



Local Express, 500 Brixton Road, London, SW9 8EQ

As a responsible authority under section 13(4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered the review application submitted by the Metropolitan Police Service in full. The Licensing Authority has concerns in relation to how the premises promotes the following Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

Cumulative Impact Area (Saturation Zone)

The premises is not located within the Clapham High Street Cumulative Impact Area as identified within the Council's Statement of Licensing Policy ('The Policy') on pages 30-31

Classification of Area within the policy

Appendix 1 page 30 of the Policy describes the premises as an off-licence. The premises is located in a Major Town Centre (Core) and therefore the terminal hour recommended in the Policy for premises falling within this is, Monday to Sunday 00:00.

Review

The application relates to events which occurred on 1st November 2018 where staff employed at the premises were involved in a serious assault which included the use of metal objects as weapons from the premises resulting in serious injuries to the victim. In addition, the licence holders employed a member of staff who does not have the right to work in the UK.

The licence holders have actively breached a number of conditions on their licence in respect this matter.

- staff will be discouraged from getting into arguments and will be polite and professional
- Ensuring CCTV is in working order with visible signs displayed at the premises.
- No sale of alcohol to people who appear to be drunk or under drug influence.
- A reasonable number of staff will be on the shop floor at all the times
- A CCTV system covering areas inside and directly outside 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

- The CCTV system is to comply with the Data Protection Act 1998 and must be working and recording correctly when the venue is open to the public
- Daily checks of the CCTV system are to be completed and all details written into a log/diary
- Two (2) members of staff will be present at the venue at all times it is open to the public and licensable activities are taking place, one of whom must have a personal licence

The Licence holders have also breached the following condition on their licence:

- No sale of alcohol, tobacco, inflammable objects to underage and related signs will be displayed in a visible place for customers.

On 28th August 2018 Lambeth Trading Standards carried out a test purchase whereby the sale of alcohol of a 70cl bottle of Caribbean Twist (4% abv) was provided to a girl aged 15 years old. **(Please see attached Appendix A)**

The above elements demonstrates that the Licence Holders; Mr Jan Matteen and Mr Fawad Karimi (also the DPS for the premises) have both clearly failed in their responsibility to uphold the Licensing Objectives and indeed the conditions attached to their licence.

I refer to Sections 11.27 and 11.28 of the Revised Guidance under section 182 of the Licensing Act 2003 which states the following:

11.27: There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. One of which is for employing a person who is disqualified from that work by reason of their immigration status in the UK.

11.28: It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. 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 revocation of the licence – even in the first instance – should be seriously considered.**

The Licensing Authority would submit that the Licence Holders are actively compromising the Licensing Objectives by employing staff who are directly involved in a serious assault; selling alcohol to minors and the employment of an illegal worker which constitutes a criminal offence. The licence holders have also failed to provide the Police information when requested.

The Licensing Authority supports the review submitted and has serious concerns over the management of these premises and the licence holder's ability to uphold the licensing objectives and asks the Licensing Sub-Committee considers revocation the licence.

Miss Bina Patel
Licensing Manager
12/12/2018

Brixton Town Store (licensed as Local Express) 500 Brixton Road, London SW9 8EQ Prem 1598
under age sale of alcohol

On Tuesday 28th August 2018 Lambeth Trading Standards were engaged in Test Purchasing for the underage sale of age restricted goods – alcohol, knives and tobacco. We were supported by the Metropolitan Police. We used a girl aged 15 years old to try and buy age restricted goods.

At 12.30pm 28/08/2018 Test Purchaser Able aged 15 years entered Brixton Town Store (licensed as Local Express) 500 Brixton Road, London SW9 8EQ Prem 1598 an off licence/convenience store and mobile phone shop in central Brixton. She selected a 70cl bottle of Caribbean Twist drink 4% abv, and approached the counter where she was served by Mr Karim KHAN dob [REDACTED] in Afghanistan, of [REDACTED]. After Mr Khan had sold the drink he asked the Test Purchaser how old she was and she replied 18 and left.

Outside the shop she handed the drink to me. I then entered the shop, introduced and identified myself and explained why I was there, and challenged Mr Khan over the underage sale. I showed him the drink he sold, and I suggested we moved to an area so as we could deal with this matter in some privacy. Mr Khan indicated the back of the shop, and had a colleague take over from him behind the counter.

I pointed out to Mr Khan that it was a criminal offence to sell alcohol to a person under the age of 18, and cautioned him, I informed him that he was not under arrest, he was free to leave and that he could seek legal advice. I then had a conversation with him that I recorded in a short Q & A session.

A. She said she was 18

Q. Did she produce ID?

A. No she said she was 18

Q. Did you check her ID?

A. No she said she would bring it next time.

Q. Why did you ask her age?

A. She said she was 18, I believed her.

Q. If you suspect she is underage as you did because you asked her age, why didn't check her ID?

A. He made no reply.

I asked him if he would check my notes, initial the answers he had made and sign them as correct however he declined.

Uniformed Police Officers joined me. I explained that we had conducted an underage test purchase and that Mr Khan had sold alcohol to a 15 year old girl. Mr Khan produced a DVLA Provisional driving licence driver number [REDACTED] as proof of ID. Police issued Mr Khan with a £90 Fixed Penalty Ticket, for selling alcohol to a person under the age of 18 years. It was also explained that if he wanted to he could challenge the ticket and have the case heard in court.

The Premises Licence Holders are Mr Fawad KARIMI of [REDACTED] [REDACTED] email [REDACTED] and Mr Jan Matten, of [REDACTED] [REDACTED]. The Designated Premises Supervisor is Mr Fawad KARIMI m 07 [REDACTED] [REDACTED]. He was called later and informed on the answerphone regarding the underage sale.

I asked Mr Khan for the full version of the alcohol licence, which he eventually found. I asked him for the refusal's register to which he replied 'What's that' – however one was later produced with the last entry being 12/06/18. I asked him about written training records, he said he didn't know where they were kept. I asked him about Check 25, to which he replied 'We always check ID' to which I replied 'except today'! There was one Under 25 poster by the counter that I pointed out if he had followed this policy and checked ID, there would not have been an underage sale.

I carried out an inspection of the shop, however staff did not want me going in the rear stock room (for some reason I could not establish). There was a sink and cooking area that had suspect electrics. The store room was too narrow and stock piled too high, which risked stock falling from height onto staff. There was a locked cupboard, which Mr Khan opened for me at my request on a push number key pad lock. Inside there were some plastic cups and miniature spirits. There were single cans for sale but no high strength lagers/ciders. I took a series of photographs.

Behind the counter was pinned up a Forged £20 note number UY65 432189 that had been mistakenly accepted in payment, to act as a reminder to staff to check notes and as a warning to stop other customers from passing counterfeit bank notes. I took the note down and wrote FORGERY across the back and front in order to try and prevent it ever getting back into the monetary system.

I checked through the alcohol licence conditions. Mr Khan said the CCTV was fully operational. I asked for his diary/cctv log. He stated that 'we don't check it every day only if we need to. He was on the phone to his Manager at this stage and relayed 'Yes we do (check it but) we don't write it down. There were no specific CCTV in Operation notices, however there was a large monitor in the shop that should convey the same message. Mr Khan did not know if the shop was part of a Police Licensing Forum.

I checked behind the counter on the floor and found miniature bottles of spirits;

- Absolute vodka 50ml 40% abv
- Beefeater Gin 5cl 40% abv
- Bells Whisky 40% abv
- Grenalls Gin 5cl 40% abv

I put these on the counter to photograph them. Mr Khan initially said they only sell them at night. I pointed out that the premises were not allowed to sell miniature bottles of spirits whatsoever. He then said they don't. I said why are they in your locked store room and under the counter. He said they are not displayed for sale. I pointed out that any goods in a shop including goods under the counter are deemed for sale.

I issued Mr Khan with Trading Standards Notice 6990 (copy attached) reporting the Premises Licence Holders/Designated Premises Supervisor for the criminal offence of selling alcohol underage, and non-compliance with alcohol licence conditions.

I left the shop, this gave me an opportunity to speak to the test purchaser who told me that Mr Khan only asked her age once she had bought the drink. I also realised that I had left the bottle at the shop, so I returned shortly after. I spoke to Mr Khan again and pointed out that he had not asked the test purchasers' age before selling the alcohol, and only asked after the sale. He said the Test Purchaser was a liar and we should not have liars working for us. His statement did not deserve a reply.

For your action as necessary,

Bernard Conmy

Trading Standards Officer

Community Safety Service

Neighbourhoods & Growth

Lambeth Council

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PO Box 734
Winchester
SO23 5DG



Prem 1598

PLH Mr Fawad Karimji (+ APS)
Mr Jan Matteen Notice No. 6990

To: Brixton Town Store
Name: 500 Brixton Road
Address: SW9 8EQ.
Postcode: Tel:
Date: 28th August 2018

Civic Centre
Brixton Hill
SW2.

Trading Standards
~~21 Horns Hill Road~~
London
~~SE24 0AU~~
Tel: 020 7926 6109
Fax: 020 7926 6120

tradingstandards@lambeth.gov.uk
www.tradingstandards.gov.uk/lambeth

Notice of Alleged Infringement/Items Seized/Inspections Report

Under age sale of alcohol to a 15 year old girl. Staff must check ID of young looking alcohol + tobacco customers. You are reported for front criminal offence

- The APS is not contactable.
- ~~The full version of the alcohol licence is not available. (found)~~
- Training records are not available.

X Indicates the items is a statutory requirement and must be carried out - Failure to do so is an offence

Officers Signature: [Signature]

Name (block caps) CONING

Received By: Refused.

Name (block caps) MR KARIM KHAN

Position: sales assistant