

[Insert details including name and address of licensing authority and application reference if any (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Bill Masini (On behalf of Trading Standards)

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Express Supersave
109-115 Blackfriars Road

Post town London

Post code (if known) SE1 8HW

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premises certificate (if known)
835061

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Southwark Council – Trading Standards Bill Masini Trading Standards Officer Community Safety & Enforcement 3 rd Floor Hub 2 PO Box 64529 London SE1P 5LX
Telephone number (if any) 0207 525 2629
E-mail address (optional) bill.masini@southwark.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

Prevention of Crime and disorder –

- Illegal worker in shop
- Failure to pay employee the minimum wage as required by The National Minimum Wage Act 1998

Protection of children from harm –

- Failure to train staff as required by condition 4AB.
- Failure to maintain a register of refused sales of alcohol as required by condition 4AI

Trading Standards enforce various fair trading laws including The Licensing Act 2003 and carries out joint inspection visits with Southwark's Police Licensing/Night time Economy officers and the UK Immigration Force (UKBF). This is for the purpose of ensuring the conditions on the licence as well as the four objectives under The Licensing Act are adhered to. It is also for the purposes of identifying other criminal offences such as illegal immigrants or illegal workers.

The premise licence permits alcohol to be sold 24 hours a day seven days a week (168 hours) but does require there to be a personal licence holder to be on the premise and on duty at all times that alcohol is supplied between 22:00 and 08:00 hours– (condition 336).

Mid morning on 10 April 2015 Trading Standards carried out a joint visit with the Metropolitan Police and UKBF to this premise. The shop was open to the general public.

On entry, a man later identified as Zeeshan Akram was seen to be working in the shop – filling the shelves. When he saw officers enter the shop he sought to act as a customer purchasing goods and went to the counter to pay for the item he had in his hand and to then leave the shop unnoticed. When challenged by a UKBF officer he denied working at the shop. The man working behind the counter (Mr S.M.Refaet) said Mr Akram had been working at the shop for a short time. The joint premise licence holder (Suresh Patel) who was on the premise, said Zeeshan Akram had worked there for a while. Examination of the CCTV showed Mr Akram to be working at the shop.

Immigration checks showed Mr Akram to be in the UK on a Student Visa but not permitted to work. Mr Akram was arrested by the UKBF officer with a view to he being deported. The business was unable to produce any documentation to show that his employment status had been checked prior to employment.

Mr Refaet was spoken to. He said he had worked at the shop for about three weeks and was paid £40 for a 10 hour shift and that he worked four ten hour shifts each week. He said he was paid cash from the till. The national minimum hourly rate for Mr Refaet (he being 30 years old) should be £6.50 at the time of this visit. This meant he should be paid £260 per week instead of the £160 he was being paid, making a difference of some £5000 per annum. Trading Standards say as well as being illegal and unfair on Mr Refaet, paying below the "minimum wage" distorts the market place

by giving an unfair commercial advantage over any competitor seeking to act in accordance with the law.

When asked, Mr Suresh Patel said there were no training records for staff, this being a requirement under condition 4AB. However, by the door on the wall was a notice saying two people had been trained in the sale of age restricted goods on 1st December 2013 – some 17 months earlier. They were Zeeshan Akram (the man who claimed not to work at the shop and not permitted to work in the UK) and Fiaz Gul who according to Suresh Patel, had not worked there for a long time. There were no references to any training given to the man working behind the counter, Mr Refaet, and indeed he confirmed he had not received any training on age restricted products and when questioned, was unable to explain anything about the concept of Challenge 25.

There was a refusals book available for inspection (as required by condition 4AI) but the last entry for alcohol was some seven months ago on 15 September 2014 and from experience Trading Standards say the register is either not being maintained or young people are not being challenged as to their age.

Trading Standards invites the sub-committee to consider all options available to it. In the event the sub-committee does not revoke the licence Trading Standards request it to review the conditions on the existing licence. Specifically it asks

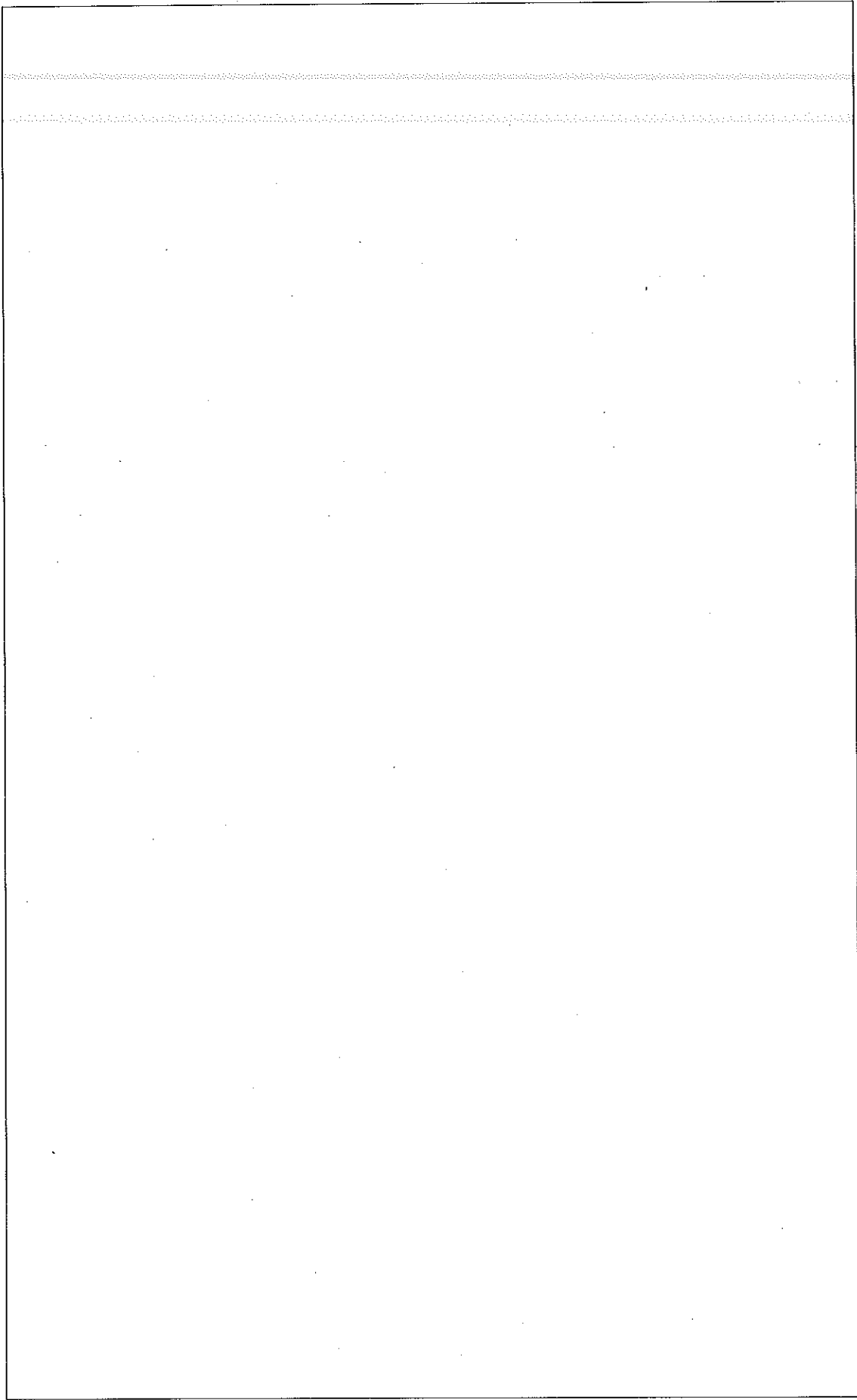
- For the addition of the following conditions which includes amendments to existing conditions:
- 1. The premises shall operate an agecheck 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to 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. – amends condition 4AA
- 2. 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 – amends condition 4AB
- 3. 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 - amends condition 4A1

- 4. That an electronic point of sale (EPOS) system 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.

- For the addition of a condition that "there shall be a personal licence holder on the premises at all times alcohol is available for supply for the purpose of supervising such sales"- amends condition 336
 - For the addition of condition 846 - That before any person is employed at the premises sufficient checks will be made of their bona fides to ensure that they are legally entitled to employment in the UK. Such checks will include:
 - Proof of identity (such as copy of their passport)
 - Nationality
 - Current immigration status
 - Details of their full name and address
 - Date of birth
 - Employment history
 - Education
 - Criminal convictions
 - Permission to contact the current/previous employer will be sought

Amend condition 101 to read: "Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence. That authorisation must also be in writing and displayed on the premise adjacent to the display of the Licence Summary where the Police or the Council's authorised officers can inspect it.



Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

WR Mann

Date

2 May 2015

Capacity Trading Standards Officer acting on behalf of Southwark Council

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.