



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

Date: 09/01/2024

Dear Sir/Madam

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

Police are in possession of an application from the above premises for a full variation to the premises licence to extend the opening hours and supply of alcohol to 24hrs. The premises operates as an off licence/convenience store and the hours requested far exceed those recommended in the Southwark Statement of licensing policy. The hours requested are
Opening to the public
Mon-Sun-24hrs

Supply of alcohol off sales
Mon-Sun-24hrs

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'

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, this forms part of the reason their being a designated cumulative impact zone

The applicant has failed to address the cumulative impact in any way within the application and the conditions mentioned in the application are repetitious of those already on the current licence with the exception of condition 17 ' **Alcohol sales made between the hours of 00:00 and 06:00 will be via the hatch at the front of the premises (marked on the plan). There will be no self-service of alcohol between these times**'.

This Condition is vague in that it does not state if the premises will be closed to the public between the hours of 00:00 and 06:00 and if not closed to the public will only lead to conflict with customers.

The metropolitan police object to the granting of the Premises Licence as the venue is situated in the Peckham Cumulative Impact Area and the granting of such a licence would only have a negative impact, it is also noted that the conditions offered are vague and do not address the licensing objectives or the problems associated with late night operations in particular the Prevention of Crime and Disorder.

Submitted for your consideration.
Yours Sincerely

Mark Lynch Pc 2246AS
Central South BCU – Southwark | Licensing Team
Southwark Police Station
305 Borough High Street, SE1 1JH
SouthwarkLicensing@met.police.uk

Tear, Jayne

From: McArthur, Wesley
Sent: 11 January 2024 23:53
To: Regen, Licensing
Cc: Tear, Jayne; [REDACTED]
Subject: Application for a premises licence: Peckham Food and Wine, 176 Peckham High Street, Peckham, London, SE15 5EG (our ref:881982) - Loc ID:172186 - Rye Lane ward
Attachments: Peckham Food and Wine NEW (881982) - LRA's rep' v1.pdf
Importance: High

Dear Licensing,

Please find attached a representation regarding the above 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



To: Licensing Unit	From: Wesley McArthur wesley.mcarthur@southwark.gov.uk 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	Date: 11 January 2024
Subject:	Representation	
Act:	The Licensing Act 2003 (the Act)	
Premises:	Peckham Food and Wine, 176 Peckham High Street, Peckham, London, SE15 5EG	
Ref:	881982	

We object to the grant of a premises licence application, submitted by Mr Muhammad Baloch under The Licensing Act 2003 (the Act), in respect of the premises known as Peckham Food and Wine, 176 Peckham High Street, Peckham, London, SE15 5EG.

1. The application

The application is to allow for the sale of alcohol for consumption off the premises as follows -

- **Monday – Sunday: 00:00 hours – 00:00 hours (24 hour sale of alcohol)**

The proposed opening hours of the premises are:

- **Monday – Sunday: 00:00 hours – 00:00 hours**

The premises, and its intended operation, are described in the application as (verbatim):

- “A convenience store offering a range of groceries and goods in addition to the sale of alcohol.”

2. The Locale

The premises are located on Peckham High Street, which is a major thoroughfare and bus transport hub. It is a densely urbanised road with various commercial premises and residential properties. There are **14** premises licensed for the off sale of alcohol on Peckham High Street itself, including **5** that could be described as off-licences, grocers, supermarkets or convenience stores. All of these premises are listed in table 1 as below (off-licences, grocers, supermarkets and convenience stores are high-lit in yellow).

Table 1.

No.	Licence number	Name	Address
1	832753	Pricecutter	12 Peckham High Street
2	7818	Kam Foh	19 Peckham High Street
3	840937	Tiwa'n'Tiwa	34 Peckham High Street
4	872440	Tola	56 Peckham High Street
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6	881617	Vaalee	66 Peckham High Street
7	876239	The Kentish Drovers	71-79 Peckham High Street
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9	878084	Abbeville Café & Bites	111 Peckham High Street
10	877710	The Red Bull	116 Peckham High Street

11	881133	Tigella	119 Peckham High Street
12	875277	Peckham News	133 Peckham High Street
13	876936	Binder Off Licence	149 Peckham High Street
14	876933	The Copper Tap	190-192 Peckham High Street

There are also another 9 premises in the wider locale which could be described as off-licences, grocers, supermarkets, convenience stores. All of these premises are listed in table 2 as below.

Table 2.

No.	Licence number	Name	Address
1	881835	Lidl	Unit 3, Bellenden Road Retail Park
2	878561	Morrisons	Unit 3, The Aylesham Centre
3	875442	Tesco	34 Rye Lane
4	881341	Iceland	87-95 Rye Lane
5	855255	Bims	102 Rye Lane
6	872844	Rye Express	137 Rye Lane
7	880481	A Family Convenience Store	161 Rye Lane
8	877864	Jaffa	168 Rye Lane
9	881458	Tesco	265 Rye Lane

In addition to the above licensed premises, there are other licensed premises of varying description (e.g. pubs, bars, clubs and restaurants) that are licensed for the off sale of alcohol in the wider locale.

A map of the area the premises are locate in is attached as appendix 1.

2. Extant premises licence

The premises already benefits from a premises licence (number 880978), which is issued to the applicant regarding this application (Mr Muhammad Baloch). The designated premises supervisor (DPS) in regards to premises licence number 880978 (Mr Naseem Baluch) is also the DPS proposed in respect of this application.

Premises licence number 880978 allows for alcohol off sales to take place between 09:00 hours and 23:00 hours and for the premises to open between 07:00 hours and 23:00 hours.

Therefore this application, whilst for a new premises licence, would have the effect of varying the existing operating hours to allow for the 24 hour sale of alcohol.

A copy of premises licence number 880978 is attached as appendix 2.

Please note that whenever a premises licence is amended or varied the premises licence number changes and premises licence number 880978 was previously premises licence number 876417 (with the same licensee and DPS).

3. The Southwark Statement of Licencing Policy (SoLP)

The premises fall within Peckham Major Town Centre Area and within the Peckham Cumulative Impact Area (CIA).

The following closing times are recommended in our SoLP in respect of the type of licensed premises located in Peckham Major Town Centre Area as follows –

Off licences and alcohol sales in grocers and supermarkets:

Monday – Sunday: 00:00 (midnight)

Full details of the statement of licensing policy are available via:

[Premises licence \(Licensing Act 2003\) - Southwark Council](#)

4. Our objection

Our objection relates to all of the licensing objectives.

The premises fall within, and are subject to, the Peckham Cumulative Impact Area (Peckham CIA).

Paragraph 131 the SoLP 2021 – 2026 states –

- *“Applications made within specified Cumulative Impact Areas (CIAs) are deemed likely to add to the potential impact the policy is intended to avoid. There is therefore an automatic presumption that such applications will be refused, however each application will be judged on its own merits.”*

Paragraph 156 of the SoLP stipulates regarding the Peckham CIA that –

- *“The classes of premises to which the policy applies is defined as follows – night clubs; pubs and bars; off-licences, grocers, supermarkets, convenience stores; and similar premises.”*

Therefore, the above premises is of a type of premises that is subject to the Peckham CIA.

As per paragraph 156 of the SoLP, the council has found that certain types of premises are likely to increase the negative cumulative impact in the Peckham CIA of licensed premises in that area.

We are in agreement with this stance and are therefore of the opinion that the application be refused.

Paragraph 132 of the SoLP states that –

- *“It is normally the case that a representation citing a relevant CIA will have to be determined at a Licensing Sub-Committee hearing.”*

We further note that section 136 of the SoLP states –

- *“The effect of publishing a cumulative impact assessment is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations. 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.”*

In our opinion, the applicant has not demonstrated 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, we contend that granting the application **will** further contribute to the negative local cumulative impact of licensed premises in the Peckham CIA.

As stated previously this application is, in effect, a variation to existing operating hours at the premises to allow for the 24 hour sale of alcohol.

We say that the 24 hour sale of alcohol is likely to have a negative effect on the promotion of all of the licensing objectives and be detrimental to the quality of life for local residents.

Premises selling alcohol late at night, or into the early morning, have increased risk factors. We do not think it is appropriate **at all** to allow premises to sell alcohol 24 hours in a cumulative impact area.

We also refer to R (on the application of Westminster City Council) -v- Middlesex Crown Court [2002] EWHC 1104 in which HHJ Baker adjudicated

“Notwithstanding the applicant being a fit and proper person and the premises would be well run 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.”

This means that the above application can be refused on the **sole basis** that it is subject to a cumulative impact area.

In addition to the above, it is clear that there are already a large number of off-licensed premises to provide an offering to the local area. We contend that the area is saturated with premises that allow for the off sale of alcohol and that granting any extension of hours for the sale of alcohol at any licensed premises would add to the already considerable problems caused by licensed premises in the locale.

We further add that the full council assembly approved the current version of the SoLP and have maintained the Peckham CIA four times in a row, showing that the problems related to licensed premises in the locale (including off-licences, grocers, supermarkets, convenience stores) are **longstanding and ongoing**.

5. Previous operating history of the premises

On 24 February 2023 the premises were inspected by council licensing officer Barry O’Callaghan. A number of breaches of the existing premises licence were noted as follows:

1. Premises open beyond terminal hour.
2. Condition 343 (training records not available).
3. Condition 841 (ASPAL Premier Cru cider alcohol and Henry Weston’s Cloudy Vontage Cider with alcohol by volume (ABV) of above 6.5% on sale.
4. Condition 842 (alcohol to be in a locked cabinet/cooler when the premises are open to the public and the licence is not in operation).

The following day (25 February 2023) PC Maria O’Mahoney attended the premises and there was non-compliance with conditions 340 and 341 (installation, operation and training concerning CCTV).

PC O’Mahoney returned the next day (26 February 2023) and was informed by the member of staff working that the CCTV still wasn’t working, again in breach of conditions 340 and 341. The same member of staff also stated that the EPOS system wasn’t working meaning none of the alcohol or cigarettes were being scanned (in breach of condition 845).

On 06 February 2023 PC Maria O'Mahoney visited the premises and observed breaches of the following licence conditions:

340, 341, 343, 842, 845 and 846 (dispersal policy). During this visit the person in charge of the premises refused to provide their details to PC O'Mahoney.

We contend that the prior operating history of the premises under the applicant and proposed DPS regarding this application is reason alone not to grant this application.

Witness statements and a notification of alleged offence regarding the above are attached as appendix 3.

6. Additional information

Evidence and data regarding the negative cumulative impact that licensed premises have in the locale has already been analysed by council officers and the full licensing committee, which is why the Peckham CIA was introduced, and why it has been maintained after every review of the Peckham CIA.

In addition to this, however, I would also add that my experience (as a licensing officer for 16 years) is that off-licenses that allow for the 24 hour sale of alcohol often attract problem drinkers (e.g. alcoholics, street drinkers and / or people with substance abuse problems), post club / late night venue attendees who wish to consume alcohol further (to 'carry the party on') after the venues they have attended have shut, and also people from outside the area who wish to purchase alcohol because their locale does not have premises selling alcohol 24 hours a day.

It is worth noting that there are a number of late night bar / club venues in the locale (indeed, the premises are located next to a late night bar venue).

The immediate locale is a known hotspot for the sale and use of drugs, for street drinkers, prostitution (around Peckham Square) and for general street crime. Allowing for the 24 hour sale of alcohol at the premises will inevitably feed into these existing extremely serious problems.

In my experience off-licences allowing for the 24 hour sale of alcohol often become a hub for irresponsible alcohol consumers and often contribute disproportionately to crime and disorder in the area that they are located in.

We therefore refer this application to the council's Licensing Sub-Committee and recommend that the application be refused.

Notwithstanding the above, we note that the applicant has offered various control measures in the operating schedule of the application, which would form the basis of enforceable licence conditions (should a premise licence be issued subsequent to this application).

If the Licensing Sub-Committee is minded to grant this application, we would seek preferred wording for some of the proposed conditions to ensure that they are practicable and enforceable. We will be happy to provide the applicant and Licensing Sub-Committee with a schedule of suitably worded conditions at the hearing to determine the application however, **we strongly re-iterate that it is our opinion that this application be refused.**

Yours sincerely,

Wesley McArthur
Principal Enforcement Officer

Tear, Jayne

From: McArthur, Wesley
Sent: 12 January 2024 10:10
To: Regen, Licensing
Cc: Tear, Jayne [REDACTED]
Subject: RE: Application for a premises licence: Peckham Food and Wine, 176 Peckham High Street, Peckham, London, SE15 5EG (our ref:881982) - Loc ID:172186 - Rye Lane ward
Attachments: Peckham Food and Wine NEW (881982) - LRA's rep' v2 - redacted.pdf
Importance: High

Dear Licensing,

Corrections were required regarding the representation sent as per the email below. An amended version is attached.

Please replace the version previously sent with the version attached to this email (v2 - redacted).

For clarity the corrections / amendments are as follows:

1. The last paragraph of section 2 has been amended to include the following sentence: 'The premises are identified by a pin on the map and the written address '176 Peckham High Street'.'
2. The title of part 5 has been amended to state 'operating' instead of 'operatring'.
3. Part 5 now refers to Henry Weston's **Vintage** Cider instead of 'vontage cider'.
4. Part 5 now refers to a visit to the premises on 06 November 2023 instead of 06 February 2023.
5. The map has been amended to show Peckham Square and part of Rye Lane, both of which are referred to on the representation. The map now also includes the written address '176 Peckham High Street' next to where the premises are located on the map.
6. To ensure compliance with GDPR redactions have been made to the police witness statement in appendix 3.

The rest of the representation remains as previously sent.

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: McArthur, Wesley

Sent: Thursday, January 11, 2024 11:53 PM

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

Cc: Tear, Jayne <Jayne.Tear@SOUTHWARK.GOV.UK>; [REDACTED]

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

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Ref:	881982	

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1. The application

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- **Monday – Sunday: 00:00 hours – 00:00 hours (24 hour sale of alcohol)**

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We also refer to R (on the application of Westminster City Council) -v- Middlesex Crown Court [2002] EWHC 1104 in which HHJ Baker adjudicated

“Notwithstanding the applicant being a fit and proper person and the premises would be well run 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.”

This means that the above application can be refused on the **sole basis** that it is subject to a cumulative impact area.

In addition to the above, it is clear that there are already a large number of off-licensed premises to provide an offering to the local area. We contend that the area is saturated with premises that allow for the off sale of alcohol and that granting any extension of hours for the sale of alcohol at any licensed premises would add to the already considerable problems caused by licensed premises in the locale.

We further add that the full council assembly approved the current version of the SoLP and have maintained the Peckham CIA four times in a row, showing that the problems related to licensed premises in the locale (including off-licences, grocers, supermarkets, convenience stores) are **longstanding and ongoing**.

5. Previous operating history of the premises

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The following day (25 February 2023) PC Maria O’Mahoney attended the premises and there was non-compliance with conditions 340 and 341 (installation, operation and training concerning CCTV).

PC O'Mahoney returned the next day (26 February 2023) and was informed by the member of staff working that the CCTV still wasn't working, again in breach of conditions 340 and 341. The same member of staff also stated that the EPOS system wasn't working meaning none of the alcohol or cigarettes were being scanned (in breach of condition 845).

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340, 341, 343, 842, 845 and 846 (dispersal policy). During this visit, the person in charge of the premises refused to provide their details to PC O'Mahoney.

We contend that the prior operating history of the premises under the applicant and proposed DPS regarding this application is reason alone not to grant this application.

Witness statements and a notification of alleged offence regarding the above are attached as appendix 3.

6. Additional information

Evidence and data regarding the negative cumulative impact that licensed premises have in the locale has already been analysed by council officers and the full licensing committee, which is why the Peckham CIA was introduced, and why it has been maintained after every review of the Peckham CIA.

In addition to this, however, I would also add that my experience (as a licensing officer for 16 years) is that off-licenses that allow for the 24 hour sale of alcohol often attract problem drinkers (e.g. alcoholics, street drinkers and / or people with substance abuse problems), post club / late night venue attendees who wish to consume alcohol further (to 'carry the party on') after the venues they have attended have shut, and also people from outside the area who wish to purchase alcohol because their locale does not have premises selling alcohol 24 hours a day.

It is worth noting that there are a number of late night bar / club venues in the locale (indeed, the premises are located next to a late night bar venue).

The immediate locale is a known hotspot for the sale and use of drugs, for street drinkers, prostitution (around Peckham Square) and for general street crime. Allowing for the 24-hour sale of alcohol at the premises will inevitably feed into these existing extremely serious problems.

In my experience, off-licences allowing for the 24-hour sale of alcohol often become a hub for irresponsible alcohol consumers and often contribute disproportionately to crime and disorder in the areas that they are located in.

We therefore refer this application to the council's Licensing Sub-Committee and recommend that the application be refused.

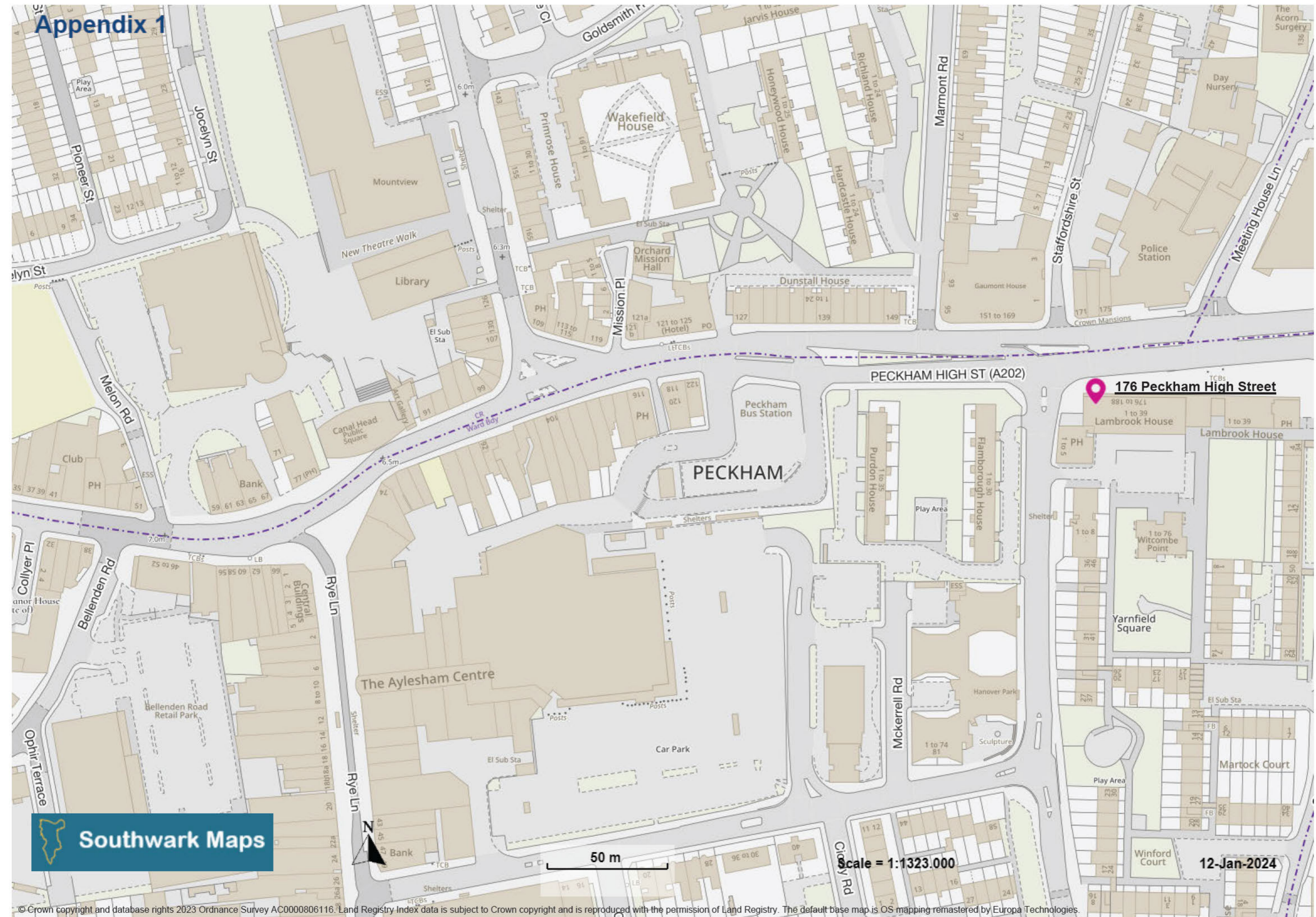
Notwithstanding the above, we note that the applicant has offered various control measures in the operating schedule of the application, which would form the basis of enforceable licence conditions (should a premise licence be issued subsequent to this application).

If the Licensing Sub-Committee were minded to grant this application, we would seek preferred wording for some of the proposed conditions to ensure that they are practicable and enforceable. We will be happy to provide the applicant and Licensing Sub-Committee with a

schedule of suitably worded conditions at the hearing to determine the application however,
we strongly re-iterate that it is our opinion that this application be refused.

Yours sincerely,

Wesley McArthur
Principal Enforcement Officer



176 Peckham High Street

PECKHAM

PECKHAM HIGH ST (A202)

The Aylesham Centre

Southwark Maps

50 m

Scale = 1:1323,000

12-Jan-2024

Licensing Act 2003 Premises Licence



Regulatory Services
Licensing Unit
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

880978

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Peckham Food and Wine 176 Peckham High Street	
Ordnance survey map reference (if applicable): 534464176745	
Post town London	Post code SE15 5EG
Telephone number [REDACTED]	

Licensable activities authorised by the licence
Sale by retail of alcohol to be consumed off premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 07:00 - 23:00
Tuesday 07:00 - 23:00
Wednesday 07:00 - 23:00
Thursday 07:00 - 23:00
Friday 07:00 - 23:00
Saturday 07:00 - 23:00
Sunday 07:00 - 23:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Sale by retail of alcohol to be consumed off premise

The times the licence authorises the carrying out of licensable activities
For any non standard timings see Annex 2 of the full premises licence
Sale by retail of alcohol to be consumed off premises
Monday 09:00 - 23:00
Tuesday 09:00 - 23:00
Wednesday 09:00 - 23:00
Thursday 09:00 - 23:00
Friday 09:00 - 23:00
Saturday 09:00 - 23:00
Sunday 09:00 - 23:00

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Muhammad Baloch

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Naseem Baluch

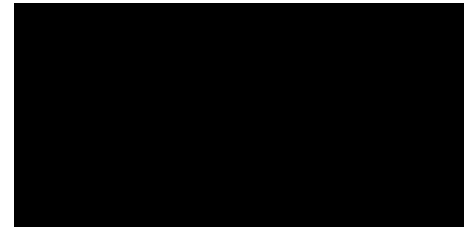
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence No. [REDACTED]

Authority: [REDACTED]

Licence Issue date: 28/11/2023



Head of Regulatory Services
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence -

- (a). At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- (b). At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

101 Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

485 (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –

(a) games or other activities which require or encourage, or are designed to require, encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

487 The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

488 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

489 The responsible person shall ensure that -

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) Beer or cider: 1/2 pint;
- (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) Still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available,

491 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V),$$

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence;
 - (ii) the designated premises supervisor (if any) in respect of such a licence; or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

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.

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

344 The premises licence holder shall ensure that notices shall be displayed in the premises, advising;

- CCTV is in operation
- a 'Challenge 25' scheme operates in the premises
- 'No proof of age – no Sale'
- Patrons should respect the needs of local residents and leave the area quietly

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

346 Alcohol shall only be purchased for sale within the premises from reputable sources and not from door-to-door sellers. The premises licence holder shall ensure all receipts for goods brought include the following details:

- i. Seller's name and address
- ii. Seller's company details, if applicable

iii. Seller's VAT details, if applicable

Such receipts are to be made available to officers of the local authority or police service upon reasonable request.

347 The area immediately outside the premises shall be monitored to ensure that any litter generated by the premises and/or its customers is regularly cleared.

348 Alcohol shall not be sold in an open container or consumed on the premises.

Annex 3 - Conditions attached after a hearing by the licensing authority

840 That no alcohol will be stored or displayed within 2-metres of the entrance/exit unless behind the staff counter.

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.

844 That alcohol is displayed as set out in the plan submitted with the application.

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

846 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.

847 That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: That all previous management involved in the premises are excluded from the premises and take no part in the operation of the premises namely: Kiran Israr, Saeeda Yasmeen, Shazia Imran Islam and Mohammad Islam.

Annex 4 - Plans - Attached

Licence No. 880978

Plan No. N/A

Plan Date N/A

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.

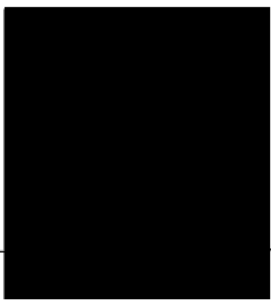
Signed [REDACTED]

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: Asif Ali, Kiran Israr, Saeeda Yasmeen and Shazia Imran Islam and Mohammad Islam.



Signed



Dated 28 February 2023

Licensing Act 2003 Premises Licence



Regulatory Services
Licensing Unit
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

876417

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Peckham Food and Wine 176 Peckham High Street London SE15 5EG	
Ordnance survey map reference (if applicable), 534464176745	
Post town London	Post code SE15 5EG
Telephone number	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Sale by retail of alcohol to be consumed off premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 07:00 - 23:00
Tuesday 07:00 - 23:00
Wednesday 07:00 - 23:00
Thursday 07:00 - 23:00
Friday 07:00 - 23:00
Saturday 07:00 - 23:00
Sunday 07:00 - 23:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities

For any non standard timings see Annex 2 of the full premises licence

Sale by retail of alcohol to be consumed off premises

Monday	09:00 - 23:00
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Saturday	09:00 - 23:00
Sunday	09:00 - 23:00

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Muhammad Baloch

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Naseem Baluch

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence No.

Authority

Licence Issue date 17/05/2022



Head of Regulatory Services
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

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(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional poster or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; and

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$$P = D + (D \times V),$$

where-

- (i) P is the permitted price,
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- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
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 - (i) the holder of the premises licence:
 - (ii) the designated premises supervisor (if any) in respect of such a licence; or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
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- CCTV is in operation
- a 'Challenge 25' scheme operates in the premises
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- Patrons should respect the needs of local residents and leave the area quietly

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- a) the identity of the member of staff who refused the sale;
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- ii. Seller's company details, if applicable
- iii. Seller's VAT details, if applicable

Such receipts are to be made available to officers of the local authority or police service upon reasonable request.

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Annex 3 - Conditions attached after a hearing by the licensing authority

840 That no alcohol will be stored or displayed within 2-metres of the entrance/exit unless behind the staff counter.

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.

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: Asif Ali, Kiran Israr, Saeeda Yasmeen and Shazia Imran Islam and Mohammad Islam

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

846 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.

Annex 4 - Plans - Attached

Licence No. 876417

Plan No. N/A

Plan Date N/A

BOC/2





WITNESS STATEMENT

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

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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 25th 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 [redacted] date of birth [redacted] who gave an address of [redacted]. I identified myself to Mr [redacted] 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 [redacted] 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 [redacted] 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: [redacted]

I asked Mr [redacted] had he previously had any dealings or worked at PECKHAM FOOD AND WINE. Mr [redacted] 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 [redacted] 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 BALOCH 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 BALUCH know that I would be returning Sunday night before 23:00 hours to view the CCTV.

On Sunday the 26th 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 BALUCH 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 BALUCH 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 Signature:

Signature Witnessed by Signature:.....

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 BULACH 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 BULACH 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 BULACH who replied that because Mr [redacted] was in there after 23:00 hours the Premises licence conditions are no longer enforceable.

As Mr BULACH 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.

Witness Signature:

Signature Witnessed by Signature:.....



METROPOLITAN POLICE

BOOK 894

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: 06/11/23 Time: 00:06

Details of person in charge at the relevant time: Refused
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:

340 - CCTV not available
 341 - Staff unable to operate CCTV
 343 - unable to produce staff training record
 101 - sales of alcohol not authorised
 345 - Refusal log not been inspected by DPS
 842 - Alcohol on display for sale after 2300 hours
 845 - EPOS/POS not working
 848 - unable to produce disposal policy

Issuing officer: PC [redacted] 2321AS Print: MARIA SMITH

I acknowledge receipt of this form: (venue) Refused

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