

**The Licensing Unit**

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Metropolitan Police Service

Licensing Office
Southwark Police Station,
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LONDON,
SE1 1JL

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Our reference: MD/20/23

Date: 18/01/2023

Long Lane Food and Wine Store 160-162 Long Lane SE1 4BS

Dear Sir/Madam

Police are in possession of an application from the above for a Full variation to their Licence to add supply of alcohol on sales, late night refreshment and recorded music. The venue describes itself as a bar and kitchen and is situated in a residential area and as such the hours requested are outside The Southwark council Licensing Policy which are terminal hour of 2300hrs daily. The following are the hours requested

Open to the public

Mon-Sat-1100hrs to 0200hrs

Sun-1100hrs to 0000hrs

Recorded Music

Mon-Sat-1100hrs to 0200hrs

Sun-1100hrs to 0000hrs

Late Night refreshment

Mon-Sat-2300 to 0200hrs

Sun-2300hrs to 0000hrs

Supply of alcohol on sales

Mon-Sat-1200hrs-0130hrs

Sun-1200hrs-2300hrs

The venue is situated in a residential area and the applicant has provided minimal description in its schedule of how it will operate and we would like to see more detail and clarity such as, will the venue be operating as a restaurant or predominantly a bar, will there be a food takeaway service, the application mentions that no off sales will take place, is the applicant looking to remove off sales?

The applicant has provided some control measures to address the licensing objectives however these are minimal and in their current format we cannot comment on the suitability without further information. It would also benefit the applicant to read the current Southwark Council Licensing policy.

It should be noted that 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 precise and enforceable.

The Metropolitan Police object to the granting of the Premises Licence in its current format. The applicant has not addressed the licensing objectives suitably in particular prevention of crime and disorder for such late hours.

Submitted for your consideration.
Yours Sincerely

PC Mark Lynch 2246AS

Licensing Officer
Southwark Police Licensing

From: Moore, Ray
Sent: 18 January 2023 09:48
To: Regen, Licensing; longlane162@yahoo.co.uk
Cc: Forrest, Yemisi
Subject: FW: Application for a full variation of the premises license, Taiwo OLANREWAJU and OLUFEMI WILLIAMS 160-162 Long Lane, SE1 4BS Ref: 878623
Attachments: Best practice guide 2022.pdf; Age verification policy 2022.pdf; Proof of age cards 2022.pdf; PAL card retailer guide 2019.pdf; Saying no avoiding conflict 2016.pdf; Alcohol 2016.pdf; Southwark Refusals Register 2013LR.pdf; 30767.pdf

Trading Standards as a responsible authority are in receipt of a new premises license application from Taiwo OLANREWAJU and Olufemi WILLIAMS in respect of a premises at 16-162 Long Lane, London, SE1 4BS. Trading Standards as a responsible authority are making representation in respect of this application under all the licensing objectives, but primarily the protection of children from harm.

In the general description this is:-

“To open a Bar and Kitchen. The premises will contain two toilets, one kitchen and a bar. There will be tables which will seat approximately 30 people. This will include the consumption of food and alcohol on the premises.”

The opening hours are to be:-

Monday to Saturday 11:00hrs to 02:00hrs
Sunday 11:00hrs to 00:00hrs

The hours for alcohol sales are to be (on sales only):-

Monday to Saturday 12:00hrs to 01:30hrs
Sunday 12:00hrs to 23:00hrs

The application is also for late night refreshments and recorded music.

It is noted that the application states the following in relation to part M(a) General All four licensing objectives...

“We will ensure we have a competent supervisor on the premises at all times. We will ensure we have a sufficient number of staff at all times. And we will ensure all members of staff have the correct training suited to their role.”

It is noted that in relation to the protection of children from harm, part M(e) it states....

“No children will be allowed on the premises. There will be restricted hours where children can enter whilst accompanied by an adult.”

On 26 April 2018 2018 Bill Massini from Trading Standards conciliated the following conditions on the license following the discovery of smuggled alcohol on the premises in the form of 9% super

strength Polish lager. (Total of 48 x 500ml Karpackie 9% alc were being sold 6pence above the minimum price (which is Duty + VAT) They were on sale at £1.40 as opposed to a minimum price of £1.34. No traceable invoices were available for the product as required under the Food Hygiene and Safety Regulations 2013, regulation 19.

4AA - The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

4AB - All staff involved in the sale of alcohol shall be trained in the age check 'Challenge 25' policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the Police.

4AC - Age check or 'Challenge 25' signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an age check 'Challenge 25' policy applies and proof of age may be required.

4AI - A register of refused sales of alcohol shall be maintained in order to demonstrate effective operation of the policy. The register shall be available for inspection at the premises on request by Council authorised officers or the Police.

340 - No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premise, or be stored on the premise. This condition does not apply to Dragon Stout (7.5% ABV), Nigerian Export Guinness (7.5% ABV) and Irish Guinness (7.5% ABV), Henry Weston vintage Cider (8.2% ABV), Aspall Suffolk Premier "Cru Cyder" (7% ABV) and Leffe blonde (6.6% ABV)

This followed on from a caution which was signed on 20 April 2018 wrt section 144 of the Licensing Act 2003 (smuggled alcohol on the premises); the Consumer Protection from Unfair Trading Regulations 2008 regulation 12 (giving the impression that a product can be sold legally when it cannot), and Food Hygiene and Safety Regulations 2013, regulation 19.

The caution was signed by the applicant [REDACTED] on 20th April 2018 – copy attached.

It should be noted that this application is seeking a 2am closing time for what appears to be a bar ... it is noted that the plans include converting the whole front of what was a newsagent / off license previously into bi-folding doors which would open straight onto the street. This effectively would allow the whole premises to be open in warmer weather. This is in a residential area and the premises is on a small parade of shops surrounded by flats. Mr MOORE from the trading standards visited the premises on Friday 13th January 2023. He noted that it was undergoing renovation but that the whole front of the building had been converted into opening glass doors. Under the Southwark Statement of licensing policy it gives the following closing times...

Restaurant : Closing time for restaurants and cafes is 23:00hrs daily

Public_house : Closing time for public houses, wine bars or other drinking establishments is 23:00hrs

Hotel : Closing time for hotel bars and guest houses: No restrictions for residents

Nightclubs : Closing time for night clubs (with 'sui generis' planning classification) are not considered appropriate for this area

Off_licences : Closing time for off-licences and alcohol sales in grocers and supermarkets is 23:00hrs daily

Takeaway : Takeaways are not considered appropriate for this area

Trading Standards as a responsible authority are asking the licensing sub-committee to cut the hours back to the hours as stated in the Southwark Statement of Licensing Policy for a residential area.

Attached are documents that can be used by the business to ensure they meet the conditions relating to under age sales. Hard copies of these have previously been given to the business.

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

Need advice on consumer issues? Visit Citizens Advice via 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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**SOUTHWARK COUNCIL
SIMPLE CAUTION (INDIVIDUAL)**

CASE REFERENCE:	
OFFENDER'S SURNAME:	[REDACTED]
FORENAME(S):	[REDACTED]
NATIONAL INSURANCE No.	[REDACTED]
OCCUPATION:	Sole Trader and Premises Licence Holder
ADDRESS:	[REDACTED]
DATE OF BIRTH:	[REDACTED]

DATE OF OFFENCES:	21/3/2018
PLACE OF OFFENCE(S):	"Long Lane Food And Wine, 160/162 Long lane, London, SE1 6SF
BRIEF CIRCUMSTANCES OF OFFENCE(S):	<p>1. 21 March 2018 – 42 cans of Karpackie 9% abv lager being sold at £1.40 per 500ml can, (minimum price i.e. duty + VAT is £1.34)</p> <p>Failure to provide invoices for a food product</p> <p>That you did, on the 21 March 2018, at your licensed premises, trading as "Long Lane Food and Wine", 160-162 Long Lane, London, SE1 4BS, as the owner of that business, being the natural and legal person responsible for ensuring that the requirements of food law are met within the food business under your control, did not have a system and procedure in place to identify a person from whom you had been supplied food, namely:</p> <ul style="list-style-type: none"> • 42 cans of 50cl Karpackie super strength lager (9%) <p>You did not have a system and procedure in place which allowed for this information to be made available to the competent authority on demand as required by Regulation (EC) No 178/2002 Article 18 para 2 and para 4</p> <p><i>contrary to regulation 19 (1) of the Food safety and Hygiene (England) Regulations 2013</i></p>

2. Keeping of smuggled alcohol on licensed premises

That you did on 21 March 2018, as the owner of the business trading as "Long Lane Food and Wine", 160-162 Long Lane, London, SE1 4BS, knowingly keep smuggled goods on licensed premises, namely, 42 cans of 50cl Karpackie super strength lager (9% alcohol);

contrary to section 144 (1)(a) of the Licensing Act 2003

3. Creating the impression that goods could be legally sold when they could not

That you engaged in a commercial practice on 5th December 2017 at the business trading as "Long Lane Food and Wine", 160-162 Long Lane, London, SE1 4BS, stating or otherwise creating the impression that smuggled Karpackie lager could be legally sold when it could not due to the fact that VAT and/or duty had been paid in full on the product

Contrary to Regulation 12 and paragraph 9, schedule 1 of the Consumer Protection from Unfair Trading Regulations 2008

Ministry of Justice guidance on simple cautions (issued 8th 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

Trading Standards – Regulatory Services, Hub 1, 3rd Floor, PO Box 64529, SE1P 5LX
Contact centre - 020 7525 2000 **Website** - www.southwark.gov.uk/tradingstandards
Strategic Director of Environment & Leisure – Deborah Collins

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.

**SOUTHWARK COUNCIL
SIMPLE CAUTION (INDIVIDUAL)**

DECLARATION:

I have read and understand all this information.
I hereby declare that I (insert name)

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: _____
(Block capitals)

DATED THIS 20 DAY of APRIL 2018

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

NAME: DAVID LITTLETON SIGNED: _____

DESIGNATION: Environmental Health & Trading Standards Business Manager

DATED THIS _____ DAY of _____ 20____