Premier Food and Wine, 139 South Lambeth Road, London, SW8 1XB

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 Environmental Health, Public Protection 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 local centre/shopping parade and therefore the terminal hour recommended in the Policy for premises falling within this is, Monday to Sunday 23:00.

Review Application

The application highlights a review being brought by Trading Standards following under age sales and other breaches which was being heard in 2013. A Licensing Sub Committee added a number of conditions to address to promote the licensing objectives.

Additional conditions were imposed at this hearing. These were:

1. No single cans of beer, lager or cider.
2. A minimum of 4 cans only can be sold.
3. No beer, lager or cider to be sold greater than 6% ABV.
4. No sale of alcohol to street drinkers.
5. A refusals register to be keep and made available to any officer who requests
6. A Challenge 25 policy to be implemented with appropriate signage.
7. No sale of 50ml bottles of spirits (miniatures).
8. No cider to be sold in plastic containers.
In 2016 during an intervention meeting the Licensing Service and the licence holder Mr Mohammad Najib was given a written warning following an underage sale to a minor. Attached as Appendix 1.

In June 2018 local residents made complaints alleging that further breaches were taking place, which involved ASB, single can sales and high strength alcohol. Three visits were made on the 20th, 26th October 2018 and 2nd November 2018 to observe if the allegations were taking place. A list of breaches were observed on the visits made;
- Sale of single can
- No updated refusal register
- Arrest made by UKBA of one staff member with no right to work in the UK

Officers also found;
- Blades behind the counter
- Bottle opener behind the counter
- Broken 4 packs with two cans only

Mr Mohammad Najib has been the licence holder since 9th May 2012 and the designated premises supervisor since 27th September 2013.

The above elements of this review application demonstrates that Mohammad Najib is clearly failing in his responsibility to uphold the Licensing Objectives and indeed the conditions listed on his licence.

Despite written warnings and enforcement inspections made, the licensee continued to breach conditions attached to his licence. In addition, employing a member of staff without the right to work constitutes a criminal offence. The Licensing Authority would submit that the Licence Holder and employees engaged in compromising the Licensing Objectives with total disregard of the law by actively participating in criminal behaviour.

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.

In conclusion the Licensing Authority fully supports the review and asks the Licensing Sub-Committee to consider revoking the licence following these incidents. There is serious concern over the management of these premises. The Licensing Authority would submit that the Licence Holder is actively compromising the Licensing Objectives by breaching conditions on the licence and the employment of an illegal worker which constitutes a criminal offence.

Miss Bina Patel
Licensing Manager
19/12/2018
Mr Mohammad Najib

Dear Mr Mohammad Najib,

LICENSING ACT 2003 - Premises Licence
RE: Premier Food And Wines - 139 South Lambeth Road, London SW8 1XB

Thank you for attending our offices for a meeting yesterday the 7th of July 2016 with myself, Mr Ali Peyvandi and PC Dione Sandals, in the company of your representative Mr Stevens and one of your staff member Mr. Abraha.

At the meeting you explained that Mr Abraha was the staff member who sold to an under-aged person when trading standards officers visited your premises.

You were advised that this is the final intervention the council would offer your premises as it is currently being operated in a way as to engage with at least 2 of the 4 licensing objectives, which are:-

- The prevention of crime and disorder
- Protection of children from harm.

You were also informed that should any further breaches of the provisions of the above Act be witnessed by officers of any of the responsible authorities, all possible actions would be considered including review with a request for revocation of your premises licence.

You were informed that all communications including the ones you and your representative handed in at the meeting and letters sent to you in the past regarding previous engagements with your premises will form part of the report to be considered by the committee.

Should the application for a review of your premises be successful it is likely to have an adverse effect on your business operations.

You informed us that you are planning of training two members of your staff to have personal licences and showed us the forms you had already started to complete on their behalf.
A copy of this letter is being sent to community safety officers and the police for their information and record, and also being hand delivered to the licensed premises.

Yours sincerely,

Mrs Esther Jones  
Licensing Officer  
6th Floor International House  
Canterbury Crescent  
Brixton  
London  
SW9 7QE

Direct Line: 020 7926 6144  
Email: efjones@lambeth.gov.uk

cc: Henry Umeh/Mike Constable/Michael Anderson/Russell Taylor

Hand delivered to Premier Food and Wine, 139 South Lambeth Road, SW8 1XB.
In response to the notification below that the license of Premier Food and Wine at 139 South Lambeth Road is to be taken to review, I would like to add my representation as Stockwell Ward Councillor representing local residents.

Since I was elected in May, I have been contacted regularly by residents living in Tradescant and Walberswick Roads about anti-social behaviour, drug use/dealing, street littering in the area immediately adjacent to 139 South Lambeth Road, particularly late at night/early in the morning and concerns about breaches of the license by the premises.

Residents told me that they had gathered evidence of licensing breaches to submit to the Licensing department. They have also been in touch with the Safer Neighbourhoods Team about their concerns about criminality.

Having reviewed the information in the license application, it is clear that there is substantial evidence that the licensee is not adhering to the conditions of the license and that this fails at least three of the four licensing objectives mentioned below. It is also clear that these breaches and concerns have been ongoing for a number of years.

I would therefore urge the committee to revoke this license.

Best wishes

Lucy Caldicott
Stockwell Ward Councillor
Miss Bina Patel  
Licensing Manager  
Lambeth Borough Council  

RE: REVIEW OF PREMIER FOOD & WINE, 139 SOUTH LAMBETH ROAD.

Dear Miss Bina Patel,

I write on behalf of the Commissioner of police for the Metropolis to support Lambeth Council Licensing Authority’s review of Premier Food & Wine, on the grounds of the following Licensing Objectives;

- The prevention of crime and disorder.
- Public Safety
- Protection from children from harm.

This review is with regards to a male who was identified by UK Border Agency that they did not have the authority to work.

Details of this are attached in supporting statements.

The visit was conducted as part of a joint operation with Lambeth Council, Metropolitan Police Service and UKBA to look at licensed premises this was Operation Autumn Nights. This was an intelligence led operation conducted by a data analyst from Lambeth Council with a fully briefing supplied to those involved.

The Metropolitan Police Service would like to remind the committee of five points:

1. S182 Guidance states:

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

   for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person’s leave to enter;
2. In the case of East Lindsey District Council v Hanif (2016)

Mr Justice Jay said the restaurateur had "exploited a vulnerable person from his own community by acting in breach of the criminal law".

"Criminal convictions are not required," he told the court.

3. S182 Guidance states:

11.28 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.

4. The member of staff showed no knowledge with regards to the law specifically sales of alcohol and tobacco. It is of great concern that a minor potentially could have gone in the premises and purchased items that are illegal to buy.

5. The premises had a bottle opener behind the point of sale. This is discouraged by the Police as it allows for bottles of alcohol to be opened and consumed nearby causing issues with street drinking.

It is of the Metropolitan Police Service’s opinion that this sort of activity (with regards to the Immigration offences) leads to fraud on the Revenue, unfair competitive advantage to the employer and **most importantly** exploitation of a vulnerable person.

Further to this the lack of knowledge with regards to the Licensing Act 2003, potentially leading to vulnerability of minors as well.

These points should be considered in the decision process for the review of the license of this premises, and it is recommended that revocation of their premises license is taken.

Yours sincerely,

Mike Constable | PC 596LX - Licensing & Night Time Economy Team | Lambeth Borough
Address Civic Centre, 6 Brixton Hill, SW2 1EG