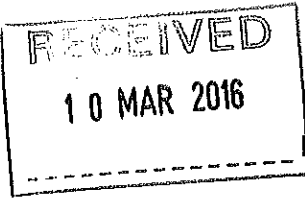


[Insert details including name and address of licensing authority and application reference if any (optional)]



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 Bottle and Basket UK Ltd 187 Waterloo Road	
Post town London	Post code (if known) SE1 8UX

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

Number of premises licence or club premises certificate (if known) 846721

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Southwark Council – Trading Standards Bill Masini Trading Standards Officer Environment and Leisure 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 | <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"/> |

<p>Please state the ground(s) for review (please read guidance note 1)</p> <p>Prevention of Crime and disorder –</p> <ul style="list-style-type: none">• Unauthorised licensable activity - Failure to comply with condition 100 by supplying alcohol when there was no Designated Premises Supervisor – s136 Licensing Act• Unauthorised licensable activity – Failure of DPS to ensure supply of alcohol at the premise is carried on in accordance with age verification policy – s136 Licensing Act• Illegal Worker in shop• Illegal tobacco blunts in possession for supply• Failure to display details of business ownership• Excessive sale of super strength beers/ciders to known problem drinkers <p>The protection of children from harm -</p> <ul style="list-style-type: none">• Unauthorised licensable activity – Failure of DPS to ensure supply of alcohol at the premise is carried on in accordance with age verification policy – s136 Licensing Act• Underage sale of alcohol

On 25 February 2016 Trading Standards and Police Officers from The Night Time Economy team carried out a visit to this premise for the purpose of checking compliance with the Premise Licence, Trading Standards legislation and immigration matters.

On arrival behind the counter serving customers were two males, [REDACTED] and the [REDACTED]

When asked whether the owner and/or the Designated Premises Supervisor were present, [REDACTED] said he had bought the business about a week before and they had nothing more to do with the business. He said he was paying £65,000 for the lease.

When asked if the premise licence for the alcohol had been transferred to him, he then said the sale was still with his solicitors and that he was running it on a trial basis to see if was viable and until the sale (if it was to happen) went through.

No details of the ownership of the business were displayed as required by The Companies Act. It should be noted on a visit made by the same officer on 12 September 2012 this was also missing and so the requirements were duly explained at the time. It was followed up with a letter and appropriate guidance on 19 September. An Agecheck pack was also supplied. At the time of this recent visit on 25 February, this paperwork was found untouched in a tied up bag of Bottle and Basket Limited business documentation in the basement further indicating a lack of this company's involvement in running this business.

[REDACTED] made a telephone call and asked Trading Standards to speak to a man who said he was [REDACTED], a director of Bottle and Basket UK Limited. Later enquiries show he is NOT a director. On the telephone display was the name [REDACTED]. He said the premise was leased from Southwark Council and that he was planning to sublet it to [REDACTED]. It was pointed out to him that he needed Southwark Council's permission to do this as sub-letting was not permitted. He said Mr Cicek was running the business on a trial basis at the moment.

At the end of that telephone conversation, the officer pointed out to [REDACTED] that he needed Southwark Council's permission and there should be no money changing.

hands with the current leaseholder to secure a lease. [REDACTED] then said the money was for stock and not the lease. It was clear for all to see the stock in the shop was worth nowhere near £65,000.

Of note here, with regard to the tobacco blunts that did not comply with The Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 and offered for sale behind the counter, [REDACTED] said they belonged to [REDACTED] thereby once again contradicting what he had said earlier about the purchase of the stock.

Trading Standards say sales of alcohol were being made by [REDACTED] and not by the named Premise Licence Holder, Bottle and Basket UK Limited and this was in breach of the Licensing Act. It is also alleged there was no DPS as the named Designated Premises Supervisor, [REDACTED] had no involvement in the running of the business and was in effect absent. No DPS was there to ensure conditions on the licence were adhered to. Condition 488(2) of the licence states "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".

Trading Standards asked [REDACTED] what systems were in place to prevent underage sales. He had no idea about age verification systems or "Challenge 25". No training records or refused sales register were available. These had all been supplied on 19 September 2012.

The particular relevance of pursuing this matter, with regard to the prevention of underage sales was because Bottle and Basket UK Limited had made such a sale of an alcopop (WKD Original) on two months earlier on 30 June 2012 to Trading Standards' underage volunteer. The business accepted a "Simple Caution" under The Licensing Act S146(1) and Trading Standards were keen to work with the Premise Licence to prevent future sales.

Checks carried out by the Police into the status of the men working in the shop showed [REDACTED] was an "overstayer" and he was duly arrested. He was transported to the Walworth Police Station to be dealt with by UKBF (UK Border Force). He had told the Police he was not working in the shop. However, displayed behind the counter was a document entitled "Designated Premises Supervisor (DPS) Letter of Authorisation" dated 15th November 2014 and signed by [REDACTED] (the named DPS). He had given an authorisation for [REDACTED] to sell alcohol some 15

months before the recent visit on 25 February 2015.

There was no specific authorisation for [REDACTED] but he presented a Personal Licence issued by The London Borough of Enfield.

Trading Standards spoke to [REDACTED] the named DPS, on 26 February 2016 who seemed to think he owned the business.

Company House checks show [REDACTED] resigned as a director of Bottle and Basket UK Limited on 19 December 2011. As at 26 February 2016, the sole director of that company was [REDACTED]. Southwark Council records show the current food business operator for the business is [REDACTED] and has been since 19th July 2011. It is a requirement under The Food Safety Act to register all food premises with the Local Authority.

During the time of the visit, a customer with a clear alcohol dependency problem purchased 5 cans of super strength cider (7.5% ABV) for £6. He had intended also buying a sixth can of Special Brew (9% ABV) but did not have enough money on him. This made a total of 23.5 units of alcohol in one potential transaction. When [REDACTED] was spoken to after the man had left he said the man was a regular who frequented the shop for such a purchase at least once a day, every day. To give some context to this it could equate to in excess of 200 units a week; massively over the Government recommended safe drinking levels. Both Trading Standards and the Police at the time of the visit were concerned about the complacency [REDACTED] had in selling such large quantities of super strength beers/ciders on such a regular basis without any thought given to possible consequences or concerns for the drinker and others affected by this.

Trading Standards say this casual manner in which this business is run is of concern to how the licensing objectives can be complied with.

On 26 February 2016, Trading Standards wrote to the named Premise Licence Holder and the Designated Premises Supervisor asking them to engage with Trading Standards to clarify ownership and to ensure licences/registrations were in the correct names. There has been no response.

The sub-committee is invited to consider all options open to it including revocation.

The conditions on the licence are very sparse. In the event the licence is not revoked Trading Standards, would like to see more detailed conditions on it. Trading Standards recommend condition 488 be removed.

In its place Trading Standards would like the following conditions to be added to the licence:

- 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 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
- 5. 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.
- 6. 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

- 7. No beers, lagers or ciders in single cans, bottles or multi-packs with an ABV of more than 6.5% will be displayed, sold or offered for sale from the premises
- 8. That an approved CCTV system shall be installed at the premises that records clear images of both the interior and exterior of the premises. The CCTV installed inside the premise shall be positioned to capture the sale of alcohol and tobacco products. The CCTV system shall have a minimum of 31 days recording facility and will be maintained in full working order at all times and be continually recording at all times the premise is in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premise. All CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to The Police and/or Authorised Officers from Southwark Council
- 9. All staff working at the premise shall be trained and be fully conversant in the correct operation of the CCTV and be able to demonstrate its operation on immediate request by Police and/or Authorised Officers from Southwark Council
- 10 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

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

[Redacted Signature]

Date 10 March 2016

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.