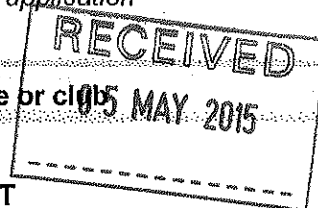


[Insert details including name and address of licensing authority and application reference if any (optional)]



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 Afro Cosmetics Food and Wine 213a Rye Lane	
Post town London	Post code (if known) SE15 4TP

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

Number of premises licence or club premises certificate (if known) 846437

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

Please tick yes

I am 18 years old or over

**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) [REDACTED]

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

Prevention of Crime and disorder –

- Smuggled alcohol on sale Duty evaded alcohol on sale – s144 Licensing Act
- Food on sale where the use by date had been exceeded – Food Labelling Regulations made under Food Safety Act
- Bottled beers on sale where the alcoholic strength (ABV) exceeded that permitted under the licence – condition 341 and contrary to section 136 Licensing Act

Protection of children from harm

- Inadequate/no age verification policy in place

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. 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.

On 10 April 2015 Trading Standards carried out a joint visit with the Metropolitan Police to this premise. The shop was open to the general public and alcohol was spread across about half of the shop.

The alcohol for sale was examined and the following non duty paid alcohol was found totalling 41 litres..

- 77 x 200ml bottles of Alomo Bitters (15.4 litres). These had an alcohol by volume (ABV) of 42%. This was made up of 3 boxes each containing 18 bottles behind the counter and 5 bottles on the shelf
- 22 x 200ml bottles of Rumber vodka (4.4 litres). There were 11 bottles of green apple flavoured (ABV 35%) and 11 bottles of "classic" flavoured (ABV 40%)
- 21 x 375ml bottles of Wray and Nephew white over proof vodka (ABV 63%) (7.875 litres)
- 17 x 200ml bottles of Wray and Nephew white over proof vodka (ABV 63%) (3.4 litres)
- 4 x 75cl bottles of Appleton Jamaican Rum (3 litres) (ABV 40%)
- 3 x 1 litre bottles of Rum bar white over proof rum (3 litres) (ABV 63%)
- 1 x 75cl bottle of Wray and Nephew white over proof vodka (ABV 63%)
- 3 x 70 cl bottles of Armilar Amaretto (ABV 28%) (2.1 litres)
- 1 x 500ml bottle of Tierra del Inca pisco quebranta (ABV 40%)
- 1 x 500ml bottle of Creme de Menthe (ABV 30%)

Also found for sale were 9 bottles of Leffe beer which has an ABV of 6.6%. 4 were displayed on the shelf and 5 were in the chiller. Condition 341 of the premise licence limits the sale of beers, lagers and ciders to 5.5% ABV. 341 - **That the premises will not sell or offer for sale any single cans, bottles or multi packs of beers or ciders with an ABV of above 5.5% will not be offered for sale from any area to**

which the public have access.

Of note and concern is that the same police officers visiting the premise on 10th April had visited the shop exactly three weeks earlier and found this product and cans of Kestrel beer – [ABV 9%] and diamond white cider – [ABV 7.5%] - and commonly consumed by people with serious alcohol dependency) on sale. Mr Thambapillai Sivagi had been told to remove that alcohol on 20st March but had evidently not done so.

Food for sale is required to have either a "best before" date or a "use by" date. Foods with a best before date can still be sold beyond the stated date but the food must not be injurious to health. However it is a criminal offence to offer for sale food where a use by date has been exceeded. Foods which "from the microbiological point of view are highly perishable and therefore likely after a short period to constitute an immediate danger to human health" are required to be marked with a use by date and not a best before date. Typical foods are dairy ones such as milk cream and fresh poultry, and foods intended for consumption either without cooking or after treatment (such as reheating) where it is unlikely to be sufficient to destroy food poisoning organisms which may be present (ham, salami and similar).

Examination of food in the fridge disclosed the following items for sale beyond their use by date.

- 2 x 1 litre bottles of whole milk where the use by date was 3rd April – 7 days past the use by date
- 1 packet of Salami where the use by date was 21st March – 20 days past the use by date
- 2 x 1 litre bottles of whole milk where the use by date was 9th April – 1 day past the use by date
- 1 packet of salami where the use by date was 8th April – 2 days past the use by date

Of note is that these items were found amongst other packets/bottles that were "in code" and so a member of the public could easily, and unwittingly, have picked up an out of date item having seen goods marked in code.

Also on the shelves were boxes of eggs with the following best before dates:

- 2 boxes x 6 eggs with best before date of 22 March – some 19 days past that

date

- 2 boxes x 6 eggs with best before date of 30 March – some 12 days past that date
- 2 boxes x 6 eggs with best before date of 8 April – some 2 days past that date

Again these were mixed up with boxes "within code".

Eggs have their own legal requirements and are not required to be marked with a use by date. Nonetheless, it is unwise for anyone to consume eggs are the best before date and it is highly likely they will be stale and cause an upset stomach, or worse for pregnant women or those already in poor health.

The alcohol was seized by The Police.

The duty evaded with the alcohol is approximately £600.

When Mr Thamapillai was asked about an age verification policy as required by condition 488 he was not able to explain one other than the simple requirement of not selling to people under 18 and checking identification of the person in front of him. He was unaware of the "Challenge 25" policy and said if he thought someone was under 18 he would firstly ask how old they were which Trading Standards has said for many years is a pointless question!

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..

If conditions are to be added, Trading Standards specifically it asks for the addition of the following conditions which includes amendments to existing conditions:

- 1. Condition 4AA 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.
- 2. Condition 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.

- 3. Agecheck 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 agecheck 'Challenge 25' policy applies and proof of age may be required

- 4. Condition 4A1 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 -

- 5. 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"

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

[Redacted Signature]

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.