

### WITNESS STATEMENT

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

Statement of: PC Maria O'MAHONEY 2321AS

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature:  Date: 28/02/2023

Before writing this statement I have viewed my BWV footage which I exhibit as MVO/1 and MVO/2.

I am a Police Officer attached to the Night Time Economy Team and part of my duties are checking that licensed premises adhere to their licence conditions. On Saturday the 25<sup>th</sup> February 2023 I was on duty in plain clothes in the company of PC Lorena HAUGHEY 2737AS.

At 23:45 hours I was driving along PECKHAM HIGH STREET when I notice that PECKHAM FOOD AND WINE 176 PECKHAM HIGH STRET SE15 5EG was open. I decided to do an inspection as I was aware that their opening hours were 07:00 hours to 23:00 hours and their granted licensable activities were 09:00 hours to 23:00 hours. At 23:50 hours we approached the shop and I could see a male serving customers through a hatch. I now know this male to be  date of birth  who gave an address of  I identified myself to Mr  as Police Officer showing him my warrant card and asked to come in so I could do a licensing inspection.

We entered the shop and I asked Mr  if he was the DPS and he said no but he was a Personal Licence holder. I asked to see his Personal Licence but Mr  said that he didn't have it as he had sent it back to Havering Council to have his address changed. I asked him was he still selling alcohol and he said no that he had stopped at 23:00 hours. On checking the Premises Licence I noticed that condition:-

843 - That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely:

I asked Mr  had he previously had any dealings or worked at PECKHAM FOOD AND WINE. Mr  replied "Never had I worked here". He confirmed that it was him named on condition 843 of the Premises Licence. He then said that he could work there as staff but not management. I pointed out to Mr  that the condition stated that he was "excluded from the premises and to take no part in the operation". He then said that "as the boss told me as a management you can't work but as staff you can". He then said the brother of the owner Mr  was on holiday and asked him to come in and help. He then said that he thought he was allowed to work there after 23:00 hours when the Premises was no longer allowed to sell alcohol. He also stated that he had never had anything to do with PECKHAM

Witness Signature:

Signature Witnessed by Signature: .....

Continuation of Statement of:

FOOD AND WINE and that this condition was from a previous Off Licence he had worked in which was PRESCO FOOD AND WINE SOUTHAMPTON WAY where he had received a caution for selling counterfeit alcohol.

I asked Mr [REDACTED] if he could show me the CCTV. Mr [REDACTED] claimed that the CCTV was locked in another room and the boss had left with the key at 23:00 hours. This is a breach of conditions:-

340 - A CCTV recording system shall be installed that is compliant with, and capable of, capturing an image of evidential standards. The system shall continually record whilst the venue is open for licensable activity and/or when customers are present on the premises. All CCTV recordings shall be time- & date-stamped and maintained for a minimum of thirty-one (31) days. Cameras shall be installed so as to cover both internal and external areas of the premises. At least one camera shall cover ingress/egress points.

341 - Staff shall be fully trained in the operation of the CCTV system and there shall be at least one member of staff on duty during trading hours who is able to provide copies of CCTV recordings to the Police and authorised officers of the Local Authority. Such copies shall, in any event, be provided within forty-eight (48) hours.

As I was leaving I told Mr [REDACTED] to let Mr [REDACTED] know that I would be returning Sunday night before 23:00 hours to view the CCTV.

On Sunday the 26<sup>th</sup> February 2023 at 22:15 hours myself and PC HAUGHEY returned to PECKHAM FOOD AND WINE. Working behind the counter was a female who gave her name as [REDACTED] date of birth [REDACTED] and resides at [REDACTED]. We identified ourselves as Police Officers and explained that we were there to carry out a licensing inspection. Ms [REDACTED] was unable to produce any ID to verify her details but her name appeared on the training records and the authority letter stating she had been authorised by the DPS to sell alcohol. I asked her how long she had worked at PECKHAM FOOD AND WINE and she said she was training and had only been there for two weeks. I asked to view the CCTV and Ms [REDACTED] claimed it wasn't working as there was a problem with the hard drive. Ms [REDACTED] was extremely nervous and I had to tell her to calm down and to contact her boss. Ms [REDACTED] said he was upstairs in the flats above the shop where he lives. I asked her to phone him to come down so we could carry out the inspection with him. She got Mr [REDACTED] on the phone and he refused to come down as he was eating dinner with his family. As Ms [REDACTED] was on the phone a customer came in and I noticed that she did not use the till to ring in the sale but was using a calculator to work out the price. I picked up a can of Tyskie beer and asked Ms [REDACTED] to demonstrate the EPOS or POS sale system. Ms [REDACTED] then explained that the EPOS sale system wasn't working so that none of the alcohol or cigarettes were being scanned. This was a breach of condition:-

845 - That an electronic point of sale system (EPOS or POS) is installed and operated at the premises.

Ms [REDACTED] was still on the phone to Mr [REDACTED] so I asked her to put him on the phone to me as I was concerned that she had only been working there two weeks and was still

Witness Signatur [REDACTED]

Signature Witnessed by Signature: [REDACTED]

Continuation of Statement of:

training. There were a number of breaches of the Premises Licence and I would be issuing a Notification of Offences. Ms [redacted] asked Mr [redacted] to speak to me on the phone so the issues could be addressed but he refused requesting that I email him. I asked Ms [redacted] to tell Mr [redacted] that I would be making a note that he refused to speak to me. I also asked her to ask him why he had Mr [redacted] working in the shop when there is a condition on the Premises Licence that he is not allowed to be involved with the premises. Ms [redacted] relayed this to Mr [redacted] who replied that because Mr [redacted] was in there after 23:00 hours the Premises licence conditions are no longer enforceable.

As Mr [redacted] refused to either come downstairs or speak to me on the phone I issued the Notification of Offences to [redacted] who signed acknowledging receipt of the form before leaving the premises. [redacted]

Witness Signature: [redacted]

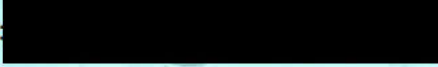
Signature Witnessed by Signature: [redacted]



# Notification of alleged offences under the Licensing Act 2003

Venue Name: Beckham Food & Wine REF: (CAD/CRIS etc.) \_\_\_\_\_

Address: 176 Beckham High Street  
SE15 5EG Date: 26/2/23 Time: 22:22

Details of person in charge at the relevant time: 

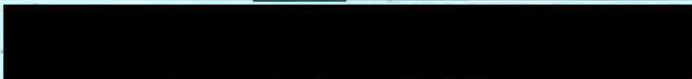
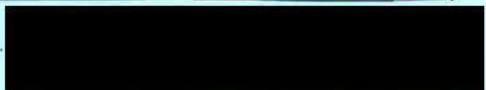
DPS  Personal Licence Holder

### Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y  No  )
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y  No  )
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y  No  )
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

845- No electronic EPOS or POS installed  
340 + 341 CCTV not working.. Staff unable to  
operate CCTV.

Issuing officer:  Print: 

I acknowledge receipt of this form: (venue) 

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

### WITNESS STATEMENT

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

Statement of: PC Maria O'MAHONEY 2321AS

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature:  Date: 10<sup>th</sup> March 2023

Before writing this statement I have viewed my BWV footage which I exhibit as MVO/3 "Peckham Food and Wine".

I am a Police Officer attached to the Night Time Economy Team and part of my duties are checking that licensed premises adhere to their licence conditions. On Thursday the 9<sup>th</sup> March 2023 I was on duty in plain clothes in the company of Trading Standards Officer Ray MOORE and Licensing Officer Barry O'CALLAGHAN. We were conducting a follow up visit to PECKHAM FOOD AND WINE 176 PECKHAM HIGH STREET SE15 5EG as on my previous visits I had found a number of offences and breaches of the Premises Licence. On the 26<sup>th</sup> February 2023 I had issued a Notification of Offences under the Licensing Act 2003.

At 14:30 hours we entered the premises and working behind the counter was a male who I now know to be  date of birth  We introduced ourselves and explained that we were there to conduct a licensing inspection. Mr  was working on his own in the shop and said that he had only been there for three weeks. Barry O'CALLAGHAN asked Mr  if he had received training on the sales of alcohol and the Licensing Act. Mr  said he had but was unable to produce any training records. He was also asked about "Challenge 25" and what did it entail. Mr  was unable to explain "Challenge 25" and said he didn't know what it meant. He was then asked to provide us with the Refusal log which he also didn't know what it was or where it was kept.

This is a breach of the Premises Licence conditions:-

342 - The  Challenge 25  /  Think 25  proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or home office approved identity card bearing the holographic  PASS  mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.

343 - All relevant staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and refusing service where individuals cannot produce acceptable means of identification, acceptable

Witness Signature:

Signature Witnessed by Signature: .....

Continuation of Statement of:

forms of ID, and using the refusal register. Such training (including any refresher training) will be logged and ongoing.

345 - A refusals log must be kept at the premises, and made immediately available on request to the police or an authorised person. The refusals log is to be inspected on a monthly basis by the DPS and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following: a) the identity of the member of staff who refused the sale; b) the date and time of the refusal; c) the alcohol requested and reason for refusal; d) description of the person refused alcohol

Mr [redacted] was asked to operate the CCTV. He said he was unable to do so as he has never been shown how to operate it. He then telephone the DPS [redacted] who I spoke to on the phone. I explained to Mr [redacted] that I needed to see that the CCTV was now operating and recording and I was concerned as this was now my third visit and on each occasion the CCTV was not in operation. Mr [redacted] claimed he had a new hard drive put in but was unable to demonstrate that it was working and recording. The breached conditions:-

340 - A CCTV recording system shall be installed that is compliant with, and capable of, capturing an image of evidential standards. The system shall continually record whilst the venue is open for licensable activity and/or when customers are present on the premises. All CCTV recordings shall be time- & date-stamped and maintained for a minimum of thirty-one (31) days. Cameras shall be installed so as to over both internal and external areas of the premises. At least one camera shall cover ingress/egress points.

341 - Staff shall be fully trained in the operation of the CCTV system and there shall be at least one member of staff on duty during trading hours who is able to provide copies of CCTV recordings to the Police and authorised officers of the Local Authority. Such copies shall, in any event, be provided within forty-eight (48) hours.

I asked Mr [redacted] if he could attend the premises as I was concerned that the continuing breaches were not being addressed and that staff had not received adequate training. Mr [redacted] refused stating he was at the cash and carry.

As we were carrying out the inspection [redacted] date of birth [redacted] arrived for work who I conducted my previous inspection with.

Ms [redacted] was able to produce the Refusals Log. On inspecting the refusal register I noticed that [redacted] had completed it a number of times as having refused to sell alcohol to a person as they did not have ID.

This is a breach of condition 843 - That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises.

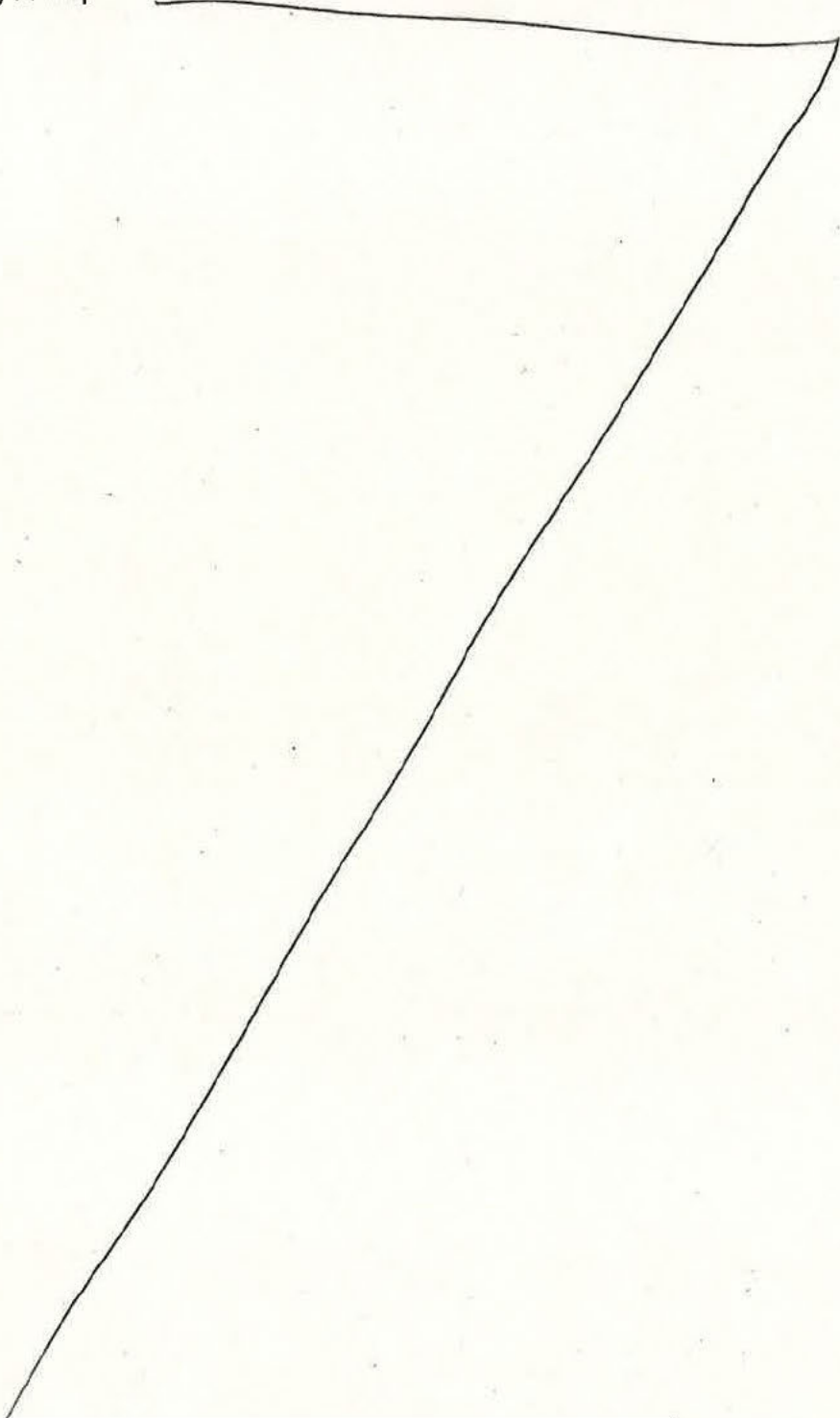
Witness Signature: [redacted]

Signature Witnessed by Signature: [redacted]

Continuation of Statement of:

I asked Ms [REDACTED] if she could demonstrate if the till was working but she was unable to do so as it still not operating which is a breach of condition 845 - That an electronic point of sale system (EPOS or POS) is installed and operated at the premises.

At 15:15 hours I issued a Notification of Offences to [REDACTED] which he signed for acknowledging receipt.



Witness Signature: .....

Signature Witnessed by Signature: .....



**METROPOLITAN  
POLICE**

Police Copy

# Notification of alleged offences under the Licensing Act 2003

Venue Name: Peckham Food & Wine REF: (CAD/CRIS etc.) .....

Address: 176 Peckham High Street  
SE15 5EG Date: 9/3/23 Time: 15:15

Details of person in charge at the relevant time: [REDACTED]  
[REDACTED] DPS  Personal Licence Holder

### Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
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- Section 146 (1) Selling alcohol to an individual aged under 18.
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- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

340 + 341 ~~3~~ CCTV not operating.

343 Staff unaware of "challenge 25"

342 "challenge 25 not in operation" Staff unaware.

345 Staff do not know what a refusal log is.

345 Electronic sale till (EPOS/POS) not in operation.

Issuing officer: [REDACTED] Print: [REDACTED]

I acknowledge receipt of this form: (venue) [REDACTED]

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001



# STATEMENT OF WITNESS

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9)

**Statement of (full name):** Raymond Henry MOORE

**Age of witness (if over 18, write "over 18"):** Over 18

This statement (consisting of 1 page) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I am employed by the London Borough of Southwark as a Principal Trading Standards Officer and as such I am an authorised officer under a range of legislation including the Licensing Act 2003.

On Thursday 9<sup>th</sup> March 2023 I went to the premises trading as Peckham Food and Wine at 176 Peckham High Street, SE15 5EG. I was accompanied by a Licensing Officer, Barry O'CALLAGHAN and a police officer from the Night Time Economy Team, PC Maria O'MAHONEY. We entered the premises at about 14:30hrs. I introduced myself and colleagues and spoke with the man behind the counter, Mr [REDACTED]. He could not operate the CCTV or produce training material etc. that were requested as per notice number 3435. However, at 15:00hrs another member of staff arrived, [REDACTED]. She produced a training manual which showed that "[REDACTED]" had signed the refusals register with hand writing that I recognise as being that of "[REDACTED]". Similarly he was also under those authorised to sell alcohol and had completed the training to say that he had understood. This was contrary to the license that was granted by the Licensing Sub-Committee on 17 May 2022 which included a condition "844: That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: [REDACTED] and [REDACTED]". Mr [REDACTED] had been proposed as the Designated Premises in the original application. I produce a photograph of the training record as RAY/PFW/1. I produce a photograph of the authorisations as RAY/PFW/2 and I produce a photograph of the refusals register as RAY/PFW/3.

**Signed:** ..... (witness) **Date:** .....

(To be completed if applicable: ..... being unable to read the above statement I, .....of ....., read it to him/her before he/she signed it.

**Signed:** [REDACTED] .....

**Date:** 22/3/23 ) CL4

RAY/P FW/1



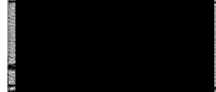
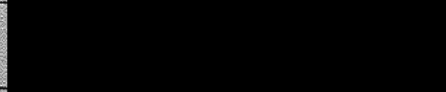
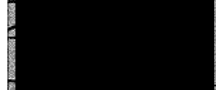
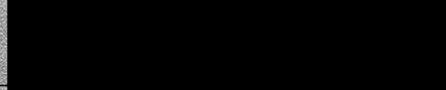
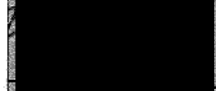
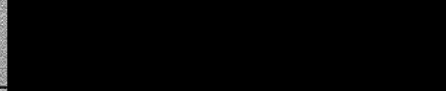
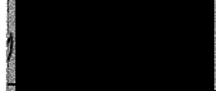
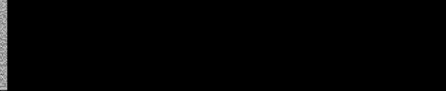
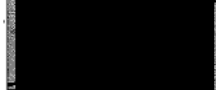
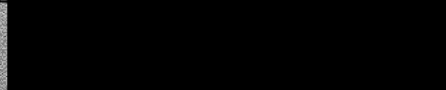
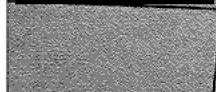


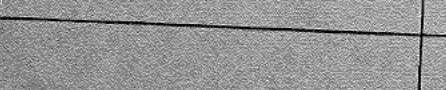

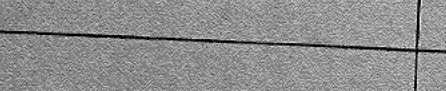
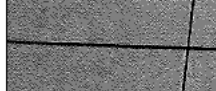
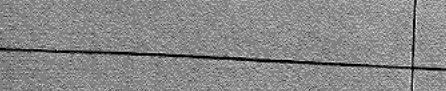

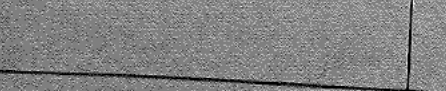
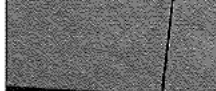
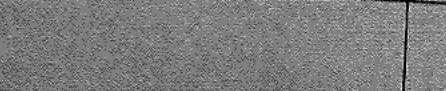
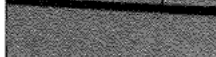

### THE MAXIM YOU MUST FOLLOW IS:-

If in doubt do not make the sale. You have the right of refusal which will be backed up by the Manager and the Company. If a refusal is actioned, record the details in the refusal book e.g. male/female, date, time, reason - underage, drunk, abusive etc.

Be aware of the licensing hours and ensure that the blinds are down or tensor barriers in place to prevent access to alcohol displays outside of permitted alcohol trading hours and that no sale takes place outside these hours.

### STAFF TO READ AND SIGN:

I read and fully understand my responsibility in ensuring that I conform to the laws and regulations covering the sale of alcohol.

ed	Print Name	Date	Position
		20/06/22	STAFF member
		07/07/2022	STAFF member
		06/07/2022	staff member.
		07-12-2022	STAFF member
		16/02/23	STAFF member
		27/2/23	STAFF member
			
			
			
			
			
			
			



# REFUSALS REGISTER

Date	Time	Product attempted	Name of person or description	Why sale refused?	Sta me
22/06/2022	9:00pm	Sourz	Two Young White Guys	No ID	
01/07/2022	11:00pm	Jack Dewel	Young Lady Black	No ID / <sup>only</sup> <del>Picture</del> <sub>Phone</sub>	
03/07/2022	7:30pm	CIDER	Middle age 30.35 white	No ID <sup>But</sup> <del>and</del> Drunk	
04/07/2022	10:11AM	Beer + Whisky	Three Young Satese Guys white	Under Age No ID	
09/07/2022	1:40pm	Rum	Young Girl Black	No ID	
13/07/2022	3:30pm	BEER	Young Boy Under age	No ID	
17/07/2022	7:07pm	Win + Cigaretts	Young Boy Drunk	_____	
25/07/2022	12:11pm	Cider	Young Boy white	No ID	

Key: M / F - Male or Female

U/A - Underage

D/D - drunk or disorderly

Dr - under the influence of drugs

RAM/PFW/3



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 17 MAY 2022

#### **S.17 LICENSING ACT 2003: PECKHAM FOOD AND WINE, 176 PECKHAM HIGH STREET, PECKHAM, LONDON SE15 5EG**

##### **1. Decision**

That the application made by Mr. Muhammad Baloch for a premises licence to be granted under s.17 of the Licensing Act 2003 in respect of the premises known as of Peckham Food and Wine, 176 Peckham High Street, Peckham, London SE15 5EG and subject to the appointment of a designated premises supervisor is granted.

##### **2. Hours**

The sale of alcohol to be consumed off the premises	Monday to Sunday 09:00 hours to 23:00 hours
Opening hours of the premises	Monday to Sunday: 07:00 hours to 23:00 hours.

##### **3. Conditions**

1. That no alcohol will be stored or displayed within 2-metres of the entrance/exit unless behind the staff counter.
2. That 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. That 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.
4. That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises

namely: [REDACTED]

5. That alcohol is displayed as set out in the plan submitted with the application.
6. That an electronic point of sale system (EPOS or POS) is installed and operated at the premises.
7. A written dispersal policy is kept at the premises with the licence and made available for inspection by authorised council officers or the police. All relevant staff shall be trained in the implementation of the dispersal policy.

#### **4. Reasons**

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

The licensing sub-committee heard from the applicant's representative who advised that the premises was a convenience store offering a range of groceries and goods in addition to the sale of alcohol. Concerning the responsible authorities referring to the premises being located in a cumulative impact area (CIA), the applicant's representative stated that they were not specifically referred to in the Licensing Act 2003. There were public houses on each side of the Peckham Food and Wine premises and any cumulative impact would be at 23:00 hours when the pubs were closing. Peckham Food and Wine would have a steady egress of customers therefore, no cumulative impact would occur. There had also been a previous premises licence, so the argument that a "new licence" was largely irrelevant. Furthermore, the CIA presumption did not relieve the responsible authorities in providing evidence as to how the cumulative impact would be affected by the operation of a new premises. None of the responsible authorities had provided direct evidence to demonstrate their cause of concern. Concerning the issues relating to the proposed DPS raised by trading standards, the applicant had withdrawn this aspect of the application and until a new DPS had been identified by him, he would act as the DPS. Obviously, until the applicant had obtained his personal licence, the premises could not sell alcohol.

The licensing sub-committee heard from the officer from trading standards whose representations were submitted with regard to all four of the licensing objectives.



The officer accepted that the applicant was not connected to the previous owners when the licence had been revoked. The concerns raised by Trading Standards were relevant because the area was particularly challenging. In addition, the proposed DPS (withdrawn by the applicant) had previously been refused an application in 2021. It was the officer's view that this questioned the applicant's abilities of due diligence.

The Metropolitan Police Service informed the sub-committee that the premises had previously been subject to a trading standards premises licence review in 2017, when the premises licence was revoked, and that an appeal against the licence revocation was rejected by the Magistrates' Court. The officer also stated that the premises were located in the Peckham CIA and that the locale has a large problem with street drinking, alcohol abuse and associated crime and disorder; the applicant had failed to address cumulative impact at all in the application.

The environmental protection team confirmed that their representation related to the prevention of public nuisance licensing objective. The premises were located in a cumulative impact area and any increase in alcohol sales in the already saturated CIA was likely to contribute to the negative cumulative impact on public nuisance caused by street drinking, drunkenness, street fouling, and rowdy conduct in the street. Further, the environmental protection team stated that the applicant had failed to address cumulative impact within the body of its application, or at all.

The licensing sub-committee heard from the officer representing licensing as a responsible authority submitted a representation with regard to all four licensing objectives. The licensing responsible authority notes that the premises are located in a cumulative impact area. Licensing as a responsible authority contends that the applicant has failed to address both cumulative impact, and the presumption to refuse applications that are subject to a cumulative impact policy. The premises were subject to a premises licence review submitted by this council's trading standards service in 2017, when the premises licence was revoked, and that an appeal against the revocation was rejected by the Magistrates' Court. An application for a premises licence submitted in 2021 was refused by the licensing sub-committee and the officer was of the view that the previous licensee or DPS may still have an interest in the business. Licensing as a responsible authority recommends that the application is refused unless the applicant can demonstrate that the proposed operation of the premises will not contribute to crime and disorder and public nuisance within the Peckham cumulative impact area.



The licensing sub-committee considered all of the representations made by the applicant and the responsible authorities carefully. The applicant's points concerning cumulative impact, that the responsible authorities had not provided any direct evidence concerning this was not accepted. Southwark's statement of licensing policy was reviewed and subsequently ratified by Council Assembly 25 November 2020. As part of the that review there was a partnership analysis of alcohol related violence as part of the consideration of cumulative impact on licensed premises within Borough & Bankside; Camberwell and Peckham (in addition to areas under monitor) CIA. A partnership analysis was currently being carried out and due to be considered by the full Licensing Committee in late 2022. The sub-committee also took into account Westminster City Council v Middlesex Crown Court [2002] EWHC 1104 which confirmed that a premises licence could be refused on the sole ground that the area was already saturated with licensed premises.

The initial concerns of previous names held by the applicant were explained and the sub-committee were satisfied with the responses they received. The sub-committee concluded that the 2017 issues with the operation of the premises could be satisfactorily resolved with the exclusion of previous management for the operation of the premises, in addition to the conditions referred in this decision.

## **5. 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 been 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 17 May 2022

## WITNESS STATEMENT


CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Name: Barry O'Callaghan

Occupation: Principal Licensing Officer

Age if over 18: Over 18

This statement (consisting of: 4 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything in it which I know to be false, or do not believe to be true.

Signature: 

Date: 28 February 2023

I am a ~~Principle~~ Licensing Officer for Southwark Council and have been employed as such since November 2022. I am a duly authorised officer for the purposes of the Licensing Act 2003, Gambling Act 2005, London Local Authorities Act 1991 and the Health Act 2006.

Unless otherwise stated to the contrary, the contents of this statement are within my personal knowledge and are true. Where the contents are not within my personal knowledge, the information is true to the best of my information knowledge and belief.

I attach as Exhibits "BOC/1-BOC/3" which I will refer to in the course of my Witness Statement

Within Southwark, the licensing responsibility is wholly administered by this council.

Peckham Food and Wine is a small grocery store and off licence situated at 176 Peckham High Street SE15 5EG. The premises licence number 876417 (granted 17 May 2022) allows for the provision of licensable activities as follows: Sale of alcohol to be consumed off the premises: Monday to Sunday: 09:00 hours to 23:00 hours and opening hours: Monday to

Signed 

Dated 28 February 2023

Sunday 07:00 hours to 23:00 hours.

The current designated premises supervisor (DPS) named on the licence is Naseem BALUCH, who holds a personal licence issued by the [REDACTED] This was issued on 24 May 2021.

The Premises Licence holder is Muhammed BALUCH

I attach as my Exhibit BOC/1 a copy of the premises licence.

On Friday 24 February 2023 I was employed on directed patrols across the borough and at about 23:40 I attended outside the premises and saw that the premises were still open and trading. I stood outside for approximately 10 minutes to see if any customers were coming out with alcohol and did not witness any instances of this.

At about 23:50 I entered the premises and was immediately engaged by the sole member of staff behind the counter a man who later gave his name as Mr [REDACTED] I introduced myself and presented my official identification. He said that he knew the premises should close at 23:00 but that he was waiting for the boss to arrive and close up. He assured me that no alcohol had been sold since 23:00

He did provide me with a copy of the premises licence and a refusals log (last entry 6/2/23) but was unable to provide any training records for staff at the premises.

Due to the fact that there were a number of people outside trying to gain entry I decided to do a small dip sample of the conditions on the licence. I saw displayed in the open chiller cabinets at the rear of the shop a quantity of cans of the following items ASPAL Premier Cru cider alcohol (alcohol 6.8% volume)

Signed [REDACTED]

Dated 28 February 2023

I took a picture of the items displayed and now produce the image as my exhibit BOC/2

Also displayed was a quantity of cans of Henry Weston's Cloudy vintage cider (alcohol 7.3% volume) I took another photo of the display and now produce this image as my exhibit BOC/3

As I was taking photos of the items Mr [REDACTED] said that he had recently purchased the items as he thought they were just new flavours with the same alcohol content as others previously he had previously purchased.

All items were then removed from display by Mr [REDACTED]

The queue from the pub were still congregating around the main door, some shouting why was I allowed in. I left the premises at that stage to diffuse the situation and allow Mr [REDACTED] to close the premises completely

The following conditions attached to the licence appear to have been breached

343 - All relevant staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and refusing service where individuals cannot produce acceptable means of identification, acceptable forms of ID, and using the refusal register. Such training (including any refresher training) will be logged and ongoing

841 That 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.

842 That 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.

Signed [REDACTED]

Dated 28 February 2023

843 That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: [REDACTED]

[REDACTED]

Signed

[REDACTED]

Dated 28 February 2023

BOC/2



