

**The Licensing Unit**

Floor 3
160 Tooley Street
London
SE1 2QH

Metropolitan Police Service

Licensing Office
Southwark Police Station,
323 Borough High Street,
LONDON,
SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/294

Date: 29/12/2022

Dear Sir/Madam

Re:Peckham Food and Wine 176 Peckham High Street SE15 5EG

Police are in possession of an application from the above for a New Premises Licence for the supply of alcohol off sales. The operating schedule describes it as a convenience store and off licence. The Hours requested are shown on the application as follows

Hours premises open to the public

Mon-Sun 0900hrs to 2300hrs
2300hrs to 0900hrs

Supply of alcohol off sales

Mon-Sun 0000hrs to 0000hrs

The hours are excessively outside the hours recommended within the Southwark Statement of licensing Policy and it is noted the venue is situated within The Peckham Cumulative Impact Area 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'

The applicant has provided minimal conditions to address all the licensing objectives and this causes Police concerns as the application is to operate a 24hr off licence. There has been no attempt to address the issues that are associated with such venues and there is no consideration to the venue being in the Cumulative Impact Area.

The venue was granted its current licence for the supply of alcohol in May 2022 and this was for 2300hrs. Police believe there has been an insufficient amount of operating time to consider again increasing the operating hours. The applicant

should be aware of the Southwark Statement of licensing policy in regards to operating hours and cumulative impact following their previous applications hearing.

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

The metropolitan police object to the granting of the Premises Licence in its current format as the venue is situated in the Peckham Cumulative Impact Area and the applicant has not addressed the licensing objectives sufficiently in particular the Prevention of Crime and Disorder.

Submitted for your consideration.
Yours Sincerely

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

From: Binya, Raymond <Raymond.Binya@southwark.gov.uk>

Sent: Tuesday, January 3, 2023 10:27 AM

To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>

Cc: [REDACTED]

Subject: Application for a premises licence to be granted under the Licensing Act 2003 for 176 Peckham High Street EPT's ref 990386

Dear Licensing Team,

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

Ref No. 879093

Peckham Food and Wine

176 Peckham High Street

London

SE15 5EG

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 for 24 hours in a cumulative impact area. The hours applied for are outside the policy hours and would not be considered acceptable, in an area that is saturated with public nuisance fuelled by alcohol sales.
- As we noted on previous applications that attempted similar changes, 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 also note that prevention of public nuisance objective has not been addressed by the applicant in this application.

Therefore, it is our opinion that application has failed to address possible impact in immediate vicinity of the shop and 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

www.southwark.gov.uk



From: McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>
Sent: Thursday, January 5, 2023 4:20 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Cc: Franklin, David <David.Franklin@SOUTHWARK.GOV.UK>; Heron, Andrew <Andrew.Heron@southwark.gov.uk>; [REDACTED]
Subject: RE: Peckham Food and Wine, 176 Peckham High Street, London, SE15 5EG - Application for a premises licence - Representation

Dear Licensing,

Further to Mr Heron's representation as below, submitted on my behalf in my absence, please note the following additional comments which are an addendum to the representation:

We wish to make reference to Part 5 of the LA 2003, section 7 of the Revised Guidance issued under section 182 of the Licensing Act 2003 and paragraphs 55 – 68 of our Statement of Licensing Policy relating to temporary event notices, and may expand on these matters at the hearing to determine the application.

Regards,

Wesley McArthur

Principal Enforcement Officer - Licensing Unit
London Borough of Southwark

E-mail: wesley.mcarthur@southwark.gov.uk

General: licensing@southwark.gov.uk

Phone: 020 7525 5779

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk

Address: Licensing, Health & Safety, Hub 1, 3rd Floor, 160 Tooley Street, SE1 2QH

From: Heron, Andrew <Andrew.Heron@southwark.gov.uk>
Sent: Thursday, January 5, 2023 2:34 PM
To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>
Cc: Franklin, David <David.Franklin@SOUTHWARK.GOV.UK>; McArthur, Wesley <Wesley.McArthur@southwark.gov.uk>
Subject: Peckham Food and Wine, 176 Peckham High Street, London, SE15 5EG - Application for a premises licence - Representation

Dear Sir/Madam,

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 00:00hrs to 00:00hrs (24 hours-a-day);
- Overall opening times shall be on Monday to Sunday 24 hours-a-day.

The premises is described within the application as 'A convenience store offering range of groceries, goods and off licence 09:00hrs to 11:00hrs (Licence number 876417).'

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 deals with Southwark's local CIAs. 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.

Further to this; this premises has previously held a licence which was subject to a review submitted by Trading Standards. At the hearing for the review on 15 September 2017 the licensing sub-committee revoked the licence. 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 04 September 2018 and was subsequently withdrawn on 03 October 2018. A further application was submitted in May 2021 and was refused by the Licensing Sub Committee on 22 July 2021.

A new application (the current licence) was submitted by the current licence holder in December 2021 and was heard by the Licensing Sub Committee on 17 May 2022. The licence was subsequently granted with the sale of alcohol (off the premises) from Monday to Sunday from 09:00hrs to 23:00hrs, with the opening hours commencing at 07:00hrs; and a raft of conditions.

Albeit now a new premises licence application, this is effectively an attempt to fully vary the licence to now make alcohol sales 24 hours-a-day. These hours are significantly outside of the recommended hours of the Southwark Licensing Policy and essentially, the premises lies within a Cumulative Impact Area – a locality that has been recognised as already being at full capacity for licensed premises. The

applicant has also not addressed the presumption to refuse this application within the operating schedule. The current licence is adequate and appropriate for the area and I therefore ask that the committee reject the application in full.

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-andgambling-act-policy>

Regards,

Andrew Heron

Pronouns: He/Him

Team Leader - Licensing

London Borough of Southwark

Regulatory Services – Environment & Leisure

020 7525 5767

Address: Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

Switchboard: 020 7525 5000

Website: www.southwark.gov.uk