LICENSING SUB-COMMITTEE

Date: Tuesday 4 September 2018

Time: 7.05 pm (or at the conclusion of the Licensing Committee meeting scheduled for 7.00 pm whichever is the later)

Venue: Committee Room (1.16) - Lambeth Town Hall, Brixton, London, SW2 1RW

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Members of the Committee

Councillor Linda Bray, Councillor Fred Cowell (Chair), Councillor Martin Tiedemann, Councillor Rezina Chowdhury, Councillor John Kazantzis, Councillor Joshua Lindsey, Councillor Philip Normal, Councillor Emma Nye and Councillor Becca Thackray

Substitute Members

Councillor Matthew Bennett, Councillor Jennie Mosley, Councillor Andy Wilson, Councillor Jane Edbrooke, Councillor Marcia Cameron, Councillor Jon Davies, Councillor Dr. Mahamed Hashi and Councillor Claire Holland

Members required for this meeting will be: Councillor Linda Bray, Councillor Rezina Chowdhury and Councillor Fred Cowell

Further Information

If you require any further information or have any queries please contact:
Nazyer Choudhury, Telephone: 020 7926 0028; Email: nchoudhury@lambeth.gov.uk

Members of the public are welcome to attend this meeting. If you have any specific needs please contact Facilities Management (020 7926 1010) in advance.

Queries on reports

Please contact report authors prior to the meeting if you have questions on the reports or wish to inspect the background documents used. The contact details of the report author are shown on the front page of each report.

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AGENDA

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE CHANGED AT THE MEETING

1. Election of Chair

2. Declaration of Pecuniary Interests

Under Standing Order 4.4, where any councillor has a Disclosable Pecuniary Interest (as defined in the Members’ Code of Conduct (para. 4)) in any matter to be considered at a meeting of the Council, a committee, sub-committee or joint committee, they must withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter unless a dispensation has been obtained from the Monitoring Officer.

3. Minutes

To approve and sign the minutes of the meetings held on 2 and 14 August 2018 as a correct record of the proceedings.

4. Licensing Applications for the Grant / Review of a Premises Licence

(Report and appendices)

Strategic Director for Neighbourhoods and Growth
Contact: Ola Owojori, Interim Licensing Manager, 0207 926 1649, oowojori@lambeth.gov.uk

a) Kwik Stop Food And Wine - Shop 72 Brixton Hill London SW2 1QW (Brixton Hill ward) 25 - 108

b) Presco Food and Wine - 67 Stockwell Road London SW9 9PY (Stockwell ward) 109 - 168

c) Superway Express - 344 Kennington Lane, London SE11 5HY (Prince's ward) 169 - 206
Digital engagement

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Representation

Ward Councillors may be contacted directly to represent your views to the Council: (details via the website www.lambeth.gov.uk)
HEARING PROCEDURE FOR LICENSING SUB-COMMITTEE

Full information on the procedure is sent to all parties to the hearing. The information below is a précis of that information.

Parties to the hearing must notify Licensing Services within prescribed timescales (these vary according to the type of hearing) that they intend to attend and/or be represented at the hearing and whether any witnesses will be attending on their behalf.

The hearing will operate as follows (subject to the discretion of the Chair)

- In the form of a discussion led by the Committee; cross examination will not normally be permitted.
- A total of 3 minutes speaking time is normally allowed for each party. Any preliminary points will be treated separately.
- Where there is more than one representation raising the same or similar grounds, those parties should consider nominating a single representative to address the Sub-Committee on their behalf at the hearing.
- Parties to the hearing may be permitted to ask questions of any other party or witness.
- Parties to the hearing may be required to answer specific questions from members of the committee seeking clarification of information.
- The typical order of the hearing will be as follows:
  1. Chair will ask all parties and witnesses to introduce themselves and this should include a brief explanation of the purpose of their attendance.
  2. Officers present the report.
  3. Committee members ask questions of officers.
  4. Applicant speaks.
  5. Applicant's witnesses speak (with permission of Chair).
  6. Committee members ask questions of applicants and their witnesses (only applies to witnesses who have been given permission to speak).
  7. Other parties speak.
  8. Other parties' witnesses speak (with permission of Chair).
  9. Committee members ask questions of the other parties to the hearing and their witnesses (only applies to witnesses who have been given permission to speak).
  10. Applicant (with exception and with permission of Chair) asks questions of the other parties to the hearing and their witnesses.
  11. Other parties to the hearing (with exception and with permission of Chair) ask questions of the applicant/other parties to the hearing and their witnesses.
  12. Chair's closing remarks.
  13. Committee retires to make their decision.
  14. Legal adviser informs the hearing of any advice that they have given to the committee during the decision making process.
  15. Committee announces decision and gives reasons.
  16. After the hearing officers will write to all parties to confirm the committee's decision.
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LICENSING SUB-COMMITTEE
Thursday 2 August 2018 at 7.00 pm

MINUTES

PRESENT: Councillor Linda Bray, Councillor Rezina Chowdhury and Councillor Emma Nye

APOLOGIES:

ALSO PRESENT:

1 ELECTION OF CHAIR

Moved by Councillor Rezina Chowdhury, SECONDED by Councillor Emma Nye and

RESOLVED:
That Councillor Linda Bray chair the meeting.

2 DECLARATION OF PECUNIARY INTERESTS

None were declared.

3 LICENSING APPLICATIONS FOR THE GRANT / REVIEW OF A PREMISES LICENCE

3a BEACONSFIELD GALLERY, 22 NEWPORT STREET, LONDON, SE11 6AY (PRINCE’S)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a variation of a premises licence. The Sub-Committee’s attention was drawn to chapters 2, 3, 8, 9, 10 and 15 of the Statutory Guidance and Sections 8 and 16 of the Statement of Licensing Policy as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 6.2 of the report on page 11 of the agenda papers.

The Licensing Officer confirmed:

- The application sought the terminal hour of 00:00 for the sale of alcohol and playing of recorded music Monday-Saturday (with a terminal hour of 23:30 on
The application also sought the playing of live music from 11:00-23:00.

A representation against the application had been made by the Licensing Authority.

The application could be found on pages 13 to 32 on the agenda papers.

Supporting documents could be found on pages 33 to 46 of the agenda papers.

The representation from the Licensing Authority could be found on page 47 of the agenda papers.

**Presentation by the applicant**

Mr David Crowforth, Ms Sarah Jane Williams and Mr Simon Williams, representing the applicant, informed the Sub-Committee that:

- The applicant was applying for an additional hour to the licence already held by the applicant.
- The applicant ran a charity called ‘Beaconsfield’ which operated as an educational charity.
- The applicant had a community café which was open 7 days a week and held exhibitions at the premises.
- Licensable activity was held at the premises so that the applicant could support the charity by hosting occasional events.
- The charity needed more funding.
- Many potential clients were not being obtained (largely for weddings and corporate events) by the applicant as they were unable to offer a premises which operated licensable activity at a later hour.
- The applicant had a very good relationship with the local residents and also generally within the Vauxhall area.
- The premises had been operating for over 23 years.
- The organisation was still run by the people who set it up originally.
- The applicant had a long-term commitment with the community and had obtained written support from residents living opposite the premises.
- Support had been given by residents in the area partly because they recognised the history of the premises and felt apart of it. Residents felt that the premises was something they wanted to support in the long term.
- The current licence had a robust policy for managing events. This had led to a good relationship with residents in the area.
- The premises had a robust dispersal and noise control policies and was proposing even more robust policies to manage the additional hour being requested.
- The applicant and the I Do Festivals Group have worked together to ensure
that the policies and procedures proposed by the applicant would be robust.

- It was important to emphasise that the applicant had built good operational policies as a licence holder.

- The I Do Festivals Group had approached the premises last year and did not wish to operate at any premises before properly considering it, particularly its operations in relation to the residential area.

- The I Do Festivals Group was in its fourth year of operating as a business.

- The I Do Festivals Group worked hard with communities to mitigate risks and were proposing to further engage with the community.

- The applicant wanted to keep clear communications with residents in relation to all events held at the premises. If at any time there was a situation where the applicant did not meet the necessary standards, then they would want to work with the Council to ensure that the standards would be met.

- The applicant was in discussions with acoustics experts to make sure the decibel noise levels did not disturb residents and met the right standards in general.

- Ms Williams was a personal licence holder and had never received a complaint for any event she had run.

- Both the I Do Festivals Group and the applicant had adequate policies in place to make sure that the licensing objectives would be met.

- The I Do Festivals Group had worked with the applicant in the past and the applicant had a good track record generally.

In response to questions from Members, Mr Crowforth, Ms Williams and Mr Williams informed the Sub-Committee that:

- Managing the flow of patrons in order to ensure that no impact would be made to the residential area was something that was achieved at the New Year’s Eve event held at the premises. The premises was an enclosed site and a wall separated it from the highway. This operated as an additional sound barrier and meant that no ‘external’ queuing took place.

- At corporate events, an organised timed entrance would be implemented so that there would be no build-up of a queue at the entrance. They would be brought into reception and put elsewhere on the premises.

- One reason the applicant wanted to be able to play live music until 23:00 and recorded music until 00:00 is because patrons who attended to see a live band were likely leave earlier but patrons listening to recorded music were likely to stay until later. This would ensure that large numbers of patrons would not leave the premises at the same time.

- At previous events, the premises had employed a number of SIA guards who escorted patrons away from the premises into Black Prince Road so no nuisance could be caused. When the applicant did this, organised transport would be made available in specific areas near the premises. Patrons could use coaches that would be made available to them. The applicant would also work with local taxi firms who could assist with dispersal of patrons and patrons could also be pointed towards public transport and towards the Albert
Embarkment.

- Sometimes coaches would be used to transport patrons from Black Prince Road depending on the scale of event held at the premises. The Albert Embankment was a good dispersal point.

- The New Year’s Eve event was arranged to be held for under 500 patrons. Ordinarily, the premises did not organise events for over 500 people. Generally, the premises held events for 300 patrons, which although was quite a large number, was a manageable scale for the premises.

- For corporate events, the applicant would aim to have at least 15 members of staff for an event not exceeding 300 patrons.

- The premises had blinds which were ‘blackout’ blinds so no bright light would escape the premises.

- The applicant’s existing policy of the smoking area was to maintain control of the area via general and consistent monitoring. If there was a large group occupying the smoking area, then the security staff would inform others wishing to smoke to return at a later time. There had been a general decrease in smoking activity in any case.

- There were no residents situated near the arches at the back (near where the smoking area was located). There was an old fire station which would be redeveloped in the future.

- The applicant hosted global corporate clients. The applicant was due to host McLaren over the coming weekend. Other clients included Lucozade, Ribena and Bill’s Restaurant amongst other top end corporations. The applicant would also look to host law firms and branding companies.

- The applicant was applying to vary its licence because the events it held were its main income for the charity. The charity was not publically funded and the applicant was not asking to hold events 7 nights a week. The licence would help further the outreach of the charity. At present time, events held at the premises were sporadic and might occur a few times in a month and at times, the premises would get busier for wedding events.

- Events would be held throughout the year, but these would be occasional and not on a daily basis.

- As the premises was a gallery, it would not be possible to hold an event if the premises held an exhibition. It would not be possible to hold events more than occasionally even if the applicant wanted to. It was only when the gallery was not being used for its primary purpose that an event could be held. Events held at the premises could generally be held in the months of December and June.

- In the past, the applicant had worked with various partners for holding events during the month of December. Events had been held for the I Do Festivals Group and at times corporate events would be held.

- The premises had not previously been able to run a series of events with one company and doing so had many advantages. Having different events companies holding events at the premises caused complications and created many issues due to the size and potential variation of the activity.

- Holding several events in partnership with just one organisation could help manage the activities and any noise issues with greater consistency. Therefore, it made sense to partner with one organisation for holding events.
This would also help to reduce any impact on the neighbourhood and the applicant wanted to have a positive relationship with the residents.

- The applicant would agree to a condition which stated that the removal and emptying of bottles banks would not be done until after 09:00 the following day.
- The premises had held private parties in the past including specific party events which related to the activities of the gallery itself.
- For fundraising, the applicant had held corporate events at the premises as it brought greater funding and the nature of the events were sophisticated and manageable. There was also less at risk of causing any damage to the premises.

Presentation from interested parties:

Mr Peter Agbley from the Licensing team informed the Sub-Committee that:

- The hours sought by the applicant were beyond the recommended hours in the policy as the premises was located in a residential area.
- If the hours sought by the applicant were granted then it could operate like a vertical drinking premises and could cause disturbance to residents.
- Noise nuisance was intrusive at night, particularly when ambient noise was lower so it was the duty of the applicant to demonstrate how they would manage the dispersal of patrons.
- There was an issue regarding the exit and dispersal of patrons and the noise of patrons in the queue and the smoking area. There were also issues regarding noise caused by patrons using cars and the surrounding area.
- The applicant had said that they would lead patrons onto Black Prince Road but this was still a residential area.
- Although the applicant had said they would occasionally hold events for licensable activity and specifically during the Christmas period, but if the application was granted, then there was nothing preventing the applicant operating licensable activity on a regular basis between Monday-Sunday.
- The applicant appeared to have been directed by I Do Festivals Group.
- It was not known how the premises would operate if a different applicant took over the premises.
- The applicant had offered conditions - 103 in total. It appeared that the applicant could only perceive things going wrong and that was why they proposed the conditions that they did.

In response to questions from Members, Mr Agbley informed the Sub-Committee that:

- The conditions appeared to suggest that the applicant was not fully satisfied that they would be able to control the patrons in relation to noise nuisance.
- The use of Black Prince Road had not appeared to be fully considered. It was not clear that the applicant would be able to control or maintain the patrons coming into the premises.
The applicant was recalled to address matters arising. In response to questions from Members, Mr Crowforth, Ms Williams and Mr Williams informed the Sub-Committee that:

- Many of the conditions proposed were practices that were already carried out by the applicant.
- Within the application, an emphasis had been made regarding licensable activity in the month of December but the applicant had asked for a change in the existing licence so that the hours of licensable activity would be 11:00-00:00.
- The applicant already held events which involved licensable activity, but only until 23:00. The only other way for the applicant to hold an event which involved licensable activity past 23:00 was to apply for a temporary event notice.
- If a couple approached the applicant to hold a wedding event, the premises would be hired to them but managed by the applicant.
- The applicant also received contact from people who organised corporate events. These events would also be managed by the applicant.
- Working collaboratively with the I Do Festivals Group would allow the applicant to work with the group for a prolonged period in the month of December.
- It may be the case that the I Do Festivals Group may only hold two events in December and then the applicant would work with other events organisers wishing to hold events. The only difference between the licence already held by the applicant and the licence being applied for was that the premises would operate licensable activity until 00:00. The premises was already licensed and had been running successfully for the last 15 years.
- In past, the applicant had guided patrons away from residential areas. If there were fewer patrons attending the premises, then they could be guided to Black Prince Road or to the Albert Embankment. If there were more patrons in attendance, they would be picked up from the Albert Embankment and not Black Prince Road. Generally if there were a considerable amount of patrons attending the premises, then no vehicles picking up patrons would be directly situated in front of a residential areas.

At this point in the proceedings, the Legal Officer advised the Sub-Committee that the applicant was not required to show why they should be an exception to the policy. The premises were not located in a cumulative impact zone and it should only be refused if the Sub-Committee considered that granting application would undermine the licensing objectives. Furthermore, as Mr Crowforth was the premises licence holder and the DPS, he would be liable for prosecution in the event of breaches of the premises licence.

Mr Crowforth informed the Sub-Committee that when the premises held events, premises staff managed the events themselves. The managing of the events was not handed over to those who had requested to hold the event at the premises. The premises would always have its staff present at any event held at the premises and would always have the final decision making capability over anything that occurred at the premises.
Adjournment and Decision

At 7.45pm, the Sub-Committee withdrew from the meeting together with the legal adviser and clerk to deliberate in private. The Sub-Committee had heard and considered representations from all those who spoke. Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the application with conditions set out on pages 59-64 of the agenda papers.

Condition 79 would be amended to include a requirement that there would be no moving or emptying of bottle banks between the hours of 23:00 – 09:00.

Announcement of Decision

The Sub-Committee considered the evidence and the submissions made by all parties and came to the decision to grant the premises licence with conditions. The licence would include all the conditions agreed with the applicant and set out on pages 59-64 of the agenda papers. However, Condition 79 would be amended to include a requirement that there would be no moving or emptying of bottle banks between the hours of 23:00 – 09:00. The precise wording would be confirmed in the full written reasons for the decision, which would be issued in due course.

The meeting ended at 8:00pm

CHAIR
LICENSING SUB-COMMITTEE
Tuesday 14 August 2018

Date of Despatch: Friday 10 August 2018
Contact for Enquiries: Nazyer Choudhury
Tel: 020 7926 0028
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Web: www.lambeth.gov.uk

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**LICENSING SUB-COMMITTEE**

**Tuesday 14 August 2018 at 7.00 pm**

**MINUTES**

**PRESENT:** Councillor Fred Cowell (Chair), Councillor John Kazantzis and Councillor Joshua Lindsey

**APOLOGIES:**

**ALSO PRESENT:**

1 **ELECTION OF CHAIR**

Councillor Joshua Lindsey replaced Councillor Philip Normal on the Sub-Committee.

**MOVED** by Councillor Joshua Lindsey, **SECONDED** by Councillor and John Kazantidis

**RESOLVED:** That Councillor Fred Cowell be elected as Chair of the meeting.

2 **DECLARATION OF PECUNIARY INTERESTS**

None were declared.

3 **MINUTES**

**RESOLVED:** That the minutes of the previous meeting held on 19 July 2018 be approved and signed by the Chair as a correct record of the proceedings.

5 **LICENSING APPLICATION FOR THE ADJOURNMENT OF A REVIEW APPLICATION FOLLOWING A CLOSURE ORDER**

5a **KWIK STOP FOOD AND WINE, 72 BRIXTON HILL, LONDON, SW2 1QW (BRIXTON HILL)**

Special circumstances justifying urgent consideration

On 8 August 2018, the Authority received notice from Camberwell Green Magistrates’ Court of a closure order having been made in respect of the premises. The Licensing Authority must review the premises licence and a hearing must be commenced within ten...
working days of the day after the notice is received. The Authority must reach a
determination no later than 28 days after the day on which the notice is received. The
Licensing Sub-Committee was already scheduled to meet on 14 August 2018.

The Chair was of the opinion that although the meeting has not been convened with at
least five clear days’ notice, it should proceed now as a matter of urgency to consider the
expedited review because of the special circumstances of the need to comply with the
statutory requirements of the Licensing Act 2003.

**Presentation by the Licensing Officer**

The Sub-Committee was informed that this was an application for a review of the current
premises licence. The Sub-Committee’s attention was drawn to Chapter 11 of the
Statutory Guidance, and to Appendices A and B of the Statement of Licensing Policy, as
the ones particularly relevant to this application.

The Sub-Committee noted that:

- On 27 July 2018, the Council’s licensing department received a copy of a Closure
  Order certificate, made by the Metropolitan Police, from the Camberwell Green
  Magistrates’ Court on 27 July 2018 in respect of the premises.
- The imposition of a Closure Order upon a licensed premises triggered a review of
  the premises licence under Section 167 of the Licensing Act 2003.
- The Closure Order was delivered by hand to the premises on 9 August 2018 by the
  Licensing Authority. A copy of the Closure Order could be found on pages 9 of the
  second despatch agenda pack.
- The consultation period for representations to be made expired on 15 August
  2018.
- One representation had been received in support of the review from the Licensing
  Authority.
- The premises licence holders, Mr Mazar and Zaffar Khan had been invited to
  attend the hearing. An invitation letter was hand delivered to the premises on 10
  August 2018.
- The Licensing Authority has requested the Sub-Committee to adjourn the hearing
to a later date.
- The licensee’s agent had been contacted but confirmed they would not be
  attending this hearing until a date for the review had been determined.

A map, plan and photographs of the premises were circulated to the Sub-Committee.

The Chair explained that as the consultation was still on-going, the Sub-Committee were
not in a position to commence substantive consideration of the review. Therefore, the
LSC had determined that it was in the public interest to adjourn the review hearing until 4
September 2018 so as to allow all parties to attend and provide evidence at that hearing.

**RESOLVED:** To adjourn the review hearing until 4 September 2018.
LICENSING APPLICATIONS FOR THE GRANT / REVIEW OF A PREMISES LICENCE

4a FRIENDSFEST, KENNINGTON PARK, KENNINGTON PARK ROAD, LONDON SE11 (OVAL)

The Chair explained that no representations from responsible authorities had been submitted against the application. However, representations from the public had been received. A representative from Lambeth Events Team was in attendance solely to answer any questions posed by the Sub-Committee and for clarification purposes.

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a new time-limited premises licence. The Sub-Committee’s attention was drawn to Chapters 2, 3, 4, 8, 9, 10 and 15 of the Statutory Guidance, and to Sections 4, 5, 6, 7, 8, 9, 16 and Appendices 3, 3, 5, 6, 7, 8, 9, 10 and 11 of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 5.9 of the report on page 12 of the main agenda pack.

The Sub-Committee noted that:

- This was an application for a time-limited licence received from FriendsFest.
- The application was seeking permission to show films, play live and recorded music, the performance of plays and dance and the supply of alcohol between the 21st - 30th September 2018, on Sunday to Wednesday from 11.45 to 21:00 hours and Thursday to Saturday 11.45-22.30 hours.
- The application also proposed to open the premises to the public on Sunday to Wednesday 11.45-21.00 hours and Thursday to Saturday on 11.45-22.30 hours. Copies of the application and plans could be found on pages 21-43 of the main agenda pack.
- 42 representations about this application had been received. Two were from resident community groups – Cleaver Street and Bowden Street Residents’ Association and Neighbourhood Watch and The Friends of Kennington Park. The remainder we from local residents. One of the residents supported the application, the rest opposed it. All representations received were based on all four licensing objectives (prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm). Copies of the representations could be found on pages 51-79 of the main agenda pack.
- Three objectors were present at the meeting and wished to address the Sub-Committee.
- On 8 August 2018, the applicant submitted additional materials which had been circulated to the Sub-Committee and objectors. These could be found on pages 1-41 of the additional agenda pack.

A map and photographs of the premises were circulated to help Members put the premises into context.

Presentation by the Applicant

Elinor Barnet, Project Manager and George Wood, Managing Director, Luna Cinema, informed the Sub-Committee that:

- Luna Ventures Ltd specialised in managing open air and cinema events in London. The first cinema event was held in Dulwich Park and also in Brockwell Lido.
- Since 2015 the Company produced FriendsFest, another open air event held in...
green spaces such as city centre parks and occasionally in Manor House.

- **FriendsFest** celebrated the "Friends" TV show that started 24 years ago. Fans had the opportunity to tour replica sets, view memorabilia from the show, recreate the iconic titles sequences and famous scenes from the show and enjoy coffee in a full-scale “Central Perk” set.

- The event was part exhibition and museum where fans participated and could believe they were on the actual TV show.
- The event had been signed off by Warner Brothers.
- During the past three years over 125,000 tickets had been sold and no one had ever been ejected from the event.
- Capacity on the site would be managed by people attending the set at allocated times and 240 people per hour would be allowed entry.
- A professional team of production staff with extensive experience were available to manage the event’s build and de-rig.
- Security staff would remain at the site overnight and 27 stewards and ambassadors would be available to manage people attending the event.
- The bar area on site was small and capable of serving approximately 10 people at any one time. Alcohol sales were a small part of the overall event and people only tended to purchase one drink.
- Mainly background music would be played and an Acoustic Consultant had been engaged to carry out a pre-event risk assessment.

In response to questions from Members, the applicants confirmed:

- The first event held at Brick Lane in 2015 by Comedy Central was a marketing stunt to promote the show’s 21st anniversary that was very successful. The decision was made to consider holding an open air event. Therefore, events were held in 2016 at Haggerstown Park and Clissold Park in 2017, both situated in the London Borough of Hackney. Kennington Park had been chosen to prevent people travelling to East London to attend the event. As a result of the good transport links, it was decided that Kennington Park would be suitable to hold the event due to its accessibility.

- Events were also currently taking place in Glasgow, Manchester and London. Management had always adhered to the four licensing objectives. At the events, only TV episodes of the show would be shown. No loud music at the event would be played. All events held had operated with no reported incidents to police and no noise complaints received by residents.

- The terminal hour of 22:30 on Thursday, despite being a weekday, had been introduced due to unmet high demand for the event. However, they were confident no noise issues would result for residents, regardless of being a school night. At later times, less than 240 persons per hour would be admitted, as they preferred to arrive earlier for the event. Also extra management and stewards were repositioned during the later hours to assist with dispersal.

- Transport for London (TfL) had been contacted regarding the event but a response had not yet been received. However, TfL had also been consulted last year and no impact on infrastructure had occurred.

- NuKleen a specialist event cleaning and waste company had been contracted for the event. NuKleen were tasked to ensure all waste generated from the build, de-rig and catering concessions, were disposed correctly. Additionally, three persons would be available to pick up litter or dispose of waste throughout the event to ensure waste was kept to a minimum. People would be encouraged by stewards to dispose of any waste into bins provided around the site to prevent littering on
site or on surrounding streets. Staff would also be advised to go outside of the site to pick up litter, which they agreed could be conditioned. Discussions with the Parks Teams would be held regarding preparation of the site and any necessary work to be undertaken by Luna following the event.

- 16 portaloos plus two disabled facilities would be available around the site which was considered adequate to cope with the capacity.
- 2,000 tickets had been sold for each day. If all persons turned up at the site they would be advised to return at the set time allocated on their ticket. During the busiest period, only 500 people were allowed on site at any one time.
- Queues on the site only occurred at the start of opening time which consisted of the first 240 people for their set tour. However, extra staff were on site to scan tickets to ensure people were given access on the site as quickly as possible.
- 8.30 pm was the last entry for people to access the site. For the last tour, people were advised to arrive earlier to ensure their tour could be completed by 9.00 pm.
- The speaker arrays at the main stage were designed to be directional, pointing down to ground level. Event organisers were currently liaising with the Lambeth Noise Environmental Health Officer and independent acoustic consultants to set aggregated operating noise levels for the event.
- All marquees would be covered to ensure sound was contained within the site. The marquees situated at the 10 o’clock and 11 o’clock positions contained two sets. One for people to recreate the titles of the sequence and another to recreate a scene from the actual TV show. Also photo opportunities for people existed and background music would be played.
- The small marque situated at the 8 o’clock position consisted of a café and a set for people to walk around with music played in the background. Also the other small marque at the 5 o’clock position contained merchandise and a shop but no background music.
- The Noise Report provided in the agenda papers was based on the Glasgow FriendsFest event held on 6-15 July 2018 and noise levels had not exceeded 78dB. The report also showed that the noise level at the closest dwelling in Glasgow was recorded at 48dB, despite resident’s properties being in close proximity to the event and had no major main road between it and the park. However, as a main road existed at Kennington Park, the noise level was expected to be lower.
- Noise monitoring from residential properties inside and outside of the site would be carried out during the build period to check sound levels. Also an independent consultant would be on site the day before the event commenced to measure background noise. In response to a question from the Chair regarding noise issues, they agreed to have this conditioned to alleviate resident’s concerns regarding noise at the event.
- Nine security personnel would be available to monitor gates, carry out searches and patrols. Once the park closed, a clearly defined exit route would be designed by security staff to ensure guests did not enter the wider park area.

**Presentation by Interested Parties**

The Chair stated that the Sub-Committee were required to only consider the four licensing objectives detailed on page 16 of the main agenda pack. Although policy concerns had been raised by objectors regarding the nature of the park and its usage, those were not properly matters that could be taken into account by the Sub-Committee when the application was being determined. Those matters were currently being reviewed by the
Cabinet Member for Equalities and Culture, Councillor Sonia Winifred, and resident's concerns would be considered and discussed at the appropriate forum in due course.

Alison Barbour, resident, said that:
- Her major concern related to the prevention of public nuisance and prevention of crime and disorder.
- Parking issues existed in St Agnes Place with cars parked on double yellow lines on the pavements and in the development blocking resident's spaces. This issue occurred on a daily basis before any events took place and regardless of good transport connections.
- She questioned why alcohol was being sold at the event, especially as it was alleged that alcohol sales were normally small.
- Resident's bedrooms within the area overlooked the site and additional noise from the event was not welcomed. She questioned which exit gate would be used for egress to prevent residents being affected from noise.

Patricia Davies, resident, stated that:
- She concurred with all the objections made by residents.
- An International cricket match at the Oval (England v India) would be taking place at the same time as the event which attracted large crowds. Therefore, she was not convinced that people would be able to travel to the site within the times specified on their ticket. Residents were also faced with considerable noise and crowd issues when cricket was held at the Oval.
- She was familiar with the Hackney area and felt that the event was moved to Clissold Park in 2017 as Haggerstown Park was too small.
- The operating schedule stated that the event would take place on 21-30 September. However, it was later documented that the park would not be available from 16 September until 3 October 2018.
- She queried why no financial implications were detailed in the report, despite the applicant having to pay a £100 fee.
- She did not believe that tickets for the event had sold out as alleged.
- She lived directly opposed to Kennington Park and believed it would be difficult for noise to be contained within the site.

Katherine Tait, resident, provided the following representation:
- Residents already faced parking and anti-social behaviour within the area.
- The event would exacerbate the issues that currently existed in the area.

In response to the questions raised from Ms Davies, the Chair and Licensing Officer confirmed that:
- The dates on the operating schedule relates to the dates the event were allowed to perform its licensing activities on the site. The other dates relates to when the Events Team would be managing the site. The Events Officer added that the extra dates covered the build and de-rig for the event.
- All applicants were entitled to pay a licence fee when they submitted their application.
- The Sub-Committee could not take financial issues into account regarding events, as the decision was made by Lambeth’s Events Team and signed off by the relevant Cabinet Member. If the Sub-Committee were minded to reject the application, the event could still proceed without alcohol being available on the
Event Management were entitled to obtain ticket sales prior to them obtaining a licence for the event as ticket sales were made on a conditional basis.

In response to questions from Members, Ms Barbour, Ms Davies and Ms Tait confirmed:

- Anti-social issues such as littering, broken glass, used condoms, public urination, fighting and drug dealing existed within Kennington and they believed these issues would increase if the event occurred.
- There was an increased level of rubbish when events occurred at Kennington Park which also affected residents.
- They felt that customers should be directed to egress at the gate where fewer residential properties were located so as to prevent or limited noise disturbance.
- A lack of parking enforcement existed within the area, as people were not challenged by Lambeth enforcement officers when they parked on double yellow lines. Despite contacting the Council regarding the issue, no improvement had been made.
- Although a noise plan had been produced, event organisers never adhered to the sound conditions.
- The preference would be for customers to egress/ingress onto the main road so as to ensure residents were not disturbed.
- Many residents travelled to work on Friday mornings and also had families to consider. Therefore an earlier terminal hour on Thursdays would be preferred.

The Chair invited Ms Barnet and Mr Wood back to answer some further questions and the following was noted by the Sub-Committee:

- They were willing to consult with Oval Cricket ground regarding the event.
- People were notified in advance regarding travel arrangements to the site and to allow extra time for their journey.
- Only a minimal number of people tended to drive to the event and they were encouraged to use public transport. However, it was believed more people would use public transport as a result of the good transport links. People coming to the event would be contacted in advance and encouraged to use public transport.
- Only five cars for catering staff were allowed to park on-site behind their trading area, as they needed to bring provisions on-site. On set-up and de-rig days, staff were not allowed to drive, as adequate room existed on site for them to lock away their equipment.
- Stewards would be available to direct people onto Kennington Park Road when the park closed. Also, patrons would be reminded that the park was located in a residential area and appropriate signage would be positioned on the site. They agreed for this to be included as part of the conditions.
- As the site would be appropriately managed, no noise impact would occur. Therefore, they were not willing to reduce the terminal hour on Thursday as, in their opinion, this aspect would make no difference. However, they would be willing to cease activity on by half an hour for the stage.

In response to a question from the Legal Adviser, Mr Wood clarified that he would be willing to cease licensing activity on the main stage at 10.00 pm.
Adjournment and Decision

At 8.37 pm, the Sub-Committee withdrew from the meeting together with the legal advisor and clerk to deliberate in private.

The Sub-Committee had heard and considered representations from Ms Barnet, Mr Wood, Ms Barbour, Ms Davies and Ms Tait.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the application, subject to all the additional conditions imposed by the Licensing Authority outlined on pages 81-83 of the main agenda papers, an amendment and additional five conditions

RESOLVED: To grant the application, subject to all the additional conditions imposed by the Licensing Authority outlined on pages 81 to 83 of the main agenda papers and an amendment and additional five conditions as follows:

Amendment

An additional sentence be added to condition 11 to read: “That bins should be placed near to the exits at the site. Security should ask all patrons to dispose of any rubbish in the bins before they left the site.

Additional Conditions

1. That sound from the main stage be limited to 78 decibels (broadcast volume). The event organisers to work with Lambeth Community Safety Team to agree an appropriate noise management and monitoring plan for noise outside the site coming from the regulated entertainment and background noise generated at the venue.

2. That the applicant maintain litter pickers in the immediate vicinity of the site, i.e. the park itself, to ensure that the park is maintained and protected.

3. On exit, appropriate signage to direct all event attendees towards Kennington Park Road should be displayed and this should occur throughout the entire event. Attendees should be reminded that the event was in a residential area and that they should disperse quietly.

4. The operating schedule shall be amended so that at 9pm each Thursday all licensable activity shall cease and the premises shall close to the public. This is so as to bring the activities and hours on that day in line with what it is permitted and specified on Sunday-Wednesday.

5. Communication should be made to all staff not to bring cars and that no parking was allowed at the event. Communication should be made to all attendees that there was no parking available at the event and to discourage attendees bringing their cars.
Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the application, subject to all the additional conditions imposed by the Licensing Authority outlined on pages 81 to 83 of the main agenda papers and an amendment and additional five conditions. The Sub-Committee had considered all the options available to them and ultimately felt that the applicant/amendments/conditions met the concerns which had been raised. The Chair confirmed that written notification of the decision would be sent in due course.

The meeting ended at 9.15 pm

CHAIR
LICENSING SUB-COMMITTEE
Tuesday 4 September 2018

Date of Despatch: Tuesday 21 August 2018
Contact for Enquiries: Jacqueline Pennycook
Tel: 020 7926 2167
E-mail: jpenneycook@lambeth.gov.uk
Web: www.lambeth.gov.uk

The action column is for officers' use only and does not form a part of the formal record.
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Licensing Sub-Committee 4 September 2018

Licensing Application for the Review/Grant of Premises’ Licenses:
1. Kwik Stop Food And Wine - Shop 72 Brixton Hill London SW2 1QW (Brixton Hill ward)
2. Presco Food and Wine - 67 Stockwell Road London SW9 9PY (Stockwell ward)
3. Superway Express - 344 Kennington Lane SE11 5HY (Prince’s ward)

Report authorised by: Sue Foster: Strategic Director for Neighbourhoods and Growth

Contact for enquiries: Ola Owojori, Interim Licensing Manager, 0207 926 1649, oowojori@lambeth.gov.uk

Executive summary

This report sets out details of applications for a review of a premise's licence on which representations have been submitted by interested parties or details of applications for a review of a premises licence.

This report sets out details of applications for the grant of premises' licences on which representations have been submitted by interested parties or details of applications for a review of a premises licence.

Recommendation

That the applications set out in the Appendix to this report be considered having regard to the Council's Licensing Policy, the Licensing Objectives and the representation(s) received.

Consultation

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<th>Name of consultee</th>
<th>Directorate or Organisation</th>
<th>Date sent to consultee</th>
<th>Date response received from consultee</th>
<th>Comments appear in report (paragraph(s))</th>
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Report history

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Appendices

1. Kwik Stop Food And Wine - Shop 72 Brixton Hill London SW2 1QW (Brixton Hill ward)
2. Presco Food and Wine - 67 Stockwell Road London SW9 9PY (Stockwell ward)
3. Superway Express - 344 Kennington Lane SE11 5HY (Prince’s ward)
1. CONTEXT
1.1 A licence from the Council is required for the supply of alcohol, and regulated entertainment.

1.2 A person (including a business) may make an application for a new Premises Licence or a variation to an existing Premises Licence. Where representations are received a Licensing Sub-Committee must consider the application. The Sub-Committee, when considering such applications, shall carry out its function under the Licensing Act 2003 with a view to the Council’s Licensing Policy, Statutory Guidance and promoting the licensing objectives.

2. PROPOSAL AND REASONS
2.1 The Licensing Sub-Committee has responsibility for exercising the Council's powers in respect of the Licensing Act 2003. Determination by the Committee of the applications appended to this report is required because representation(s) to the application(s) have been received.

2.2 Details of the application(s) are set out in the Appendix to this report. All statutory consultation requirements have been complied with by the applicant(s) as set out in paragraph 3 below. The results of consultation are reported in the appendices relating to each application. Public notice has been given in accordance with the requirements of the Licensing Act 2003.

2.3 The applicants and persons making representations have been invited to attend the meeting.

2.4 The fees for premises and personal licences are prescribed within the Licensing Act 2003; in the case of Premises Licences, the fees are based on the business rate of the premises.

3. CONSULTATION REQUIREMENTS
3.1 The Licensing Act 2003 requires applicants for licences to consult and submit relevant documentation to the Responsible Authorities as follows:

- Fire Authority;
- Health & Safety Section;
- Noise Service;
- Police;
- Social Services;
- Town Planning; and,
- Trading Standards.

3.2 Applicants are also required to advertise the application by displaying public notices on or near the premises and by advertising the application in a local newspaper available in the vicinity of premises. An applicant’s’ failure to comply with all of the above consultation requirements would invalidate the application. All applications set out in the appendix of this report have complied with the consultation requirements.

4. FINANCE
4.1 There are no direct financial implications arising from this report.
5. **LEGAL AND DEMOCRACY**

5.1 The licensing of premises for the supply of alcohol, regulated entertainment and late night refreshment fall within the provisions of the Licensing Act 2003.

5.2 When considering licence applications the Sub-Committee shall carry out its function with a view to the Council's Licensing Policy, Statutory Guidance and promoting the licensing objectives. The Licensing Objectives are:

- the prevention of crime and disorder;
- Public safety;
- the prevention of public nuisance; and,
- the protection of children from harm.

5.3 The Sub-Committee must ensure that all licensing decisions have:

- a direct relationship to the promotion of one or more of the 4 licensing objectives;
- regard to the statement of licensing policy;
- regard to the Secretary of State's Guidance; and,
- there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded.

Applications must be considered with regard to the principles of fair process and the Human Rights Act.

5.4 The purpose of Lambeth’s Statement of Licensing Policy is to make clear to applicants and relevant representatives the considerations that will be taken into account when determining applications. It is also intended to guide the Licensing Committee when considering licensing applications; however the Licensing Committee must consider each application on its own merit and only allow exceptions to its own policy where the circumstances of the application justify it.

5.5 Subject to both the Council's Statement of Licensing Policy and Statutory Guidance having been properly considered a Sub Committee may depart from them if there are good reasons for doing so. Full reasons must be given and Sub Committees should be aware that such departures could give rise to an appeal or judicial review.

5.6 The Statutory Guidance, Chapter 10, states that only necessary, proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence if it is granted (paragraph 10.11). The Licensing Authority may therefore only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations (paragraph 10.11), and should avoid straying into undisputed areas (paragraph 9.24). Statutory Guidance also states that the pool of conditions that are supplied by the Secretary of State should not be applied universally irrespective of particular circumstances, but may be used as examples that can be tailored to suit individual premises and particular situations.

5.7 When considering an application for the variation of an existing licence only the variation is subject to determination. No changes can be made to a licence or the conditions attached unless they are subject to the variation application.

5.8 Members are advised that when considering applications to vary an existing licence the following options are available to them by virtue of the Licensing Act 2003, Part 3, Section 35, paragraphs 3 and 4.
Where relevant representations are made, the authority must – having regard to the representations – take such steps (if any), as it considers necessary for the promotion of the licensing objectives. The steps are:

a. modify the conditions of the licence (conditions are deemed to be modified if any are altered, omitted or any new condition added); or,
b. reject the whole or part of the application

If neither of these steps are taken, the application must be granted.

5.9 Members are advised that when considering applications for a new Premises Licence the following options are available to them by virtue of the Licensing Act 2003, Chapter 17, Part 3, Section 18 paragraph 4.

Where relevant representations are made, the authority must – having regard to the representations, take such steps (if any), as it considers necessary for the promotion of the licensing objectives. The steps are:

a. to grant the licence subject to:
   i. the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
   ii. any condition which must under section 19, 20 or 21 be included in the licence;
b. to exclude from the scope of the license any of the licensable activities to which the application relates;
c. to refuse to specify a person in the licence as the premises supervisor; or,
d. to reject the application.

5.10 When determining an application for a review of a premises licence members may take any of the following steps they consider necessary to promote the licensing objectives:

a. to modify the conditions of the licence;
b. to exclude a licensable activity from the scope of the licence;
c. to remove the designated premises supervisor;
d. to suspend the licence for a period not exceeding three months;
e. to revoke the licence; or,
f. to take no action.

5.11 It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.

5.12 In accordance with the provisions of Part 1 of Schedule 5 of the Act, where a Licensing Authority rejects an application for a new premises licence or refuses (in whole or in part) an application to vary a premises licence the applicant may appeal the decision.

Where the Licensing Authority grants an application for a new premises licence the premises licence holder can appeal any decision to impose conditions on the premises licence, to exclude a licensable activity from the scope of the premises licence or to refuse to specify a named individual as the Designated Premises Supervisor.
5.13 Where a person who made relevant representations in relation to an application contends: that the licence should not have been granted; or that different or additional conditions should have been imposed on the licence; or that a licensable activity should have been excluded from the scope of the premises licence; or that the licensing authority should have refused to specify a named individual as the Designated Premises Supervisor, they may appeal the decision.

Appeals are to be made to a Magistrates’ Court within 21 days beginning with the date of notification of the decision. Further details are set out in the Act.
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<td>Applicant:</td>
<td>Licensing Service</td>
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<tr>
<td>Application Type:</td>
<td>Premises Licence (closure order review)</td>
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<td>Application Date:</td>
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<td>Ward:</td>
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<td>Premises Type:</td>
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<tr>
<td>Report Author:</td>
<td>Mrs Pamela Riley</td>
</tr>
<tr>
<td>Contact Details:</td>
<td>020 7926 6164, <a href="mailto:priley@Lambeth.gov.uk">priley@Lambeth.gov.uk</a></td>
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<td>Application Summary:</td>
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Policy implications:

Licensing Objectives (chapters 5 to 9, pages 12 to 20 of the policy)

The Licensing Objective(s) engaged by this application is/are:

Prevention of Crime and Disorder

Complaints, Representations and Licensing Reviews (chapter 19, pages 26 to 28 and 29 of the policy)

19.6 Representations must relate to particular premises for which a premises licence is already held and must be relevant to the promotion of the licensing objectives.

19.8 The licensing committee, in determining a review, may exercise the range of powers given to them to promote the licensing objectives.

19.10 The Authority will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.

19.15 Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that the revocation of the licence - even in the first instance - will be seriously considered (Amended Guidance, paragraph 11.27). Revocation also remains an option if other licensing objectives are being undermined.
1. Application

1.1 On 27 July 2018, Camberwell Green Magistrates Court considered an application made by the Metropolitan Police for a Closure Order, under the Anti-Social Behaviour Crime and Policing Act 2014, in respect of Kwik Stop Food and Wine 72 Brixton Hill London SW2 1QW. The court granted the police application and imposed a Closure Order. A copy of that Order is attached as Appendix A and its effect is detailed on its face. The Licensing Act 2003 requires the licensing authority to review the premises licence following the making of a closure order.

1.2 Section 80(9) of the Anti-Social Behaviour, Crime and Policing Act 2014, provides that the “...court must notify the relevant licensing authority if it makes a closure order in relation to premises in respect of which a premises licence is in force.”

1.3 The effect of Section 167(1) and (2) of the Licensing Act 2003 is that where a closure order is made in relation to premises in respect of which a premises licence has effect and a licensing authority receives notification of the same, the said authority is required to conduct a review of the premises licence and (in accordance with Section 167(3)) determine that review by no later than 28 days after the day on which it receives notification from the court that a closure order has been made.

1.4 Schedule 1 of the Licensing Act 2003 (Hearings) Regulation 2005 requires the hearing to be commenced within 10 working days beginning with the day after the day on which the licensing authority receives the closure order from the court.

1.5 Representations in respect of the review may be made within the period of seven days beginning with the day after the day on which the authority received notice of the closure order from the court.

1.6 The Licensing Authority was notified of the Court’s decision on 8 August 2018.

1.7 This matter came before a Licensing Sub-Committee on 14 August 2018 at which time members determined to adjourn the review hearing to the 4 September 2018.

A copy of the closure order is attached as Annex A.

2. Representations:

2.1 Representations in support of the review were received from two responsible authorities. These are Lambeth Licensing Department and Lambeth Metropolitan Police. The representations were based on Crime and disorder. The Police representation details the background to the closure order application.

Copies of the representations are attached as Annex B.
### 3. Current Licence:

3.1 The current licence is held by Mr Mazar & Zaffar Khan. The Designated Premises Supervisor is Mr Mazar Khan. The licences authorises the following hours/licensable activities;

| Supply of Alcohol | Monday - Sunday | 07:00 - 02:00 |

A copy of the current premises licence is attached as Annex C.

### 4. Background History:

4.1 Messrs Mazar and Zaffar Khan have jointly held the premises licence since November 2005. At the time the licence was granted, Zaffar Khan was the Designated Premises Supervisor.

4.2 This premises has been previously reviewed by Lambeth Trading Standards, on 25 June 2015, following visits to the premises and the discovery of several contraventions including the presence of illegal workers (i.e. those with the right to work in the UK), offensive weapons found on the premises and the sale of alcohol to a minor in the course of a test-purchase exercise. At that time, the LSC resolved to grant the review and impose 16 additional conditions on the licence.

4.3 A copy of the minutes from this review hearing heard on 24 June 2015 can be found attached as Annex E.

   Mr Mazar Khan is also the licence holder and designated premises supervisor at another off licence in close proximity called Costcutter, 98 Brixton Hill. This licence was also reviewed by the Police at the end of 2016 due to illegal worker and breached conditions.

   A copy of the minutes from this review hearing heard on 28 March 2017 can be found attached as Annex F

   This premises was tasked for a scheduled visit by a Lambeth Council Operation led by Community Safety called ‘Spring Nights’. At 00.20 hours on Sunday 5 March 2017 Lambeth Trading Standards, Police SNT, and Immigration Officers conducted a joint Licensing Inspection.

   Licensing called a joint meeting on 22 March 2017, with Trading Standards, Police and Licensing Officers present as well as Mr. Mazar Khan and his solicitor Mr. David Dadds. This meeting was called to discuss issues found at the premises following the inspection.

   A copy of the minutes of the meeting is attached to this report as Annex G.

   The premises fronts onto the A23 (double red route) with restricted parking and limited paid parking facilities. It is set within a parade of shops and in mixed development i.e. commercial premises on the ground floor residential properties on the upper floors. There is a bus-stop within a short distance of the front door.
5. **Observations:**

5.1 The parts of the Statutory Guidance (March 2015) which are particularly relevant to this application and the representations received are Chapters:

2 – The Licensing Objectives;
3 – Licensable Activities;
9 – Determining Applications;
10 – Conditions Attached to Premises Licenses and Club Premises Certificates;
11 – Reviews

5.2 The parts of the Statement of Licensing Policy that are particularly relevant to this application and the representations are Sections:

1. Introduction
5. The Licensing Objectives
6. The Prevention of Crime and Disorder
7. Public Safety
8. Prevention of Public Nuisance
10. Conduct of Licence Holders and DPS
11. Compliance with other Legislation
19. Complaints, Representations and Reviews

6. **Conclusion:**

6.1 Members are required to consider the application in light of all the relevant information. The Licensing Sub-Committee may take such steps as are appropriate for the promotion of the licensing objectives.

The options available to Members of the Licensing Sub Committee are;

1 - To modify the conditions of the licence
2 - To remove a licensable activity from the scope of the premises licence
3 - To remove the designated premises supervisor from the licence
4 - To suspend the premises license for a period of 3 months
5 - To revoke the premises licence

6.2 Where the authority modifies a condition of the licence or removes a licensable activity it may provide that this takes effect for such period as it may specify (but not exceeding three months).
### Appendices:

- Annex A – Closure order
- Annex B – Representations and supporting documents
- Annex C – Current premises licence
- Annex D – Minutes review hearing heard on the 24th June 2015
- Annex E – Minutes review hearing heard on the 28th March 2017
- Annex F – Minutes from meeting on the 22nd March 2017

### Reference Documents:

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<th>Local Government Act 1972 – Access to information documents used in the preparation of this report</th>
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<td>3 Lambeth Statement of Licensing Policy 2014 – 2019 (“the Policy”)</td>
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Closure order

Premises:
Kwik Stop Food And Wine
72 Brixton Hill, Brixton, London SW2 1QW

Case number: 011801592505

Respondents: KWIK-STOP FOOD

The court has considered a closure order made on 27 July 2018 on the ground that a person has engaged in anti-social behaviour on the premises and the use of the premises is associated with significant and persistent disorder or persistent serious nuisance to members of the public.

Order
The premises are to be closed immediately to all persons and remain closed for 3 months from the date of this order.

It is ordered that:
Access to the premises is prohibited for a period of 3 months until 4.59PM on 27th October 2018.
(a) by all persons between the hours of 1am and 5am, except for night watch person whilst the premises are closed.
(b) For all persons at any time unless Mr Stephen Asare and Mr Waqnar Khan have not entered upon the premises during the period of this order; and
(c) for all persons between the hours of 11pm and 2am unless an SIA registered doorperson is present at the entrance.

Warning
A person who, remains on or enters the premises in contravention of this order is liable to a fine or imprisonment or both.

S.McAllister
Date: 27 July 2018

Justices’ Clerk

Offences

011801592505/1
Application for a closure order following service of a notice on 22/07/2018 in respect of Kwik-Stop Food, 72 Brixton Hill, Brixton, London, SW2 1QW.
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Annex B

Representation under Section 51 of the Licensing Act 2003

Dear Mr. Ojowori

Notice is hereby given on behalf of the Commissioner of Police for the Metropolis in support of the application to review the Premises Licence of Kwik Stop, 72 Brixton Hill, SW2. The MPS is greatly concerned about the conduct of the premises and those employ there.

On SUNDAY 22nd JULY 2018 at approximately 0755, Police received a call reporting drug dealing outside KWIK STOP, 72 BRIXTON HILL, SW2. CCTV monitored a male matching the description of the drug dealer who, upon Police arrival, ran into the premises and attempted to hide in the toilets. Police followed and detained the male. The shop keeper kept insisting that the male detained worked there. Officers requested a dogs dog which searched the toilet and found approximately 20 wraps of cannabis in a hole in the wall. The dog continued to search the premises and in the basement found 2 carrier bags each containing cannabis, one was approximately the size of a football. The shop keeper Waqar KHAN (son of the then DPS and PLH) was arrested for being concerned in the supply of cannabis. The PLH himself arrived and was also arrested. Under the counter was a quantity of loose cash, two knives and three deals of cannabis. Because of these discoveries a search team was requested which also searched COSTCUTTER 98 BRIXTON HILL as Mazar KHAN is the PLH for both. In the search of both premises the following items were found: 3 mobile phones, suspected Class A Drugs, 2 Swords, Rolls of Clingfilm, 4 Sels of digital scales and a chainsaw. These discoveries indicate a full scale cannabis dealing operation, the scales and cling film show that cannabis is being purchased and divided up into individual deals which are likely to be arranged on the mobile phones. The weapons found are used by the dealers as a means of protection. This is serious crime and along with the obvious crimes taking place, severely undermines the licensing objectives.

All licensed premises are expected to promote the prevention of crime and disorder, however these discoveries show not only are they not promoting crime prevention, but the premises’ are actively involved in the commission of crime. The discovery of the weapons also shows that if this activity is causing those involved to store weapons for protection, that they believe there may be cause to use these weapons, when you consider that these premises’ are off licenses frequented by members of the public, they are actively putting the safety of the public at risk by engaging in activity that could lead to serious violence. These premises have been of note to the responsible authorities due to numerous examples of non-compliance. Illegal workers have been found in the past and the staff and management have shown hostility towards officers from Licensing when we have tried to engage. It is the opinion of the MPS that these crimes and serious failings must be met with the strictest of action and the license be revoked immediately.

Along with this letter of support I also attach a redacted version of the CAD (the original call made to Police) and a copy of the premises search book. This book is a record of the search that was made of the premises and details what items were found and where.
It is for this reason that the MPS fully supports The Licensing Authority’s review into the premises.

Joe Farrelly PC 850LX
Licensing Officer
Lambeth Borough
Metropolitan Police Service
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<td>Brick House</td>
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<tr>
<td>Roll of Cling Film and Digital scales</td>
<td>Small room in basement</td>
<td>1710</td>
<td>Quinn</td>
<td>Quinn</td>
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![Exhibit Ref.]

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MP52 0124 33397

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**Page 61**
1.0 Representation in respect of the application to review the premises licence for Kwik Stop 72 Brixton Hill (Prem555) following a closure order

1.1 I am the Interim Licensing Manager for the London Borough of Lambeth and I am making this representation to support the review application

1.2 The premises licence was reviewed in 2015 and 2017 following, failed test purchases, employing persons without the right to work in the UK, offensive weapons found on the premises and several breaches of the licence conditions.

1.3 The Closure Order that led to this review was on the grounds that a person was engaged in anti-social behaviour on the premises and the use of the premises was associated with significant and persistent disorder or persistent serious nuisance to members of the public.

2.0 The Premises Licence

2.1 The licence currently permits Supply of Alcohol off the premises Monday - Sunday 07.00 - 02:00 hours

2.2 I have grave concerns about the way the premises is managed in relation to the promotion of the licensing objectives. The licence has been held by the current licence holders since it was converted in 2005 and there have been breaches of licence conditions since.

2.3 The outcome of the reviews in 2015 and in 2017 were the addition of conditions to the premises licence, reduction of permitted hours and the removal of the designated premises supervisor. I am not confident that the management will be able to operate the premises so as to promote the licensing objectives.

3.0 Summary

3.1 I would ask the Committee to consider the history of non-compliance at the premises and the management’s inability to operate the premises to promote the licensing objectives. The review applications have undermined the crime prevention objective through the premises being used to further crimes and I have no confidence that the management will be able to prevent such activities occurring again. I will therefore ask for the licence to be revoked.

Ola Owojori
Interim Licensing Manager
11th August 2018
Licensing Act 2003
Premises Licence

Premises Licence Number Prem555
Version Reference 17/00475/PRMDPS

Part 1 – Premises Details

Postal address of premises including Post Town & Post Code, or if none, ordnance survey map reference or description
Kwik Stop Food And Wine
72 Brixton Hill
London
SW2 1QW

Telephone number

Where the licence is time limited the dates -

Licensable activities authorised by the licence
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities
Supply of Alcohol
Monday - Sunday 07:00 - 02:00

The opening hours of the premises
Monday 00:00 - 23:59
Tuesday 00:00 - 23:59
Wednesday 00:00 - 23:59
Thursday 00:00 - 23:59
Friday 00:00 - 23:59
Saturday 00:00 - 23:59
Sunday 00:00 - 23:59
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### Part 2

<table>
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<tr>
<th>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</th>
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| Messrs Mazar And Zaffar Khan And Khan  
72 Brixton Hill  
London  
SW2 1QW |

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<th>Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol</th>
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| Mazar Khan  
54 Wavertree Road  
London  
SW2 3SS  
Landline Telephone contact details | ____________________________ |

<table>
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<tr>
<th>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol</th>
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| Personal Licence No: 00802  
Licensing Authority: London Borough Of Lambeth |

Signed:...  
On behalf of the Head of Community Safety  
Dated:...10th August 2018....
Annex 1 – Mandatory conditions

1 MANDATORY CONDITIONS (Alcohol - off)

Condition A1.
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.

Condition A2
Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

Condition A3
(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.

Additional Mandatory Licensing Conditions, Minimum Drinks Pricing:

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 purposes of the condition set out in paragraph 1
(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(1);
(b) "permitted" price is the price found by applying the formula - P=D+(DxV)
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
(e)"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

1 7 GENERAL - ALL FOUR LICENSING OBJECTIVES

   training of all staff on the premises to ensure that they understand and adhere to the law relating to the sale of alcohol.

2 THE PREVENTION OF CRIME AND DISORDER

   CCTV installed and maintained so fully operational at all times, and tapes to be kept in accordance with police guidelines. Alarm system in place. Shutters at front windows.

3 PUBLIC SAFETY

   All Staff trained to deal with any outbreak of fire at the premises. Fire extinguishers installed and regularly serviced in accordance with fire authority guidelines.

4 THE PREVENTION OF PUBLIC NUISANCE

   Anyone who is drunk or appears to be buying alcohol for someone who is drunk will be refused the sale of alcohol.

5 THE PROTECTION OF CHILDREN FROM HARM

   Any young person who appears to be under the age of 21 will be asked to show a universally recognised form of identification (I.E. proof of age card, passport or photo driving licence) before being allowed to purchase alcohol from the premises.

   Sign to be displayed at point of sale - "no proof of age - no sale" refusal book to be kept at the premises and maintained at all times.
Annex 3 – Conditions attached after a hearing by the licensing authority

1 LSC Hearing 24.6.15

Conditions
1. The premises licence holder shall implement a training manual and all members of staff shall be suitably trained in underage sales prevention before making any sales of alcohol.

2. Refresher training shall be satisfactorily completed every twelve months for all staff and documented within the training records. All training records are to be retained on premises and available for inspection for not less than two years and are to be made available to officers of the local authority or the police service upon reasonable request.

3. The premises licence holder will engage and operate the Challenge 25 scheme. Staff will not sell alcoholic drinks to any person who appears to be under the age of 25 unless they can provide photographic ID evidence showing them to be over the age of 18. The only acceptable forms of identification are a passport, photocard, driving licence or identification bearing the 'PASS' logo.

4. An incident book and refusal register shall be kept at the premises and be made available to officers from the local authority or the police service upon reasonable request. All refusals of sales of alcohol or other age restricted products are to be recorded in this refusal register.

5. A digital CCTV system shall be installed incorporating recording and viewing facilities. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days.

6. The CCTV coverage shall include coverage of; all public entrances and exits from the premises; the area directly in front of the entrance to the premises; the till area and all the areas where alcohol is stored is displayed.

7. The CCTV system shall be serviced regularly to ensure correct operation.

8. Signs shall be prominently displayed informing customers of the CCTV recording.

9. The CCTV system shall record throughout the hours that the premises are open for any licensable activity.

10. A staff member shall be present at all times during open hours who is trained in the use of the CCTV system and can download images and provide a copy recording on request by a police or local authority officer within no later than 48 hours of such request.

11. Patrons shall be requested not to congregate outside the premises and to leave the premises quietly. Notices to this effect must be prominently displayed at the entrances of the premises.

12. No open vessels shall be allowed off the premises.

13. No cups or vessels will be supplied to those purchasing alcohol.

14. The premises will actively participate and adhere to the BCRP, and will not sell alcohol to target street drinkers identified through the scheme.

15. The premises licence holder shall not purchase any alcohol from door to door sellers.

16. The premises licence holder shall ensure all receipts for goods brought include the following details:
   i. Sellers name and address.
   ii. Sellers company details, if applicable.
   iii. Sellers VAT details, if applicable.
Such receipts are to be made available to officers of the local authority or police service upon reasonable request.
Annex 4 – Plans
Licensing Act 2003

Premises Licence Summary

Premises Licence Number Prem555  Version Reference 17/00475/PRMDPS

Premises Details

Postal address of premises including Post Town & Post Code, or if none, ordnance survey map reference or description
Kwik Stop Food And Wine
72 Brixton Hill
London
SW2 1QW

Telephone number

Where the licence is time limited the dates
- 

Licensable activities authorised by the licence
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol
   Monday - Sunday 07:00 - 02:00

The opening hours of the premises

Monday 00:00 - 23:59
Tuesday 00:00 - 23:59
Wednesday 00:00 - 23:59
Thursday 00:00 - 23:59
Friday 00:00 - 23:59
Saturday 00:00 - 23:59
Sunday 00:00 - 23:59
| **Where the licence authorises supplies of alcohol whether these are on and/or off supplies** |
| Alcohol may be supplied for consumption off the premises |

| **Name, (registered) address of holder of premises licence** |
| Messrs Mazar And Zaffar Khan And Khan |
| 72 Brixton Hill |
| London |
| SW2 1QW |

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

| **Name of designated premises supervisor where the premises licence authorises the supply of alcohol** |
| Mazar Khan |

| **State whether access to the premises by children is restricted or prohibited** |
|
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LICENSING SUB-COMMITTEE

Wednesday 24 June 2015 at 7.00 pm

MINUTES

PRESENT: Councillor Paul McGlone, Councillor Andrew Wilson and Councillor Jane Edbrooke

APOLOGIES:

ALSO PRESENT:

1 DECLARATION OF PECUNIARY INTERESTS

None were declared.

2 LICENSING APPLICATIONS FOR THE GRANT / REVIEW / TRANSFER OF A PREMISES LICENCE

2a TULSE HILL MINI MARKET, 146 NORWOOD ROAD, LONDON, SE27 9AZ

Presentation by the Licensing Officer:

The Sub-Committee was informed that this was an application for a review of the current premises licence. The Sub-Committee’s attention was drawn to chapters 2, 3, 8, 9, 10 and 15 of the Statutory Guidance, and to Sections 1, 5, 8, 11, 16 and 19 of the Statement of Licensing Policy and appendices 6, 8, 9 as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 6.2 of the report on page 10 of the agenda papers.

The Licensing Officer confirmed:

- This was an application for a new premises licence submitted by Abraham Tesfai.
• The licence originally applied for was a twenty-four hour licence. The application could be found on page thirteen of the agenda papers.

• The application received eight representations. These were from the Noise Team, Licensing Team, Public Health, Crime Reduction Team and four residents.

• The representations were based on public nuisance, crime and disorder and the protection of children from harm.

• The applicant had changed his application to reduce his hours so that alcohol would be sold Monday-Sunday 07:00 – 00:00 to for consumption off the premises as outlined on page nine of the agenda papers.

• The applicant had agreed to proposed conditions suggested by various parties.

Presentation by the Applicant

The applicant, Abraham Tesfai, the applicant informed the Sub-Committee that:

• He appreciated the concerns of those who had made representations, including representations made by responsible authorities.

• He had reduced the terminal hour and had accepted the proposed conditions from various parties.

• CCTV would be installed, there would be no sale of alcoholic drinks beyond 6.5% abv and no individual cans of alcohol would be sold.

• He had applied for an alcohol licence as several local residents would enter his premises and suggested that he supplied alcohol.

• He would ask the Sub-Committee to grant the application.

In response to questions from Members, Mr Tesfai informed the Sub-Committee that:

• There was already a premises in the area that operated until 01:00 and another premises that was open twenty-four hours supplying alcohol. A further licensed premises should not be a problem for the area.

• There had been licensed premises in the area since 2009 and the level of crime and disorder in the area then was not
dissimilar to the level of crime and disorder in the area in 2015.

- Only those authorised to sell alcohol would be operating the counter at the premises.
- Street drinking would not be encouraged and anyone visibly intoxicated would be refused alcohol service.
- No alcohol would be allowed to be consumed within the premises.
- Appropriate posters would be placed in the premises to inform that no one was allowed to drink alcohol on the premises.
- A Challenge 25 poster would be placed near the counter and any area displaying alcohol and anybody appearing to be under the age of 25 would be challenged.
- The premises would not sell individual cans or any alcohol above 6.5% abv.
- He would train staff members to sell alcohol as he would be the allocated Designated Premises Supervisor and he would deliver refresher training every six months.

Presentation by Interested Parties

Ralph Lewars, Noise Team, informed the Sub-Committee that:

- The application raised concerns for officers.
- There was anti-social behaviour, street drinking and other undesirable behaviour in the area and the Council was seeking to discourage these activities.
- Thirteen conditions had been proposed from the team if the Sub-Committee was minded to grant the application.

In response to questions from Members, Mr Lewars informed the Sub-Committee that:

- The condition proposed by the Noise team with respect to the terminal hour exceeded that recommended in the Lambeth Licensing policy. He conceded that this was an error and that the relevant condition should be changed to a terminal hour of 23:00 accordingly.

PC Hannah Eldridge was asked to address the Sub-Committee on matters arising. In response to questions from Members, PC Eldrige informed the Sub-Committee that:

- She had received notification of the hearing in addition to
proposed conditions approximately ten to fourteen days prior to the meeting. All parties had seen the relevant documents.

Adjournment and Decision

At 7:22pm, the Sub-Committee withdrew from the meeting together with the legal advisor and clerk to deliberate in private.

The Sub-Committee had heard and considered representations from those present.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate.

RESOLVED: To grant the application subject to the following amendments and conditions.

Amendments

Alcohol would be sold Monday-Sunday 07:00 – 23:00 for consumption off the premises.

Conditions

- conditions attached to the license of selling cans of beer or cider in minimum packs of four
- conditions attached to the license of no beer or cider over 6% ABV to be sold
- the opening time for the sale of alcohol to be least 10:00am
- the closing time to be no later than 00:00
- lockable shutters to be installed and used outside of permitted hours of sale (this discourages customers to purchase alcohol outside of licensed hours)

Protection of Children from Harm

- The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age.
- The only form of ID that will be accepted are passports, driving licences with a photograph or Citizen card or validated proof of age cards bearing the “PASS” mark hologram. The list of approved ID may be amended or revised subject to prior written agreement with Police.
- Signage advertising the “Challenge” policy will be displayed in prominent locations in the premises and shall include the point of
sale and the area where the alcohol is displayed, as a minimum

- All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed and refresher training thereafter at intervals of at least 6 months. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to the Local Authority Licensing Officers and Police Licensing Officers.

- A written record of those authorised to make sales of alcohol shall be kept. This shall be endorsed by the DPS with the date such authorisation commences. This shall be made available immediately upon request to the Local Authority Licensing Officers and Police Licensing Officers.

Prevention of Public Nuisance

- The premises shall at all times maintain and operate a sales refusals log and an incident log will be kept on the premises to record all refusals and incidents of crime or disorder. These shall be reviewed and signed by the Designated Premises Supervisor at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be made immediately available upon request to the Local Authority Licensing Officers and Police Licensing Officers.

- Patrons shall be requested not to congregate outside the premises and to leave the premises quietly. Notices to this effect must be prominently displayed at the entrances of the premises.

- No open vessels shall be allowed off the premises.

Prevention of Crime & Disorder

- Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System, operated and maintained throughout the premises. The system shall be on and recording at all times the premises licence is in operation.
  
  o The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
  
  o CCTV footage will be stored for a minimum of 28 days.
  
  o The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
  
  o The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Police.

Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

- The Premises will be an active member of a South Licensing Forum or similar Group where there is one in operation. The premises shall be represented at 75% of all meetings as a minimum. The premises shall comply with all decisions collectively made by the group.
- No beer, lager or cider with an abv of 6.5% or above may be sold or supplied in a single bottle or container with a capacity greater than 750ml.
- No beers, lagers or ciders will be sold in cans with an Alcohol By Volume (ABV) in excess of 6.5 % or in bottles larger than 750ml with an ABV in excess of 6.5%
- No beer or cider cans to be sold in single units. Beer and cider only be sold in multiple packs of a minimum of 4 cans.
- At all times the premises is open and undertaking licensable activity, members of staff engaged in the sale of alcohol must be able to communicate sufficiently in English to enable them to promote the four licensing objectives and to make an effective challenge.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the licence with the above mentioned conditions and amendments. The Committee was satisfied that this was an appropriate and proportionate response to the matters engaged by this application. The Sub-Committee decided to grant the application for the following reasons:

The Sub-Committee has granted the application consistent with the operating schedule subject to conditions found on pages 47-50 of the agenda papers (Annex C). Due to inconsistencies in the proposed conditions, full conditions would be confirmed in due course. However, the hours of trading would be between 07:00 – 23:00.

2b KWIK STOP FOOD AND WINE SHOP, 72 BRIXTON HILL, LONDON, SW2 1QW

Presentation by the Licensing Officer:
The Sub-Committee was informed that this was an application for a review of the current premises licence. The Sub-Committee’s attention was drawn to chapters 2, 3, 8, 9, 10 of the Statutory Guidance, and to Sections 1, 4, 5, 6, 7, 16 and 19 of the Statement of Licensing Policy and appendices 1, 4, 6, 7, 8, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 6.2 of the report on page 68 of the agenda papers.

The Licensing Officer confirmed:

- This was a review of the premises licence, held by Mr Khan for Kwik Stop.
- The application could be found on page 57 of the agenda papers.
- A review application had been submitted by Bernard Conmy on the basis of public safety, the prevention of crime and disorder and the prevention of public nuisance.
- The application received twenty-three representations in support of the review. This included local residents, Police and Public Health.
- Three representations not included in the agenda papers had been circulated in an additional information pack. There were also twenty-four representations in support of the premises. These could be found on page 107 of the agenda papers.
- The property had held a premises licence since 2005. Mr Khan had held the Licence since November 2005.

In response to questions from Members, the Licensing Officer informed the Sub-Committee that:

- The three additional representations had been circulated to all of the parties.

Presentation by the applicant

Bernard Conmy, Trading Standards, informed the Sub-Committee that:

- This was a premises that operated twenty-four hours a day, seven days a week.
- In 2010 a sale of alcohol to an underage person had been made.
- The premises had also sold counterfeit wine, out of date
food and high strength lagers.

- A person had been employed illegally at the premises.
- A baton, baseball bat, hammers and other items considered to be offensive had been found at the premises. A bottle opener was also found at the premises.
- High strength alcohol was still on sale at the premises.
- The premises licence holder had stated that he had to compete with Sainsbury’s from a financial standpoint and therefore, the premises had to be open all the time.
- There were other venues in the area open until 03:00 or 04:00.
- In April 2015 a further sale of alcohol to an underage person had been made.
- There were serious concerns regarding weapons found at the premises.
- The sale of out of date food for an OAP with failing eyesight could have serious consequences for the individual.
- To employ someone who did not have the right to work in the UK was against the law.

In response to questions from Members, Mr Conmy informed the Sub-Committee that:

- The Portman Group had issued revised guidance in respect of certain super strength lagers. This guidance recognised that the design of the offending cans encouraged the notion that the drink could be drunk in one sitting.
- The items pictured on page 71 of the agenda papers were found at the premises.
- The Premises Licensing Holder had said he held the items because of undesirable people in the area.
- It was common to find items such as a cricket bat or a chair leg at premises such as the Kwik Stop, however it was uncommon to find five such items.
- As the premises was open all of the time, it attracted people to congregate in the area. There was drug dealing and prostitution in the area and this had become a problem.

Presentation by interested parties in favour of the application
PC Hannah Eldridge, Metropolitan Police, informed the Sub-Committee that:

- The items on page 71 of the agenda papers would be considered offensive weapons from a police point of view and the possession of the same was a criminal offence.
- The premises had sold alcohol to underage minors and had employed people who did not have the right to work in the UK. On this basis, it was the duty of the Sub-Committee to consider revoking the licence even for a first offence.
- There were instruments at the venue that could be used as weapons and this was of a serious concern.

In response to questions from Members, PC Eldridge informed the Sub-Committee that:

- Hammers would usually be found in the rear of a premises such as Kwik Stop. There would not usually be two.
- Bats and pieces of wood had been found below the counter and should not be there.
- Staff members working in premises often cited that such items were used for protection, however this was a criminal offence.
- It was understood that there were sex workers in the area, anti-social behaviour, drugs and littering. The premises was a contributor to these issues.
- Reducing the hours that the premises operated would not help.
- Safer neighbourhood Police team, licensing police team and the local authority was available as an avenue to pursue if the Premises Licence Holder did not feel that the Police offered adequate protection.
- There had been no incidences of violent conduct at the venue.

Councillor Adrian Garden, spoke on behalf of Giovanni Privitera, informed the Sub-Committee that:

- Giovanni Privitera was one of the concerned residents living in the area.
- They had met and had exchanged written communication.
- The area had been strewn with rotten food, broken bottles
etc. He had observed this himself, with Mr Privitera and with other Councillors whilst examining the area.

- Mr Privitera has written to him on several occasions and informed him about the problems.

In response to questions from Members, Councillor Garden informed the Sub-Committee that:

- There was a considerable problem regarding the state of the pavements on Brixton Hill and Trent Road.

- The bins were overflowing. There were piles of vomit and wetness that indicated urine. This was visible on other corners in Brixton Hill for which he would regularly receive emails regarding the matter.

- The concerns residents had contacting him inferred that the mess in the area, drunkenness and anti-social behaviour was due to the premises being open at all times. An extensive amount of the issues were located directly in front of or by the premises.

- People would be more attracted to the throw rubbish at an overflowing bin.

- A major issue was the urinating and vomiting in the area. This was more likely to be related to the drinking in the area.

**Presentation by the Premises Licence Holder**

Mr David Dadds, representative of the Premises Licence Holder, informed the Sub-Committee that:

- He was concerned that Mr Conmy’s review application had considered issues outside the scope of Trading Standards remit. This included issues regarding electrical wiring and fire extinguishers. These were not considered to be licensing matters.

- There had been other test purchases that had been successful in the sense that the premises had refused sales to underage customers during these exercises. This included tests in 2012, 2013 and 2014.

- In relation to the premises having a bottle opener, the premises sold bottled Coke which needed to be opened by a bottle opener.

- In relation to people not having the right to work in the UK
working at the premises, there had not been any evidence submitted for this. Furthermore, there had been no legal action taken against the premises for knowingly employing a person without the right to work in the UK. Therefore no crime has been committed and the relevant part of the guidance in this respect did not apply.

- Sainsbury’s in the borough also sold high strength alcohol.

- In relation to the items found on page 71 of the agenda papers, these could not be considered to be weapons until they are used as a weapon. The baseball bat was the only item that would be used for self-defence. The reason this item was on the premises was due to the London riots in 2011.

- There had been no concrete evidence submitted by the Police. There had been no fixed penalty notices, no crime statistics, intelligent statistics, no crime and no evidence of crime.

- There had been no action plans submitted, letters from the police, no environmental health objections and there were residents in support of the premises.

- The applicant had not given any evidence that the premises licence holder had undermined the licensing objectives.

In response to questions from Members, Mr Dadds informed the Sub-Committee that:

- There were many items in a shop that could be used as a weapon. The items found at the premises was simply gathered up.

- The hammers were used specifically for the shop.

- The baseball bat had been brought due to the London riots in 2011.

- There was no evidence that someone had purchased a Special Brew and then broke licensing objectives subsequently thereafter.

- The premises licence holder had not been aware that he had employed someone who did not have the right to work in the UK. No civil penalty or prosecution was to the Premises Licence Holder.

- The Licensing Act stated that if there was an area was saturating with licensed premises, this could not be used to for grounds to reduce hours.
• Many residents used the premises at 02:00 - 03:00 due to working shift hours.

• Many residents supported the business.

• Sale of alcohol to an underage child did not have anything to do with operating hours therefore a reduction in the hours would not help any issues.

• The premises Licence Holder knew that the business should not sell to children. To ensure that it did not happen again, training, CCTV and Challenge 25 policy would be employed.

• Only people who had adequate training would work at the premises.

• A proper record keeping of the training would be kept.

• The premises licence holder would work with Shopwatch and anyone identified in that scheme would be banned from the premises.

• The labels on Polish beers had been placed in both languages.

• The person working who did not have the right to work in the UK had a student visa which had expired without the knowledge of the premises licence holder.

• The premises would not serve street drinkers.

• There were some people who were responsible drinkers who brought super strength alcohol.

• Sainsbury’s in Brixton Water Lane sold super strength alcohol.

**Presentation by interested parties against the application**

Ms Christine Boyle, informed the Sub-Committee that:

• She attended the premises regularly during irregular hours.

• The staff were friendly and she knew some of them by name.

• She had not observed any trouble and felt safe as a woman coming home late at night.

• She felt assured that the premises was open.
She had not observed any loitering.

She was not certain that some of the representations had observed anti-social behaviour at 02:00.

In response to questions from Members, Ms Boyle informed the Sub-Committee that:

- She did not believe that any anti-social behaviour was due to the premises.
- It was the only premises that was open all hours and it was possible to buy late food late at night and milk. Sainsbury’s would be shut at 23:00.
- She had used the premises in various hours including at 02:00 and 04:00 late at night.
- She had not experienced any anti-social behaviour when near the premises.
- She did not feel unsafe in the area and if there were any problems, she could go into the premises.
- It was possible that the weapons made the premises licence holder safer.

Mr Roy Shaw, informed the Sub-Committee that:

- The premises was a convenient outlet.
- He had never seen any problems at the premises.
- He would like to see the premises stay open.

The applicant was recalled to address matters arising. In response to questions from Members, Mr Conmy informed the Sub-Committee that:

- He did not have a personal vendetta against the premises.
- He had attended the premises due to having received complaints.
- In relation to the proposed conditions document he would ask that training records be kept on the premises and the super strength alcohol would be restricted at 6% abv.

**Adjournment and Decision**

At 9:08pm, the Sub-Committee withdrew from the meeting
together with the legal advisor and clerk to deliberate in private.

The Sub-Committee had heard and considered representations from Mr Conmy, Mr Dadds, PC Eldridge, Mr Lewars, Councillor Garden, Ms Boyle and Mr Shaw.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate.

RESOLVED: To grant the application and to impose the following conditions.

Conditions

1. The premises licence holder shall implement a training manual and all members of staff shall be suitably trained in underage sales prevention before making any sales of alcohol.

2. Refresher training shall be satisfactorily completed every twelve months for all staff and documented within the training records. All training records are to be retained on premises and available for inspection for not less than two years and are to be made available to officers of the local authority or the police service upon reasonable request.

3. The premises licence holder will engage and operate the Challenge 25 scheme. Staff will not sell alcoholic drinks to any person who appears to be under the age of 25 unless they can provide photographic ID evidence showing them to be over the age of 18. The only acceptable forms of identification are a passport, photocard, driving licence or identification bearing the ‘PASS’ logo.

4. An incident book and refusal register shall be kept at the premises and be made available to officers from the local authority or the police service upon reasonable request. All refusals of sales of alcohol or other age restricted products are to be recorded in this refusal register.

5. A digital CCTV system shall be installed incorporating recording and viewing facilities. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days.

6. The CCTV coverage shall include coverage of; all public entrances and exits from the premises; the area directly in front of the entrance to the premises; the till area and all the areas where alcohol is stored is displayed.

7. The CCTV system shall be serviced regularly to ensure correct operation.

8. Signs shall be prominently displayed informing customers of
9. The CCTV system shall record throughout the hours that the premises are open for any licensable activity.

10. A staff member shall be present at all times during open hours who is trained in the use of the CCTV system and can download images and provide a copy recording on request by a police or local authority officer within no later than 48 hours of such request.

11. Patrons shall be requested not to congregate outside the premises and to leave the premises quietly. Notices to this effect must be prominently displayed at the entrances of the premises.

12. No open vessels shall be allowed off the premises.

13. No cups or vessels will be supplied to those purchasing alcohol.

14. The premises will actively participate and adhere to the BCRP, and will not sell alcohol to target street drinkers identified through the scheme.

15. The premises licence holder shall not purchase any alcohol from door to door sellers.

16. The premises licence holder shall ensure all receipts for goods brought include the following details:

   i. Sellers name and address.

   ii. Sellers company details, if applicable.

   iii. Sellers VAT details, if applicable.

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

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the application and to impose the conditions advanced by Mr Dadds with the amendments detailed above. The Committee was satisfied that this was an appropriate and proportionate response to the matters engaged by this application. The Sub-Committee decided to grant the application for the following reasons:

The Sub-Committee had considered the application for a review having and has decided to grant the application for a review and imposing additional conditions on the licence as submitted. There were two amendments to the conditions. The first amendment would be for training records to be retained on premises and
available for inspection and the second amendment was for the 'local shopwatch' to be changed to 'BCRP'. Offensive weapons were stored at the premises and a person was working at the premises who did not have the right to work in UK. Furthermore, underage sales had been made in close proximity to a school for which the Sub-Committee took dim view.

2c  PRESCO FOOD AND WINE, 67 STOCKWELL ROAD, LONDON SW9 9PY

Presentation by the Licensing Officer:

The Sub-Committee was informed that this was an application for a review of the current premises licence. The Sub-Committee’s attention was drawn to chapters 2, 3, 4, 6, 7, 8, 9, 10 and 11 of the Statutory Guidance, and to Sections 5, 6, 7, 8, 9, 10, 16 and 19 of the Statement of Licensing Policy and appendices 7, 8, 9, 10 as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 6.2 of the report on page 154 of the agenda papers.

The Licensing Officer confirmed:

- The applicant was asking for the licence to be revoked.
- The application could be found on page 211 – 217
- A representation had been received in support of the review from the local health trust. This could be found on page 171 of the agenda papers.
- Invitation to the hearing was sent to the representative but attendance was not confirmed.
- Further supporting documents from the police had been submitted and these had been provided to the premises licence holder by hand delivery.

Presentation by the applicant:

Bernard Conmy, Trading Standards, informed the Sub-Committee that:

- The premises had a rear yard which was being used by drug addicts and street drinkers. There was also anti-social behaviour in the area.
- A metal roller shutter had been put in place to stop people accessing and using the yard.

Upon discussion with the premises licence holder’s representative further conditions had been submitted and negotiated.

In response to questions from Members, Mr Conmy informed the
Sub-Committee that:

- In relation to the newly submitted conditions, Condition 2 should be changed to allow records to be kept on site and condition 17 should be changed to not allow the sale of ale, ciders, lagers over 6.5% abv to be sold.

- One of the proposed conditions should be changed to ensure that the shutter is used appropriately to prevent access to the yard.

**Presentation by the Premises Licence Holder**

Mr David Dadds, representative of the Premises Licence Holder, informed the Sub-Committee that:

- He had agreed the condition in relation to the yard be made secure so as not to allow unauthorised members of the public access to the area. Money had been spent installing a shutter.

- He had agreed the condition regarding beers, lagers and ciders being sold at the premises should not exceed 6.5% abv. However, this excluded premium products.

**Adjournment and Decision**

At 9:47pm, the Sub-Committee withdrew from the meeting together with the legal advisor and clerk to deliberate in private.

The Sub-Committee had heard and considered representations from Mr Conmy and Mr Dadds.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate.

RESOLVED: To grant the application and to impose the following conditions on the premises licence.

**Conditions**

1. The premises licence holder shall implement a training manual and all members of staff shall be suitably trained in underage sales prevention before making any sales of alcohol.

2. Refresher training shall be satisfactorily completed every twelve months for all staff and documented within the training records. All training records are to be retained on premises and available for inspection for not less than two years and are to be made available to officers of the local authority or the
police service upon reasonable request.

3. The premises licence holder will engage and operate the Challenge 25 scheme. Staff will not sell alcoholic drinks to any person who appears to be under the age of 25 unless they can provide photographic ID evidence showing them to be over the age of 18. The only acceptable forms of identification are a passport, photocard, driving licence or identification bearing the ‘PASS’ logo.

4. An incident book and refusal register shall be kept at the premises and be made available to officers from the local authority or the police service upon reasonable request. All refusals of sales of alcohol or other age restricted products are to be recorded in this refusal register.

5. A digital CCTV system shall be installed incorporating recording and viewing facilities. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days.

6. The CCTV coverage shall include coverage of: all public entrances and exits from the premises; the area directly in front of the entrance to the premises; the till area and all the areas where alcohol is stored is displayed.

7. The CCTV system shall be serviced regularly to ensure correct operation.

8. Signs shall be prominently displayed informing customers of the CCTV recording.

9. The CCTV system shall record throughout the hours that the premises are open for any licensable activity.

10. A staff member shall be present at all times during open hours who is trained in the use of the CCTV system and can download images and provide a copy recording on request by a police or local authority officer within no later than 48 hours of such request.

11. Patrons shall be requested not to congregate outside the premises and to leave the premises quietly. Notices to this effect must be prominently displayed at the entrances of the premises.

12. No open vessels shall be allowed off the premises.

13. No cups or vessels will be supplied to those purchasing alcohol.

14. The premises will actively participate and adhere to the BCRP, and will not sell alcohol to target street drinkers identified
through the scheme.

15. The premises licence holder shall not purchase any alcohol from door to door sellers.

16. The premises licence holder shall ensure all receipts for goods brought include the following details:

   iv. Sellers name and address.

   v. Sellers company details, if applicable.

   vi. Sellers VAT details, if applicable.

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

17. The rear yard shall be made secure so as not to allow unauthorised members of the public access.

18. No beers, lagers or ciders to be sold in cans with an ABV exceeding 6.5% – except for premium products a list of which products shall be agreed in writing with the Police in advance.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the application and to impose the abovementioned conditions. The Committee was satisfied that this was an appropriate and proportionate response to the matters engaged by this application. The Sub-Committee decided to grant the application due to the following reasons:

The Sub-Committee thanked the applicant and the premises licence holder to discuss and agree suitable arrangements. The review application would be granted and conditions would be imposed as agreed with amendments to some of the conditions. For condition 2, all training records would be retained on the premises and made available for inspection. In condition 14, the ‘local shopwatch’ would be changed to ‘BCRP’. It was agreed that condition 16 would be changed to no beers, lagers or ciders to be sold in excess of 6.5% except for a list of products to be agreed with the Police and condition 17 would be changed to state that the yard would be secure so as not to allow unauthorised access.

2d PRESCO FOOD AND WINE, 67 STOCKWELL ROAD, LONDON SW9 9PY (TRANSFER)

The item was withdrawn as the objector had withdrawn their representation.

The meeting ended at 9:50pm

CHAIR
LICENSING SUB-COMMITTEE
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LICENSING SUB-COMMITTEE

Tuesday 28 March 2017 at 7.00 pm

MINUTES

PRESENT: Councillor Michelle Agdomar, Councillor Fred Cowell and Councillor Liz Atkins

APOLOGIES: Councillor Linda Bray

ALSO PRESENT: Councillor Martin Tiedemann

1 ELECTION OF CHAIR
MOVED by Councillor Fred Cowell, SECONDED by Councillor Liz Atkins

RESOLVED: That Councillor Michelle Agdomar Chair the meeting.

2 DECLARATION OF PECUNIARY INTERESTS
None.

3 LICENSING APPLICATIONS FOR THE GRANT / REVIEW OF A PREMISES LICENCE

The Chair informed the Sub-Committee that application 3c would be adjourned.

3a PREMIER FOOD AND WINE, 112 BRIXTON HILL LONDON SW2 1AH (BRIXTON HILL)

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a review of a premises licence. The Sub-Committee’s attention was drawn to chapters 2, 3, 9, 10 and 11 of the Statutory Guidance, and to Sections 1, 5, 6, 7, 8, 10, 11 and 19 of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraphs 6.1 of the report on page 11 of the agenda papers.

The Licensing Officer confirmed:

- Trading Standards had submitted an application for a review following an allegation that a person who did not have the right to work in the UK was working at the premises.
The review was based on the licensing objectives of the prevention of crime and disorder and public safety.

Nine representations had been received in support of the review application.

Five representations had been received from local residents against the review application.

Additional information from the premises licence holder had been circulated.

In response to questions from Members, Trading Standards Officer, Mr Bernard Conmy informed the Sub-Committee that:

- Having held further discussions with the premises licence holder’s representative, a series of amendments and conditions had been agreed between the parties.

- As the premises operated on a 24 hour basis, the extant operating hours were already outside the policy hours. The responsible authorities had proposed amendments to the hours of licensable activity as follows: 09:00 – 23:00 Monday to Thursday, 09:00 – 01:00 Friday – Saturday and 09:00 – 23:00 on Sundays.

- Whilst the premises licence holder was broadly agreeable to these amendments, they wanted the terminal hour for the sale of alcohol on Friday-Saturday to be set at 02:00 rather than 01:00.

- The premises had undergone an enforcement visit on one occasion at 03:00 and a person who did not have the right to work in the UK had been found working on the premises at that time. This was a serious matter and the Sub-Committee could consider revoking the licence on the basis of this single incident alone.

- There was support for the review application from local residents and a local councillor.

- To address the problems that had occurred at the premises, a reduction of the hours of licensable activity was a suitable and proportionate response.

- A further condition was proposed so that shutters or an appropriate covering of alcoholic beverages would be used during the times when the sale of alcohol was not permitted.

In response to questions from Members, Mr Robert Gardner, Licensing Manager, informed the Sub-Committee that:

- He had submitted a representation and had suggested amendments to hours of licensable activity partly due to representations that had been made by residents regarding the problems in the area and the public nuisance and public safety issues that had been raised. Although a terminal hour for the sale of alcohol of 01:00 had been proposed for Friday and Saturday, he confirmed that he would not find a terminal hour of 02:00 hours on those days objectionable.

Presentation by interested parties

Henry Umeh, Community Safety Officer, informed the Sub-Committee that:

- Given the seriousness of finding people working on the premises who did not
have the right to work in the UK, the Sub-Committee could revoke the licence.

- He felt that if the Sub-Committee was not minded to revoke the licence, then it should consider amendments and conditions.
- He was satisfied with the proposed reduction in operating hours.

In response to questions from Members, Trading Standards Officer, Mr Conmy informed the Sub-Committee that:

- The incident whereby an individual had been found to be working on the premises who did not have the right to work in the UK had taken place at 03:00 in morning. The early hours of the morning was a time-period when premises licence holders typically did not expect to be visited by enforcement officers. If the hours of licensable activity were to be reduced, it would also reduce the chances of the premises licence holder employing workers who did not have the right to work in the UK.
- Some of the issues with the premises had been discovered due to a specific Police project being undertaken in the borough. A reduction to the premises hours in terms of licensable activity would assist in addressing the problem relating to illegal workers working at the premises.

Councillor Martin Tiedemann informed the Sub-Committee that:

- He was aware that some residents who lived near the premises valued the business as its opening hours provided a sense of security for those out in the area late at night.
- He was aware of a wider concern regarding anti-social behaviour issues such as street urination and waste left in the area due to people dispersing from the late night establishments located in the area.
- The longer the premises was open, the later people would be inclined to leave the area.

**Presentation by the premises licence holder**

Mr Nigel Carter, the premises licence holder’s representative and a second representative of the premises licence holder informed the Sub-Committee that:

- They had proposed conditions to remedy the issue of potential illegal workers working at the premises:
  - Firstly, the premises licence holder would operate a full digital HR management system where all relevant documents would be stored for each individual member of staff. Secondly, the premises licence holder would work with People Force International or other similar agency and carry out checks on the Home Office website to verify identification, visa and right to work documents. Thirdly, no new member of staff would be able to work at the premises (including any trial period) unless they have provided satisfactory proof of identification and the right to work in the UK. Finally, all documents for members of staff would be retained for a period of 12 months post termination of employment and would be made available to Police, immigration or licensing officers on request.
In response to questions from Members, Mr Carter and the premises licence holder’s additional representative informed the Sub-Committee that:

- The premises licence holder would install and maintain a comprehensive CCTV system. The system would cover all entry and exit point from the premises and be capable of allowing the Police to be able to perform frontal recognition of customers who enter the premises. Images recorded would be retained for a minimum of 31 days and would be both date and time stamped.

- The premises licence holder was in Pakistan as his sister had been taken ill.

- Incidents of anti-social behaviour had decreased in the area. One person who lived above the premises who had submitted a representation noted a decrease in anti-social behaviour in the immediate area. A further representation that could be found in the agenda papers also noted a decrease in anti-social behaviour in the area.

- One of the representations found in the agenda papers documented that premises staff had refused the sale of alcohol to some customers and had been threatened with abuse as a result.

- There was a wider problem in the area regarding prostitution and drug dealing and these issues were not entirely related to the premises having a 24 hour premises licence.

- The review application was not similar to the case of East Lindsay v Abu Hanif. There was no evidence that the person found working at the premises who did not have the right to work in the UK had been paid.

- The proposed hours put forward by the premises licence holder, which included the sale of alcohol 09:00 – 02:00 Friday-Saturday, would cut hours of licensable activity by 64 hours per week and would address issues relating to street drinking late at night.

- Another premises located in the area, The White Horse, was open until 03:00 on both Friday and Saturday nights. Patrons of The White Horse would not be able to leave The White Horse after 02:00 and be able to buy alcohol from Premier should the proposed amendment be approved as the premises would not be able to sell alcohol after 02:00.

At this point in the proceedings, the Licensing Officer informed the Sub-Committee that the terminal hour for the sale of alcohol for the premises according to Lambeth’s policy was 23:00 Monday to Sunday. However, the Sub-Committee noted that the existing hours of licensable activity for the premises were already outside the policy hours.

The applicant’s representative, Mr Carter, stated that the premises had been granted a 24 hour licence in March 2006. Since that time, the premises had not been prosecuted or subject to review and this was commendable for a premises which held a 24 hour premises licence.

Adjournment and Decision

At 8:01pm, the Sub-Committee withdrew from the meeting together with the legal advisor and clerk to deliberate in private. The Sub-Committee had heard and considered representations from Mr Carter, the premises licence holder’s second representative, Mr Conmy, Councillor Tiedemann and Mr Umen. Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the review application and impose amendments and
RESOLVED: To grant the review application and impose amendments and conditions to the premises extant operating schedule.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the review application and to impose the agreed amendments and conditions to the premises operating schedule detailed below. The Chair confirmed that written notification of the decision would be sent in due course. The Chair explained that documents had been received from Mr Conmy and Mr Carter seeking to address the crime and disorder objective and concerns regarding illegal workers found at the premises. The condition relating to having shutters at the premises to cover alcoholic drinks during the period in which alcohol would not be sold would be implemented as a condition. Adequate wording of the condition would be prepared in due course. Full reasons for the decision would also be sent in due course.

Amendments:

The hours of licensable activity would be:

09:00 – 23:00 Monday to Thursday
09:00 – 02:00 Friday and Saturday
09:00 – 23:00 on Sunday.

Conditions:

1. The premises shall operate a proof of age scheme (minimum Challenge 25). Under such scheme, the only forms of acceptable identification will be photographic identification cards, such as driving licenses, passports or proof of age cards bearing the “PASS” mark hologram. This list of approved identification may be amended or revised from time to time in accordance with guidance issued by the Secretary of State or with the Police and Lambeth Council.

2. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises with a particular emphasis on the alcohol display area and checkout locations.

3. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically with regard to age-restricted sales and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed prior to any sales being made by an individual and company refresher training shall be proved at least every six months. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or authorised Officers of Lambeth Council.

4. An incident log or logs shall be maintained and kept at the premises; the logs shall record the following: a) crimes reported, b) complaints received, c) incidents of disorder, d) seizures of weapons or drugs, e) faults with the CCTV system, f) alcohol refusals, g) visits from relevant authorities or emergency services. Such log/s shall be available to a Police Officer or Officer of Lambeth Council upon request.

5. The premises licence holder shall install and maintain a comprehensive CCTV system. The system shall cover all entry and exit points from the premises and be
capable of allowing the Police to be able to perform frontal recognition of customers who enter the premises. Images recorded shall be retained for a minimum of 31 days and shall be both date and time stamped. Recordings shall be made available upon request to the Police or an Officer of Lambeth Council. The premises licence holder shall ensure that at all times when the premises is open, there is a staff member working in the store who is conversant with the CCTV system.

6. The premises shall not sell ales, beer, lager or cider or similar above 6.5% abv (alcohol by volume).

7. Any cans or bottles of ales, beers, lagers, cider or similar will be sold in a minimum of 4.

8. There will be no sales of bottles of “white cider” with an ABV of 6/5% or higher, from the premises.

9. No paper or plastic cups will be kept behind the counter and they are not to be sold or given away with alcohol.

10. The Licensing Holder will join the Lambeth Business Crime Reduction Partnership.

11. The premises shall display signage which informs customers of the presence of the CCTV system and that recording is in operation.

12. No open vessels containing alcohol shall be allowed off the premises.

13. The premises shall have a written fire risk assessment with firefighting equipment regularly serviced and in date.

14. All display units for alcohol will have lockable shutters/screens. At the end of permitted hours for the sale of alcohol, the shutter/screen shall be closed and locked and shall not be unlocked again whilst the premises is open until the start of permitted hours on that day or the following day.

15. The premises licence holder would operate a full digital HR management system where all relevant documents would be stored for each individual member of staff.

16. The premises licence holder would work with People Force International or other similar agency and carry out checks on the Home Office website to verify identification, visa and right to work documents.

17. No new member of staff would be able to work at the premises (including any trial period) unless they have provided satisfactory proof of identification and right to work.

18. All documents for members of staff would be retained for a period of 12 months post termination of employment and would be made available to Police, immigration or licensing officers on request.

3b  COSTCUTTER, 98 BRIXTON HILL, LONDON, SW2 1AH (BRIXTON HILL)

Before the application was considered, Mr David Dadds, representing the premises licence holder, informed the Sub-Committee that he was in discussion with interested parties to come to an agreement. The Sub-Committee adjourned the hearing at 8:18pm and reconvened at 8:47pm.

The Sub-Committee was then informed that all parties had come to an agreement.

PC Joe Farrelly, Mr David Dadds representing the premises licence holder and Mr Hazar Khan, the premises licence holder, addressed the Sub-Committee.
Mr Dadds informed the Sub-Committee that:

- The agreed proposed hours for the sale of alcohol were 09:00 - 00:00 Monday – Thursday, 09:00– 02:00 Friday and Saturday and 09:00 – 00:00 on Sunday.

- The conditions that had been agreed amongst all parties were conditions 1, 2, 3, 4, 5, 6, 9, 10, 13, 14, 16, 17 and 18 as outlined in the original agenda papers (from page 94) and the additional papers circulated at the meeting.

- Three further additional conditions had been agreed. Firstly, the premises licence holder would work with People Force International or other similar agency and carry out checks on the Home Office website to verify identification, visa and right to work documents. Secondly, no new member of staff would be able to work at the premises (including any trial period) unless they have provided satisfactory proof of identification and right to work. Finally, all documents for members of staff would be retained for a period of 12 months post termination of employment and would be made available to Police, immigration or Licensing officers on request.

- The conditions proposed had taken into account requirements that had been requested by the Police.

- If the Sub-Committee were to agree the proposed conditions, then the premises licence holder should be allowed 21 days to meet the full requirements of all the conditions.

- Staff training was already being provided at the premises so some conditions were already being met.

- From the applicant’s point of view, all parties were in agreement with the conditions and amendments proposed and all parties felt that they were appropriate and proportionate.

- Community Safety, Licensing and Trading Standards were all in agreement with the proposed conditions and amendments.

- Condition 8 on page 95 of the agenda papers would not be implemented as it was felt to be a duplication of condition 6. Responsible authorities felt that the premises would not attract street drinkers because the abv level was already low at 6.5% abv.

- The reference to high strength, beer, lager or cider would be removed from condition 18.

In response to questions from Members, PC Joe Farrelly informed the Sub-Committee that:

- In order to adequately fulfil proposed condition 18, contact would be made with local police teams to provide a document containing photographic identities of known street drinkers. This document would be passed on to the premises licence holder to ensure that premises staff did not sell alcohol to identified street drinkers. However, if premises staff served an individual whose photographic identity they had not received, it would not be a breach of the condition. The most appropriate way to adequately proceed with meeting the condition was to have the document delivered to the premises licence holder by hand and to obtain a signed document from the premises licence holder confirming that premises staff had seen the images of the known street drinkers.
The document would be kept on Police records.

In response to questions from Members, Mr Khan informed the Sub-Committee that:

- He was happy to accept all the conditions and requirements outlined above.

In response to questions from Members, Mr Dadds informed the Sub-Committee that:

- It was not appropriate or proportionate to impose a condition regarding limiting the sale of miniature bottles. There was no evidence to suggest that such a condition was necessary. The premises licence holder felt that that customers who came into the premises and brought such products at his premises were not street drinkers.
- The premises licence holder wished for the terminal hour for the sale of alcohol to be 03:00 on Monday to Saturday. There was no evidence to justify a reduction of the terminal hour to be greater than 03:00 but he was aware that it was the Council’s intention to reduce hours for any premises operating on a 24 hour basis and therefore the premises licence holder was happy to reach a compromise.

Presentation from interested parties

Councillor Martin Tiedemann informed the Sub-Committee that:

- He was grateful to officers and all parties involved for attempting to reach a compromise.
- There had been some serious issues raised regarding this application and wider issues which had been raised by residents.
- There were issues of public nuisance in the area.
- He appreciated the work that had been put into an agreement between all parties.
- He was particularly concerned about the premises being adequately locked and shuttered which was an urgent issue and needed to be addressed.

Mr Dadds informed the Sub-Committee that someone could be brought in to fix the front door on the premises. The premises had been operating for 19 years and in the last seven years there had only been one alleged crime. There was an issue with the premises door and an incident that had occurred in December 2016 at the premises could have been avoided if the premises was more secure.

Adjournment and Decision

At 9:15pm, the Sub-Committee withdrew from the meeting together with the legal advisor and clerk to deliberate in private. The Sub-Committee had heard and considered representations from Mr Dadds, Mr Farrelly, Councillor Tiedemann and Mr Khan. Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate. The Sub-Committee decided to grant the review application and impose the agreed amendments and conditions on the operating schedule.

RESOLVED: To grant the review application and impose amendments and conditions.
Amendments

The hours of licensable activity would be:

09:00 – 00:00 Monday to Thursday
09:00 – 02:00 Friday and Saturday
09:00 – 00:00 on Sunday.

Conditions

1. The premises shall operate a proof of age scheme (minimum Challenge 25). Under such scheme, the only forms of acceptable identification will be photographic identification cards, such as driving licenses, passports or proof of age cards bearing the “PASS” mark hologram. This list of approved identification may be amended or revised from time to time in accordance with guidance issued by the Secretary of State or with the Police and Lambeth Council.

2. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises with a particular emphasis on the alcohol display area and checkout locations.

3. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically with regard to age-restricted sales and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed prior to any sales being made by an individual and company refresher training shall be proved at least every six months. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or authorised Officers of Lambeth Council.

4. An incident log or logs shall be maintained and kept at the premises; the logs shall record the following: a) crimes reported, b) complaints received, c) incidents of disorder, d) seizures of weapons or drugs, e) faults with the CCTV system, f) alcohol refusals, g) visits from relevant authorities or emergency services. Such log/s shall be available to a Police Officer or Officer of Lambeth Council upon request.

5. The premises licence holder shall install and maintain a comprehensive CCTV system. The system shall cover all entry and exit points from the premises and be capable of allowing the Police to be able to perform frontal recognition of customers who enter the premises. Images recorded shall be retained for a minimum of 31 days and shall be both date and time stamped. Recordings shall be made available upon request to the Police or an Officer of Lambeth Council. The premises licence holder shall ensure that at all times when the premises is open, there is a staff member working in the store who is conversant with the CCTV system.

6. The premises shall not sell ales, beer, lager or cider or similar above 6.5% abv (alcohol by volume).

7. No paper or plastic cups will be kept behind the counter and they are not to be sold or given away with alcohol.

8. No bottles of beer, lager, or cider will be opened for customers.

9. The premises shall display signage which informs customers of the presence of the CCTV system and that recording is in operation.

10. No open vessels containing alcohol shall be allowed off the premises.

11. There will be a lockable door to the premises and lockable shutters covering all...
outside windows and door facing the street.

12. All display units for alcoholic beverages will be covered at those times when the sale of alcohol is not permitted.

13. There will be no sale of alcohol to persons identified as street drinkers by local policing teams.

14. The premises licence holder will work with People Force International or other similar agency and carry out checks on the Home Office website to verify identification, visa and right to work documents.

15. No new member of staff will be able to work at the premises (including any trial period) unless they have provided satisfactory proof of identification and right to work.

16. All documents for members of staff will be retained for a period of 12 months post termination of employment and will be made available to Police, immigration or licensing officers on request.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the review application and impose amendments and conditions. The Chair confirmed that written notification and the reasons for the decision would be sent in due course.

3c LOCO, 233 COLDHARBOUR LANE, LONDON, SW9 8RR (COLDHARBOUR)

This application was adjourned.

The meeting ended at 9:30pm

CHAIR
LICENSING SUB-COMMITTEE
Thursday 13 April 2017

Date of Despatch: Wednesday 5 April 2017
Contact for Enquiries: Nazyer Choudhury
Tel: 020 7926 0028
Fax: (020) 7926 2361
E-mail: nchoudhury@lambeth.gov.uk
Web: www.lambeth.gov.uk

The action column is for officers’ use only and does not form a part of the formal record.
22.03.2017 Meeting; Kwik Stop Food and Wine, Prem555, 72 Brixton Hill, SW2 1QW

David Smith - Police Licensing DS
Bernie Conmy - Trading Standards BC
Prassy - Trading Standards PA
Esther Jones - Lambeth Licensing EJ
Mazir Khan - Premises Licence Holder MK
David Dadds - Licensing Solicitor DD

BC – Observed Mr Dadds phone on the desk and asked if it was being recorded. DD confirmed that it wasn’t.

DD – Then asked what the purpose of the meeting was for, was it just for ticking the box or is it already pre-determined to review the premises licence. He was advised by EJ that nothing was pre-determined and a decision will be made after due consideration of the outcome of this meeting.

BC – Reminded the meeting of the unsatisfactory meeting of 4th March, two males were behind the counter, they were Assiz Erfan manager and Zahir Khan. Assiz has right to work in the UK.

DD – Asked if the meeting want to use his notes but he was told BC could cope thanks.

BC – Continued by informing the meeting that Mr Rasheed had no right to work to which DD agreed and accepted. Rasheed however, was the same man behind the counter in Costcutter the PLH’s other premises on Brixton Hill during the visit of 26th November 2016.

After the visit of the 4th/5th March a Trading Standards notice 1219 was left with a request for a copy of the CCTV for 9pm – midnight of the 4th of March which would have confirmed who was working. He outlined his right to ask for this as it forms part of the condition on the premises licence Annex 3 No. 10. He then read it out. The deadline for producing this was the 12th of March and today is the 22nd of March.

DD – Said by his client producing the cctv he was going to incriminate himself. Yes Rasheed has no right to work. Immigration Services came in last year and raised the point. They issued a civil penalty notice of £15,000 which the PLH objected to as he wasn’t working and this was then reduced to 0. Mr Khan knows he is not allowed to work but he is known to him and so visits. There is nothing preventing him from visiting.

He admitted the council has the right to ask for the cctv but that it has to comply with Data Protection Act, he believes 3 hours is too long and not reasonable but would agree to 30 minutes before the visit.

EJ – 30 minutes is DD’s summation and not the law.

BC – Wanted to know how you would allow someone who hasn’t got the right to work in you shop be present in another one of your shops? Refused to accept DD’s explanation of the cctv rules and maintain his request for the cctv.
DD – He is a member of the community and has been advised by Mr Khan to stop visiting.

Following on from our meeting with Mr David Dadds and Mr Mazar Khan,

Mr Dadds did produce a Refusal Register that I examined (it was not the one in the training manual supplied by Mr Dadds but another one) it seemed up to date, however despite mentioning different staff it appeared written in the same hand. I pointed this out and Mazar said he wrote the refusals register on behalf of staff, but I could not understand this as he is not there 24/7. Mr Dadds suggested the entries should be written by staff even if they are not in English. I think this would be best as the refusal would be recorded at the time and not some time afterwards, which is the whole point of a refusals register to be used in a timely fashion. Mr Khan also produced his Training Manual that appeared up to date, and I advised him to keep it in the shop. Mr Khan said it was in the shop and staring the Manager in the face on a shelf, by the counter. I suggested that the Manager where it is so in future it could be produced. Again BC read out the relevant part of the conditions on the premises licence to the meeting.

BC – Went on to list the contravention of the premises licence conditions which are as follows:-

No staff training manual
No refresher training record
No refused sale register
Not a member of BCRP
No member of staff who can operate the cctv on the premises.
Evidence of smoking
Weighing Scales with obscured readings.

DD – The time of the visit 00:20 was not a reasonable time, if notice had been given or need to have a copy, one would have been prepared ready for the officers. He asserted that the records were all available and can be inspected. He admitted that the only think outstanding is membership of the BCRP. – Which EJ reminded him was a breach. He accepted the records were not produced at the time of the visit but insisted that they exit.

He said there was an individual there but no pin to do the downloading
He has advised his client that:-

No visitors to the shop
If BC wants to look at the refusal and training records as Mr Aylott from his firm provided the training.
Will get the premises to sign up to BCRP as soon as possible before the end of the week if possible.

BC – Commented about street drinkers as discarded bottle of Guinness found outside the shop.

DD – countered this by stating that this cannot be directly linked to the shop but that it had been picked up by Aylott at the training which is that persons intoxicated must not be served and if there is anything else that he needs to do in training, he accepts there are matters that need to be addressed and he will do it.

BC – Also picked up on evidence of smoking in the shop, at the rear in a corner.

DD – Agreed there should be no smoking and had told Mr Khan about this he has provided him with a few more signs. The weighing machine would be resolved today such that anybody can see the readings clearly.

End of meeting
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<th>Item No:</th>
<th>4b)</th>
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<tr>
<td>Title of Report:</td>
<td>Presco Food &amp; Wine</td>
</tr>
<tr>
<td></td>
<td>Ground Floor, 67 Stockwell Road, London SW9 9PY</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Sohrab Sherafghani</td>
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<tr>
<td>Application Type:</td>
<td>Premises Licence (new application)</td>
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<td>Application Date:</td>
<td>5 July 2018</td>
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<td>Stockwell</td>
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<td>Premises Type:</td>
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<td>Report Author:</td>
<td>Mr Peter Agbley</td>
</tr>
<tr>
<td>Contact Details:</td>
<td>020 7926 1644 <a href="mailto:pagbley@lambeth.gov.uk">pagbley@lambeth.gov.uk</a></td>
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<tr>
<td>Application Summary:</td>
<td>This is an application for a premises licence (new application) to allow authorisation for the following licensable activities:</td>
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<td></td>
<td><strong>Supply of Alcohol</strong></td>
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<td>Monday - Sunday 10:00 - 23:00</td>
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Consultation Information:

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<th>Consulted (Y/N)</th>
<th>Date Response Received</th>
<th>Comments summarized in report (Y/N)</th>
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Policy implications:

**Licensing Objectives (chapters 5 to 9, pages 12 to 20 of the policy)**

The Licensing Objectives engaged by this application are;
- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance and Protection of Children from Harm

**Special Policy Area (chapter 15 and appendix 2, pages 24 and 31 of the policy)**

The premises is not located in the Cumulative Impact Zone,

**Hours policy (chapter 4 and appendix 1, pages 11 to 12 and 29 to 35 of the policy)**

- The premises is classified within Lambeth’s Licensing Policy (the Policy) as an ‘Off Licence’
- The applicant proposes to operate the premises as an off licence. The Policy recommends a terminal hour for premises of this kind in this area of 23:00

Note: The hours above are not absolute and are intended as a guide for applicants to consider when completing their operating schedules. Each application will be considered on its own merits. Applicants seeking hours later than those indicated in the Policy should provide detailed evidence as to why their application will not have a negative impact on the licensing objectives.
1. **Application:**

1.1 This is an application for a new premises licence under section 17 of the Licensing Act 2003.

1.2 The application is seeking authorisation for the following licensable activities:

   **Supply of Alcohol**  
   Monday - Sunday 10:00 - 23:00

   It is proposed to open the premises to the public during the following times:

   Monday – Sunday 06:00 - 03:00

2.2 A copy of the application form is attached to this report as **Annex A**

2.2 A copy of the plans are attached to this report as **Annex B**

2. **Representations:**

2.1 Two representations were received against the application. These were from Community Safety (acting under the duties of Environmental Health) and Trading Standards. The representations were based on the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

2.2 The responsible authorities’ concerns were based on the previous history of the premises and they are of the view that, if the licence is granted, the previous issues at the premises will re-surface. They are also of the view that the current management are linked to the previous licensee. Trading Standards have asked for the application to be refused.

2.3 Copies of the representation were provided to the applicant’s agent and are attached as **Annex C**.

2.4 The applicant has agreed conditions suggested by the Licensing Service and the Police in the event the application is granted. The Police requested a reduction in the hours sought and the exclusion of certain individuals from working at the premises. The list of the agreed conditions is attached to the report as **Annex D**.

2.5 The last date for making representation was 2 August 2018. I can confirm that all statutory requirements have been complied with.

3. **Current Licence:**

3.1 There is no premises licence in place for this venue.
4. **Background History:**

4.1 The premises licence was first granted to Mr Mazar Iqbal Khan and Mr Tanveer Hasham in 2005 following an application to convert the existing Justices Off Licence previously held at the premises.

4.2 The premises licence was varied in February 2006, to authorise the sale of alcohol for 24 hours per day. There were no representations against the application and it was granted under delegated authority.

4.3 On 22 April 2015, a review application which related to all four licensing objectives was submitted by the Trading Standards. On 18th May 2015 and prior to the determination of the review application, an application to transfer the premises licence to Mr Tariq Mahmood was submitted and to vary the designated premises supervisor so that Mr. Mahmood became the DPS. These applications were granted. The review application came before the LSC and the application was granted with conditions attached. Minutes of the hearing is attached as Annex E.

4.4 On 18 November 2016 a review application was submitted by Trading Standards for breaches of the premises licence conditions. The application was granted and the LSC decided to remove the DPS and impose conditions. A copy of the minutes is attached as Annex F.

4.5 On 26 June 2017 the premises licence holder submitted an application to vary the designated premises supervisor and nominated Jameel Hussain as the new designated premises supervisor.

4.6 On 4 July 2017 a review application was submitted by Trading Standards for breach of conditions. The application was granted and the licence revoked. The Review decision was however subject to an appeal. A copy of the decision is attached as Annex G.

4.7 In August 2017 the licence was transferred to Presco Food and Wine (Stockwell) Ltd., a company set up and operated by Assad Hussain, the son of Tariq Mahmood. There were numerous breaches during the appeal period. The appeal was subsequently withdrawn a few days before the appeal was due to be heard. The Consent order is attached as Annex H.

4.8 The premises is close to Stockwell town centre with underground station, which is also frequented by public buses towards Brixton and central London destinations.
5. **Observations:**

5.1 The parts of the Statutory Guidance (April 2018) which are particularly relevant to this application and the representations received are Chapters:

- 2 – The Licensing Objectives;
- 3 – Licensable Activities;
- 8 – Applications for Premises Licences;
- 9 – Determining Applications;
- 10 – Conditions Attached to Premises Licenses and Club Premises Certificates;

5.2 The parts of the Statement of Licensing Policy that are particularly relevant to this application and the representations are Sections:

- 4. Location of Premises and Hours of Operation
- 5. The Licensing Objectives
- 6. The Prevention of Crime and Disorder
- 7. Public Safety
- 8. Prevention of Public Nuisance
- 9. Protection of Children from Harm
- 16. Applications
  - Appendix 1 – Preferred Hours
  - Appendix 4 – Premises Types
  - Appendix 6 – Applications
  - Appendix 7 – Crime and Disorder
  - Appendix 8 – Public Safety
  - Appendix 9 – Public Nuisance
  - Appendix 10 – Protection of Children from Harm

6. **Conclusion:**

6.1 Members are required to consider the application in light of all the relevant information, and if approval is given, may attach such conditions appropriate to promote the licensing objectives.

6.2 The options available to Members of the Licensing Sub Committee are;

1. Grant the application as it currently stands.

2. Grant the application subject to such conditions as the authority considers necessary for the promotion of the licensing objectives.

3. Exclude from the scope of the licence any of the licensable activities to which the application relates.
4 - To refuse to specify the individual named in the applications as the DPS

5 – Reject the application.

## Appendices:

<table>
<thead>
<tr>
<th>Annex A</th>
<th>Redacted Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annex B</td>
<td>Plan of the premises</td>
</tr>
<tr>
<td>Annex C</td>
<td>Trading Standard and Community Safety representation</td>
</tr>
<tr>
<td>Annex D</td>
<td>Agreed Police and Licensing Conditions</td>
</tr>
<tr>
<td>Annex E</td>
<td>2015 Review Decision</td>
</tr>
<tr>
<td>Annex F</td>
<td>2016 Review Decision</td>
</tr>
<tr>
<td>Annex G</td>
<td>2017 Review Decision</td>
</tr>
<tr>
<td>Annex H</td>
<td>Consent Order</td>
</tr>
</tbody>
</table>

## Reference Documents:

<table>
<thead>
<tr>
<th>Local Government Act 1972 – Access to information documents used in the preparation of this report</th>
<th>1 The Licensing Act 2003 (“the Act”)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) (“the Guidance”)</td>
<td></td>
</tr>
<tr>
<td>3 Lambeth Statement of Licensing Policy 2014 - 2018 (“the Policy”)</td>
<td></td>
</tr>
</tbody>
</table>
**Section 1 of 21**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>System reference</strong></td>
<td>Not Currently In Use</td>
</tr>
<tr>
<td><strong>Your reference</strong></td>
<td></td>
</tr>
</tbody>
</table>

This is the unique reference for this application generated by the system.

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?
- [ ] Yes
- [x] No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

- **First name**  
  Sohrab

- **Family name**  
  Sherafghani

- **E-mail**  
  [Enter email]

Main telephone number
- [Enter phone number]

Other telephone number
- [Enter phone number]

Indicate here if the applicant would prefer not to be contacted by telephone
- [ ]

**Is the applicant:**
- [ ] Applying as a business or organisation, including as a sole trader
- [x] Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.
Continued from previous page...

**Address**

* Building number or name
* Street
District
* City or town
County or administrative area
* Postcode
* Country

**Agent Details**

* First name Sohrab
* Family name Sherafghani
* E-mail
Main telephone number Include country code.
Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

**Agent Business**

Is your business registered in the UK with Companies House? ○ Yes ○ No

Is your business registered outside the UK? ○ Yes ○ No

Note: completing the Applicant Business section is optional in this form.

Business name ADM Training Services

VAT number - none

Legal status Sole Trader

Your position in the business Owner

Home country United Kingdom

The country where the headquarters of your business is located.
### Agent Business Address
If you have one, this should be your official address - that is an address required of you by law for receiving communications.

<table>
<thead>
<tr>
<th>Building number or name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Street</td>
<td></td>
</tr>
<tr>
<td>District</td>
<td></td>
</tr>
<tr>
<td>City or town</td>
<td></td>
</tr>
<tr>
<td>County or administrative area</td>
<td></td>
</tr>
<tr>
<td>Postcode</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td></td>
</tr>
</tbody>
</table>

### Section 2 of 21
**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- [ ] Address
- [ ] OS map reference
- [ ] Description

**Postal Address Of Premises**

<table>
<thead>
<tr>
<th>Building number or name</th>
<th>Presco Food and Wine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street</td>
<td>67 Stockwell Road</td>
</tr>
<tr>
<td>District</td>
<td>Lambeth</td>
</tr>
<tr>
<td>City or town</td>
<td>London</td>
</tr>
<tr>
<td>County or administrative area</td>
<td></td>
</tr>
<tr>
<td>Postcode</td>
<td>SW9 9PY</td>
</tr>
<tr>
<td>Country</td>
<td>United Kingdom</td>
</tr>
</tbody>
</table>

**Further Details**

<table>
<thead>
<tr>
<th>Telephone number</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-domestic rateable value of premises (£)</td>
<td>22,500</td>
</tr>
</tbody>
</table>
APPLICATION DETAILS

In what capacity are you applying for the premises licence?

☑ An individual or individuals
☐ A limited company / limited liability partnership
☐ A partnership (other than limited liability)
☐ An unincorporated association
☐ Other (for example a statutory corporation)
☐ A recognised club
☐ A charity
☐ The proprietor of an educational establishment
☐ A health service body
☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
☐ The chief officer of police of a police force in England and Wales

Confirm The Following

☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
☐ I am making the application pursuant to a statutory function
☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

☒ Yes        ☐ No

First name               Sohrab
Family name              Sherafghani

Is the applicant 18 years of age or older?

☒ Yes        ☐ No
Continued from previous page...

**Current Residential Address**

Is the address the same as (or similar to) the address given in section one?

- Yes
- No

If “Yes” is selected you can re-use the details from section one, or amend them as required. Select “No” to enter a completely new set of details.

**Building number or name**

**Street**

**District**

**City or town**

**County or administrative area**

**Postcode**

**Country** United Kingdom

**Applicant Contact Details**

Are the contact details the same as (or similar to) those given in section one?

- Yes
- No

If “Yes” is selected you can re-use the details from section one, or amend them as required. Select “No” to enter a completely new set of details.

**E-mail**

**Telephone number**

**Other telephone number**

**Date of birth**

**Nationality**

Documents that demonstrate entitlement to work in the UK

Add another applicant

---

**OPERATING SCHEDULE**

When do you want the premises licence to start?

- 05 / 07 / 2018

If you wish the licence to be valid only for a limited period, when do you want it to end?

- dd / mm / yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

General grocery and household goods. The sale of cigarettes and alcohol by retail off the premises.
If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Section 6 of 21**  
**PROVISION OF PLAYS**  
See guidance on regulated entertainment  
Will you be providing plays?  
○ Yes  
○ No

**Section 7 of 21**  
**PROVISION OF FILMS**  
See guidance on regulated entertainment  
Will you be providing films?  
○ Yes  
○ No

**Section 8 of 21**  
**PROVISION OF INDOOR SPORTING EVENTS**  
See guidance on regulated entertainment  
Will you be providing indoor sporting events?  
○ Yes  
○ No

**Section 9 of 21**  
**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**  
See guidance on regulated entertainment  
Will you be providing boxing or wrestling entertainments?  
○ Yes  
○ No

**Section 10 of 21**  
**PROVISION OF LIVE MUSIC**  
See guidance on regulated entertainment  
Will you be providing live music?  
○ Yes  
○ No

**Section 11 of 21**  
**PROVISION OF RECORDED MUSIC**  
See guidance on regulated entertainment  
Will you be providing recorded music?  
○ Yes  
○ No

**Section 12 of 21**  
**PROVISION OF PERFORMANCES OF DANCE**  
See guidance on regulated entertainment  
Will you be providing performances of dance?  
○ Yes  
○ No
Continued from previous page...

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes  ☐ No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes  ☐ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes  ☐ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☐ Yes  ☐ No

Standard Days And Timings

<table>
<thead>
<tr>
<th>Day</th>
<th>Start</th>
<th>End</th>
<th>Start</th>
<th>End</th>
</tr>
</thead>
<tbody>
<tr>
<td>MONDAY</td>
<td>06:00</td>
<td>03:00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TUESDAY</td>
<td>06:00</td>
<td>03:00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WEDNESDAY</td>
<td>06:00</td>
<td>03:00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>THURSDAY</td>
<td>06:00</td>
<td>03:00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FRIDAY</td>
<td>06:00</td>
<td>03:00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Give timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
Continued from previous page...

**SATURDAY**

<table>
<thead>
<tr>
<th>Start</th>
<th>End</th>
</tr>
</thead>
<tbody>
<tr>
<td>06:00</td>
<td>03:00</td>
</tr>
</tbody>
</table>

**SUNDAY**

<table>
<thead>
<tr>
<th>Start</th>
<th>End</th>
</tr>
</thead>
<tbody>
<tr>
<td>06:00</td>
<td>03:00</td>
</tr>
</tbody>
</table>

Will the sale of alcohol be for consumption:
- [ ] On the premises
- [x] Off the premises
- [ ] Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

**State any seasonal variations**
For example (but not exclusively) where the activity will occur on additional days during the summer months.

**Non-standard timings.** Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below
For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**State the name and details of the individual whom you wish to specify on the licence as premises supervisor**

**Name**

<table>
<thead>
<tr>
<th>First name</th>
<th>Family name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sohrab</td>
<td>Sherafghani</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of birth</th>
</tr>
</thead>
</table>
Enter the contact's address

<table>
<thead>
<tr>
<th>Building number or name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Street</td>
<td></td>
</tr>
<tr>
<td>District</td>
<td></td>
</tr>
<tr>
<td>City or town</td>
<td></td>
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<tr>
<td>County or administrative area</td>
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<tr>
<td>Postcode</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td></td>
</tr>
</tbody>
</table>

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?
- [ ] Electronically, by the proposed designated premises supervisor
- [ ] As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

<table>
<thead>
<tr>
<th></th>
<th>MONDAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start</td>
<td>06:00</td>
</tr>
<tr>
<td>End</td>
<td>03:00</td>
</tr>
</tbody>
</table>

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
State any seasonal variations
For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below
For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)
List here steps you will take to promote all four licensing objectives together.

CCTV will be installed, premises will be well lit, no irresponsible alcohol promotions, provision of free portable water.

b) The prevention of crime and disorder

CCTV will be installed on the premises with 30 days recording, at all times an individual will be able to operate the CCTV, proof of age schemes will be in place, book for recording all incidents at the premises and the recording of all refusals made. Staff will be trained in alcohol sales according to the Licensing Act 2003. Prevention and vigilance of illegal drug activity in the premises.

c) Public safety

The health and safety and the fire safety of the customers all on the premises is considered, fire safety equipment are all in place and well maintained in accordance with the fire safety risk assessment, all foods regularly checked for expiry dates and storage equipment well maintained.

d) The prevention of public nuisance

Customers will be encouraged to leave quietly and not to congregate at the front of the shop and this will be done by placing notices at or near the entrance. Customers will also be encouraged not to drop litter all the way around the premises. Doors will be kept close to minimise any noise that might emanate from the premises. Deliveries will be made during the normal working day. Hours of operation will be posted on or near the door.

e) The protection of children from harm

All staff will be trained in ID verification procedures, a challenge 25 policy will be implemented.
Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder’s parents or adoptive parents, when produced in combination with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
• A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work in relation to the carrying on of a licensable activity.

• A current Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.

• A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity when produced in combination with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

• A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

• Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

• Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  • evidence of the applicant’s own identity – such as a passport,
  • evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  • evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    (i) working e.g. employment contract, wage slips, letter from the employer,
    (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

(i) any page containing the holder’s personal details including nationality;
(ii) any page containing the holder’s photograph;
(iii) any page containing the holder’s signature;
(iv) any page containing the date of expiry; and
(v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT
Continued from previous page...

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
  - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  1. any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  2. any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  3. any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  4. any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Please enter the total fee amount payable in the red box at the end of this section.

Application fees are determined by the non-domestic rateable value of the licensed premises. You can find out the current rateable value of your premises using the Valuation Office Agency's search engine at http://www.2010.voa.gov.uk/rii/

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<thead>
<tr>
<th>Band</th>
<th>Rateable Value</th>
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<tr>
<td>A</td>
<td>Not rated, or up to £4,300</td>
<td>£100.00</td>
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<td>B</td>
<td>From £4,301 to £33,000</td>
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<td>C</td>
<td>From £33,001 to £87,000</td>
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<td>D</td>
<td>From £87,001 to £125,000</td>
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<td>E</td>
<td>£125,001 or greater</td>
<td>£635.00</td>
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Premises in bands D or E used primarily for the consumption of alcohol on the premises are subject to fee multipliers, requiring fees of £900.00 or £1,905.00 respectively.

Premises undergoing construction or redevelopment are treated as if they were in Band C for fee purposes.

PremisesLicences for large capacity events will require payment of an additional fee, based upon the number of people permitted to attend the event at any time. The additional fee must be added to the relevant fee in the above table:

Licensed capacity | Additional fee amount
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<td>5,000 to 9,999</td>
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<td>20,000 to 29,999</td>
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<td>30,000 to 39,999</td>
<td>£16,000.00</td>
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Please contact us for larger capacities.

Certain community premises, including church halls, chapel halls, village halls, community centres and schools and colleges, which are only licensed for entertainment and NOT alcohol or late night refreshment, may be exempt from licensing application and annual fees. Please contact us to discuss whether your premises will fall within this exemption.

* Fee amount (£) 190.00

DECLARATION

* I understand that I must now advertise my application, and that if I do not comply with this requirement my application will be rejected.

* I/we understand 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.

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
PLEASE NOTE: The applicant is now required to advertise this application, by displaying a statutory notice at or near the premises (which must remain visible and legible from outside the premises at all times, for the next 28 days), and by arranging for the publication of a notice in a local newspaper (for one issue within the next 10 working days). Templates for these notices are available from the licensing authority.

 xor Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
   Arlene auf der Mauer

* Capacity

* Date
   05 / 07 / 2018

Add another signatory

Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as...
2. Go back to https://www.gov.uk/apply-for-a-licence/premises-licence/lambeth/apply-1 to upload this file and continue with your application.
Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED
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Memo To: Licensing                         At: Community Safety

From: Michael Anderson                  Date: 02 August 2018

Pages including this one: 2

Reference: Prem2148 – Presco Food & Wine

Subject: Application for a Premises Licence, Prem2148 - Presco Food & Wine, 67 Stockwell Road, London, SW9 9PY

The Community Safety Team, a responsible authority for the purpose of the Licensing Act 2003, hereby makes a representation to an application pertaining to the granting of a new premises Licence for Presco Food & Wine, 67 Stockwell Road, London, SW9 9PY for the Supply of Alcohol and Opening Times 06:00hrs-03:00 hrs. Monday to Sunday.

This representation is made on the grounds of the Prevention of Public Nuisance, Prevention of crime and disorder and Protection of children from harm as the Community Safety Team is of the opinion that the proposed hours for licensable activities is likely to result in public nuisance and that the Applicant (Sohrab Sherafghani) a known associate of persons involved in Presco Food & Wine when it’s licence was revoked.

The Community Safety Team feels that granting the application as it currently stands will have a negative impact on the residents who live in the vicinity to this premises in terms of noise and anti-social behaviour in the form of attaching drug use, street drinking, non-compliance with conditions and employing individuals who do not have right to work in the UK.

The Community Safety Team are also mindful of previous concerns, raised by neighbouring residents relating to noise and disturbance caused by patrons of the premises and is not convinced (nor have the confidence) that the applicant / management team will not operate this premises in a community minded way, nor adhere to conditions set with the licence nor the licencing objectives.

Summary
The Lambeth Community Safety Area Team ask:

1. A change of applicant, as we have not confidence that the applicant is not connected with previous management / licensees of Presco Food & Wine, 67 Stockwell Road, London, SW9 9PY during or prior to the license being revoked.
2. The proposed hours for licensable activities to be amended to Monday to Sunday 10:30hrs-23:00hrs.
3. The premises is required to employed ‘Proof of Age’ for any sale that takes place where there is suspicion that the customer may be under 25 (Challenge 25). The following are the only forms of identification that will be accepted by the shop staff: -
   a. A photo driving licence.
   b. A valid passport
   c. A PASS proof of age card.
4. The Premises Licence Holder will work with People Force International, or similar agency and conduct checks on staff on the Home Office website to verify identification, visas and right to work documentation. Records will be kept and copies of any such documentation will be kept at the premises and will be made available to Police, Immigration, or Council Officers on request.

5. All documents for members of staff will be retained at the premises for a period of 12 months post termination of employment, at the premises and will be made available to Police, Immigration, or Council Officers on request.

6. All beers, ales, lagers and ciders and anything similar that are sold/ supplied in a can to be sold in packs of four (4) minimum at all times.

7. There will be no sales/ supplies of beers, ales, lagers or ciders or anything similar of 6% ABV or above.

8. There shall be no sale of cider in vessels over 1 litre.

9. The premises shall prominently display signage informing customers that I.D is required for sales of alcohol and tobacco.

10. Staff to be trained with regards to intoxication, CCTV (operation of) and license conditions. Refresher training to be conducted every quarterly.

11. A staff member from the premise who is conversant with the operation of the CCTV system must be on the premises at all times that the venue is open to the public. This staff member must immediately be able to show police or local authority officer’s contemporaneous and recent data or footage on request.

12. The Premises are to use all reasonable efforts to provide police and local authority officers with recordings from the CCTV system on request (e.g. by supplying recordings on DVD, CD, tape etc. and any software needed to play the footage if necessary)

Yours faithfullly

Michael Anderson
Senior Community Safety Area Officer
Dear Peter,

I am glad to see the sale of alcohol is agreed (reduced from 3am) to 10:00 - 23:00 -
Monday – Sunday

However my concerns are that this premises has a chequered history of offences, illicit stock, street drinking/drug use, non-compliance with conditions and illegal workers, after years of problems finally resulting in the revocation of the alcohol licence. The premises is on a main road, densely populated and in a sensitive area of Lambeth. I do not want to see more problems, and am concerned about harm in the future.

The situation at the moment is that there is a new application before me. Bearing the history in mind there is no evidence or information that the new applicant is not linked with the previous management? Information – for example that the business has been sold and there is a ‘new broom’ new people in place so to speak? That the applicant is experienced in managing off licensed premises? That the applicant has no connections with previous management, PLH, DPS, Staff? etc. The applicant lives in Harrow and appears to be part of a Health and Safety training company, I cannot see the connection with a Licensed Premises in Lambeth. He also does not disclose on his application (Page 9) which Licensing Authority issued his personal licence. He does mention free portable (sic) water, this is not normally a condition for an off licence premises? I would have thought that the applicant would/should have known that.

I believe if the new applicant has no connections whatsoever with the previous management, then my attitude may change however in the absence of any information or evidence I believe the onus is upon the applicant to put his case before the Committee, where questions maybe asked. I will give a full summary of all the previous incidents and offences to the Committee. Lambeth do not want to be put in the position again of having a problematic licensed premises, and using scarce resources having enforcement visits, reports, reviews, appeals etc. again and again. I have attached some proposed conditions, the applicant may wish to consider, however I understand that this premises was leased to Mr Abdul Ghafar, and was then previously sub-let. Is the Landlord of this premises aware of this application? If Mr Ghafar is still the lease holder then there is a clear connection with the previous Management, and I ask that this application is refused.

Thank you,

Bernard Conmy
Trading Standards Officer
Community Safety Service
Neighbourhoods & Growth
Lambeth Council
phone: 0207 926 6119
e-mail: bconmy@lambeth.gov.uk
website: www.lambeth.gov.uk
Lambeth Council, PO Box 734
Winchester, SO23 5D
Protection of Children from Harm

1. The premises shall operate a proof of age scheme (minimum Challenge 25). Under such scheme the only forms of acceptable identification will be photographic identification cards, such as driving licences, passports or proof of age cards bearing the “PASS” mark hologram.

This list of approved identification may be amended or revised from time to time in accordance with guidance issued by the Secretary of State or with the Police and Lambeth Council.

2. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises with a particular emphasis on the alcohol display area and checkout locations.

3. All staff members engaged, or to be engage, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.

Induction training must be completed prior to any sales being made by an individual and company refresher training shall be provided at least every six months.

All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised Officers of Lambeth Council.

4. An incident log or logs shall be maintained and kept at the premises; the logs shall record the following:
   - Crimes reported
   - Complaints received
   - Incidents of disorder
   - Faults with the CCTV system
   - Alcohol refusals
   - Visits from relevant authorities or emergency services
   Such log/s shall be available to a Police Officer or Officer of Lambeth Council upon request.

Prevention of Crime and Disorder

5. The Premises Licence Holder shall install and maintain a comprehensive CCTV system. The system shall cover all entry and exit points from the premises and be capable of allowing the Police to be able to performing frontal recognition of customers who enter the premises. Images recorded shall be retained for a minimum of 31 days and shall be both date and time stamped.
Recordings shall be made available upon request to the Police or an Officer of Lambeth Council.

The Premises Licence Holder shall ensure that at all times when the premises are open there is a staff member working in store who is conversant with the CCTV system.

6. The premises shall not sell ales, beer, lager or cider or similar above 6.5% abv (alcohol by volume).

7. Any cans or bottles of ales, beers, lagers, cider or similar will be sold in a minimum of 4.

8. There will be no sales of bottles of “white cider” with an ABV of 6.5% or higher, from the premises.

9. No paper or plastic cups will be kept behind the counter, and they are not to be sold or given away with alcohol.

10. The Licence Holder will join the Lambeth Business Crime Reduction Partnership.

11. The Premises Licence Holder will work with People Force International, or similar agency and carry out checks on the Home Office website to verify identification, visa and right to work documentation.

12. No new member of staff will be able to work at the premises (including any trial period) unless they have provided satisfactory proof of identification and right to work.

13. All documents for members of staff will be retained for a period of 12 months post termination of employment and will be made available to Police, Immigration, or Council Officers on request.

Prevention of Public Nuisance

14. The premises shall display signage which informs customers of the presence of the CCTV system and that recording is in operation.

15. No open vessels containing alcohol shall be allowed off the premises.

Public Safety

16. The premises shall have a written fire risk assessment, with firefighting equipment regularly serviced and in date.
ANNEX D

Compilation of Police and Licensing Agreed Conditions.

1. The Premises Licence Holder shall install and maintain a comprehensive CCTV system. The system shall cover all entry and exit points from the premises and be capable of allowing the Police to be able to performing frontal recognition of customers who enters the premises. Images recorded shall be retained for a minimum of 31 days and shall be both date and time stamped.

2. A CCTV system covering areas inside and directly outside of the premises should be updated and maintained according to police recommendations with properly maintained log arrangements and recordings/tapes to be kept for a minimum of 30 days.

3. The CCTV system is to comply with GDPR 2018 and must be working and recording correctly when the venue is open to the public.

4. Weekly checks of the CCTV system are to be completed and all details written into a log/diary.

5. A staff member from the venue who is conversant with the operation of the CCTV system must be on the premises at all times that the venue is open to the public. This staff member must immediately be able to show police or local authority officer’s contemporaneous and recent data or footage on request.

6. The Premises are to use all reasonable efforts to provide police and local authority officers with recordings from the CCTV system on request (e.g. by supplying recordings on DVD, CD, tape etc and any software needed to play the footage if necessary)

7. In the event that CCTV breaks down, malfunctions or is not working, any receipts/invoices/correspondence relating to it’s repair or the replacement of parts must be kept on record for at least 12 months.

8. The premises shall prominently display signage informing customers that I.D is required for sales of alcohol and tobacco.

9. The premises shall display signage which informs customers of the presence of the CCTV system and that recording is in operation.

10. All alcohol products sold at the premises shall have the relevant UK duty paid label attached.

11. Invoices, or copies of invoices, for all alcohol purchased for sale at the premises, will be retained and kept at the premises, and made available to officers from the Council, the Police or HMRC, upon request

12. A stock control system will be maintained, to enable the licensee and designated premises supervisor to quickly identify where and when alcoholic product have been purchased.

13. An ultra-violet light will be available at the premises and will be used for the purpose of
checking the UK Duty Stamps on spirits as soon as practicable after purchase. The suppliers of any spirits that do no fluoresce under ultra-violet light shall be notified to the Council’s Trading Standard and HMRC

15. An incident log or logs shall be maintained and kept at the premises; the logs shall record the following:
   • Crimes reported
   • Complaints received
   • Incidents of disorder
   • Seizures of weapons or drugs
   • Faults with the CCTV system
   • Alcohol refusals
   • Visits from relevant authorities or emergency services

   Such log shall be available to a Police Officer or Officer of Lambeth Council upon request.

16. The premises shall join the Business Crime Reduction Partnership (BCRP) within two weeks of the premises licence being granted.

17. The premises shall not sell ales, beer, lager or cider or similar above 6% ABV (Alcohol By Volume).

18. Any cans or bottles of ales, beers, lagers, cider or similar will be sold in a minimum of 4.

19. There will be no sale of white cider in bottles larger that 750ml at the premises.

20. No paper or plastic cups will be kept behind the counter, and they are not to be sold or given away with alcohol.

21. No open vessels containing alcohol shall be allowed off the premises.

22. The venue will not sell/ supply of miniature bottles of spirits of 50ml or less.

23. All spirits and liqueurs are to be located behind the counter.

24. Signage shall be displayed at the exit of the premises requesting customers leaving the premises to do so quietly so as not to disturb nearby residents.

25. Two (2) members of staff will be present at the venue at all times open the public and licensable activities are taking place.

26. A personal licence holder is to be on the premises at all times that the premise are open to the public and licensable activities are taking place.

27. A policy shall be employed at the premises requiring the production of ‘Proof of Age’ for any sale that takes place where there is suspicion that the customer may be under 25 (Challenge 25 Scheme). The following are the only forms of identification that will be accepted by the shop staff:
   a. A photo driving licence.
   b. A valid passport
   c. A PASS proof of age card.
d. If any doubt exists about whether a person has attained the age of 18 the sale will be refused.

31. The list of approved identification may be amended or revised from time to time in accordance with guidance issued by the Secretary of State or with the Police and Lambeth Council.

32. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises with a particular emphasis on the alcohol display area and checkout locations.

33. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. This shall take place every 6 months.

34. Induction training must be completed prior to any sales being made by an individual and company refresher training shall be provided at least every eight weeks.

35. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised Officers of Lambeth Council.

36. All Records shall be retained at the premises for a period of no less than 12 months and made available to responsible authorities on request.

37. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

38. The Premises Licence Holder will work with People Force International, or similar agency and carry out checks on staff on the Home Office website to verify identification, visas and right to work documentation. Records will be kept and copies of any such documentation will be kept at the premises and will be made available to Police, Immigration, or Council Officers on request.

39. No new member of staff will be able to work at the premises (including any trial period) unless they have provided satisfactory proof of identification and right to work documentation.

40. All documents for members of staff will be retained for a period of 12 months post termination of employment, at the premises and will be made available to Police, Immigration, or Council Officers on request.
41. The following named persons are to have no connection with the premises and will not be permitted to work there in any capacity: Mazar Iqbal Khan, Umair Naeem, Tariq Mahmood and Tanveer Hasham.
Minutes:

Presentation by the Licensing Officer:

The Sub-Committee was informed that this was an application for a review of the current premises licence. The Sub-Committee’s attention was drawn to chapters 2, 3, 4, 6, 7, 8, 9, 10 and 11 of the Statutory Guidance, and to Sections 5, 6, 7, 8, 9, 10, 16 and 19 of the Statement of Licensing Policy and appendices 7, 8, 9, 10 as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 6.2 of the report on page 154 of the agenda papers.

The Licensing Officer confirmed:

- The applicant was asking for the licence to be revoked.
- The application could be found on page 211 – 217
- A representation had been received in support of the review from the local health trust. This could be found on page 171 of the agenda papers.
- Invitation to the hearing was sent to the representative but attendance was not confirmed.
- Further supporting documents from the police had been submitted and these had been provided to the premises licence holder by hand delivery.

Presentation by the applicant:

Bernard Conmy, Trading Standards, informed the Sub-Committee that:

- The premises had a rear yard which was being used by drug addicts and street drinkers. There was also anti-social behaviour in the area.
- A metal roller shutter had been put in place to stop people accessing and using the yard.

Upon discussion with the premises licence holder’s representative further conditions had been submitted and negotiated. In response to questions from Members, Mr Conmy informed the Sub-Committee that:

- In relation to the newly submitted conditions, Condition 2 should be changed to allow records to be kept on site and condition 17 should be changed to not allow the sale of ale, ciders, lagers over 6.5% abv to be sold.
Presentation by the Premises Licence Holder

Mr David Dadds, representative of the Premises Licence Holder, informed the Sub-Committee that:

- He had agreed the condition in relation to the yard be made secure so as not to allow unauthorised members of the public access to the area. Money had been spent installing a shutter.

- He had agreed the condition regarding beers, lagers and ciders being sold at the premises should not exceed 6.5% abv. However, this excluded premium products.

Adjournment and Decision

At 9:47pm, the Sub-Committee withdrew from the meeting together with the legal advisor and clerk to deliberate in private.

The Sub-Committee had heard and considered representations from Mr Conmy and Mr Dadds.

Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate.

RESOLVED: To grant the application and to impose the following conditions on the premises licence.

Conditions

1. The premises licence holder shall implement a training manual and all members of staff shall be suitably trained in underage sales prevention before making any sales of alcohol.

2. Refresher training shall be satisfactorily completed every twelve months for all staff and documented within the training records. All training records are to be retained on premises and available for inspection for not less than two years and are to be made available to officers of the local authority or the police service upon reasonable request.

3. The premises licence holder will engage and operate the Challenge 25 scheme. Staff will not sell alcoholic drinks to any person who appears to be under the age of 25 unless they can provide photographic ID evidence showing them to be over the age of 18. The only acceptable forms of identification are a passport, photocard, driving licence or identification bearing the ‘PASS’ logo.

4. An incident book and refusal register shall be kept at the premises and be made available to officers from the local authority or the police service.
upon reasonable request. All refusals of sales of alcohol or other age
restricted products are to be recorded in this refusal register.

5. A digital CCTV system shall be installed incorporating recording and
viewing facilities. Any recording shall be retained and stored in a suitable
and secure manner for a minimum of 31 days.

6. The CCTV coverage shall include coverage of; all public entrances and
exits from the premises; the area directly in front of the entrance to the
premises; the till area and all the areas where alcohol is stored is
displayed.

7. The CCTV system shall be serviced regularly to ensure correct operation.

8. Signs shall be prominently displayed informing customers of the CCTV
recording.

9. The CCTV system shall record throughout the hours that the premises are
open for any licensable activity.

10. A staff member shall be present at all times during open hours who is
trained in the use of the CCTV system and can download images and
provide a copy recording on request by a police or local authority officer
within no later than 48 hours of such request.

11. Patrons shall be requested not to congregate outside the premises and to
leave the premises quietly. Notices to this effect must be prominently
displayed at the entrances of the premises.

12. No open vessels shall be allowed off the premises.

13. No cups or vessels will be supplied to those purchasing alcohol.

14. The premises will actively participate and adhere to the BCRP, and will
not sell alcohol to target street drinkers identified through the scheme.

15. The premises licence holder shall not purchase any alcohol from door to
door sellers.

16. The premises licence holder shall ensure all receipts for goods brought
include the following details:

   i. Sellers name and address.

   ii. Sellers company details, if applicable.

   iii. Sellers VAT details, if applicable.
Such receipts are to be made available to officers of the local authority or police service upon reasonable request.

17. The rear yard shall be made secure so as not to allow unauthorised members of the public access.

18. No beers, lagers or ciders to be sold in cans with an ABV exceeding 6.5%—except for premium products a list of which products shall be agreed in writing with the Police in advance.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the application and to impose the abovementioned conditions. The Committee was satisfied that this was an appropriate and proportionate response to the matters engaged by this application. The Sub-Committee decided to grant the application due to the following reasons:

The Sub-Committee thanked the applicant and the premises licence holder to discuss and agree suitable arrangements. The review application would be granted and conditions would be imposed as agreed with amendments to some of the conditions. For condition 2, all training records would be retained on the premises and made available for inspection. In condition 14, the ‘local shopwatch’ would be changed to ‘BCRP’. It was agreed that condition 16 would be changed to no beers, lagers or ciders to be sold in excess of 6.5% except for a list of products to be agreed with the Police and condition 17 would be changed to state that the yard would be secure so as not to allow unauthorised access.
Application reference: 16/00314/PRMREV – Prem566
Application type: Premises Licence (review application)
Applicant(s) name: Mr Bernard Conmy
Premises: Presco Food And Wine, Shop, 67 Stockwell Road, London SW9 9PY
Summary of decision: Conditions of the premises licence modified

Presentation by the Licensing Officer

The Sub-Committee was informed that this was an application for a review of a premises licence. The Sub-Committee’s attention was drawn to chapters 2, 3, 9, 10, and 11 of the Statutory Guidance, and to Sections 1, 5, 6, 7, 8, 10, 11 and 19 of the Statement of Licensing Policy, as the ones particularly relevant to this application. The options available to the Sub-Committee were set out in paragraph 6.1 of the report on page 71 of the agenda papers.

The Licensing Officer confirmed:

- This was a review of the premises licence.
- The review application had been submitted by Trading Standards.
- The premises licence holder, Tariq Mahmood, was being represented by Mr David Dadds.
- The review had been submitted on the basis of crime and disorder and public safety.
- Representations in support of the review had been submitted by the local authority, Police and local residents.
- The application could be found on pages 73-105 of the agenda papers.
- Subsequent to the publication of the agenda, the Licensing team had received additional written documents from Mr David Dadds.

Presentation by the applicant

Mr Bernard Conmy, Trading Standards Officer, informed the Sub-Committee that:

- The premises had a licence to sell alcohol at all times.
- His application could be found from page 73 of the agenda papers.
- The premises had previously been reviewed on 4 June 2016 and 18 additional conditions had been imposed at that time. These could be found from page 146 of the agenda papers.
- On 17 October 2016, he had assisted Police with an inspection as they had obtained a warrant to search the premises for stolen property.
When he visited the premises on 17 October 2017, two men had been found working behind the counter. One of these individuals denied working at the premises and was later discovered to have had no right to work in the UK.

The premises licence was not displayed clearly at the premises at the time of the visit.

Pictures could be found from page 84 of the agenda papers. These included a picture of plastic cups found at the premises.

A corkscrew had been found at the premises.

The premises was located between the Swan pub and the Brixton Academy and was likely acting as a pre-loading venue for patrons to those premises.

A woman at the premises was found in possession of cannabis when Police visited the premises.

Three fire extinguishers found at the premises were out of date.

There were no staff training records at the premises and there was a refusals register which had not been used for over a year.

The premises licence holder had admitted that the CCTV was not working during the time of the visit.

If the premises licence holder did not adhere to the conditions of the premises licence, then he could not be considered a responsible premises licence holder.

Pages 78-79 of the agenda papers outlined the type of criminal activities which should be considered by the Sub-Committee as particularly serious.

In the scenario of a premises licence holder knowingly employing a person who did not have the right to work in the UK, revocation of the premises licence should be considered by the Sub-Committee in the first instance. It was also important that the Sub-Committee considered the avoidance of harm in the future when considering the crime and disorder licensing objective.

Representations had been made regarding stolen property found at the premises and regarding someone having been employed at the premises who was also simultaneously claiming benefits.

Conditions of the licence were not being adhered to.

People were working at the premises who did not have the right to work in the UK.

Pirate DVDs were being sold at the premises.

Drugs were being used at the premises.

There was a failure of management at the premises to support the crime and disorder objective.

Conditions had been imposed on the premises licence, but this measure had not worked and therefore the Sub-Committee would be asked to revoke the premises licence.

In response to questions from Members, Mr Conmy informed the Sub-Committee that:

A condition had been imposed on the premises licence at a previous review hearing whereby the premises needed to have all its staff trained and keep written records of the training. Photographs submitted on pages 101, 102 and 103 of the agenda papers showed an unfilled training manual.

The refusals register showed only two incidents, both of which were from July 2015. The photo of the register submitted to the Sub-Committee had been taken on date of the inspection.

The premises licence holder had informed at the time of the inspection that the CCTV hard drive was not working. He was not asked how long it had not been working.

He had assisted Police with their search in October 2016. The Police were late in arriving to the premises and he was in the area and had observed two men working at the premises, one of whom did not have the right to work in the UK.
Page 109 of the agenda papers detailed a visit to the premises made by Police Officers on 14 March 2016. This was when various items of property, believed to have been stolen, was found on the premises.

A baseball bat found on the premises was considered to be a weapon but the premises licence holder had said it was for playing baseball. There were no baseball teams around the Stockwell area and no ball was found on the premises. It was not unusual to find equipment of this nature behind the premises counter but he could not condone the storing of such an item.

When he visited the downstairs area of the premises, he had noticed a pungent smell of cannabis.

A photo on page 94 of the agenda papers showed a tray with a cannabis grinder, tobacco and a lighter. The cigarettes could be broken down and mixed with cannabis to make an alternative form of tobacco.

He had not seen the Shisha pipe used at the premises. However, the presence of the pipe was evidence of smoking in a work premises.

Shisha was just as harmful as ordinary tobacco.

He did not know if the premises was part of the BCRP or not.

Police were unaware of condition 18 on the premises licence and probably had not queried about it.

Presentation by interested parties

Mr Robert Gardner, Principal Licensing Officer, informed the Subcommittee that:

- He would reiterate the points made by Trading Standards and the Police.
- Most, if not all, of the conditions listed from page 146 of the agenda papers had been broken.
- The failure of the CCTV at the premises also resulted in the failure to satisfy three or four conditions on the premises licence.
- Premises staff without the right to work in the UK had been found working at the premises on two occasions.
- Stolen goods had been found on the premises.
- A bottle of Cristal found at the premises cost over £160.00.
- The premises had failed to uphold the licensing objectives.
- Premises staff would at least be aware of cannabis smoking on the premises.
- The Subcommittee should revoke the licence.

Councillor Alex Bigham informed the Subcommittee that:

- He was a Councillor for the Stockwell ward.
- He lived in the area near where the premises was located.
- He had attended the premises many times.
- The premises was next to another premises in Stockwell Lane.
- There were many drug syringes found in the area behind the premises and this area was a "magnet" for street drinkers.
- The area behind the premises had been conditioned to be closed off due to drug takers and street drinkers frequenting the area.
- He had been working with local residents to improve the area of Stockwell.
- He had noticed breaches of the premises licence such as when he had observed cigarettes being sold individually.
- Pirated DVDs were being sold near the entrance of the premises.
- Street drinkers had been seen outside the premises causing problems.
- Mr Conmy had said in his representation that disposable cups had been found behind the counter and a corkscrew had also been found at the premises.
- He felt that the premises was being used for criminal activities including for the sale of stolen goods, such as goods from Boots.
- There was drug taking going on at the premises and the premises had employed staff who did not have the right to work in the UK.
- Additional conditions had already been imposed at the premises in 2015.
- The Trading Standards officer had recommended that the licence be revoked.

In response to questions from Members, Councillor Bigham informed the Sub-Committee that:

- He had driven past the premises on Saturday night in the previous week and he did not think the conditions set in 2015 had helped the premises. Many of the conditions had already been breached.
- He had driven past the premises on Saturday night in the previous week at approximately 19:30, trying to get his son to sleep and the situation had "not been helped" by the people present in the vicinity of the premises.

Presentation by the premises licence holder

The premises licence holder Mr Tariq Mahmood and his representative Mr David Dadds informed the Sub-Committee that:

- They would like to ask for an adjournment.
- A ward Councillor had made his representation to the Sub-Committee whose letter of representation could be found in the agenda papers.
- Councillor Bigham had suggested that on Saturday of the previous week at approximately 19:30, members of the public had been congregating in the area behind the premises with alcohol.
- The premises licence holder had access to CCTV.

- Councillor Bigham had said he was trying to get his son to sleep in the car and was unable to do so. This information had not been included in Councillor Bigham’s original representation.

- It was not fair that the premises licence holder had to address this issue. The premises licence holder was entitled to a fair hearing and may need to examine CCTV evidence to address this issue.

The Legal Officer informed the meeting that, in the interest of fairness, it was appropriate that all parties had equal knowledge of all the information that was to be submitted at the meeting prior to the hearing. The Sub-Committee could consider a short recess of this meeting to allow for the premises licence holder to reflect upon the issue raised at the meeting.

At 7:50pm, the Sub-Committee decided to adjourn the meeting for ten minutes and reconvened at 8:00pm.

The premises licence holder Mr Tariq Mahmood and his representative Mr David Dadds informed the Sub-Committee that:

- They were not in a position to address the matter that had arisen regarding Councillor Bigham’s representation where he had stated that he was unable to get his son to sleep when he had driven past the premises last Saturday.

- If the Sub-Committee was to give due consideration to Councillor Bigham’s representation where he had stated that he was unable to get his son to sleep when he had driven past the premises last Saturday, the premises licence holder would seek an adjournment. However, if the Sub-Committee was to give no consideration to Councillor Bigham’s representation where he had stated that he was unable to get his son to sleep when he had driven past the premises last Saturday, then the premises licence holder was happy to continue with the hearing.

The Chair stated that the Sub-Committee was happy to give no consideration to Councillor Bigham’s representation where he had stated that he was unable to get his son to sleep when he had driven past the premises last Saturday.

The premises licence holder Mr Tariq Mahmood and his representative Mr David Dadds informed the Sub-Committee that:

- They were happy for the meeting to proceed.

- He was concerned about the manner in which this application had been brought to the Sub-Committee.

- There had been one licensing inspection at the premises on 17 October 2016.

- The premises licence holder had taken control of the premise in 2015.

- Since the premises licence holder had held the premises licence, it had only had one licensing inspection.

- An underage test purchase exercise had been carried out at the premises and had been passed by the premises licence holder (i.e. the sale was refused).

- In relation to the training log and the refusals log, there was no cause for concern.
- There had been no breach of the premises licence.
- The protection of children from harm objective had not been undermined. The premises had not sold age restricted products to children.
- The premises had a refusals book.
- In relation to staff training, the staff had received training in 2015 and 2017.
- Refresher training was taken throughout the year with staff.
- Staff training was not an issue.
- No fixed penalty notices had been submitted to the premises.
- There was no evidence of disposable cups being sold at the premises. The cups were used for water and non-alcoholic drinks.
- The corkscrew also served the function of being used as a bottle opener.
- There was no offence to having a corkscrew bottle opener at the premises.
- Members of the public would not attempt to gain entry to Brixton Academy with a bottle in their hands.
- There had been no smoking witnessed on the premises.
- Mr Conmy had stated that he had smelled cannabis smoke at the premises but his written submission stated that he smelt smoke, not cannabis smoke.
- Mr Conmy had never witnessed anybody smoking at the premises.
- The refusals register was in use at the premises.
- The premises licence holder had replaced the CCTV hard drive two days after he had realised that it was not working. This showed that he had dealt with the issue responsibly.
- The fire extinguishers were not out of date and were valid until 2019. However, an annual inspection of the fire extinguishers had not been carried out.
- There was a difference between the court case in East Lindsey whereby the premises licence holder named in the case had accepted that he had knowingly employed someone who did not have the right to work in the UK and the case being put forward at this meeting.
- The premises licence holder did not accept that both of the two persons observed by Mr Conmy on the day of the inspection were serving customers - only one person was serving customers, whilst the other person was waiting for the premises licence holder’s son to return from the chicken shop nearby.
- In relation to matters regarding people working who did not have the right to work in the UK, this was dealt with either by a civil penalty or prosecution by the Border Agency (who had not attended the premises). An instance of guilt could not be established.
- The premises licence had been relocated and was now displayed clearly at the premises.
The Police were not in attendance at this meeting but the suggestion of stolen goods being present at the premises was defamatory and Trading Standards should withdraw the comment as there was no evidence of stolen goods.

In response to questions from Members, the Mr Mahmood and Mr Dadds informed the Sub-Committee that:

The training records had been at the premises at the time of inspection.

The premises had a refusals log. The premises licence holder had trained staff to use the log if there was a refusal of sale.

The premises licence holder had put in place a system regarding the refusals log and going forward, he would check and sign the log every month.

Staff training had been provided to premises staff by Mr Dadds’ firm. The training log for this had been completed by the solicitor who had worked for Mr Dadds and had delivered the training in June 2015.

Since the review application, the premises licence holder had gone through the training again. More training materials had been provided for premises staff and the refusals log would be checked and signed every month by the premises licence holder.

The two people found at the premises when it was inspected were not trained to sell alcohol. One of the individuals was not working and was a visitor to the premises. The other individual was selling a non-licensable product. Neither were selling alcohol.

The two people found at the premises were not workers at the premises and were not paid employees. No criminal offence had been committed.

One of the individuals was a visitor waiting for the premises licence holder’s son to return to the premises. The other individual lived across the road and was minding the premises whilst the premises licence holder’s son was getting food from the chicken shop nearby.

The premises licence holder had taken over the premises in June 2015 but had been running it since 1995. He had a partner to manage the business with him at the time.

The Licensing Act came into effect in 2005. Since the premises had been granted its most recent licence, no letters of concern had been received from the Licensing team.

The premises licence holder was not involved with another other premises in Lambeth.

At the time of the visit to the premises by Police in March 2016, the people employed at the premises were Mr Hussain, Mr Rahman, Mr Ahmed, the premises licence holder and the premises licence holder’s son.

It was not normal for people who did not work at the premises to mind the shop whilst premises staff had left the premises. The incident where this had happened was an isolated incident.

Mr Ali was not trained, he had not sold alcohol at the premises and was not an employee at the premises.

The chicken take-away shop was two doors away from the premises itself.

A new member of staff had started on 15 March 2016 and received training on that date.

The training log was at the premises and refresher training was usually completed by premises staff.

The premises licence holder would normally check the status of an individual’s visa or check for a valid passport before employing anyone.
The training given to staff included fire risks and health and safety.

The premises licence holder had been supplied with a training manual which he read out to new staff members.

The key points outlined in the manual were regarding underage sales, fire and risk assessment and health and safety.

The baseball bat kept at the premises was not an offensive weapon.

The premises licence holder’s son was 20 years old. He played baseball in Willesden. The premises licence holder’s son, upon visiting the premises, had taken the bat out of his car and placed it behind the counter. This was an isolated incident. The bat was out of the way and not visible to members of the public.

An altercation at the premises had not occurred since 1995.

The female visitor who had been found at the premises had been trained and training records showed that she had been trained. She had since left employment of the premises licence holder but would sometimes come in and help out from time to time. She received training on 22 June 215.

Page 94 of the agenda papers showed a photograph of a tray which held items including a cannabis grinder, tobacco and a lighter. These were items that had been found on the person referred to in the agenda papers. The items had not been found on the tray in the way it was shown on the picture. The items were taken away from the person. The premises licence holder was not aware that the person had these items in her possession.

Police had not reported a smell of cannabis. They had said that they had given the person a warning for possession of cannabis and they had searched her.

The cannabis grinder had been found on the individual.

No smoking had taken place in the basement.

The premises licence holder was a smoker himself. The ashtray found at the premises had not been used for years and was found under a settee. There had been no cigarette butts found on the premises.

In relation to the reported inaccessibility of the CCTV, the premises licence holder took steps within two days to restore the hard drive.

The premises licence holder had brought the DVR for the CCTV two days before the inspection. It had simply been plugged in and no tests had been conducted on it. The previous system had now been replaced and the new system was linked online so that he could view the CCTV using his phone.

With regard to the items found by the Police on 14 March 2016, the Police had concluded there would be no further action in relation to the issue.

A receipt had been provided for the bottle of Cristal champagne found at the premises.

The value of the champagne goods found at the premises were worth £106.00 to purchase from a cash and carry.

Some of the items found at the premises had been brought during sales at high street stores and online. However, many of the products sold at the premises were brought via a cash and carry service.

The premises was a member of the BCRP and had paid for the radio. The premises had not had any trouble since the radio had been acquired.
The disposable cups were used for water and soft drinks. The premises had agreed to use non-disposable cups going forward.

The Shisha pipe had never been used and had been acquired as a gift.

The female visitor found at the premises was an adult female and had not smoked at the premises.

Receipts had been submitted in relation both bottles of champagne found at the premises and the Police had been given the receipts. The same items had been purchased again for sale at the premises. The premises licence holder had the receipts for those items.

Each and every product taken by Police had been returned to the premises three weeks later.

The applicant, Mr Conmy, was recalled to address matters arising. In response to questions from Members, Mr Conmy informed the Sub-Committee that:

It was difficult to see how he could have found the refusals register and had not found the staff training records as the premises licence holder and his representative insisted that both records were the same file.

Page 105 of the agenda papers showed a Trading Standards notice to the premises licence holder which stated that there was no records of training or refresher training and this had been signed by the premises licence holder.

There was ample opportunity to provide all administrative records submitted at the meeting by the premises licence holder before the meeting.

In response to questions from Members, the Mr Mahmood and Mr Dadds informed the Sub-Committee that:

It was important to note that the Council had not prosecuted the premises licence holder on the basis of underage sales, undermining of the licensing conditions/objectives or serving intoxicated customers.

There was no street drinking in the back area of the premises and the area was not attracting street drinkers.

- The premises had stopped selling super strength alcohol.

Adjournment and Decision

At 9:08pm, the Sub-Committee withdrew from the meeting together with the legal advisor and clerk to deliberate in private.

The Sub-Committee had heard and considered representations from Mr Conmy, Mr Mahmood, Mr Dadds, Mr Gardner and Councillor Bingham. Legal advice was given to the Sub-Committee on the options open to them and the need for any decision to be proportionate.

The Sub-Committee decided to grant the review application, remove the DPS and impose conditions.

RESOLVED: To grant the review application, remove the DPS and impose conditions.

Announcement of Decision

Members returned to the meeting and the Chair informed those present of the decision to grant the review application, remove the DPS and impose conditions for the following reasons:
The Chair stated that the Sub-Committee had reviewed the papers and had listened to the verbal contributions. The Sub-Committee had decided not to revoke the premises licence as this was not considered to be an appropriate or proportionate response. The Sub-Committee however concluded, that, on the balance of probabilities, conditions on the premises licence had not been complied with and that this had undermined the licensing objectives, particularly the objective relating to the prevention of crime and disorder. Therefore, the Sub-Committee resolved to remove the DPS, impose two additional conditions and edit two existing conditions. The written notification of the decision would be sent in due course.

Additional Conditions

1. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to maintain the refusals book, enter sales correct on the tills so the prompts show when appropriate and monitor staff to ensure their training is put into practice.

2. The Premises Licence Holder must ensure that there is a minimum of two members of staff on duty at the premises at all times the premises are open to members of the public.

Edited Conditions

4. An incident book and refusal register shall be kept at the premises and be made available to officers from the local authority or the police service upon reasonable request. All refusals of sales of alcohol or other age restricted products are to be recorded in this refusal register and the register is to be reviewed monthly by the DPS and signed and dated each month by him to demonstrate that this review has been carried out.

13. No cups or vessels will be supplied to those purchasing alcohol. No devices for the opening of vessels such as corkscrews or bottle openers shall be kept on the shop floor.

Date of issue: 5th April 2017
**Appeal information**

If you wish to appeal a decision made by the Licensing Sub-Committee you must give written notice of appeal, within the period of 21 days beginning with the day on which you were notified by the licensing authority of the decision you wish to appeal, to:

The Appeals Officer  
Camberwell Green Magistrates’ Court  
15 D’Eynsford Road  
London  
SE5 7UP

Please note that there is no power to extend the time limit for an appeal.

On appeal a magistrates’ court may:
- Dismiss the appeal;
- Substitute for the decision appealed against any other decision which could have been made by the licensing authority;
- Remit the case to the licensing authority to dispose of in accordance with the direction of the court.

The court has wide discretion and may make such order to costs as it thinks fit.

The table below sets out each party’s entitlement to appeal a decision:

<table>
<thead>
<tr>
<th><strong>Appeal entitlement: Review of a premises licence</strong></th>
<th><strong>Applicant’s appeal rights</strong></th>
<th><strong>Other parties appeal rights</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Nature of decision</strong></td>
<td>The applicant may appeal against the decision.</td>
<td>The holder of the premises licence may appeal against the decision.</td>
</tr>
<tr>
<td>Any</td>
<td></td>
<td>Any other person who made relevant representations in relation to the application may appeal against the decision.</td>
</tr>
</tbody>
</table>
ANNEX G

Licensing Sub-Committee
20th July 2017

Notice of decision

<table>
<thead>
<tr>
<th>Application reference:</th>
<th>17/00160/PRMREV – Prem566</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application type:</td>
<td>Premises Licence (review application)</td>
</tr>
<tr>
<td>Applicant(s) name:</td>
<td>Mr Tariq Mahmood</td>
</tr>
<tr>
<td>Premises:</td>
<td>Presco Food And Wine, Shop, 67 Stockwell Road, London SW9 9PY</td>
</tr>
<tr>
<td>Summary of decision:</td>
<td>Licence Revoked</td>
</tr>
</tbody>
</table>

Decision details: Reasons and Decision

1. The LSC heard an application by Bernie Conmy of Lambeth trading Standards to review the premises licence held by Tariq Mahmood in respect of Presco Food and Wine, 67 Stockwell Road, London, SW9 (“the Premises”). The application was based upon the licensing objective of the prevention of crime and disorder. The review attracted representations from the Licensing Authority, a ward councillor, and a local resident.

2. The LSC heard from Mr. Conmy, who told members that the premises had been subject to two previous reviews. The first was heard on 24th June 2015 and resulted in the amendment of some conditions and the imposition of new ones. The second was heard on 21st February 2017 and arose as a result of concerns around drugs, CCTV failures and illegal workers. That review resulted in the removal of the DPS, the imposition of new conditions and the amendment of some existing conditions.

3. Mr. Conmy told the LSC that he had visited on 22nd May 2017 to check compliance with new tobacco regulations although he had received an allegation of illegal workers. He said that there were two men present when he entered, one of whom appeared to be working in the shop area. Mr. Conmy spoke to him. The man denied working at the premises, said he was a shopper and then went behind the counter and picked up a rucksack. Mr. Conmy asked why his bag was behind the counter if he was a shopper. The man ignored him and, when Mr. Conmy asked for identification, said that he had to sign on in Croydon. Mr. Conmy was unsure whether the man meant to sign on with the DWP or with the Home Office.

4. The shop manager, Assad Hussain, was present. Ten packets of tobacco were found which did not comply with new packaging laws. Single cigarettes were found under the counter, which Mr. Conmy suspected were for sale. There were also plastic cups behind the counter. Seven bottles of whisky were found that did not display UK duty stamps. Mr. Hussain said that the whisky had been bought about a year earlier from a shop that was closing down. He did not know which shop. Mr. Conmy conceded in his report that one of the bottles looked rather old.

5. Mr. Hussain was asked to download the CCTV data from just prior to the officers entering. He told Mr. Conmy that the CCTV was not actually recording and had not been for several days. There was a condition prohibiting the sale of cans of high-strength beer, lager and cider. Displayed for sale were cans of high-strength Polish lager, which appeared to be made for the foreign market. There was other Polish lager, also high-strength and which also appeared to be for the foreign market, in the store room. Mr. Conmy was also concerned that there were bottles of high-strength products and that there was no agreed list of premium products.

6. Mr. Conmy issued Trading Standards Notices outlining all his concerns and asked for receipts for the suspect spirits. These were later emailed to Mr. Mahmood. No receipts were ever provided.
Mr. Conmy told the LSC that he was satisfied that there was an illegal worker present and illicit alcohol at the Premises.

7. The LSC then heard from Robert Gardner, Licensing Manager. He explained that he was mainly concerned with the failure to replace the DPS after the LSC’s decision of 21st February 2017 took effect. He had entered the Premises on 19th June 2017 and purchased alcohol, despite the fact that the DPS had not been replaced. The seller was not a personal licence holder.

8. The LSC heard from Cllr. Alex Bigham. He told the LSC that the Premises was a magnet for anti-social behaviour and criminality and that he had personally witnessed sales of single cigarettes from a plastic container on the counter.

9. The area was prone to street drinking. The Premises was very close to Stockwell Lane, which was a quiet residential area. Residents of that road were now experiencing issues with street drinking, drug use and public urination. Some action had been taken by the Premises to address that but it was not enough.

10. Cllr. Bigham was not confident that any conditions would suffice to address his concerns or that they would be complied with if imposed. He was not sure that there was any option other than revocation.

11. The LSC then heard from the licence holder, Tariq Mahmood and his solicitor, Mr. Dadds. Mr. Dadds submitted that each application was to be dealt with on its own merits and that despite what had been said about past reviews, this review needed to be dealt with on the merits and in relation to those causes of concern that arose.

12. The assertion of an illegal worker on the Premises was disputed in its entirety. Mr. Dadds highlighted an inconsistency between what was said in Mr. Conmy’s written application namely that the man had to go to Croydon to sign on with Immigration, and in Mr. Conmy’s oral submission, namely that he was not sure whether the man was going to sign on with the DWP or Immigration. Mr. Dadds was adamant that the person in question was a customer and that Mr. Conmy, despite being satisfied that the man was working illegally, was not charged with making such decisions. He reminded the LSC that it was not its role to determine guilt or innocence and submitted that there was no evidence of crime and disorder or of the licensing objectives being undermined.

13. Mr. Dadds accepted that there were sales of illegal cigarettes but said this should be dealt with by way of an advisory notice. He disputed Cllr. Bigham’s assertion as to single sales and said that Cllr. Bigham had not raised that at the previous review.

14. As regards the suspect bottles of whisky Mr. Dadds said that these were very old and pre-dated the requirement imposed in 2006 for bottles to have duty stamps. If the LSC was not minded to accept that then he said that he would ask for an adjournment to deal with that.

15. With regard to the Polish lager Mr. Dadds said that was purchased in error and had he known that it was not allowed to be sold he would have moved it to the store room. In his submission that could be rectified by a short suspension.

16. As regards the failure to appoint a new DPS Mr. Dadds said Mr. Mahmood had attempted to do so. The Statutory Guidance set out those matters where the LSC should consider revoking at first instance, none of which were the case here. Revocation should not be used to punish a licence holder; the way to do so would be a prosecution under s.136 of the Licensing Act.

17. Mr. Mahmood told the LSC that the CCTV system had been non-operational for about a week and a half. Mr. Dadds told the LSC that there was a problem with the electricity supply at the Premises in that it experienced power surges. These surges caused the system to blow and rendered the hard drive ineffective. He told the LSC that each time this happened Mr. Mahmood had to purchase a new hard drive. He told the LSC that this problem had been reported to the electricity board on the Thursday prior to the hearing. Mr. Mahmood confirmed that he was aware that the condition required the system to be operational at all times and that Mr. Dadds had suggested that
he contact the electricity company. When asked why he had put up with this issue for two years he stated that he thought it was the hard drives that were at fault.

18. In relation to the list of premium products required by condition 27 of Annex 3 Mr. Mahmood accepted that there was no such list and that he did not know about it.

19. The LSC asked questions in relation to the lack of DPS. Mr. Dadds stated that the sale was made by a personal licence holder and it was only the lack of a DPS that was an issue. Mr. Mahmood initially told the LSC that he applied on 8th May to vary the DPS, which was refused, and then re-applied on 12th June. However, it was subsequently clarified that this was an error and that an application had only been made on 26th June. In relation to the sales Mr. Mahmood claimed that he told staff not to sell alcohol. He also told the LSC that the seller did not hold a personal licence.

20. Members queried the use of the BCRP scheme, as Mr. Conmy’s report indicated that the manager did not know what it was. Mr. Mahmood was able to explain to the LSC the purpose of the radio scheme and when he might make use of it.

21. Mr. Mahmood was asked why there were plastic cups on the counter. The LSC was told that these were for staff to break their fast at Ramadan and that there was no evidence that they were being provided to members of the public.

22. With regard to the fire extinguishers Mr. Mahmood told the LSC that he had purchased four or five new ones in January 2017 and that he had simply moved the out of date ones into the rear store room for later disposal.

23. The LSC heard briefly again from Cllr. Bigham, who confirmed that he had indeed raised the issue of single cigarette sales at the last review and that appeared in the report pack at Page 135.

24. This application engages the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and, to a lesser extent, public safety. In relation to the stocking of high-strength bottles of beer, the LSC did not accept Mr. Conmy’s submission that condition 27 was meant to include bottles. The condition makes very specific reference to cans rather than bottles. The LSC notes that that was the precise wording proposed and agreed and if the intention was to exclude the sales of high-strength products regardless of the type of container they were sold it, then the condition needed to have stated that.

25. However, in relation to the cans of high-strength Polish lager it was accepted by Mr. Mahmood that these were displayed for sale at the Premises. Further, the ones kept in the stock room were clearly at risk of being sold. It is also noted that there appeared to be no reference in the previous minutes or decision notices in the report pack, which indicates that they were not present on previous occasions. Although it was said that these were purchased in error it was unclear how Mr. Mahmood had purchased items that did not appear to have been produced for the UK market. At the very least the LSC considered that this displayed a lack of knowledge on the part of management or simply very poor practice on their part. He should also have been well aware that condition 27 prohibited the sale of this strength of lager.

26. It was suggested that the non-duty paid spirits were simply old stock. Mr. Conmy had commented that only one bottle looked rather old. If all were old then it would be expected that he would have made a similar concession in respect of all. It was noteworthy that the previous review decisions, particularly the one from April 2017, made no mention of these items despite it being clear from the decision notice that there had been an inspection. The LSC considers it to be more likely than not that these items had simply not been present on the previous occasion. It did not consider it to be at all likely that these items had been sitting on the shelves for over a decade. It did not consider that it was necessary to adjourn so that Mr. Mahmood could provide the receipts. He had had ample opportunity to do so prior to the hearing. If he was in a position to prove the origin of those items, particularly as he knew that their provenance was in issue, he should have dealt with it in advance of or at the hearing.

27. It was accepted by the licence holder that there were ten packs of tobacco displayed for sale which did not comply with the new laws requiring these to only be sold in plain packaging. The LSC also accepted that there was no statutory tobacco notice displayed. The LSC did not agree
with Mr. Dadds’ submission that as this did not relate to licensable activity it should merely be dealt with by way of an advisory notice. Poor management practices such as this make it much more likely that there will also be failures to comply with other legislation and to promote the licensing objectives. Further, the finding of single cigarettes under the counter is a concern. Cllr. Bigham raised this at the previous review. Although it is not for the LSC to make findings as to whether or not single cigarettes were indeed being sold, it again demonstrates, at best, very poor judgment on the part of the management and does not instil the LSC with any confidence that the Premises have been or will be run in a responsible fashion.

28. Similarly, the cups were also an issue on the previous review. On that occasion it was said that they were used for water and non-alcoholic drinks. On this occasion it was to break the fast during Ramadan. In the LSC’s experience people buying non-alcoholic drinks will drink them from the bottle or can as they go along the street; they do not tend to make use of plastic cups. The more likely explanation is that suggested by Mr. Conmy, which is that they are used to mix drinks, which therefore encourages street drinking and which the LSC accepted was a problem in this particular locale. That is not the action of a responsible retailer and risks undermining the licensing objective of public nuisance.

29. The LSC understands that Mr. Mahmood was the DPS previously and that he was removed following the LSC’s decision of 5\textsuperscript{th} April 2017. Mr. Mahmood is also a personal licence holder. He therefore knows or ought to know of the mandatory condition requiring the licence to have a DPS. Mr. Dadds was present at the last review and the LSC is sure that Mr. Dadds would have given appropriate advice about the implications of the decision. It was unclear whether or not the sale to Mr. Gardner was made by a personal licence holder; Mr. Mahmood said it was not. Whether it was or was not made by a personal licence holder it is a matter of grave concern that following the last review Mr. Mahmood failed to apply to vary to the DPS and failed to take proper and effective steps to prevent the sale of alcohol once the decision took effect, such as by covering up the alcohol displays or removing all alcohol from the shelves.

30. With regard to the CCTV system the LSC did not find Mr. Mahmood’s explanation as to why it was no working to be at all credible. The non-operation of the CCTV was an issue at the previous review. If, as Mr. Mahmood said, the problem had been on-going for two years and it was due to power surges, the LSC would have expected him to have raised it with the electricity board much sooner. It is reasonable to assume that the power surges would have the effect of tripping circuit breakers, which would mean that it ought to have been obvious that the failure of hard drives was due to that. The LSC did not consider it to be at all likely that Mr. Mahmood would simply replace hard drive after hard drive and assume that the fault lay with the drives. Even if the explanation is true, given that he accepts that he knew of the condition requiring the system to be operational at all times, it calls into question his commitment to ensuring compliance with the licence conditions and the promotion of the licensing objectives.

31. The LSC cannot know whether or not the person suspected by Mr. Conmy to be an illegal worker was in fact such a worker, nor is it the LSC’s function to adjudicate upon that. Mr. Mahmood says this person was a customer. However, Mr. Mahmood was not present and the CCTV system was not functioning, which might have assisted in determining the issue. The LSC accepted what Mr. Conmy said he saw. Once again, this is something that gives the LSC cause for concern as to Mr. Mahmood’s ability to run a licensed premises responsibly. He should know who carries out work at his shop, whether on a formal employed basis or on a more casual basis. Given that illegal workers was another concern at the previous review, it gives the LSC cause for concern as to the likelihood of the licensing objectives being promoted.

32. The LSC has carefully considered the options open to it. It did not accept the assertion by Mr. Dadds that it should disregard the previous reviews. The Council’s Statement of Licensing Policy at paragraph 13.1 clearly states that “Repeated or cumulative breaches of licences will potentially lead to a review where the full history of the venue will be examined.”

33. There is nothing in the Statutory Guidance to substantiate Mr. Dadds’ assertion that a review should not take account of previous reviews. Paragraph 11.22 makes reference to the inappropriateness of a succession of DPSs being removed following reviews as it would be indicative of deep-seated problems at a premises. The Guidance also makes clear that the LSC
should take account of previous warnings given by responsible authorities. It would be rather strange if the LSC could consider previous warnings but not previous reviews, particularly given that reviews themselves are a warning to licence holders. The LSC is very concerned that the Premises is subject to a further review in such a short space of time following the last one. Paragraph 11.27 refers to those matters where the LSC could consider revocation at the first instance. If each review could only focus on the issues before it and not take account of previous reviews, there would be no need to use the words “first instance” in that paragraph.

34. Doing nothing is therefore not an option. The LSC cannot remove a licensable activity from the scope of the licence; the only licensable activity is the sale of alcohol and this would be equivalent to a revocation. The LSC could remove the DPS as it understands that an application has been made to vary the DPS. However, assuming it has interim effect the LSC did not hear enough about that for it to consider whether it would be appropriate. Furthermore, it is often exercised in conjunction with other options, such as the imposition of conditions or a suspension. Removing the DPS in this instance is not something that the LSC considers will have any real impact in the future.

35. The LSC did not consider the imposition of conditions to be appropriate in this case. The licence contains numerous conditions and the LSC cannot be satisfied that the licence holder will ensure compliance with the conditions. In addition, it is not clear what possible conditions could be added to address the problems arising from this review. It would also require the responsible authorities to expend further resources on monitoring the Premises and conducting further compliance visits. If the premises licence holder, having been subject to two previous reviews, is still unable or unwilling to comply with the licence, the LSC can have no confidence that this will change in the future.

36. For that reason the LSC is not satisfied that suspending the premises licence, even for the maximum permitted three months, would be sufficient to ensure the promotion of the licensing objectives in the future.

37. The LSC has had particular regard to paragraphs 11.19 to 11.23 of the Statutory Guidance. The last sentence of paragraph 11.23 states that “…[w]here premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are demined insufficient, to revoke the licence.” Taking account of the various issues arising from this review and the fact that some of those causes of concern have arisen at previous reviews and have not been addressed, and taking into account particularly the failure of Mr. Mahmood to do anything about appointing a new DPS and to prevent alcohol sales during that time, the LSC is satisfied that no other step short of revocation will suffice to ensure the promotion of the licensing objectives. The LSC is therefore satisfied that it is appropriate and proportionate to revoke the premises licence.

| Date of issue: | 30th November 2017 |
**Appeal information**

If you wish to appeal a decision made by the Licensing Sub-Committee you must give written notice of appeal, within the period of 21 days beginning with the day on which you were notified by the licensing authority of the decision you wish to appeal, to:

The Appeals Officer  
Camberwell Green Magistrates’ Court  
15 D’Eynsford Road  
London  
SE5 7UP

Please note that there is no power to extend the time limit for an appeal.

On appeal a magistrates’ court may:
- Dismiss the appeal;
- Substitute for the decision appealed against any other decision which could have been made by the licensing authority;
- Remit the case to the licensing authority to dispose of in accordance with the direction of the court.

The court has wide discretion and may make such order to costs as it thinks fit.

The table below sets out each party’s entitlement to appeal a decision:

<table>
<thead>
<tr>
<th>Appeal entitlement: Review of a premises licence</th>
<th>Applicant’s appeal rights</th>
<th>Other parties appeal rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nature of decision</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any</td>
<td>The applicant may appeal against the decision.</td>
<td>The holder of the premises licence may appeal against the decision. Any other person who made relevant representations in relation to the application may appeal against the decision.</td>
</tr>
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</table>
ANNEX H

IN THE CAMBERWELL GREEN MAGISTRATES’ COURT

APPEAL UNDER S.181 & PARAGRAPH 2 OF SCHEDULE 5 OF THE LICENSING ACT 2003 AGAINST A DECISION BY THE LICENSING SUB-COMMITTEE OF THE LONDON BOROUGH OF LAMBETH ON 20TH JULY 2017 relating to the premises known as Presco Food and Wine, 67 Stockwell Road, London, SW9 9PY

BETWEEN:

TARIQ MAHMOOD
&
PRESCO FOOD AND WINE STOCKWELL LTD
(t/a Presco Food and Wine)

Appellant

and

LONDON BOROUGH OF LAMBETH
(the Licensing Authority)

Respondent

CONSENT ORDER

BEFORE the Camberwell Green Magistrates' Court sitting on 2nd February 2018:

UPON the parties agreeing that the appeal against the decision of the Respondent’s Licensing Sub-Committee dated 20th July 2017 to revoke the premises licence held in respect of Presco Food and Wine, 67 Stockwell Road, London SW9 9PY should be withdrawn in the terms set out below;

AND UPON the court being satisfied that the agreed terms are appropriate and proportionate for the promotion of the licensing objectives;

IT IS ORDERED THAT:

1. The appellants withdraw their appeal dated 8th August 2017;
2. The Appellants shall pay the Respondent's costs in the appeal of £2,000.00 such payment to be made in 2 equal instalments of £1,000, the first payment being due on the 9th February 2018 and the 2nd payment on the 9th March 2018.

We agree to an order in these terms:

Daddys Solicitors LLP
Crescent House
51 High Street
Essex
CM12 9AX
Solicitors for the Appellant

Lambeth Legal Services
7th Floor, Phoenix House
10 Wandsworth Road
London
SW8 2LL
Solicitors for the Respondent

Signed: ____________ (District Judge (MC)/Justice of the Peace)
Dated this __________ day of February 2018
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### Agenda Item 4c

<table>
<thead>
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<th>Item No:</th>
<th>4c)</th>
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<tbody>
<tr>
<td>Title of Report:</td>
<td>Superway Express 344 Kennington Lane, London SE11 5HY</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mehboob Ali Khan</td>
</tr>
<tr>
<td>Application Type:</td>
<td>Premises Licence (new application)</td>
</tr>
<tr>
<td>Application Date:</td>
<td>9 May 2018</td>
</tr>
<tr>
<td>Ward:</td>
<td>Prince’s</td>
</tr>
<tr>
<td>Premises Type:</td>
<td>Convenience Store</td>
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<tr>
<td>Policy Context:</td>
<td>Lambeth Statement of Licensing Policy</td>
</tr>
<tr>
<td>Report Author:</td>
<td>Mr Ola Owojori</td>
</tr>
<tr>
<td>Contact Details:</td>
<td>020 7926 1649 <a href="mailto:oowojori@lambeth.gov.uk">oowojori@lambeth.gov.uk</a></td>
</tr>
<tr>
<td>Application Summary:</td>
<td>This is an application for a Premises Licence (new application) to allow authorisation for <strong>Sale of Alcohol</strong></td>
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Consultation Information:

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<th>Department(s) or Organisation(s)</th>
<th>Consulted (Y/N)</th>
<th>Date Response Received</th>
<th>Comments summarized in report (Y/N)</th>
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<tr>
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<tr>
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<td>Licensing Service</td>
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<td>Health Authority</td>
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<td>-</td>
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Policy implications:

**Licensing Objectives (chapters 5 to 9, pages 12 to 20 of the policy)**

The Licensing Objectives engaged by this application are:
- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- Protection of Children from Harm

**Special Policy Area (chapter 15 and appendix 2, pages 24 and 31 of the policy)**

Not applicable

**Hours policy (chapter 4 and appendix 1, pages 11 to 12 and 29 to 35 of the policy)**

- The premises is classified within Lambeth’s Licensing Policy (the Policy) as an Off Licence.
- The applicant proposes to operate the premises as an Off Licence. The Policy recommends a terminal hour for premises of this kind in this area of 23:00 Mon – Sun.

Note: The hours above are not absolute and are intended as a guide for applicants to consider when completing their operating schedules. Each application will be considered on its own merits. Applicants seeking hours later than those indicated in the Policy should
provide detailed evidence as to why their application will not have a negative impact on the licensing objectives.

### 1. Application:

1.1 This is an application for a Premises Licence (new application) under section 17 of the Licensing Act 2003

1.2 The application is seeking authorisation for the following licensable activities:

**Sale of Alcohol**
- Monday - Sunday 10:00 - 23:00

It is proposed to open the premises to the public during the following times:

- Monday 08:00 - 23:00
- Tuesday 08:00 - 23:00
- Wednesday 08:00 - 23:00
- Thursday 08:00 - 23:00
- Friday 08:00 - 23:00
- Saturday 08:00 - 23:00
- Sunday 08:00 - 23:00

A copy of the application is attached to this report as Annex A.

A copy of the plans are attached to this report as Annex B.

### 2. Representations:

2.1 One representation was received against the application from Community Safety on the grounds of the licensing objective of the prevention of public nuisance. The representation is based on the history of non-compliance and breaches of conditions attached to a previous licence for the premises which was revoked following a number of review applications.

2.2 They are concerned that the premises may continue to be operated with no regard to the premises licence or any conditions attached to it if the application is granted and they have asked for the application to be refused

2.3 Redacted copy of the representation was provided to the applicant’s agent and is attached to this report as Annex C.

2.4 The last date for making representation was 6 June 2018.
2.5 The applicant has agreed conditions suggested by the Police, which are attached to this report as Annex D.

3. Current Licence:
3.1 The premises is currently not licensed.

4. Background History:

4.1 The premises licence was first granted to Mr Mazar Iqbal Khan and Mr Tanveer Hasham in 2005 following an application to convert the existing Justices Off Licence previously held at the premises. They were the licence holders until 18 May 2015.

4.2 The premises licence was varied in February 2006, to authorise the sale of alcohol for 24 hours on Monday to Sunday. There was no representation against the application and it was granted under delegated authority.

4.3 The premises licence was reviewed in June 2012 and June 2014 by Trading Standards, in November 2016 by the Police and in March 2017 and February 2018 by the Licensing Authority following closure orders. The Licensing Sub-Committee decisions in respect of these reviews are attached to the report as Annex E.

4.4 On 16 February 2018 the Licensing Authority received a request from Mr Khokhar stating that he wished to be removed as the Designated Premises Supervisor. This was effected and a new premises licence issued on 26 February 2018.

4.5 On 10 March 2018, a member of staff at the premises was found by Police officers selling alcohol when there was no Designated Premises Supervisor at the premises.

4.6 On 22 March 2018, applications to transfer the premises licence to Mehboob Ali Khan and to specify him as the Designated Premises Supervisor were received from an agent of Mehboob Ali Khan. The applications were granted as no representations were received from the Police against the applications.

4.7 On 12 April 2018, the notice of the decision was issued to the licence holder and interested parties with the period in which an appeal may be made ending on 3rd May 2018.

4.8 On 20 April 2018, the applicant was observed by Community Safety Officer selling alcohol beyond permitted hours when he was the licensee and designated premises supervisor.
4.9 The premises licence was revoked on 9th May 2018 when no appeal was lodged against the decision of the Licensing Sub-Committee of 13th March 2018 at the expiry of the 21 days appeal period.

4.10 On 14 May 2018, a Late Temporary Event Notice was submitted by Mehboob Ali Khan for Sale of Alcohol for consumption off the premises from 22 to 27 May 2018. There were objections from the Police and Community Safety (Carrying out the functions of Environmental Health) against the notice and a Counter Notice was issued on 18 May 2018.

4.11 On 1 June and 8 June 2018, further breaches of the Licensing Act were observed by Community Safety and Police Officer when alcohol were on displayed at the premises without any authorisation.

4.12 The member of staff in breach of Licensing Act on 10th March 2018 was prosecuted for the breach on 19 July 2018. The Individual failed to attend the hearing and the matter was proved in his absence. He was fined and ordered to pay the Council’s costs.

4.13 On 25 July 2018, the applicant pleaded guilty to eight offences related to the breaches observed at the premises on 20 April, 1 June and 8 June 2018. He was sentenced on 3 August 2018 and made subject to a conditional discharge for a period of three years and ordered to pay prosecution costs.

5. Observations:

5.1 The parts of the Statutory Guidance (October 2014) which are particularly relevant to this application and the representations received are Chapters:

2 – The Licensing Objectives;
3 – Licensable Activities;
8 – Applications for Premises Licences;
9 – Determining Applications;
10 – Conditions Attached to Premises Licenses and Club Premises Certificates;

5.2 The parts of the Statement of Licensing Policy that are particularly relevant to this application and the representations are Sections:

1. Introduction
4. Location of Premises and Hours of Operation
5. The Licensing Objectives
6. The Prevention of Crime and Disorder
7. Public Safety
8. Prevention of Public Nuisance
6. Conclusion:

6.1 Members are required to consider the application in light of all the relevant information, and if approval is given, may attach such conditions appropriate to promote the licensing objectives.

6.2 The options available to Members of the Licensing Sub Committee are;

1 – Grant the application as it currently stands.

2 – Grant the application subject to such conditions as the authority considers necessary for the promotion of the licensing objectives.

3 – Exclude from the scope of the licence any of the licensable activities to which the application relates.

4 - To refuse to specify the individual named in the applications as the DPS

5 – Reject the application.

Appendices:

Annex A – New application
Annex B – Premises
Annex C – Representation
Annex D – Proposed conditions
Annex E – Decision of previous Review applications
**Reference Documents:**

<table>
<thead>
<tr>
<th>Local Government Act 1972 – Access to information documents used in the preparation of this report</th>
<th>1 The Licensing Act 2003 (“the Act”)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) (“the Guidance”)</td>
</tr>
<tr>
<td></td>
<td>3 Lambeth Statement of Licensing Policy 2014 (“the Policy”)</td>
</tr>
</tbody>
</table>
Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference: Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference: SUPERWAY EXPRESS

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name: MEHBOOB ALI

* Family name: KHAN

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☐ Applying as a business or organisation, including as a sole trader

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

☐ Applying as an individual

Applicant Business

Is the applicant's business registered in the UK with Companies House?

☐ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Is the applicant's business registered outside the UK?

☐ Yes ☐ No

If the applicant's business is registered, use its registered name.

Business name: SUPERWAY EXPRESS

VAT number: NONE

Put "none" if the applicant is not registered for VAT.
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<tr>
<th><strong>Legal status</strong></th>
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<tr>
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<td>OWNER</td>
</tr>
<tr>
<td><strong>Home country</strong></td>
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**Applicant Business Address**

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<tr>
<th>Building number or name</th>
<th>Street</th>
<th>District</th>
<th>City or town</th>
<th>County or administrative area</th>
<th>Postcode</th>
<th>Country</th>
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**Agent Details**

<table>
<thead>
<tr>
<th>* First name</th>
<th>MANUEL</th>
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<tbody>
<tr>
<td>* Family name</td>
<td>ROCHA</td>
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<th>Other telephone number</th>
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**Are you:**

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

**Agent Business**

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<tr>
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<tbody>
<tr>
<td><strong>Is your business registered outside the UK?</strong></td>
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</table>
### Your position in the business

OWNER

### Home country

United Kingdom

### Agent Business Address

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</table>

The country where the headquarters of your business is located.

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

---

### Section 2 of 21

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- [ ] Address
- [ ] OS map reference
- [ ] Description

**Postal Address Of Premises**

<table>
<thead>
<tr>
<th>Building number or name</th>
<th>Street</th>
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<th>City or town</th>
<th>County or administrative area</th>
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<td></td>
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<td></td>
<td></td>
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<td>United Kingdom</td>
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**Further Details**

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<th>Telephone number</th>
<th>Non-domestic rateable value of premises (£)</th>
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Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

☒ An individual or individuals
☐ A limited company / limited liability partnership
☐ A partnership (other than limited liability)
☐ An unincorporated association
☐ Other (for example a statutory corporation)
☐ A recognised club
☐ A charity
☐ The proprietor of an educational establishment
☐ A health service body
☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
☐ The chief officer of police of a police force in England and Wales

Confirm The Following

☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
☐ I am making the application pursuant to a statutory function
☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

☒ Yes ☐ No

First name MEHBOOB ALI
Family name KHAN

Is the applicant 18 years of age or older?

☒ Yes ☐ No
Continued from previous page...

**Current Residential Address**
Is the address the same as (or similar to) the address given in section one?

- [ ] Yes
- [ ] No

If “Yes” is selected you can re-use the details from section one, or amend them as required. Select “No” to enter a completely new set of details.

**Applicant Contact Details**
Are the contact details the same as (or similar to) those given in section one?

- [ ] Yes
- [ ] No

If “Yes” is selected you can re-use the details from section one, or amend them as required. Select “No” to enter a completely new set of details.

- **E-mail**: MANUELROCHA01@HOTMAIL.COM
- **Telephone number**: 
- **Other telephone number**: 

**Operating Schedule**

**When do you want the premises licence to start?**

[ ] 06
[ ] 06
[ ] 2018

If you wish the licence to be valid only for a limited period, when do you want it to end?

[ ]  
[ ]  
[ ] 

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

**IT'S A CONVENIENCE STORE**
If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

### Section 6 of 21
**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

- [ ] Yes
- [x] No

### Section 7 of 21
**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

- [ ] Yes
- [x] No

### Section 8 of 21
**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- [ ] Yes
- [x] No

### Section 9 of 21
**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- [ ] Yes
- [x] No

### Section 10 of 21
**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

- [ ] Yes
- [x] No

### Section 11 of 21
**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

- [ ] Yes
- [x] No

### Section 12 of 21
**PROVISION OF PERFORMANCES OF DANCE**
See guidance on regulated entertainment

Will you be providing performances of dance?

- [ ] Yes
- [x] No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

- [ ] Yes
- [x] No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- [ ] Yes
- [x] No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- [ ] Yes
- [x] No

**Standard Days And Timings**

<table>
<thead>
<tr>
<th>Day</th>
<th>Start</th>
<th>End</th>
</tr>
</thead>
<tbody>
<tr>
<td>MONDAY</td>
<td>10:00</td>
<td>23:00</td>
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<td>TUESDAY</td>
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<td>WEDNESDAY</td>
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<tr>
<td>FRIDAY</td>
<td>10:00</td>
<td>23:00</td>
</tr>
</tbody>
</table>

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
Continued from previous page...

**SATURDAY**

<table>
<thead>
<tr>
<th>Start</th>
<th>End</th>
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<tbody>
<tr>
<td>10:00</td>
<td>23:00</td>
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</table>

**SUNDAY**

<table>
<thead>
<tr>
<th>Start</th>
<th>End</th>
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<tbody>
<tr>
<td>10:00</td>
<td>23:00</td>
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</tbody>
</table>

Will the sale of alcohol be for consumption:
- [ ] On the premises
- [x] Off the premises
- [ ] Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

---

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

---

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

<table>
<thead>
<tr>
<th>First name</th>
<th>MEHBOOB ALI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family name</td>
<td>KHAN</td>
</tr>
<tr>
<td>Date of birth</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

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Continued from previous page...

Enter the contact’s address

Building number or name
Street
District
City or town
County or administrative area
Postcode
Country
Personal Licence number (if known)
Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

☐ Electronically, by the proposed designated premises supervisor

☐ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NOT APPLICABLE

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 08:00 End 23:00

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
Continued from previous page...

TUESDAY

Start 08:00  End 23:00

WEDNESDAY

Start 08:00  End 23:00

THURSDAY

Start 08:00  End 23:00

FRIDAY

Start 08:00  End 23:00

SATURDAY

Start 08:00  End 23:00

SUNDAY

Start 08:00  End 23:00

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)
List here steps you will take to promote all four licensing objectives together.

CCTV WILL BE INSTALLED WITH 31 DAYS DATA. STAFF TRAINING REGARDING THE FOUR LICENSE OBJECTIVES, UNDER 25 CHALLENGES, SIGNAGE LIKE NO PROOF NO SALE, RESPECT OUR NEIGHBOURS WHEN YOU LEAVE THE PREMISES, REFUSAL BOOK, STAFF TRAINING RECORDS. WE WILL PARTICIPATE IN PUB WATCH MEETINGS. SALE OF ALCOHOL OFF LICENSE ONLY. BEERS ON SALE WILL NOT EXCEED 6% ABV AND THEY WILL BE SOLD IN PACKS OF 6X MINIMUM. SPIRITS WILL BE ON DISPLAYS BEHIND THE COUNTER. DRUNK AND VIOLENT COSTUMERS WILL NOT BE ABLE TO BY ANY ALCOHOL DRINKS IN OUR SHOP.

b) The prevention of crime and disorder

CCTV WITH DATA FOR 31 DAYS. THE BUSINESS WILL HAVE ALWAYS A STAFF MEMBER THAT IS FAMILIAR WITH THE CCTV OPERATION. DPS AND PREMISES LICENSE HOLDER WILL PARTICIPATE IN PUB WATCH AND LOCALS NEIGHBOURS ASSOCIATION MEETINGS; DRUNK AND VIOLENT COSTUMERS WILL NOT BE ABLE TO BY ANY ALCOHOL DRINKS IN OUR SHOP. OUR BUSINESS WILL NOT ENGAGE ON IRRESPONSIBLE ALCOHOL PROMOTIONS.

c) Public safety

DRUNK AND VIOLENT COSTUMERS WILL NOT BE ABLE TO BY ANY ALCOHOL DRINKS IN OUR SHOP. CCTV WITH DATA FOR 31 DAYS WILL BE INSTALLED. WE WILL PARTICIPATE IN PUB WATCH MEETINGS AND WITH LOCAL NEIGHBOURS ASSOCIATION. WE WILL HAVE A FIRE RISK ASSESSMENT AND ALSO HEALTH SAFETY RISK ASSESSMENT. ALCOHOL TO BE STORED IN A COOL DRY PLACE AND AWAY OF ANY HEAT SOURCE. NO IRRESPONSIBLE PROMOTIONS. WE WILL IMPLEMENT ANY RECOMMENDATIONS GIVEN BY THE POLICE AND OTHER AUTHORITIES.

d) The prevention of public nuisance

DELIVERIES DONE BY OUR SUPPLIERS WILL TAKE PLACE WITHIN THE RECOMMENDED TIMES BY THE AUTHORITIES. RUBISH BIN COLLECTION WILL TAKE PLACE WITHIN THE RECOMMENDED HOUR BY THE AUTHORITIES. STAFF MEMBER TO CLEAN ANY RUBISH OR LITTERING IN FRONT OUR PREMISES DURING THE DAY ON A REGULAR BASIS. SIGNAGE WILL BE IN PLACE. STAFF TRAINING.

e) The protection of children from harm

STAFF WILL BE TRAINED REGARDING THE PROTECTION OF CHILDREN FROM HARM. OUR BUSINESS WILL HAVE A UNDER 25 CHALLENGE POLICY. NO PROOF, NO SALE. SIGNAGE AND POSTERS WILL GO UP. STAFF TRAINING RECORDS. REFUSAL BOOK. REFRESHER TRAINING EVERY 6 MONTHS TO ALL STAFF.
Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].

- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.

- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder’s parents or adoptive parents, when produced in combination with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
Continued from previous page...

• A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.

• A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.

• A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

• A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

• Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

• Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  
  • evidence of the applicant’s own identity – such as a passport,
  
  • evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  
  • evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    (i) working e.g. employment contract, wage slips, letter from the employer,
    (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

(i) any page containing the holder’s personal details including nationality;
(ii) any page containing the holder’s photograph;
(iii) any page containing the holder’s signature;
(iv) any page containing the date of expiry; and
(v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT
In terms of specific regulated entertainments please note that:

- **Plays:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
  - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
  - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
  - any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
• Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

• Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Please enter the total fee amount payable in the red box at the end of this section.

Application fees are determined by the non-domestic rateable value of the licensed premises. You can find out the current rateable value of your premises using the Valuation Office Agency's search engine at http://www.2010.voa.gov.uk/rii/

Band | Rateable Value | Application fee amount
---|---|---
A | Not rated, or up to £4,300 | £100.00
B | From £4,301 to £33,000 | £190.00
C | From £33,001 to £87,000 | £315.00
D | From £87,001 to £125,000 | £450.00
E | £125,001 or greater | £635.00

#Premises in bands D or E used primarily for the consumption of alcohol on the premises are subject to fee multipliers, requiring fees of £900.00 or £1,905.00 respectively.

Premises undergoing construction or redevelopment are treated as if they were in Band C for fee purposes.

Premises Licences for large capacity events will require payment of an additional fee, based upon the number of people permitted to attend the event at any time. The additional fee must be added to the relevant fee in the above table:

Licensed capacity | Additional fee amount
---|---
5,000 to 9,999 | £1,000.00
10,000 to 14,999 | £2,000.00
15,000 to 19,999 | £4,000.00
20,000 to 29,999 | £8,000.00
30,000 to 39,999 | £16,000.00

Please contact us for larger capacities.

Certain community premises, including church halls, chapel halls, village halls, community centres and schools and colleges, which are only licensed for entertainment and NOT alcohol or late night refreshment, may be exempt from licensing application and annual fees. Please contact us to discuss whether your premises will fall within this exemption.

* Fee amount (£) 190.00

DECLARATION

* I understand that I must now advertise my application, and that if I do not comply with this requirement my application will be rejected.

* I/we understand 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.

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15).
PLEASE NOTE: The applicant is now required to advertise this application, by displaying a statutory notice at or near the premises (which must remain visible and legible from outside the premises at all times, for the next 28 days), and by arranging for the publication of a notice in a local newspaper (for one issue within the next 10 working days). Templates for these notices are available from the licensing authority.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
  MANUEL ROCHA

* Capacity
  AGENT

* Date
  08 / 05 / 2018

Add another signatory

Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as...
2. Go back to  https://www.gov.uk/apply-for-a-licence/premises-licence/lambeth/apply-1 to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED
<table>
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Memo To: Mr Ola Owojori  
At: Entertainment Licensing  

From: Miss Cloretta Gray  
Date: 6th June 2018  

Pages including this one: 7  
Our Ref: 18/07671  
Your Ref: 18/00097/PRMNEW - Prem2134  

Subject: Superway Express of 344 Kennington Lane, London SE11 5HY

The content of this memo is confidential and intended for the addressee only. If you wrongly receive this memo, please return to sender immediately.

Dear Ola,

Community Safety is making representation in accordance with the Licensing Objective Prevention of Public Nuisance, concerning the Granting of a New Premises Licence for Superway Express of 344 Kennington Lane, SE11.

The applicant, Mr Mehboob Ali is seeking the Supply of Alcohol 10:00 - 23:00hrs Monday to Sunday.

It is pertinent to note here that the premises have been subject to a number of Review Applications by the Responsible Authorities; most notably being the Police, Trading Standards and the Licensing Authority, as documented below: -

19.02.2018  
16.03.2017  
04.11.2016  
30.06.2014  
27.06.2012

In summary, the reviews were instigated by persistent failures of the previous Premises Licence Holders to comply with licence conditions; to adhere to the permitted hours for the sale of alcohol as well as the premises routinely being found to sell alcohol to intoxicated persons. The premises was also beset by issues of anti-social behaviour by street drinkers, and littering of the local environment.

The premises have also been subject to two Closure Orders under Section 80(5) of the Anti-social Behaviour, Crime and Policing Act 2014. On the 31st January 2018, the Court determined that the use of Superway Express was likely to result in serious nuisance to members of the public; and that there had been, or was likely to be disorder associated with the operation of the business. The Order was for a period of three months and required the premises to be closed between the hours of 23:00 - 10:00hrs Monday to Sunday.

It is the position of the Community Safety Team that should the licence be granted, the Supply of Alcohol will invariably engage the licensing objectives, particularly the Prevention of Public Nuisance. Furthermore our confidence in Mr Khan to operate diligently within the remit of the Licensing Act 2003 is undermined by the fact that despite the Premises Licence being revoked on the 13th March 2018, my colleague Mr Nik Anderson attended Superway Express on the 20th April after 23:23hrs and observed a
transaction of alcohol (bottle of Courvoisier Cognac) to a male customer. When the shop worker was questioned by Mr Anderson about the sale, he allegedly claimed ignorance of the time and verbally agreed to close the shop when advised by Mr Anderson that they should have ceased the sale of alcohol at 23:00hrs (please see Exhibit 1/NA).

On Friday 1st June 2018, Mr Arif Kokkoz, fellow Community Safety Officer, entered the premises at 23:52hrs and enquired with a male shop worker about beer for sale, as there was no visible alcohol on display at the premises. The shop worker allegedly replied “yes”, and asked Mr Kokkoz if he would like to purchase the alcohol. He proceeded to the fridge where he obtained a pack of Heineken beer that was discreetly hidden behind milk containers. Mr Kokkoz stated that the worker then recognised him (from previous test purchase operations conducted at the premises) and did not proceed with the sale (please see Exhibit 2/AK).

Hence in light of the above evidence, there appears to be the case of deja vu concerning the flagrant persistent breach of selling alcohol after 23:00hrs and now selling alcohol without the provision of a Licence. It is particularly disconcerting that these breaches have occurred whilst the premises is under control of the applicant Mehbook Ali Khan; Khan, whom made an application to Vary the Designated Premises Supervisor from Mr Arshad Khokar to himself on the 22nd March 2018.

Furthermore, this is compounded by the fact that there has been no assuirty provided by Mr Khan that he bears no relation; connection or association with the previous Premises Licence Holders, Mr Arshad Mohammed Khokar or Mr Tahir Awan, whom operated the premises in a woeful, non-compliant manner. At the Licensing Review of the 18th January 2017, Members’ determined that in previous reviews of the Premises Licence, there had been a change of management but no sustained improvement in the operation of the business, and this is a viewpoint shared by Community Safety.

It is our submission that unfortunately Superway Express will continue to have the propensity to sell alcohol to intoxicated persons, street drinkers in addition to selling alcohol out-of-hours if granted a Licence. It is already established as a place where the custom of alcohol dependent persons and street drinkers are welcomed, and they can readily purchase alcohol without issue. There has been no concerted effort made by the applicant to appease or address the concerns of the Responsible Authorities by acknowledging the past contentious history of the premises, with the intention of demonstrating, so far is reasonably practicable, these issues will not be recur under his ownership.

Section 182 guidance states that in completing the operating schedule, applicants are expected to have regard to the Statement of Licensing Policy. They must also be aware of the expectations of the Responsible Authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of the local area when describing the steps they propose to take to promote these objectives. Applicants are in particular expected to obtain sufficient information to enable them to demonstrate knowledge and understanding of:

- The layout of the local area and physical environment including crime and disorder hotspots; proximity to residential premises and areas where children may congregate;

- Any risk posed to the local area by their proposed licensable activities; and

- Any local initiatives that may help to mitigate potential risks.

I would suggest it is evident from the application that the applicant has failed to have considered
regard to the Licensing Act Guidance.

Mr Khan in our view is putting profit above his legal obligation in operating in accordance with the Licensing Act 2003, as he is the owner of the premises, and therefore it is incumbent upon him and his staff to desist from, and attempting to sell alcohol without a Licence.

In conclusion of this matter, we assert that the granting of an alcohol licence is not in the public interest, nor the health, safety and welfare of Lambeth residents and visitors. We are not satisfied the Licensing Objectives will be robustly promoted and safeguarded at all times, and are of the view that the premises will continue to be subject to Reviews by the Responsible Authorities, whilst taking up finite Council resources in terms of staff, operations and enforcement matters. Community Safety respectfully request the application is refused.

Miss Cloreeta Gray
Community Safety Officer
Direct Line: 020 7926 6135
Email: csgray@lambeth.gov.uk
STATEMENT OF WITNESS

(CJ Act 1967, s9; MC Act 1980, ss5A (3) (a) and 5B, MC Rules 1981, r70)

Statement of: Nicholas Anderson

Occupation of Witness: Community Safety Officer

Address: Lambeth Council, PO Box 734, Winchester, SO23 5DG

Age of Witness: Over 18

This statement, consisting of two page/s 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.

Signature:  

Date: 26/04/2018

My name is Nicholas Anderson; the LONDON BOROUGH OF LAMBETH employs me as a Community Safety Officer, my duties include the enforcement provisions of the Licensing Act 2003.

On the 20th April 2018 I was on duty with Keith Badrick. We were on foot at approximately 23:23 hours by watch and were walking in a southern direction down Kennington Lane, SE11.

We noted that the shutters to Superway Express at 344 Kennington Lane, London, SE11 5HY were up, and that there was a light on inside. I also observed that there was a male of Asian origin standing in the shop doorway who appeared to be looking up and down the road. I wasn't able to tell if he was a customer of worked in the business.

We continued until we were standing on the opposite pavement directly across from the business. I observed customers leaving the shop, and I could see customers inside the shop. We crossed over, and I went inside, as my colleague waited outside.

Inside the shop I observed a male of Asian origin behind the counter wearing a blue and white stripped top. He was in the process of talking to a Black male in a black and yellow coat. The person behind the counter took a bottle of Courvoisier cognac of the shelf behind him and showed it to the Back male. Something was said that I did not hear, and the male behind the counter then took a smaller bottle of Hennessy cognac down.

Taken by: Nicholas Anderson

Signature:  

Date: 26/04/2018
I was able to take a photograph in situ of the Asian looking male handing the bottle over as a purchase was made. I formally present a copy of said picture as a true likeness of what I observed as Exhibit NA01.

I waited until the transaction was concluded and the Black male left the shop. I then approached the counter and showed my ID. I introduced myself and the male behind the counter immediately looked rattled and stated he didn’t know what time it was. I asked him to close the shop as his License was only up until 23:00 hours. He stated that he would and appeared to be compliant as I left the shop.

Myself and my colleague then left the area at approximately 23:30 hours.

Taken by: Nicholas Anderson
Signature: [Signature]
Date: 26/04/2018
EXHIBIT NA/01/
Photograph Taken 20/04/18

Signed: 

Date: 26 April 2018
STATEMENT OF WITNESS
(CJ Act 1967, s9; MC Act 1980, ss5A (3) (a) and 5B, MC Rules 1981, r70)

Statement of: Arif Kokkoz

Occupation of Witness: Community Safety Officer

Age of Witness: Over 18

This statement, consisting of 1 pages 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.

Signed: [Signature] Date: 5/6/18

My name is Arif Kokkoz; the LONDON BOROUGH OF LAMBETH employs me as an COMMUNITY SAFETY OFFICER, my duties include visiting licensed premises to ensure that they are compliant with their licence conditions.

On Friday 1st June 2018 at 23:52pm I visited Superway Express in 344 Kennington Lane, London, SE11 5HY, As I entered the store I did not witness any of the alcohol on display and I walked towards the fridges, where the milk and other soft drinks are kept asked the Asian male behind the counter do you have any beers for sell, he replied yes, and asked me would you like some beer, I replied yes.

The Asian male went towards the fridge and got a four pack of Heineken beer that was hidden behind the milk bottles at the far back of the fridge. As the Asian male got the Heineken beer he recognised me and smiled and went to put the Heineken beer away and I said to the Asian male that I will be going to my car to get some money.

The Asian male was approximately mid 40s, 5ft 10 inches, medium build, black short hair and was wearing colourful checked shirt with blue jeans.

Signature: [Signature] Date: 5/6/18
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Agreed Conditions

CCTV

1. A CCTV system covering areas inside and directly outside of the premises should be updated and maintained according to police recommendations with properly maintained log arrangements and recordings/tapes to be kept for a minimum of 30 days.

2. The CCTV system is to comply with the Data Protection Act 2018 and must be working and recording correctly when the venue is open to the public.

3. Weekly checks of the CCTV system are to be completed and all details written into a log/diary.

4. A staff member from the venue who is conversant with the operation of the CCTV system must be on the premises at all times that the venue is open to the public. This staff member must immediately be able to show police or local authority officer’s contemporaneous and recent data or footage on request.

5. The Premises are to use all reasonable efforts to provide police and local authority officers with recordings from the CCTV system on request (e.g. by supplying recordings on DVD, CD, tape etc and any software needed to play the footage if necessary)

6. In the event that CCTV breaks down, malfunctions or is not working, any receipts/invoices/correspondence relating to it’s repair or the replacement of parts must be kept on record for at least 12 months.

Signage

7. The premises shall prominently display signage informing customers that a “Challenge 25” policy is in place.

8. The premises shall prominently display signage informing customers that I.D is required for sales of alcohol and tobacco.

General

9. All beers, ales, lagers and ciders and anything similar that are sold/ supplied in a can to be sold in packs of four (4) minimum at all times.

9. There will be no sales/ supplies of beers, ales, lagers or ciders or anything similar of 6% ABV or above.

10. Two (2) members of staff will be present at the venue at all times open the public and licensable activities are taking place.

11. The venue will not sell/ supply of miniature bottles of spirits of 50ml or less.

12. There shall be no sale of cider in vessels over 1 litre.

13. All spirits and liqueurs are to be located behind the counter.

14. Staff to be trained with regards to intoxication, CCTV and license conditions. Refresher training to be conducted every eight weeks.
**Proof of Age**

15. A policy shall be employed at the premises requiring the production of ‘Proof of Age’ for any sale that takes place where there is suspicion that the customer may be under 25 (Challenge 25 Scheme). The following are the only forms of identification that will be accepted by the shop staff:
   - a. A photo driving licence.
   - b. A valid passport
   - c. A PASS proof of age card.
   - d. If any doubt exists about whether a person has attained the age of 18 the sale will be refused.