



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

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[southwarklicensing@met.police.uk](mailto:southwarklicensing@met.police.uk)  
[graham.s.white@met.police.uk](mailto:graham.s.white@met.police.uk)

**Our** MD/21/1004/22  
**reference:**

**Date:** 12th January 2022

Dear Sir/Madam

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

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 The premises was subject to a review by trading standards in 2017 and the licence was revoked in September 2017.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

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

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

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

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

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

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

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

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

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

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

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

Submitted for your consideration.

Yours Sincerely

PC Graham White 2288AS  
Licensing Officer  
Southwark Police Licensing Unit

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

**Sent:** Friday, January 14, 2022 10:27 AM

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

**Cc:**

**Subject:** Application for a new premises 176 Peckham High Street EPT's ref 968371

Dear Licensing Team

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

**Ref No. 876417**

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

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

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

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

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

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

Kind Regards

**Raymond Binya**

**Principal Environmental Protection Officer**

Environmental Protection Team

Tel: 020 7525 4809

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX

Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH

**From:** Moore, Ray <[Ray.Moore@southwark.gov.uk](mailto:Ray.Moore@southwark.gov.uk)>  
**Sent:** Monday, January 17, 2022 3:33 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, London, SE15 5EG Ref 1776674 / 876417

As a responsible authority under the Licensing Act 2003, Trading Standards are in receipt of an application from Mahammad Baloch for a premises license for off sales only from 07:00hrs to 23:00hrs Monday to Sunday with opening times from 07:00hrs to 23:00hrs Monday to Sunday for a premises at 176 Peckham High Street, SE15 5EG This premises was previously subject to a review of its license on 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.

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

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

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

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

Secondly, attached is a copy of the Notice of Decision from the Licensing Sub Committee on 22<sup>nd</sup> July 2021. APPENDIX B.

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

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

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

Ray MOORE  
Principal Trading Standards Enforcement Officer

**Moore, Ray**

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

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

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

This premises was previously subject to a review of its license on 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 [REDACTED]. The business was operated through a Limited Company, Peckham Foods and Wines Ltd (company number 06263942) Registered Office: Danmir Consultants, 170 Church Road, Mitcham CR4 3BW. There were three directors, [REDACTED].

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 [REDACTED].

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

David UMER

Abdul Aziz UMER

Abdul Aziz BALOUCH

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

Trading Standards make representations on the following basis:-

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

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

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

Ray MOORE

Principal Trading Standards Officer 24/05/2021

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| Regulatory Services

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

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

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

Need proof of age? Visit [www.southwark.gov.uk/pal](http://www.southwark.gov.uk/pal)

Need advice on consumer issues? Visit Citizens Advice via [www.direct.gov.uk/consumer](http://www.direct.gov.uk/consumer)



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

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## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 22 JULY 2021

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

##### 1. Decision

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

##### 2. Reasons

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

### **3. Appeal Rights**

The applicant may appeal against any decision:

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

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

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

may appeal against the decision.

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

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

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

Date 22 July 2021

## Trading Standards - Appendix C

**SOUTHWARK PARK ROAD, LONDON SE10 3RN**

[Meeting of Licensing Sub-Committee, Monday 10 November 2014 10.00 am \(Item 5.\)](#)  
[\(ieListDocuments.aspx?CId=172&MID=5021#A134809\)](#)

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**Minutes:**

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

Members had no questions for the licensing officer.

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

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

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

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

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

The meeting went into closed session at 11.02am.

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

### **RESOLVED:**

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

### **Reasons**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

### **Appeal rights**

The applicant may appeal against any decision

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

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

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

may appeal against the decision.

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



	mark and name – a registered trade mark of Glen Catrine Bonded Warehouse Limited <i>Contrary to Section 92(1)(b) of the Trade Marks Act 1994</i>
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### **Ministry of Justice guidance on simple cautions (issued 8<sup>th</sup> April 2013)**

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

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

### **Further information relating to certain cautions**

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

**Trading Standards** – CS&E, 3<sup>rd</sup> Floor Hub 2, PO Box 64529, London SE1P 5LX  
**Contact centre** - 020 7525 2000 **Website** - [www.southwark.gov.uk/tradingstandards](http://www.southwark.gov.uk/tradingstandards)  
**Strategic Director of Environment & Leisure** - Deborah Collins

# SOUTHWARK COUNCIL SIMPLE CAUTION (INDIVIDUAL)

## DECLARATION:

I have read and understand all this information.

I hereby declare that I (insert name)

[REDACTED]

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

NAME: [REDACTED]  
(Block capitals)

SIGNED: [REDACTED]

DATED THIS 01 DAY of Sept 2014

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

NAME: DAVID LITTLETON

SIGNED: [REDACTED]

DESIGNATION: Environmental Health & Trading Standards Business Manager

DATED THIS 22 DAY of SEPTEMBER 2014

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

# MEMO: Licensing Unit

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To Licensing Unit Date 17 January 2022

From Jayne Tear

Email jayne.tear@southwark.gov.uk

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENTS: NOD 15 September 2017  
NOD 22 July 2021

## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 15 SEPTEMBER 2017

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

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

#### 2 **Reasons**

The reasons for this decision are as follows:

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

### 3 **Appeal Rights**

This decision is open to appeal by either:

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

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

This decision does not have effect until either

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

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

Date: 15 September 2017

## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 22 JULY 2021

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

##### 1. Decision

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

##### 2. Reasons

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **3. Appeal Rights**

The applicant may appeal against any decision:

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

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

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

may appeal against the decision.

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

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

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

Date 22 July 2021

**From:** Jean Adams

**Sent:** Tuesday, January 25, 2022 4:50 PM

**To:** 'Graham.S.White@met.police.uk' <[Graham.S.White@met.police.uk](mailto:Graham.S.White@met.police.uk)>; Tear, Jayne <[Jayne.Tear@SOUTHWARK.GOV.UK](mailto:Jayne.Tear@SOUTHWARK.GOV.UK)>; Moore, Ray <[Ray.Moore@southwark.gov.uk](mailto:Ray.Moore@southwark.gov.uk)>; Binya, Raymond <[Raymond.Binya@southwark.gov.uk](mailto:Raymond.Binya@southwark.gov.uk)>

**Cc:** McArthur, Wesley <[Wesley.McArthur@southwark.gov.uk](mailto:Wesley.McArthur@southwark.gov.uk)>

**Subject:** RE: Application for a premises licence: Peckham Food & Wine, 176 Peckham High Street, London, SE15 5EG (our ref': 876417) Loc ID: 172186 - Rye Lane ward

Dear all

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

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

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

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

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

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

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

The police conditions requested were:

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



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

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

With best regards

Jean

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

Dear Jean,

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

Yours etc.

Ray MOORE

Principal Trading Standards Enforcement Officer

Southwark Council | Environment & Leisure| Regulatory Services

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

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

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

Need advice on consumer issues? Visit Citizens Advice via

[www.direct.gov.uk/consumer](http://www.direct.gov.uk/consumer)

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

Dear Jean,

Thank you for your email.

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

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

Kind Regards

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

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