how long the lease is for or copies of the lease. This would indicate that if the licence is granted the previous management could reclaim the use of the premises and circumvent the revocation and appeals process.

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

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

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

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

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

1. No alcohol to be stored or displayed within 2 metres of the entrance/exit unless behind the staff counter.
2. All alcohol sales shall be sold in sealed containers for consumption away from the premises.
3. No beers / ciders in single cans, bottles or multi-packs with an ABV of above 6.5% will be displayed / sold or offered for sale from the premises.
4. That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises
5. All CCTV footage be kept for a period of 31 days and shall on request be made immediately viewable and available to officers of the police and the council.
6. A member of staff should be on duty at all times the premises is open that is trained in the use of the CCTV and able to view and download images to a removable device on request of Police or council officer.
7. That all staff are trained in their responsibilities under the licensing act 2003 and training records to be kept and updated every 6 months and shall, upon

request, be made immediately available to Officers of the Police and the Council.

If opening hours are granted outside the sale of alcohol then the following condition should be placed on the licence, to avoid confrontation with customers.

8. When the premises are open to the public and the licence is not in operation. All alcohol shall be stored in a locked cabinet/cooler, behind a lockable blind or behind the counter.

Submitted for your consideration.

Yours Sincerely

PC Graham White 2288AS  
Licensing Officer  
Southwark Police Licensing Unit  
[Graham.S.White@met.police.uk](mailto:Graham.S.White@met.police.uk)

# MEMO: Licensing Unit

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To Licensing Unit Date 24 May 2021  
From Jayne Tear  
Email jayne.tear@southwark.gov.uk

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Subject Peckham Food and Wine, 175 Peckham High Street, London, SE15 5EG  
- Application for a premises licence

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

- Supply of alcohol (off the premises) on Monday to Sunday from 07:00 to 03:00
- Overall opening times shall be on Monday to Sunday from 07:00 to 03:00

The premises is described with in the application as *'it's the convenience shop supplying the daily use items such as groceries and other items that are used on daily bases.want to add additional services such as selling alcohol that's why applying for the premises licenses'*.

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

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

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

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

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

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

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

### **Prevention of Crime and disorder**

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

### **Protection of Children from Harm**

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

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

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

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

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

Further to this the application has asked for in excess of that which is appropriate within the licensing policy and the application has not adequately addressed the licensing objectives.

Should the licensing sub- committee be of a mind to grant a premises licence, in the interest of promoting the licensing objectives I recommend that the opening hours and as such the licensable activities are brought in line with the policy and that the following conditions are added to the premises licence:

### **Amendment of hours**

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

### **Conditions**

- All ‘off sales’ of alcohol shall be provided in sealed containers and taken away from the premises.

- That clear legible signage shall be prominently displayed where it can be easily seen and read, requesting that 'off sales' of alcohol are not be opened and consumed in the vicinity of the premises
- That a challenge 25 scheme shall be maintained at the premises requiring that staff selling alcohol request that any customer who looks under 25 years old, and who is attempting to purchase alcohol, provides valid photographic identification proving that the customer is at least 18 years old. Valid photographic identification is composed of a driving licence, passport, UK armed services ID card and any Proof of Age Standards Scheme (PASS) accredited card such as the Proof of Age London (PAL) card.
- That all staff involved in the sale of alcohol shall be trained in the prevention of sales of alcohol to underage persons, and the challenge 25 scheme in operation. A record of such training shall be kept / be accessible at all times and be made immediately available for inspection to council or police officers on request. The training record shall include the trainee's name (in block capitals), the trainer's name (in block capitals), the signature of the trainee, the signature of the trainer, the date(s) of training and a declaration that the training has been received.
- That clearly legible signs shall be prominently displayed where they can easily be seen and read by customers stating to the effect that a challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage shall be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times
- That a register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the challenge 25 policy. The register shall be clearly and legibly marked on the front cover as a register of refused sales, with the address of the premises and with the name and address of the licence holder. The register shall be kept/ be accessible at the premises at all times. The register shall be made immediately available for inspection at the premises to council or police officers on request.

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

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

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

## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 15 SEPTEMBER 2017

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

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

#### 2 **Reasons**

The reasons for this decision are as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 3 **Appeal Rights**

This decision is open to appeal by either:

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

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

This decision does not have effect until either

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

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

Date: 15 September 2017

**From:** Moore, Ray <[Ray.Moore@southwark.gov.uk](mailto:Ray.Moore@southwark.gov.uk)>  
**Sent:** Monday, May 24, 2021 5:14 PM  
**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
**Subject:** Application for a new premises license - 176 peckham High Street, SE15 5EG Ref 874643

As a responsible authority under the Licensing Act 2003, Trading Standards are in receipt of an application from Abdul Aziz UMER for a premises license for off sales only from 07:00hrs to 03:00hrs Monday to Sunday with opening times from 07:00hrs to 03:00hrs Monday to Sunday for a premises at 176 Peckham High Street, SE15 5EG This premises was previously subject to a review of its license on 15<sup>th</sup> September 2017 and the Licensing Sub Committee revoked the license. This matter went to the Magistrates Courts by way of appeal and the appeal was refused.

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

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

**Prevention of Crime and disorder –**

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

## **Protection of children from harm –**

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

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

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

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

Mr Ray MOORE from the Trading Standards Team with Southwark Council visited the premises with officers from the Night Time Economy Team on Friday 21<sup>st</sup> May 2021 and spoke with the applicant who was at the shop, (Mr Abdul Aziz UMER). He showed Mr MOORE some documents on his phone including a new “License to assign” dated 28<sup>th</sup> January 2020 which assigned the lease to Mr Muhammad Hayat BALOUCH of 1 Vicarage Grove, SE5 7LW.

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

David UMER

Abdul Aziz UMER

Abdul Aziz BALOUCH

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

Trading Standards make representations on the following basis:-

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

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

Ray MOORE

Principal Trading Standards Officer 24/05/2021