



Lisa Hooper  
Crime, Enforcement & Regulation  
Service (Licensing)  
9 Holbeach Road  
Catford  
London  
SE6 4TW

Dan Power  
Crime, Enforcement & Regulation  
Officer  
9 Holbeach Road  
Catford  
London  
SE6 4TW

Direct Line 02083146326  
[Dan.power@lewisham.gov.uk](mailto:Dan.power@lewisham.gov.uk)

Date: 30<sup>th</sup> October 2018

Dear Lisa,

**New Premises Licence Application – Payless Food & Wine, 496-500 New Cross Road, London, SE14 6TJ**

Please be aware that on behalf of The Crime, Enforcement and Regulation Service I provide notice of my objection to the new premises licence application in relation to the above mentioned premise.

It has been necessary to object to the new premises licence application as it is in the opinion of The Crime, Enforcement & Regulation Service, likely that the intended sale of alcohol past the existing hours being Sunday to Thursday 06:00 and 00:00 and Friday/Saturday 06:00 to 01:00am, will undermine the key licensing objectives, most notably in this instance the prevention of crime and disorder.

I provide exhibits demonstrating previous interaction with the Premises Licence Holder, Mr Shokat Ali, these are available via **DP/1** to **DP/5**, detailing previous efforts to ensure compliance between June 2016 and January 2017.

Furthermore, **DP/6** provides details of a further visit to the premise on Thursday 25<sup>th</sup> October 2018 in which further concerns were raised with regard to the Premises Licence Holder's ability to uphold conditions as specified within the existing premises licence.

I now intend to meet with Mr Ali on Thursday 9<sup>th</sup> November 2018 as a means of discussing my continued concerns with regard to ongoing compliance of the existing premises licence.

Yours Sincerely

Daniel Power  
Crime, Enforcement and Regulation Officer





DP/1

Mr Shokat Ali  
Payless Food & Wine  
496-500 New Cross Road  
Lewisham  
London  
SE14 6TJ

Daniel Power  
Crime, Enforcement & Regulation  
Officer  
23 Mercia Grove  
Lewisham  
London  
SE13 6BJ

direct line 020 8314 6326  
[Daniel.Power@lewisham.gov.uk](mailto:Daniel.Power@lewisham.gov.uk)

Date: 6<sup>th</sup> April 2016

Dear Mr Ali,

**Licensing Compliance Visit , Payless Food & Wine – 1<sup>st</sup> April 2016**

Please note that I write to you as the Premises Licence Holder for the above stated premises. I thought it necessary to detail the visit my colleague Mark Adu Brobbey and I made to the premises via s179 of the Licensing Act 2003 at approximately 22:15 on Friday 1<sup>st</sup> April 2016.

It was considered necessary to undertake a compliance visit to the premises as the Crime, Enforcement and Regulation Service have received a number of complaints regarding street drinkers consuming alcohol within the locality of the parade of shops between 496 -508 New Cross Road, SE14 6TJ. Furthermore, complaints received included but are not limited to street drinkers congregating outside of the above stated premises whilst continuing to purchase alcohol throughout the day from your premises.

On entering the premises officers asked Mr Nazibat Ali and Mr Mohammed whether they were able to locate a summary of the premises licence, officers noted that the premises licence was found under the till, please note that s57 of the Licensing Act 2003 requires that a copy of the premises licence is displayed prominently within the premises.

Furthermore, I asked whether either yourself or Mr Mohammed were currently in receipt of a personal licence, as you will note Annex 3 states as follows;

- **A Personal Licence holder to be on the premises at all times alcohol is sold**

Nonetheless, despite claiming to be a personal licence holder Mr Ali was unable to produce this at the time of our visit as also required via s135 of the Licensing Act 2003.

My colleague Mark Adu Brobbey and I asked whether the premises were able to provide training copies for all members of staff as required within Annex 2, Condition 2 detailing training as provided every four months. Additionally, Mr Mohammed was asked whether he was able to provide details of an up to date refusal register. Concerns were raised as to whether an active age verification policy has been implemented as officers noted that according to the register the premises have not challenged a potential customer in relation to under age sales of alcohol since September 2015. Once more failure to exhibit an effective age verification policy undermines Annex 2, Condition 5 of the premises licence;

**The premises will operate a Challenge 25 age verification scheme and will only accept current passport, photo driving licence or PASS approved identification.**

At this point I informed staff that the Crime, Enforcement and Regulation Service are concerned that continuing to allow street drinkers to congregate directly outside of the premises, whilst continuing to enable the individuals to purchase and subsequently consume alcohol, suggests that the premises is in fact trading as if it had an on sales licence.

Nonetheless, Mr Mohammed stated that the premises have faced difficulty in asking customers to disperse away from the premises and have cited concerns regarding safety of staff, this includes suggestions of verbal abuse nonetheless, you are obliged via Annex 2, Condition 4 of the premises licence to maintain an active incident register, nonetheless at no stage has any member of staff logged concerns as a consequence of attempting to move customers away from the premises.

With this in mind officers requested CCTV footage for between 23:00 -01:00am on Friday 11<sup>th</sup> March 2016, taking into account officers were notified of a complaint regarding alcohol related anti social behaviour related to street drinking for the above stated time. However I was advised that despite one member of staff on duty being required via Annex 2, condition 1 as being capable of operating CCTV footage at all times, I was advised that Mr Mohammed and Mr Ali were unable to provide the following recording and would require the support of an engineer to operate CCTV. Additionally, Mr Mohammed stated that CCTV provided has failed to record for over two weeks.

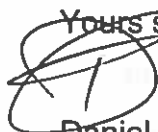
Whilst concluding our visit officers made you aware of the observed breaches witnessed during our visit, I have copied details of the breaches within this letter, *Licensing Inspection/Visit Proforma*.

Nevertheless, officers decided to visit once more on the night of the 1<sup>st</sup> April 2016 at approximately 00:35am as whilst visiting a neighbouring licensed premises officers observed six individuals congregated directly outside of your premises consuming alcohol, please note that we subsequently reiterated our concerns to Mr Mohammed, who had been in the premises during our initial visit that night.

Please note that officers intend to undertake a follow up licensing compliance visit within the coming weeks due to the number of breaches observed.

Please do not hesitate to contact me on the above stated number should you wish to discuss the content of this letter.

Yours sincerely



Daniel Power  
Crime, Enforcement and Regulation Officer

# Licensing Inspection/Visit Proforma



Officer(s): Daniel Power Mark Adu-Brobbey	Date of Inspection: 01.04.2016	Time of Inspection: 22:15 & 00:35	FOR ADMIN USE:  WK1201626/69
Premises Name and Address:	Payless Food & Wine – 496-500 New Cross Road, Lewisham, SE14 6TJ		

Premises Type:	Licensing Act 2003: <input checked="" type="checkbox"/>	Gambling Act 2005: <input type="checkbox"/>	Other (specify): <input type="checkbox"/>	<input checked="" type="checkbox"/> as applicable.
Visit Type:	Routine: <input type="checkbox"/>	Complaint: <input type="checkbox"/>	Other (specify): <input type="checkbox"/>	

## Reason for Inspection/Visit:

Licensing Compliance Visit (s.179 Licensing Act 2003)

## Remarks:

Daniel Power & Mark Adu Brobbey visited the premises at approximately 22:15 & 00:35

### Breaches observed

- **Annex 2, Condition 1** - CCTV system to be installed with a 31 day retention of recordings. The system must be capable of recording images of persons entering the premises of at least head and shoulders. The cameras will cover the alcohol display areas and point of sale. It should be made available upon request to Police and Local Authority officers. One member of staff on duty at the premises must be capable of operating at all times.
- **Annex 2, Condition 2** - Maintain training of all staff every 4 months with regards to the Licensing Act. Keep all records pertaining to the training for production on request by local authority or police officers.
- **Annex 2, Condition 3**- Refusal register to be maintained and kept on the premises, and made available on request to an authorised Local Authority or Police Officer. The DPS shall check the register on a weekly basis and sign to confirm this has been done. Registers shall be kept for 12 months
- **Annex 2, Condition 4** - An incident register to be maintained and kept on the premises, and made available on request to an authorised Local Authority or Police Officer.

# Licensing Inspection/Visit Proforma

- **Annex 2, Condition 5** -The premises will operate a Challenge 25 age verification scheme and will only accept current passport, photo driving licence or PASS approved identification.
- **Annex 2, Condition 1**- A Personal Licence holder to be on the premises at all times alcohol is sold.
- **S135 of the Licensing Act 2003** - Licence holder's duty to produce licence

## Concerns Noted

- Customers consuming alcohol directly outside of the premises, the premises makes little if any attempt to attempt to disperse street drinkers away from the premises, the premises continues to allow such individuals congregating outside of the premises to purchase additional alcohol. This suggests that the premises is operating as if it had an 'on sales' licence whilst only being permitted for 'off sales'.
- Those identified as street drinking are continually reported as being intoxicated – Concerns raised that the premises may be selling alcohol to a person who is drunk, an offence via s141 of the Licensing Act 2003. Furthermore, the premises has failed to log any refusals of sales with regard to under age sales or intoxicated sales since September 2015, this suggests that it is more than likely that the premises is selling alcohol to persons who are drunk.

## Actions

Undertake a follow up compliance visit over the coming weeks to assess whether efforts have been made to rectify the observed breaches of the premises licence as attached above.

## Overall Inspection Rating

✓as applicable.

Satisfactory:		Unsatisfactory:	✓	Other (Specify):	
---------------	--	-----------------	---	------------------	--



D/P/2

Mr Shokat Ali  
Payless Food & Wine  
496-500 New Cross Road  
Lewisham  
London  
SE14 6TJ

Daniel Power  
Crime, Enforcement & Regulation  
Officer  
23 Mercia Grove  
Lewisham  
London  
SE13 6BJ

direct line 020 8314 6326  
[Daniel.Power@lewisham.gov.uk](mailto:Daniel.Power@lewisham.gov.uk)

Date: 21<sup>st</sup> June 2016

Dear Mr Ali,

**Licensing Compliance Visit, Payless Food & Wine – 17<sup>th</sup> June 2016**

Please note that I write to you as the Premises Licence Holder for the above stated premises.

In addition to my earlier correspondence dated Wednesday 6<sup>th</sup> April 2016 detailing a licensing compliance visit undertaken on Friday 1<sup>st</sup> April 2016, I thought it necessary to detail the visit my colleague Mark Adu Brobbey and I made to the premises via s179 of the Licensing Act 2003 at approximately 22:00 on Friday 17<sup>th</sup> June 2016.

It was considered necessary to undertake a compliance visit to the premises as the Crime, Enforcement and Regulation Service raised the following concerns as a consequence of the visit undertaken to the premises on Friday 1<sup>st</sup> April 2016, concerns included;

- Customers consuming alcohol directly outside of the premises, the premises makes little if any attempt to attempt to disperse street drinkers away from the premises, the premises continues to allow such individuals congregating outside of the premises to purchase additional alcohol. This suggests that the premises is operating as if it had an 'on sales' licence whilst only being permitted for 'off sales'.
- Those identified as street drinking are continually reported as being intoxicated – Concerns raised that the premises may be selling alcohol to a person who is drunk, an offence via s141 of the Licensing Act 2003. Furthermore, the premises has failed to log any refusals of sales with regard to under age sales or intoxicated sales since September 2015, this suggests that it is more than likely that the premises is selling alcohol to persons who are drunk.

In addition to the above mentioned concerns officer's noted the following;

**Breaches observed**

- **Annex 2, Condition 1** - CCTV system to be installed with a 31 day retention of recordings. The system must be capable of recording images of persons entering the premises of at least head and shoulders. The cameras will cover the alcohol display areas and point of sale. It should be made available upon request to Police and Local Authority officers. One member of staff on duty at the premises must be capable of operating at all times.

- **Annex 2, Condition 2** - Maintain training of all staff every 4 months with regards to the Licensing Act. Keep all records pertaining to the training for production on request by local authority or police officers.
- **Annex 2, Condition 3**- Refusal register to be maintained and kept on the premises, and made available on request to an authorised Local Authority or Police Officer. The DPS shall check the register on a weekly basis and sign to confirm this has been done. Registers shall be kept for 12 months
- **Annex 2, Condition 4** - An incident register to be maintained and kept on the premises, and made available on request to an authorised Local Authority or Police Officer.
- **Annex 2, Condition 5** -The premises will operate a Challenge 25 age verification scheme and will only accept current passport, photo driving licence or PASS approved identification.
- **Annex 2, Condition 1**- A Personal Licence holder to be on the premises at all times alcohol is sold.
- **S135 of the Licensing Act 2003** - Licence holder's duty to produce licence

#### **Friday 17<sup>th</sup> June 2016**

On entering the premises at approximately 22:00 officers noted five individuals located directly outside the premises consuming alcohol, such an issue was raised on our initial visit as facilitating customers within close proximity to the store and continuing to serve such customers throughout the night without attempting to move customers on suggests that the premises is trading as if it has an 'on sales' licence.

Nonetheless, officers raised the issue initially with the duty manager Mr Mohammed. Whilst assessing compliance in relation to conditions as imposed on the premises licence officers raised concerns with regard to the premises' age verification policy, as officers had witnessed no attempt's on the part of staff to exercise the 'Challenge 25' policy, despite undertaking three separate sales where those witnessed buying alcohol were considered particularly young.

This was raised with the member of staff involved in such sales who was the nominated personal licence holder as required via Annex 3, Condition 1 at the time of our visit. On questioning the appropriate personal licence holder, Mr Ali, stated that those purchasing alcohol were 'over the age of eighteen, but possibly not 25'. This suggests that the current Designated Premises Supervisor, Mr Shah, is failing to adequately ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. Section 10.50 of the revised guidance issued under s182 of the Licensing Act 2003 states that;

***The DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy.***

Additionally, my colleague Mark Adu-Brobbey and I requested training records of all staff documenting training in relation to the Licensing Act 2003, as is specified via Annex 2, Condition 2 which states that the premises shall;

***Maintain training of all staff every 4 months with regards to the Licensing Act. Keep all records pertaining to the training for production on request by local authority or police officers.***



Please note that evidence documenting training given to all members of staff was not provided on the night of our visit as was the case previously.

Officers also observed the premises' incident register and whilst initially being encouraged by an increase in reports in relation to incidents and age restricted sales checks, officers noted that there have been no further logs reported or challenges in relation to age verification since 03/05/2016.

On leaving the premises, my colleague Mr Adu- Brobbey and I noted that approximately twenty individuals had congregated directly outside the entrance to the premises, many of which were continuing to consume alcohol recently purchased from Payless Food & Wine, 496-500 New Cross Road, SE14 6TJ.

As a consequence of the above the Crime, Enforcement and Regulation Service are keen to meet with you in addition to the Designated Premises Supervisor, Mr Imran Shah, to assess the current lack of training of staff, concerns in relation to age verification and the premises' continued failure to move customers on from the premises who subsequently re-enter the premises to purchase alcohol and consume directly outside the store.

Please contact me at your earliest convenience to arrange a meeting with the Crime, Enforcement & Regulation Service.

Yours sincerely



**Daniel Power**  
**Crime, Enforcement and Regulation Officer**





DP/3

Mr Shokat Ali  
Payless Food & Wine  
496-500 New Cross Road  
Lewisham  
London  
SE14 6TJ

Daniel Power  
Crime, Enforcement & Regulation  
Officer  
23 Mercia Grove  
Lewisham  
London  
SE13 6BJ

direct line 020 8314 6326  
[Daniel.Power@lewisham.gov.uk](mailto:Daniel.Power@lewisham.gov.uk)

Date: 28<sup>th</sup> July 2016

Dear Mr Ali,

**Proposed Meeting: 9 Holbeach Road, Catford, SE6 4TW**

Please note that I write to you as the Premises Licence Holder for the above stated premises.

In addition to my earlier correspondence dated Wednesday 6<sup>th</sup> April 2016 & Tuesday 21<sup>st</sup> June 2016 detailing several licensing compliance visits undertaken to the premises, I feel it necessary to reiterate my intentions of meeting with yourself and the appropriate Designated Premises Supervisor Mr Shah.

It is necessary to meet with you to discuss breaches of the existing premises licence as observed by officers during licensing compliance visits undertaken this year and to discuss measures to ensure best practice.

I have once more attached details of the compliance visits previously carried out;

**Friday 1<sup>st</sup> April 2016**

- Customers consuming alcohol directly outside of the premises, the premises makes little if any attempt to attempt to disperse street drinkers away from the premises, the premises continues to allow such individuals congregating outside of the premises to purchase additional alcohol. This suggests that the premises is operating as if it had an 'on sales' licence whilst only being permitted for 'off sales'.
- Those identified as street drinking are continually reported as being intoxicated – Concerns raised that the premises may be selling alcohol to a person who is drunk, an offence via s141 of the Licensing Act 2003. Furthermore, the premises has failed to log any refusals of sales with regard to under age sales or intoxicated sales since September 2015, this suggests that it is more than likely that the premises is selling alcohol to persons who are drunk.

In addition to the above mentioned concerns officer's noted the following;

**Breaches observed**

- **Annex 2, Condition 1** - CCTV system to be installed with a 31 day retention of recordings. The system must be capable of recording images of persons entering the

premises of at least head and shoulders. The cameras will cover the alcohol display areas and point of sale. It should be made available upon request to Police and Local Authority officers. One member of staff on duty at the premises must be capable of operating at all times.

- **Annex 2, Condition 2** - Maintain training of all staff every 4 months with regards to the Licensing Act. Keep all records pertaining to the training for production on request by local authority or police officers.
- **Annex 2, Condition 3**- Refusal register to be maintained and kept on the premises, and made available on request to an authorised Local Authority or Police Officer. The DPS shall check the register on a weekly basis and sign to confirm this has been done. Registers shall be kept for 12 months
- **Annex 2, Condition 4** - An incident register to be maintained and kept on the premises, and made available on request to an authorised Local Authority or Police Officer.
- **Annex 2, Condition 5** -The premises will operate a Challenge 25 age verification scheme and will only accept current passport, photo driving licence or PASS approved identification.
- **Annex 2, Condition 1**- A Personal Licence holder to be on the premises at all times alcohol is sold.
- **S135 of the Licensing Act 2003** - Licence holder's duty to produce licence

#### **Friday 17<sup>th</sup> June 2016**

On entering the premises at approximately 22:00 officers noted five individuals located directly outside the premises consuming alcohol, such an issue was raised on our initial visit as facilitating customers within close proximity to the store and continuing to serve such customers throughout the night without attempting to move customers on suggests that the premises is trading as if it has an 'on sales' licence.

Nonetheless, officers raised the issue initially with the duty manager Mr Mohammed. Whilst assessing compliance in relation to conditions as imposed on the premises licence officers raised concerns with regard to the premises' age verification policy, as officers had witnessed no attempt's on the part of staff to exercise the 'Challenge 25' policy, despite undertaking three separate sales where those witnessed buying alcohol were considered particularly young.

This was raised with the member of staff involved in such sales who was the nominated personal licence holder as required via Annex 3, Condition 1 at the time of our visit. On questioning the appropriate personal licence holder, Mr Ali, stated that those purchasing alcohol were 'over the age of eighteen, but possibly not 25'. This suggests that the current Designated Premises Supervisor, Mr Shah, is failing to adequately ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. Section 10.50 of the revised guidance issued under s182 of the Licensing Act 2003 states that;

***The DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy.***

Additionally, my colleague Mark Adu-Brobbe and I requested training records of all staff documenting training in relation to the Licensing Act 2003, as is specified via Annex 2, Condition 2 which states that the premises shall;

**Maintain training of all staff every 4 months with regards to the Licensing Act. Keep all records pertaining to the training for production on request by local authority or police officers.**

Please note that evidence documenting training given to all members of staff was not provided on the night of our visit as was the case previously.

Officers also observed the premises' incident register and whilst initially being encouraged by an increase in reports in relation to incidents and age restricted sales checks, officers noted that there have been no further logs reported or challenges in relation to age verification since 03/05/2016.

On leaving the premises, my colleague Mr Adu- Brobbey and I noted that approximately twenty individuals had congregated directly outside the entrance to the premises, many of which were continuing to consume alcohol recently purchased from Payless Food & Wine, 496-500 New Cross Road, SE14 6TJ.

Please contact me at your earliest convenience to arrange a meeting with the Crime, Enforcement & Regulation Service.

Yours sincerely



Daniel Power  
Crime, Enforcement and Regulation Officer



DP/4

**Action Plan -- Payless Food & Wine, 496-500 New Cross Road, SE14 6TJ**

As discussed during our meeting held at 9 Holbeach Road, Catford, SE6 4TW on Monday 26<sup>th</sup> September 2016, the Crime, Enforcement & Regulation Service in addition to the premises as stated above have agreed on the following actions as a means of safeguarding key licensing objectives most notably the prevention of crime and disorder is upheld.

Please be mindful that the actions jointly agreed are not conditions enforceable by the local authority, nevertheless, it is hoped that by adhering to the agreed actions will ensure a stronger and more robust management structure that is encouraged to work alongside the licensing authority to mitigate the likelihood of further complaints. It is worth noting that the actions provided below have been agreed in addition to your current conditions as stated on your premises licence.

As discussed the action plan is intended to last for three months from the date of service (~~Monday 26<sup>th</sup> September 2016~~)

Friday 9<sup>th</sup> December 2016

- A member of staff will undertake a general sweep of the immediate area outside the premises on multiple occasions throughout the night to discourage consumption of alcohol outside the premises as a means of complying with Lewisham Borough's Designated Public Place Order. All interactions will be documented in the incident registers.
  - The DPS will provide and submit the relevant incident register to the Crime, Enforcement and Regulation via email on a bi-weekly basis (Every second Monday)
  - The DPS will provide and submit the relevant refusal register indicating where a member of staff has prompted a customer for ID on an age restricted item to the CER Team via email on a bi-weekly basis (Every second Monday)
  - The premises will provide signage to discourage patrons congregating and consuming alcohol in the immediate vicinity of the premises.
- I agree to the following measures which will be adhered to in addition to the premises' existing conditions as found within the premises licence.

Signed (Premises Licence Holder) S. Ali ..... Date 9/12/..... 2016  
Print Name Shokat Ali

Signed (Designated Premises Supervisor) [Signature] ..... Date 9/12/..... 2016  
Print Name Mohammed Dinyal

Signed (Crime, Enforcement & Regulation Service) [Signature] ..... Date 9/12/..... 2016  
Print Name Daniel Porer





DP/5.



Mr Mohammed Dinyal  
4 Holden House  
Deptford Church Street  
Lewisham  
London  
SE8 4SQ

Daniel Power  
Crime, Enforcement & Regulation  
Officer  
23 Mercia Grove  
Lewisham  
London  
SE13 6BJ

direct line 020 8314 6326  
[Daniel.Power@lewisham.gov.uk](mailto:Daniel.Power@lewisham.gov.uk)

Date: 29<sup>th</sup> December 2016

Dear Mr Dinyal,

**Confirmation of Action Plan – Payless Food & Wine, 496-500 New Cross Road, SE14 6TJ**

I write to you as the Designated Premises Supervisor for the above stated premises.

Please note that I have attached the signed action plan for the above stated premises, as you will recall the formation of the action plan is in line with recommendations put forward within the Home Office's guidance in relation to problem premises, in this particular instance it is hoped that the enclosed action plan will assist the licensee in upholding obligations as imposed via the Premises Licence in addition to mitigating the presence of street drinking within the immediate locality of the premises.

Furthermore, it is hoped that the action plan will be clearly visible within the premises at all times during the duration of the action plan. Additionally, I have provided you signage as a means of making customers aware of the borough's existing Designated Public Place Order, it is hoped that members of staff refer to such signage whilst reminding customers not to congregate within the immediate locality of the premises.

Please note that I look forward to receiving the relevant incident register as well as the appropriate refusal book on a bi weekly basis from the date of this letter.

Please contact me at your earliest convenience to confirm your intention to meet with the Crime, Enforcement & Regulation Service on the above stated date.

Yours sincerely

Daniel Power  
Crime, Enforcement and Regulation Officer

Encl. 1) Payless Action Plan  
2) DPPO Signage



DP/6



Shokat Ali  
Payless Food and Wine  
496-500 New Cross Road  
London  
SE14 6TJ

Dan Power  
Crime, Enforcement & Regulation  
Officer  
9 Holbeach Road  
Catford  
London  
SE6 4TW

Direct Line 02083146326  
[Daniel.power@lewisham.gov.uk](mailto:Daniel.power@lewisham.gov.uk)

Date 29<sup>th</sup> October 2018

Dear Mr Ali,

**Inspection of licensed premise – Payless Food and Wine, 496-500 New Cross Road, London, SE14 6TJ – Thursday 25<sup>th</sup> October 2018**

Please note that I write to you as the Premises Licence Holder for the above stated premise. I thought it necessary to detail the visit my colleague Denis Savin and I made to the premises in partnership with PC Gerry at approximately 17:50 hours on Thursday 25<sup>th</sup> October 2018.

It was considered necessary to undertake a compliance visit to the premises as a means of inspecting current licensable activity and the ongoing compliance with regard to current conditions specified within the premises licence.

On entering the premises officers asked Mr Arshad Ali and Shafait Ali as well as yourself whether you were able to locate a summary of the premises licence, officers noted that the premises licence summary was located neighbouring the till area, please note that s57 of the Licensing Act 2003 requires that a summary of the premises licence is displayed prominently within the premises.

At this point, I advised you as well as the above mentioned staff members of my intention to carry out an inspection with regard to compliance of your existing licensing conditions. An initial request was made to view the maintenance of training manuals as well as the relevant refusals register in addition to the relevant incident register.

With regard to the above requests, the officers present confirmed an absence of any logged training having taken place between my visit on Sunday 28<sup>th</sup> August 2016 and Wednesday 24<sup>th</sup> October 2018, the day prior to our visit. The failure to provide training prior to this amounts to a breach of Annex 2, Condition 2 which states that the premise must;

***Maintain training of all staff every 4 months with regards to the Licensing Act. Keep all records pertaining to the training for production on request by local authority or police officers.***

Additionally, officers noted an absence of reports with regard to the available Incident Register, despite staff members indicating concerns with regard to known street drinkers continuing to congregate outside the shop. Furthermore, officers noted that the last report logged is dated as follows, Wednesday 16<sup>th</sup> March 2016. I note this fails to satisfy the following; Annex 2, Condition 4 which reads;

***An incident register to be maintained and kept on the premises, and made available on request to an authorised Local Authority or Police Officer.***

A subsequent search of the available refusals book also raised concerns with regard to an absence of any age related verification prompts for a period of approximately eight months; Thursday 4<sup>th</sup> January 2018 and Monday 27<sup>th</sup> September 2018. Therefore, concerns remain with regard to compliance of the following condition;

Annex 2, Condition 3 states that;

***Refusal register to be maintained and kept on the premises, and made available on request to an authorised Local Authority or Police Officer. The DPS shall check the register on a weekly basis and sign to confirm this has been done. Registers shall be kept for 12 months***

Additionally, as a means of assessing the appropriate refusal logs, I enquired with Mr Arshad Ali as to whether I were able to view CCTV footage of an age verification prompt logged on Wednesday 24<sup>th</sup> October 2018 at 21:36 in relation to the purchase of an alcoholic product. This was considered necessary as a means of also assessing requirements outlined via the following condition. Moreover, Annex 2, Condition 1 states that;

***CCTV system to be installed with a 31 day retention of recordings. The system must be capable of recording images of persons entering the premises of at least head and shoulders. The cameras will cover the alcohol display areas and point of sale. It should be made available upon request to Police and Local Authority officers. One member of staff on duty at the premises must be capable of operating at all times.***

Furthermore, I was advised that at the time of my visit persons present were unable to operate the CCTV, whilst the screen available specifying points of coverage failed to indicate coverage of alcohol displays, point of sale and adequate coverage of entry points as requested, this amounts to a breach of the aforementioned condition.

Please note that I am concerned by the lack of regard in relation to compliance of existing conditions, additionally, as you may recall such concerns were initially identified as a consequence of prior work with the premise between June 2016 and January 2017 which included the introduction of an action plan as a consequence of repeated breaches in relation to the existing premises licence.

In line with Lewisham Councils Enforcement Policy in relation to Regulatory Services, I have considered it necessary to have you meet with me to discuss my concerns with you in person and to furnish you with guidance as a means of ensuring compliance in the near future.

**You are requested to attend The Crime, Enforcement and Regulation Service Office, 9 Holbeach Road, Catford, SE6 4TW on Thursday 8<sup>th</sup> November 2018 at 11:00 hours as a means of discussing the findings of our visit. Please indicate whether you intend to attend the above detailed meeting by no later than Monday 5<sup>th</sup> November 2018.**

I must also take this opportunity to reiterate my intention to view CCTV footage with regard to a previous age verification prompt which occurred on Wednesday 24<sup>th</sup> October 2018 at 21:36, with this in mind I wish to view footage of the following;

- **Recordings available indicating sales between 21:00 and 22:00 on Wednesday 24<sup>th</sup> October 2018**

Please do not hesitate to contact me on the above stated number should you wish to discuss the content of this letter.

Yours Sincerely



Dan Power

Crime, Enforcement and Regulation Officer



**Notification of alleged offences under the Licensing Act 2003**



Venue name: Payless

Address: 496-500 New Cross Road, SE14 6TJ

Date of visit: 25/10/18 Time of visit: 17:50 am/pm

Person in charge at time of visit: Mr Shekhat Ali

DPS  Premise Licence Holder  Personal License Holder  Other \_\_\_\_\_

**Identified alleged offences**

- Section 57(4) Failure to secure premise licence or a certified copy at the premises or to prominently display a summary of the Licence. *\* Hishqat Ali*
- Section 57(7) Failure to produce a premises licence or a certified copy.
- Section 109(4) Failure to secure that a copy of a Temporary Events Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an of an appropriate person.
- Section 109(8) Failure to produce a TEN to a Council Official.
- Section 135(4) Failure to produce a personal licence to a Council Official.
- Section 136(1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on.
- Section 137(1) Exposing alcohol for retail without an authorisation.
- Section 138(1) Keeping alcohol on a premise for an unauthorised sale.
- Section 140(1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141(1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144(1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on the premises.
- Section 145(1) Allowing an unaccompanied child on a premises (used primarily or exclusively for sale of alcohol)
- Section 146(1) Selling alcohol to an individual aged under 18.
- Section 147(1) Knowingly allowing sales of alcohol to an individual under 18.
- Section 153(1) Knowingly allowing an individual under 18 to make an unsupervised sale of alcohol.
- Section 179(4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

**Alleged offences or breaches of the licensing conditions / Action plan**

*557 - Failure to display in a prominent place*  
*Breach of conditions*  
*\* Annex 2 Condition 1 - CCTV (camera/operation) CD incident book*  
*\* Annex 2 Condition 2 - Training records (last reviewed 36 months ago)*  
*\* Annex 2 Condition 3 - DPS checks of registers*

Issuing officer (Print) Dan Powell Issuing officer (Sign) [Signature]

*Nick [Signature] R2PL - Licensing officer met police [Signature]*

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the Local Authority taking legal proceedings against the DPS, Premise licence holder or both. This notice may also be used in evidence to support a review of the premise licence pursuant to section 51 Licensing Act 2003 and or the service of a closure notice under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014.

179 Rights of entry to investigate licensable activities - Licensing Act 2003

(1) Where a constable or an authorised person has reason to believe that any premises are being, or are about to be, used for a licensable activity, he may enter the premises with a view to seeing whether the activity is being, or is to be, carried on under and in accordance with an authorisation.

(2) An authorised person exercising the power conferred by this section must, if so requested, produce evidence of his authority to exercise the power.

(3) A person exercising the power conferred by this section may, if necessary, use reasonable force.

(4) A person commits an offence if he intentionally obstructs an authorised person exercising a power conferred by this section.

(5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) In this section—

• "authorisation" means—

(a)

a premises licence,

(b)

a club premises certificate, or

(c)

a temporary event notice in respect of which the conditions of section 98(2) to (4) are satisfied; and

• "authorised person" means an authorised person within the meaning of Part 3 or 4 or an authorised officer within the meaning of section 108(5).

(7) Nothing in this section applies in relation to premises in respect of which there is a club premises certificate but no other authorisation.

Closure notices - Anti-social Behaviour, Crime and Policing Act 2014

76 Power to issue closure notices

(1) A police officer of at least the rank of inspector, or the local authority, may issue a closure notice if satisfied on reasonable grounds—

(a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or

(b) that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises,

and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

(2) A closure notice is a notice prohibiting access to the premises for a period specified in the notice.

For the maximum period, see section 77.

(3) A closure notice may prohibit access—

(a) by all persons except those specified, or by all persons except those of a specified description;

(b) at all times, or at all times except those specified;

(c) in all circumstances, or in all circumstances except those specified.

(4) A closure notice may not prohibit access by—

(a) people who habitually live on the premises, or

(b) the owner of the premises,

and accordingly they must be specified under subsection (3)(a).

77 Duration of closure notices

(1) The maximum period that may be specified in a closure notice is 24 hours unless subsection (2) applies.

(2) The maximum period is 48 hours—

(a) if, in the case of a notice issued by a police officer, the officer is of at least the rank of superintendent, or

(b) if, in the case of a notice issued by a local authority, the notice is signed by the chief executive officer of the authority or a person designated by him or her for the purposes of this subsection.

(3) In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.

(4) The period specified in a closure notice to which subsection (2) does not apply may be extended by up to 24 hours—

(a) if, in the case of a notice issued by a police officer, an extension notice is issued by an officer of at least the rank of superintendent, or

(b) if, in the case of a notice issued by a local authority, the authority issues an extension notice signed by the chief executive officer of the authority or a person designated by the chief executive officer for the purposes of this subsection.

(5) An extension notice is a notice which—

(a) identifies the closure notice to which it relates, and

(b) specifies the period of the extension.

(6) In this section "chief executive officer", in relation to a local authority, means the head of the paid service of the authority designated under section 4 of the Local Government and Housing Act 1989.