



AGENDA

LICENSING COMMITTEE

Date: THURSDAY, 15 NOVEMBER 2018 at 7.15 pm

Committee Room 3
Civic Suite
Catford Road
London SE6 4RU

Enquiries to: Clare Weaser
Telephone: 0208 314 7369 (direct line)
Email: clare.weaser@lewisham.gov.uk

MEMBERS

This meeting is an open meeting and all items on the agenda may be audio recorded and/or filmed except for items numbered 5 and 6 on the Agenda. For legal reasons, those items will be considered in private with the press and public excluded.

Councillors:

Councillor Eva Stamirowski (Chair)
Councillor Colin Elliott (Vice-Chair)
Councillor Patrick Codd
Councillor Alex Feis-Bryce
Councillor Alan Hall
Councillor Sue Hordijkeno
Councillor Coral Howard
Councillor Caroline Kalu
Councillor Joan Millbank

Members are summoned to attend this meeting

Janet Senior
Acting Chief Executive
Laurence House
Catford
London SE6 4RU
Date: 6 November 2018



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

ORDER OF BUSINESS – PART 1 AGENDA

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INVESTOR IN PEOPLE

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Agenda Item 1

LICENSING COMMITTEE			
Report Title	Minutes		
Key Decision			Item No. 1
Ward			
Contributors	Chief Executive		
Class	Part 1	Date: 15 November 2018	

Recommendation

That the Minutes of the meeting of the Licensing Committee, held on 6 November 2018 be confirmed and signed.

Agenda Item 2

LICENSING COMMITTEE		
Report Title	Declarations of Interest	
Key Decision		Item No. 2
Ward		
Contributors	Chief Executive	
Class	Part 1	Date: 15 November 2018

Members are asked to declare any personal interest they have in any item on the agenda.

1 Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

2 Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a

partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.

- (g) Beneficial interest in securities of a body where:-
- (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on members' participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any

event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**

- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

Agenda Item 3

LICENSING COMMITTEE		
Report Title	Mace Stores	Licence No. PL0262
Key Decision	No	Item No. 3
Ward	New Cross	
Contributors	Community Services – Licensing Authority Head of Law	
Class	Part 1	Date: 15 November 2018

Proposal: Premises Licence Review

Legislation: Licensing Act 2003

Premises: Mace Stores 111 Deptford High Street SE8 4NS

Applicants: Frank Olaniran - Crime, Enforcement and Regulation Officer

This is an application for a Review of the Premises Licence

1. Current Licence Status

- 1.1 The premises are currently licensed for the sale of by retail of alcohol, Monday to Saturday 08.00 – 23.00 & Sunday 10.00 – 22.30.
- 1.2 Conditions are included in the licence to address the four licensing objectives as attached.
- 1.3 A review has been sought by Frank Olaniran, Crime, Enforcement and Regulation Service on the grounds of the prevention of crime and disorder and public nuisance.
- 1.4 The application for review was sent to all the Responsible Authorities. No representations were received any other responsible authority nor were any representations made by members of the public.
- 1.5 The representations received from interested parties, all of which have been examined by Officers and are considered not to be vexatious or frivolous. These representations were all received within the specified time.
- 1.6 The application for the review of a premises licence has been advertised in accordance with regulation 39. A notice was displayed prominently at the premises, and at the Councils main offices for a period of 28 consecutive days. The last date for receiving representations was 12/10/18.

2. Outline Grounds for review

Public nuisance and the Prevention of Crime and Disorder as outlined in the review application.

3. Legal & Human Rights Implications

- 3.1 An interested party or responsible authority can apply to the licensing authority for a review of a Premises Licence. The Licensing authority is required to hold a hearing to consider the application for review and any relevant representations made. The representations are required to be relevant to one or more of the licensing objectives.
- 3.2 The Licensing authority is a public authority under the Human Rights Act 1998. Therefore the licensing authority is required to act compatibly with the convention rights in the exercise of their functions. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.
- 3.3 A Premises Licence is a possession for the purpose of the Human Rights Act 1998. The right to hold a licence is a qualified rather than an absolute right. Therefore the right to hold a licence may be interfered with if it affects the interests of local residents or others. Such interference may be justified if it is necessary and proportionate to promote the licensing objectives.

4 Equalities Implications

- 4.1 The Equality Act 2010 includes a new public sector equality duty (the equality duty or duties). The duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race or religion or belief, sex and sexual orientation.
- 4.2 In summary the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a protected characteristic and those who do not;
 - foster good relations between those who share a protected characteristic and those who do not.
- 4.3 As with the case with the original separate duties, the new duty continues to be a “have regard duty” and the weight to attach to it is a matter for the committee bearing in mind the relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity or foster good relations.

5. Application for review

5.1 After having regard to all representations, Members must take such steps as they consider necessary for the promotion of the licensing objectives. The Licensing Committee may;

- 1.) Modify the conditions of the licence;
- 2.) Exclude a licensable activity from the scope of the licence;
- 3.) To remove the designated premises supervisor;
- 4.) Suspend the licence for a period not exceeding three months;
- 5.) Revoke the licence;

5.2 An appeal may be made against the decision to the Magistrates Court by the applicant for review and the Premises Licence holder.

Background Papers

Short Title of

Date

Document

Application for review
Licence

14/9/18

Evidence / documents

As served

Should you require any further information on this report please contact Lisa Spall at Licensing Services on 020 8314 8390.



Licensing Team
2nd Floor Laurence House
1 Catford Road
London
SE6 4RU
020 8314 6400

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Frank Olaniran

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Mace Stores
111 Deptford High Street

Post town
Deptford

Post code (if known)
SE8 4NS

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

Trilachan Sanghera and Ajit Sanghera

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

PL 0262

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Frank Olaniran Crime, Enforcement and Regulation Service 9 Holbeach Road Catford SE6 4TW
Telephone number (if any) 020 8314 8052
E-mail address (optional) Frank.Olaniran@lewisham.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

The Prevention of Crime and Disorder

S140 of The Licensing Act 2003 - Allowing disorderly conduct on licensed premises
etc.

S141 of The Licensing Act 2003 – Sale of alcohol to a person who is drunk

S142 The Licensing Act 2003 -Obtaining alcohol for a person who is drunk

The Prevention of Public Disorder

S140 of The Licensing Act 2003 - Allowing disorderly conduct on licensed premises
etc.

S141 of The Licensing Act 2003 – Sale of alcohol to a person who is drunk

S142 The Licensing Act 2003 -Obtaining alcohol for a person who is drunk

Please provide as much information as possible to support the application
(please read guidance note 3)

The Crime, Enforcement and Regulation Service seeks an application for review of the premises referred to as Mace Stores, 111 Deptford High Street, London SE8 4NS.

The service has been proactively trying to engage with local businesses across Deptford High Street to tackle street drinking and alcohol related anti-social behaviour.

The service have also received reports from local residents about anti-social behaviour from street drinkers who cause noise nuisance late at night, urinate on walls, and intimidate residents through loitering. Residents have also reported issues with drug dealing and taking in the area. Most reports centre on the problems caused by the street drinkers.

On the 17 August 2018, Officers from the Crime, Enforcement and Regulation Service and Officers from the local Safer Neighbourhood Team attended Margret McMillan Park, Douglas Way and Giffin Square to carry out enforcement of the Public Space Protection order.

During this operation, in excess of 25 bottles/cans of alcohol were voluntarily surrendered by those found to be street drinking and disposed of. Many of the males who had had the alcohol take off them became aggressive and threatening towards officers due to their intoxicated state.

2 Community Protection Notices were issued on the day and 1 male known to the service was found to be in breach of his Community Protection Notice Warning and will be issued with a full Community Protection Notice.

The street drinkers engaged with saw no issues with loitering around the area in intoxicated states and causing noise nuisance, when asked to move on, many of the males seemed to only want to circulate around Margret McMillan Park, Douglas Way and Giffin Square.

On the day, Police arrested a known street drinker as a result of being drunk and disorderly. I refer to the statement of Police Sergeant Jo Hughes of Deptford Safer Neighbourhood Team as FO/1 where she highlights the behaviour of the male arrested and confirms the inebriated state of the male.

Concerns about the operation of licenced premises arose during the enforcement day when officers noticed street drinkers who had earlier surrendered their alcohol returning back to the area with more alcohol.

Upon enquiring where the alcohol was purchased from, a male advised that he had been sold alcohol at Mace Stores. When I seized the alcohol, the male became confrontational and threatened to "Spark me out".

Concerns have been raised with regards to Mace Stores' ability to safeguard key licensing objectives, most notably the prevention of crime and disorder.

On 21 August 2018, I attended Mace Stores to request CCTV footage from within the premise during the enforcement of the Public Space Protection Order. While on the premise, officers observed a proxy sale by a tall black male who smelt strongly of

alcohol and with a can of Guinness in his hand, purchased a mini bottle of rum. While staff seemed hesitant to sell, the male advised that the bottle was not for him nor was it his type of drink, the sale was then authorised. The male then proceeded to request another can which was refused.

While officers remained on the premise, officers recognised several of the street drinkers frequenting the premise purchasing chaser drinks such as boost energy drink.

During my conversation with the DPS, they advised that it was difficult to refuse to sell to the street drinkers as often they would issue threats to harm them or damage stock.

When asked if they had reported these issues to the Police, the DPS advised that the Police do not respond to calls of that nature. Officers challenged this view using the actions of the Crime Enforcement and Regulation Service and the Police on the 17 August 2018 as evidence. The impression conveyed was that the staff and management of Mace stores were more afraid of the threatened consequence of refusing to sell to street drinkers than preserving their licence.

Officers requested to view the business' sale refusal log, officers observed that the last entry for a refused sale was on 3 August 2017. When challenged about this, staff advised that they found it difficult to detect if someone was drunk. I refer to FO/2 which demonstrates the lack of sale refusal operated by the business.

Arrangement was later made for officers to return to the store on 28 August 2018.

I attended the premise with my colleague Crime, Enforcement and Regulation Officer Dan Power on 28 August for the purpose of reviewing the CCTV footage from the 17 August 2018. Dan Power was the officer operating the playback of the unit where officers observed 4 intoxicated sales of alcohol taking place at; 15:33, 15:41, 15:43 and 15:43. I refer to the statement of Dan Power as FO/3 confirming the content of the footage viewed.

Officers are confident these were intoxicated sales as we recognised the males from the enforcement day on 17 August 2018 and had seized alcohol off them.

When challenged about the 4 sales within 10 minutes, staff apologised and again explained their difficulty in identifying drunk customers and refusing to sell to threatening street drinkers as a result of lack of Police support. This was challenged by officers making reference to the previous work done to assist the business in operating in compliance with their licence.

I make reference to the supplementary statement of Dan Power and his exhibits as FO/4 where he highlights the previous work by the Service carried out with local retailers and specifically Mace Stores as a means of tackling the abovementioned issues.

The footage of the proxy sale on the 21 August 2018 was accessed for the staff of Mace stores to see. Officers pointed out that the sale took place with officers on the premise and with the customer already holding an open can of alcohol. Staff again apologised for this incident and tried to assure officers that it would not happen again.

Upon reviewing the businesses' sale refusal log, officers were surprised to see that

the business had entered 8 sale refusals since the previous visit on 20 August 2018. I refer to FO/5 which demonstrates the new entries. The legitimacy of the entries was questioned as they were not made on the same refusal sheet signed by officers on 21 August 2018 (FO/2). Officers were unable to confirm the authenticity of these entries by cross checking them with CCTV footage.

I exhibit the statement of Crime, Enforcement and Regulation Officer Alfene Rhodes as FO/6 which supports the statement of Sgt Jo Hughes (FO/1) however also draws attention to the obstructive manner of the Premises Licence Holder when questioned by an authorised officer.

It is clear that Mace stores is central to the alcohol related issues that have been reported and have adopted a lax approach to enforcing responsible sales.

I am of the opinion that enough support is in place to help the business, however the management and staff are using the excuse of customers threatening them as they reasons for transacting intoxicated sales.

As the business is situated within the immediate proximity of an existing Cumulative Impact Zone, I am not convinced that there is strict policing of alcohol sales, prompting concerns of the DPS' ability to ensure the safeguarding of the key licensing objectives. Additionally, it is evident that the oversight of key responsibilities placed upon a Designated Premises Supervisor has only served to exacerbate current issues in relation to anti-social behaviour, these include but are not limited:

- s140 of The Licensing Act 2003 - Allowing disorderly conduct on licensed premises etc.
- s141 of The Licensing Act 2003 - Sale of alcohol to a person who is drunk
- s142 The Licensing Act 2003 - Obtaining alcohol for a person who is drunk

I am equally of the opinion that without the addition of condition put in place for Mace Stores, they will continue to contribute to the issues taking place in the area by encouraging street drinkers to frequent the premise and the area. This in turn will undermine the work of the Crime, Enforcement and Regulation Service.

Recommendations:

The Crime, Enforcement and Regulation Service considers the following measures appropriate as a means of ensuring the safeguarding of the key licensing objectives. It is hoped that these measures will assist in tackling the ongoing issues.

- Removal of the current Designated Premises Supervisor - Trilachan Sanghera
- Staff training to take place every four months to cover all aspects of the Licensing Act 2003. Copies of training undertaken to be made available to responsible authorities on request.
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) All crimes reported to the venue
- (b) All ejections of patrons
- (c) Any complaints received
- (d) Any incidents of disorder
- (e) All seizures of drugs or offensive weapons
- (f) Any faults in the CCTV system or searching equipment or scanning equipment
- (g) Any refusal of the sale of alcohol
- (h) Any visit by a relevant authority or emergency service.

- The premises will operate a Challenge 25 age verification scheme and will only accept current passport, photo driving licence or PASS approved identification.
- The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon the request of Police or authorized officer throughout the preceding 31 day period, such copies shall in any event be provided within forty-eight (48) hours.
- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

In addition to the CCTV conditions, officers would like to see the current placement of CCTV on the premise revised to cover point of sales.

- Notices shall be displayed advertising that CCTV is in operation.
- No super-strength beer, lagers or ciders of 6.5 ABV (alcohol by volume) or above shall be sold at the premises singularly with the exception of premium and craft beers, stout and cider
- The premise will ensure that at the point of sale, a member of staff will mark each container of alcohol (bottles, cans, 6% ABV and above) with a permanent ultra violet pen.

In this instance the code will be as follows: [REDACTED]

Additionally, each container must be clearly marked at its base for an authorised officer (police and local authority) to detect with a UV scanner.

- As soon as possible, and in any event within 1 month from the grant of this license, the premises shall join The Safer London Business Partnership approved by the police, and local radio scheme if available.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature



Date

11.09.2018

Capacity Frank Olaniran (Crime, Enforcement and Regulation Officer)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9

URN

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Statement of: PS 78PL Johanne Hughes

Age if under 18: plus 18 (if over 18 insert 'over 18')

Occupation: police sergeant

This statement (consisting of _____ page(s) each 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: _____ (witness)

Date: 17/08/2018

This statement is made in relation to the arrest of Mr Clement Mahoney dob 17/06/1962 of 45 a Hunsdon Road SE14 5RD

On Friday 17th August 2018 I was in plain clothes in company with PC 181PL HILL we were working with Lewisham ASB team to combat complaints from local residents regarding ASB and drinking problems around the Douglas way and Deptford High Street area. The ASB team were issuing CPN to persons with opened cans of alcohol within those areas. I am aware Clement Mahoney was provided with a CPN regarding his behaviour and drinking of intoxicating liquor. He was loud and obstructive making the officers follow him around and shouting at them

My attention was drawn to Clement Mahoney he was staggering on his feet and he continued to be very loud his behaviour was disorderly- he was 'unruly, unrestrained, rude and his behaviour was offensive I saw a three year old boy crying because Mahoney had said something to the child, I did not hear what had been said, the boys father picked him up and carried him away I heard the boys father say "don't you every get scared like that again". I tried to get hold of the male with the boy for a statement but they both got lost in the crowd of the Deptford Market . As a turned Mahoney had gone. PC Hill and the ASB team entered a MACE off licence on Douglas Way, Mahoney turned up to buy alcohol he tried to get into the shop wherby PC Hill had told him the shop was closed for a few minutes he tried to push passed her grabbing her arm and pushed her. I could smell intoxicating liquor from his breathe his eyes were glazed his speech slurred he was drunk, he slurred something I said I want to speak with you he staggered away towards the High Street and he then returned holding a small black carry bag containing a bottle of alochol and he returned to the the corner of Douglas way I requested the other officers to assit in the stop Mahoney was in a group continuing his disorderly behaviour. I said I am arresting you fro drunken disorderly I placed one hand cuffed on his right wrist he started to stuggle I shouted stop struggling and I contined to arrest his from being drunk and disorderly and cautioned him at 1635 hours. The handcuffs was placed on the front stack and double locked. The arest was necessary to prevent futerh disorder and protect vulunerbal person and Mahoney own welfare. PC Karerani held his cuff while Mahoney continued to shout at her calling her stupid and evil several times , he was playing to the person passing by. I police van was called and arrived conveying him to custody.

Douglas wasy and Deptford High street is a heavy with foot traffic of all ages and Mahoney behaviour was not acceptable

Signature: y

Signature witnessed by:

Witness contact details

URN

Name of witness:

Home Address:

E-mail address:

Home Telephone Number:

Preferred means of contact (*specify details for vulnerable/intimidated victims and witnesses only*):

Gender:

Former name:

Postcode:

Mobile:

Work Telephone Number:

Date and place of birth:

Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:Witness care

- a) Is the witness willing to attend court? If 'No', include reason(s) on form MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*) If 'Yes' submit MG2 with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*).

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (*victims only*) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the police..." Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes No N/A
- I would like CPS to apply for reporting restrictions on my behalf. Yes No N/A

'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'.

Signature of witness:

PRINT NAME:

Signature of parent/guardian/appropriate adult:

PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement taken by:

Station:

Time and place statement taken:



Frank Olaniran
Crime, Enforcement & Regulation
Officer
9 Holbeach Road
Catford
London
SE6 4TW

Direct Line 02083148052
frank.olaniran@lewisham.gov.uk

Name: Frank Olaniran

Description of Items: Sale refusal log viewed on 21 August 2018 (the incorrect date was entered on the log)

Item Reference: FO/2

REFUSALS REGISTER					
Date	Product	Price	Place of Sale	Refused by	Refusal Reason
19/7/18	Can of Beer	7.80	Drunk	PC/TW	Public
				10/1/18	

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF: Daniel Power

Age of witness: Over 18

This statement (consisting of 2 pages) 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.

I DANIEL POWER, am a Crime, Enforcement and Regulation Officer of the London Borough of Lewisham's Community Services Directorate. I have been employed since May 2014, my duties include investigating complaints of noise nuisance as specified via The Environmental Protection Act 1990, licensing enforcement as designated via The Licensing Act 2003 and anti-social behaviour as defined via the Anti-Social Behaviour, Crime and Policing Act 2014.

I make this statement as a means of confirming a visit I undertook with my colleague Frank Olaniran to Mace Stores, 111 Deptford High Street, SE8 4NS on Tuesday 28th August 2018 as a means of assisting the Premises Licence Holders Mr Tiliachan Sanghera and Mrs Ajit Sanghera in operating CCTV in line with a request made to investigate the alleged sales of alcohol by the premise to persons in an intoxicated state, contrary to s141 of The Licensing Act 2003.

On operating the available CCTV footage, in relation to Friday 17th August 2018, which coincided with The Crime, Enforcement and Regulation Service fulfilling powers as delegated via The Public Space Protection Order to request the removal of alcohol from persons considered as causing alcohol related anti-social behaviour.

Officers noted the following sales to persons subsequently served with requests via s63 of The Anti-Social Behaviour, Crime and Policing Act 2014, *Consumption of alcohol in breach of prohibition in order*, on the following occasions;

- **Friday 17th August 2018 – 15:25 – IC3 Male, Known Street Drinker Clement Mahoney – The male was later arrested at 16:35 by PS Johanne Hughes 78PL on suspicion of drunk and disorderly behaviour.**
- **Friday 17th August 2018 -15:33 – IC4 Male, purchased a bottle of Guinness Stout (325ml, 7.5% ABV). The gentleman was later approached by The Crime, Enforcement & Regulation Service. I requested that alcohol be removed from the person.**
- **Friday 17th August 2018 -15:41- IC3 Male purchased several alcoholic beverages whilst in the presence of an IC5 Male, the sale amounted to a proxy sale. The IC5 Male, was subsequently found in a drunken state and was requested to relinquish alcohol on the person. The gentleman was**

subsequently served a Community Protection Notice Warning as officers considered his behaviour as amounting to causing alarm to other persons located within the vicinity of Douglas Way.

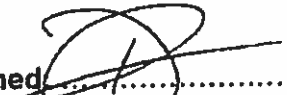
- **Friday 17th August 2018 -15:43** – IC1 Male purchased a single can of Stella Artois (568ml, 5.2% ABV) the gentleman was later asked to relinquish the vessel from his control, however, on doing so he verbally abused my colleague Frank Olaniran, going on to add the following to the aforementioned officer, 'I will spark you out'. Officers considered this as a threat of violence.

Furthermore, whilst reviewing CCTV footage in relation to a subsequent visit made to the premises by officers Frank Olaniran and Nadya Gencheva, I confirmed the following sale amounting to a proxy sale;

- **Tuesday 21st August 2018 – 15:25** – IC3 Male purchased a miniature bottle of Wray & Nephew, White Rum (50ml, 40% ABV), nevertheless, despite his obvious drunken state the gentleman attempted to purchase an additional vessel of alcohol, however, this was only refused at the point of officers entering the premise, despite previously undertaking a sale.

I can confirm that the content of my statement reflects the findings as a consequence of reviewing CCTV footage in relation to Friday 17th August 2018 and Tuesday 21st August 2018.

Additionally, the availability of still images to confirm my findings were not available, nevertheless, I make available exhibit DP/1 which provides notes available within the officer handbook made after the visit.

Signed:  Daniel Pares (witness)

Date: 11-09-2018

Signed: 

Date: 11-9-18

DR/1

Hand Condition

- You do not have to try styling. It is not
- You do not have to try styling. It is not
- You do not have to try styling. It is not

RECORDS - COMPLETE
ORDER AT 16:25
280818 MAKE STAPLES, (UNDERSTAND)

HIGH STREET, SE8 4ND
(OFFICIAL NOTES TAKEN IN
THE AFTERMATH OF VISIT,
DOCUMENTING TIMES OF
WHICH CCTV FOOTAGE HAS BEEN
EXAMINED) THE FOLLOWING
TIMES INDICATE FOOTAGE
OF INTOXICATED SALES
FRIDAY 17TH AUGUST 2018
15:25 - IC3 MALE, CLEMENT
MATEWICKY PURCHASED ALCOHOL
15:33 - IC4 MALE PURCHASED
QUINNESS STOUT 325ml, 7.5%
ABV, 15:41, IC3 MALE FROM
SALE, IC5 MALE (INTOXICAT

-ED) PRESENT, SEVERAL
ALCOHOL VESICLES PURCHASED,
15:43 - IC1 MALE, STELLA
ADOLIS, 568ml, 5.2%
ABV - ADDITIONAL SALE
NOTED, TUESDAY 21ST AUGUST
2018 AT 15:25 - IC3 MALE
REFUSED SALE IN PRESENCE
OF OFFICERS, PREVIOUSLY
PURCHASED BOTTLE OF WHISKY
AND NEPHEW, WHITE RUM,
50ml, 40% ABV.

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF: Daniel Power

Age of witness: Over 18

This statement (consisting of 2 pages) 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.

I, DANIEL POWER, am a Crime, Enforcement and Regulation Officer of the London Borough of Lewisham's Community Services Directorate. I have been employed since May 2014, my duties include Licensing Enforcement as designated via The Licensing Act 2003, Public Health and Nuisance as designated via the Environmental Protection Act 1990 and Anti-Social Behaviour most notably via the Anti-Social Behaviour, Crime and Policing Act 2014.

I make this statement as a means of confirming previous interaction I have had whilst serving as a Crime, Enforcement and Regulation Officer and prior to this as a Neighbourhood Community Safety Officer with Mr Trilachan Sanghera, the joint Premises Licence Holder and current Designated Premises Supervisor of Mace Stores, 111 Deptford High Street, SE8 4NS.

The premise is located on the junction of Deptford High Street and Douglas Way, Deptford, SE8 3NS. Additionally, the area has been identified by the local authority as acutely affected by the associated effects of alcohol related anti-social behaviour with an increasing presence of street drinking as well as disproportionately high day time population of vulnerable adults with substance misuse issues as a consequence of the concentration of support services located within close proximity to Deptford High Street.

Furthermore, consideration in relation to the above is evident within the Licensing Authority's *Licensing Policy 2015-19* in which the area has been incorporated within the Cumulative Impact Zone for New Cross.

As a means of tackling increasing concerns with regard to the associated effects of alcohol related anti-social behaviour, The Neighbourhood Community Safety Service in partnership with New Cross & Evelyn Safer Neighbourhood Teams established a Super Strength Alcohol Responsible Retailer Scheme. The Scheme provided retailers the opportunity to work in partnership with the local authority as well as the local policing team in addressing concerns in relation to safety of staff, intoxicated sales, encouraging licensees to report criminal activity and promoting responsible drinking.

Additionally, DP/1 confirms Mr Sanghera joining the scheme on Tuesday 29th July 2014. Throughout the six month trial period Mace Stores, 111 Deptford High Street, SE8 4NS attended 6 monthly forums intended to encourage the reporting of any concerns held by local retailers to the local authority and/or the local policing teams whilst attempting to enforce measures agreed as a consequence of the Super Strength Alcohol Responsible Retailer Scheme.

It was intended that on completion of the scheme, licensees were well versed in reporting any concerns to partner agencies, were confident in upholding conditions as specified via their premises licences and made a real commitment in safeguarding the key licensing objectives most notably in this instance the prevention of crime and disorder and the prevention of public nuisance.

As a means of reiterating the local authority's commitment of assisting licensees in combating alcohol related anti-social behaviour, additional efforts to reiterate both the obligations of a licensee as well as stressing the importance of reporting anti-social behaviour were made during a Licensing Workshop event facilitated by The Crime, Enforcement and Regulation Service on Monday 12th June 2017, confirmation of the workshop are provided via DP/2, whilst the attendance of Mr Sanghera is noted via DP/3.

Additionally, DP/4 continues to demonstrate repeated efforts on the part of the local authority to work in partnership with licencees as a means of reinforcing the importance of ensuring responsible alcohol retailing, this has included efforts to work with licencees and staff potentially exposed to verbal abuse whilst attempting to take a more stringent approach to sales.

Nevertheless, despite the best efforts of the local authority, officers have found repeated incidents whereby the premise has failed in its obligations to safeguard the licensing objectives, this is most notable via repeated sales to persons who are intoxicated, enabling individuals to purchase alcohol for persons who are drunk and enabling customers to consume alcohol on the immediate surrounding parts of the premise. It is evident that the premise bears responsibility with regard to the following offences;

- s 140 of The Licensing Act 2003 - Allowing disorderly conduct on licensed premises etc.
- s 141 of The Licensing Act 2003 - Sale of alcohol to a person who is drunk
- s 142 of The Licensing Act 2003 - Obtaining alcohol for a person who is drunk

I am of the opinion that a defence of due diligence and/or alleging a fear of reprisals by refusing sales are unfounded as a consequence of the failure on the part of the premise to seek the assistance of the local authority at any point, despite continued efforts on the part of the local authority to engage with the store since July 2014.

With the above in mind I support the application to review the premises licence as despite repeated attempts on the part of the local authority, the premise has routinely facilitated offences via the Licensing Act 2003 which has evidently exacerbated alcohol related anti-social behaviour within the immediate locality of the premise, adversely affecting local residents.

Signed:  Daniel Power (witness)

Date: 06-09-2018

Signed:  Date: 11-9-18



Frank Olaniran
Crime, Enforcement & Regulation
Officer
9 Holbeach Road
Catford
London
SE6 4TW

Direct Line 02083148052
frank.olaniran@lewisham.gov.uk

Name: Frank Olaniran

Description of Items: Sale refusal log viewed during officer's visit on 28 August 2018

Item Reference: FO/5

Date	Time	Name of Person or Description	Observations	Staff Number
10-11	10-11	ma 12	Chlorine Nam-a	AK Sanchez
10-11	10-11	ma 12	ma 12	AK Sanchez
10-11	10-11	ma 12	ma 12	AK Sanchez
10-11	10-11	Black Head Drink	Refused Service	T. Singh
10-11	10-11	ma 12	ma 12	AK Sanchez
10-11	10-11	ma 12	ma 12	AK Sanchez
10-11	10-11	ma 12	ma 12	AK Sanchez

[Faint, illegible text, possibly bleed-through from the reverse side of the page]

FO15

Witness Statement

(Criminal Procedure Rules, r 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of: Mrs Alfene Rhodes
(Name)

Over 18

Age of witness:
(if over 18 enter "over 18")

This statement (consisting of 1 page) 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.

Dated 11th day of September 2018

I am employed as a Crime, Enforcement & Regulation Officer for London Borough of Lewisham. I am an authorised officer for the purposes of ensuring compliance of the Licensing Act 2003

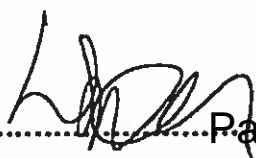
On Friday 17th August I was in MACE STORES Deptford High Street.

Nadya & I entered Mace Stores in Deptford High Street with Sgt Jo Hughes and PC Elisha Hill There were 4 people behind the counter of the store, 2 males & 2 females and 1 male on the shop floor who was part of the staffing team.

Sgt Hughes asked 1 female behind the counter for the manager and was told there was no-one on site to assist the police with any enquiries. Sgt Hughes then asked for the most senior member of staff who was in charge of the store at that time, again she was told no-one was there by the same female. I stepped in and showed my ID to the female in question she gave me her name on request and I asked that the displayed Premises Licence be taken off the wall and shown to me. The licence has her name on it as the Premises Licence holder along with her husband who was standing behind her. I explained the trouble it causes when a licence holder doesn't identify themselves to authorities and she said it was because they have never had any help from the police. During our time in the store PC Hill was at the front door letting customers know the store was temporarily closed. Sgt Hughes returned to the conversation and spoke to the licence holders about the allegation of them selling to people already drunk and also allowing some to have the alcohol on 'tick'. We also spoke about the street drinking and the fact that they provide the street drinkers with the alcohol by knowingly selling to them. Both licence holders were informed that they will be visited by the licensing officer for Deptford in the near future.

While we were in the store a customer was unhappy about being stopped from coming in the store and pushed through PC Hill. He was later arrested.

Signature.....

Signature of witness:.....Page 39.....

Statement continuation

Witness:



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

Date: 11th October 2018

Dear Lisa,

Review of Premises – Mace Stores, 111 Deptford High Street, London, SE8 4NS

Please be aware that on behalf of The Crime, Enforcement and Regulation Service I provide notice of my representation in support of the review application made by Mr. Frank Olaniran in relation to Mace Stores, 111 Deptford High Street, London SE8 4NS.

It has been necessary to support the review application as despite the continuous attempts to work with the licensee as a means of abating concerns with regard to alcohol related anti-social behaviour, I understand that reservations in relation to the premises' ability to ensure the responsible retailing of alcohol have resurfaced.

Therefore, I wish to base my representation on concerns with regard to the failure to uphold key licensing objectives most notably the prevention of crime and disorder in addition to the prevention of public nuisance.

The Crime, Enforcement and Regulation Service have been routinely informed of concerns by local residents with regard to street drinkers congregating within close proximity to Douglas Way, Deptford, SE8 4NS, and the subsequent adverse effect such activities have had on the ability of local residents making use of the area.

I take note of Mr Olaniran's account of an enforcement visit to the above mentioned area on Friday 17th August 2018, as a means of enforcing the borough's Public Space Protection Order, in which concerns were raised with regard to compliance of the following;

- Section 140 of The Licensing Act 2003 - Allowing disorderly conduct on licensed premises etc.
- Section 141 of The Licensing Act 2003 - Sale of alcohol to a person who is drunk
- Section 142 of The Licensing Act 2003 - Obtaining alcohol for a person who is drunk

Please note that I intend to rely on evidence of continued efforts on behalf of the aforementioned service extending back to April 2015, to work alongside the premise and the Designated Premises Supervisor in particular as a means of addressing matters including but not limited to intoxicated sales, proxy sales and the proper use of refusals books as a means of demonstrating a commitment to the responsible retailing of alcohol.

Yours Sincerely


Daniel Power
Crime, Enforcement and Regulation Officer

Mrs Catherine and Mr Joseph [REDACTED]
[REDACTED]
[REDACTED]

The Licensing Authority
London Borough of Lewisham
Holbeach Office
9 Holbeach Rd
London SE6 4TW

12th October 20

Re: Review of Licence -- Mace Stores. 111 Deptford High Street. SE8 4NS

We are responding to the licence review for the above premises and would like to raise a few concerns relating to the sale of alcohol and the problems we have experienced in the area for some time.

Douglas Way Square and the surrounding areas, have had severe problems with Street Drinkers and Anti-Social behaviour. This behaviour has included drunkenness, loud and lewd behaviour, the playing of loud music, dealing/use of drugs, fighting and arguments, street urination, intimidation of local residents and passers-by, especially young women, and other anti-social behaviours. Local residents have got over 90 CAD numbers which shows how distressing and difficult it has been.

With the joint efforts of CERS, SNT, Met Police and local residents, over an extended length of time, matters have improved significantly, however it is still a work in progress. We do not want all the hard work to be undone and the problems to re-escalate.

Whilst we are certainly not saying that all the problems have been caused by Mace Stores, they are the nearest premises which sells alcohol and we have seen a lot of the offenders, going into the shop and coming out having purchased beer and spirits.

We are not seeking a revocation of their licence, however we would like for conditions to be placed to ensure the responsible retailing of alcohol.

[REDACTED]

Premises licence number

PL 0262

Premises name

MACE STORES

Part 1- Premises details

Postal address of premises, or if none, ordnance survey map reference or description

111 Deptford High Street

Post town Deptford

Post code SE8 4NS

Telephone number 020 8692 4410

Premises licence holder name

Trilachan Sanghera and Ajit Sanghera

Directorate for Customer Service
Licensing Team
5th Floor, Laurence House
1 Catford Road
London
SE6 4RU

Proper Officer for Licensing
London Borough of Lewisham

Where licence is time limited the dates

Licensable activities authorised by the licence

Sale by retail of alcohol

for consumption off the premises

The times the licence authorises the carrying out of licensable activities

08.00 – 23.00 Monday to Saturday

10.00 – 22.30 Sunday

The opening hours of the premises

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Trilachan Sanghera and Ajit Sanghera

111 Deptford High Street
Deptford
SE8 4NS

020 8692 4410

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

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Trilachan Sanghera

111 Deptford High Street
Deptford
SE8 4NS

020 8692 4410

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

LEW 0091

London Borough of Lewisham

Annex 1- Mandatory conditions

No supply of alcohol may be made at a time when no designated supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

All embedded conditions inherent with the Licensing Act 1964.

Annex 2-Conditions consistent with the operating Schedule

Annex 3- Condition attached after a hearing by the licensing authority

Annex 4- Plans

Agenda Item 4

LICENSING COMMITTEE		
Report Title	Exclusion of the Press and Public	
Key Decision		Item No. 4
Ward		
Contributors	Chief Executive	
Class	Part 1	Date 15 November 2018

Recommendation

It is recommended that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs [3, 4 and 5] of Part 1 of Schedule 12(A) of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- 5 Can Food Centre 195-197 Lewisham Way SE4 1UY
6. Tasty Kebab Fish Bar 193 Lewisham Way SE4 1UY