

## APPENDIX E

<b>To:</b> Licensing Unit	<b>From:</b> Wesley McArthur <a href="mailto:wesley.mcarthur@southwark.gov.uk">wesley.mcarthur@southwark.gov.uk</a> 020 7525 5779 (on behalf of the Licensing Unit in its role as a responsible authority)	<b>Date:</b> 14 February 2024
<b>Subject:</b>	Representation	
<b>Act:</b>	The Licensing Act 2003 (the Act)	
<b>Premises:</b>	Waterloo Food and Wine, 187 Waterloo Road, London, SE1 8UX	
<b>Ref:</b>	<b>882193</b>	

We object to the grant of an application to vary a premises licence, submitted by The Chelsea Food And Wine Company Limited under The Licensing Act 2003 (the Act), in respect of the premises known as Waterloo Food and Wine, 187 Waterloo Road, London, SE1 8UX.

### **1. The extant licence –**

The extant premises licence (licence number 881569) allows for licensable activities and opening hours as follows –

#### **The sale of alcohol to be consumed off the premises:**

**Monday - Sunday: 08:00 – 00:00 (midnight)**

#### **Late night refreshment:**

**Sunday – Thursday: 23:00 – 01:00**

**Friday – Saturday: 23:00 – 03:00**

#### **The opening hours of the premises are:**

**Sunday – Thursday: 06:30 – 01:00**

**Friday – Saturday: 06:30 – 03:00**

The premises are a convenience store.

A copy of licence 881569 is attached as appendix 1.

### **2. The variation application –**

The purpose of the variation is described in the application as follows (verbatim) –

- *“To vary the terminal hour for the sale of alcohol to 01:00 Sunday to Thursday and 03:00 Friday to Saturday, in accordance with the existing permitted hours for Late Night refreshment. No other changes are sought.”*

Therefore, the application seeks to allow the sale of alcohol for consumption off the premises as follows:

#### **The supply of alcohol for consumption on the premises:**

**Sunday – Thursday: 08:00 – 01:00**

**Friday – Saturday: 08:00 – 03:00**

## 2. The Locale

The premises are located on Waterloo Road, which is a very busy thoroughfare and arterial road. The premises are in a small parade of shops in close proximity to local bus stops. The area has high-density residential housing estates / blocks in the immediate and wider vicinity of the premises, in all directions. Two hotels are located very close to the premises. There are also many commercial premises in the area (including other licensed premises). A map of the local area is attached as appendix 2.

**Figure 1:** View looking north east across Waterloo Road showing the premises, housing block immediately above and behind the premises, and local hotels near the premises.



**Figure 2:** View looking south east down Waterloo Road showing housing estates immediately opposite the premises, and further south down Waterloo Road.





### **3. Statement of Licensing Policy (SoLP)**

According to sections 6 & 7 of this council's statement of licensing policy 2021 – 2026 (hereafter referred to as 'the SoLP'), the premises fall within Borough and Bankside District Town Centre and Borough and Bankside Cumulative Impact Area (CIA).

A copy of the SoLP is available via:

[Licensing and Gambling Act policy - Southwark Council](#)

The following closing times are recommended in the SoLP, in respect of the types of licensed premises located in Borough and Bankside District Town Centre, as follows –

#### **Off licences and alcohol sales in grocers and supermarkets:**

Monday – Sunday: 00:00

In the interest of transparency, section 7 of the SoLP relates to 'closing times'. The premises are **already** permitted to close at 01:00 hours on Sunday – Thursday, and at 03:00 hours on Friday and Saturday.

#### **4. Our objection**

Our objection relates to the promotion of the prevention of crime and disorder, public safety and the prevention of public nuisance licensing objectives.

We say that the late night / early morning sale of alcohol is likely to have a negative effect on the promotion the crime and disorder, public safety and the prevention of public nuisance licensing objectives, and be detrimental to the quality of life for local residents.

Although the SoLP relates to 'closing times', rather than the times permitted for licensable activities, we contend that it is sensible that recommended closing times, and the terminal hours for licensable activities should be considered equitable.

Premises selling alcohol late at night, or into the early morning, have increased risk factors. We do not think it is appropriate to allow premises to sell alcohol late night / in the early morning in a CIA.

We object to *any* extension of the hours permitted for the sale of alcohol.

Premises selling alcohol late at night / in the early morning often become hubs for crime and disorder, anti-social behavior and nuisance. Such premises can attract problem drinkers, such as street drinkers or vulnerable people with alcohol abuse issues. In addition to this, such premises also often attract customers who have been to pubs, bars or clubs in the locale, who are already intoxicated and wish to continue drinking to their own detriment and to the detriment of local residents or other people in the area. Confrontations can often arise between customers who are intoxicated.

The operational hours suggested in the SoLP, and the implementation of CIA's, exist to protect local residents, people traveling through CIA areas and vulnerable people.

The operational hours suggested in the SoLP, and the implementation of CIA's were ratified by councilors at full licensing committee and we suggest that the licensing sub-committee adheres to this council's own policies, which we say have been applied for good reason.

## **5. Cumulative impact**

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 150 of the SoLP stipulates that regarding the Borough and Bankside CIA –

- *“The classes of premises within the area to which the policy shall apply will be night-clubs / public houses and bars / restaurants and cafes / off-licences, supermarkets and grocers.”*

Therefore, the premises to which this application relates is of a type that is subject to the Borough and Bankside CIA.

As per paragraph 150 of the SoLP, the council has found that certain types of premises are likely to increase the negative cumulative impact in the Borough and Bankside 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.

We also note that the applicant has not addressed cumulative impact **at all** in the application, which is an unfortunate omission that indicates that the applicant may not be aware of the problems caused by licensed premises selling alcohol in the Borough and Bankside CIA.

Further, we contend that granting the application **will** further contribute to the negative local cumulative impact of licensed premises in the Borough and Bankside CIA.

We do not think it is appropriate **at all** to allow premises to sell alcohol late at night / in the early morning 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.

We further add that the full council assembly approved the current version of the SoLP and have maintained the Borough and Bankside 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**.

**Taking into account the above, we reiterate that this application be refused.**

We may present further submissions prior to, or at, the hearing to determine this application.

Yours sincerely,

**Wesley McArthur**  
Principal Enforcement Officer

# Licensing Act 2003 Premises Licence



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

**Premises licence number**

881569

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Waterloo Food & Wine 187 Waterloo Road	
Ordnance survey map reference (if applicable): 531436179673	
<b>Post town</b> London	<b>Post code</b> SE1 8UX
<b>Telephone number</b> 020 7928 3630	

<b>Licensable activities authorised by the licence</b> Sale by retail of alcohol to be consumed off premises Late Night Refreshment – Outdoors
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<b>The opening hours of the premises</b> For any non standard timings see <b>Annex 2</b>
Monday            06:30 - 01:00
Tuesday           06:30 - 01:00
Wednesday       06:30 - 01:00
Thursday          06:30 - 01:00
Friday             06:30 - 03:00
Saturday          06:30 - 03:00
Sunday            06:30 - 01:00

<b>Where the licence authorises supplies of alcohol whether these are on and/ or off supplies</b> Sale by retail of alcohol to be consumed off premises
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<b>The times the licence authorises the carrying out of licensable activities</b> For any non standard timings see Annex 2 of the full premises licence
<b>Sale by retail of alcohol to be consumed off premises</b>
Monday            08:00 - 00:00
Tuesday           08:00 - 00:00
Wednesday       08:00 - 00:00
Thursday          08:00 - 00:00
Friday             08:00 - 00:00
Saturday          08:00 - 00:00
Sunday            08:00 - 00:00

**Late Night Refreshment - Outdoors**

Monday	23:00 - 01:00
Tuesday	23:00 - 01:00
Wednesday	23:00 - 01:00
Thursday	23:00 - 01:00
Friday	23:00 - 03:00
Saturday	23:00 - 03:00
Sunday	23:00 - 01:00

**Part 2**

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

The Chelsea Food And Wine  
Company Limited  
276 Preston Road  
Harrow  
Middlesex  
HA3 0QA

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

05729781

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

Asim Mehmood

**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: 16/01/2024

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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.

**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.

**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;
- (d) "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**

**112** This licence allows for the premises to remain open for non standard timings as stated on the days below. The premises shall operate on New Years Eve for 24 hours.

**288** A digital CCTV system shall be installed at the premises, shall be maintained in full working order and shall be continually recording at all times that the premises are in use. The CCTV system must be capable of operating in all lighting conditions and capturing a clear facial image of every person who enters the premises. The CCTV system shall be correctly time and date stamped at all times. The CCTV system shall cover all interior and exterior areas of the premises, including the frontage of the premises, and shall collect clearly focused footage.

**289** All CCTV footage shall be kept for a period of thirty one (31) days and shall be made immediately available to responsible authority officers on request.

**340** A member of staff shall be on duty at all times that the premises are in use, who is trained in the use of the CCTV system and who is able to view, and download to a removable storage device, CCTV footage at the immediate request of any responsible authority officers.

**305** That clearly legible signage shall be prominently displayed where it can easily be seen and read by customers advising to the effect that CCTV is in operation at the premises. The signage shall be kept free from obstructions at all times.

**341** An electronic point of sale (EPOS) system shall be installed at all tills on the premises and it shall be configured to prompt the operator to check proof of age when an alcoholic product (any other product where the age for purchase is restricted by law) is scanned. The prompt should require the operator to confirm that the purchaser is over 18 (or any other age required by the relevant law for other products) before the next item can be scanned or the transaction completed.

**336** A personal licence holder shall be on duty after 20:00 hours until the premises is closed to the public.

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

**4AB** All staff involved in the sale of alcohol shall attend a recognised training scheme which will include training in the agecheck 'Challenge 25' policy. They must obtain a certificate of competence. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the council's authorised officers or the police.

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

**4AI** A register of refused sales of alcohol and if applicable, cigarette sales which is clearly marked with details of the premises, address and name of licence holder shall be maintained in order to demonstrate effective operation of the policy. On a monthly basis, the designated premises supervisor shall check the

register to ensure it is being properly completed. He/she shall sign and date the register to that effect and, where appropriate take corrective action if the register is not being completed correctly and in a timely manner. The register shall be available for inspection at the premises on request by the council's authorised officers or the police.

**125** All 'off sales' of alcohol shall be provided in sealed containers to be taken away from the premises.

**4BA** No beers, lagers or ciders with an alcohol by volume (ABV) of above 6.5% will be displayed, sold or offered for sale at the premises unless prior permission is obtained from Southwark Police Licensing Office and Southwark Council Trading Standards service. A written copy of such permission must be kept at the premises and be made available immediately to responsible authority officers on request. This condition does not apply to Guinness Foreign (ABV 7.5%), Dragon Stout (ABV 7.5%) and Leffe Blonde (ABV 6.6%).

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

Not applicable.

**Annex 4 - Plans - Attached**

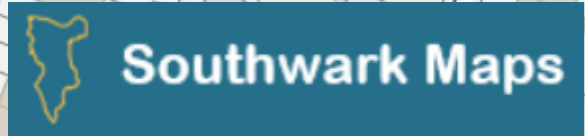
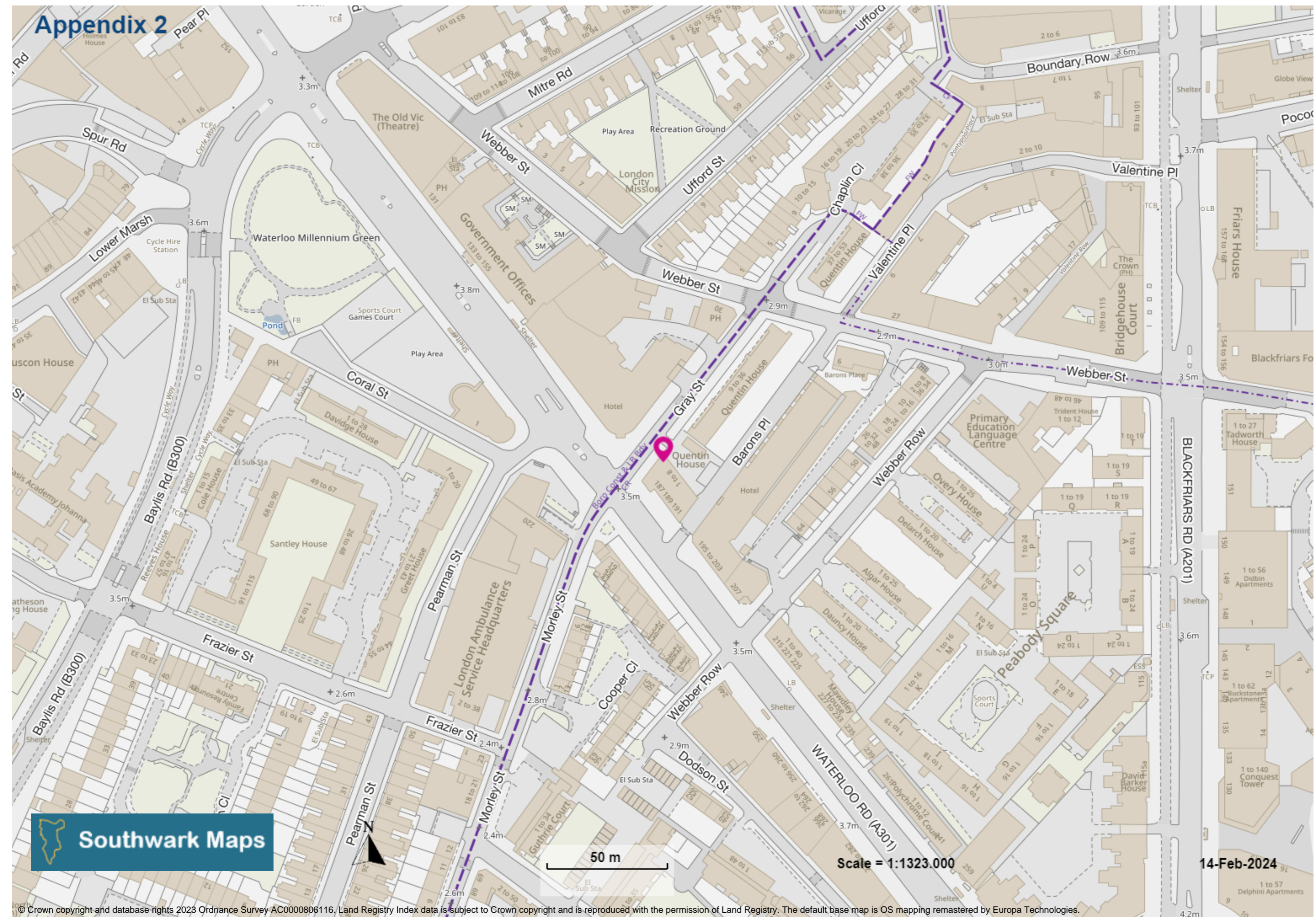
Licence No. 881569

Plan No. N/A

Plan Date 20/03/2023



# Appendix 2



14-Feb-2024