

Licensing Sub-Committee

Thursday 17 September 2020

10.00 am

Online/Virtual: please contact andrew.weir@southwark.gov.uk for a link to the meeting and the instructions for joining the online meeting

Supplemental Agenda No.1

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Contact

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Date: 16 October 2020

Item No. 6.	Classification: Open	Date: 17 September 2020	Meeting Name: Licensing Sub-Committee
Report title:		Licensing Act 2003: Transfer and Variation of Designated Premises Supervisor Applications – Foodlink, 98-100 Wyndham Road, London SE5 0UB	
Ward(s) or groups affected:		Camberwell Green	
From:		Strategic Director of Environment and Leisure	

RECOMMENDATION

1. That the licensing sub-committee considers an application made by Gul Mohammad to transfer and vary the designated premises supervisor (DPS) for a premises licence under the Licensing Act 2003 in respect of the premises known as Foodlink, 98-100 Wyndham Road, London SE5 0UB.
2. This is an application to transfer the premises licence, submitted under Section 42 of the Licensing Act 2003. The application to vary the DPS is submitted under Section 37 of the Act. The applications are subject to an objection notice from the Metropolitan Police Service and is therefore referred to the sub-committee for determination.
3. Paragraphs 12 to 14 of this report provide a summary of the application under consideration by the sub-committee. Copies of the applications are attached as Appendices A and B. A copy of the current premises licence is attached as Appendix C.
4. Paragraphs 27 to 28 of this report deals with the police objection notice received to the transfer application. A copy of the relevant police objection notice is attached as Appendix D.
5. A copy of the Council's approved procedure for hearings of the sub-committee in relation to an application made under the Licensing Act 2003, along with a copy of the hearing regulations, has been circulated to all parties to the meeting.

BACKGROUND INFORMATION

The Licensing Act 2003

6. The Licensing Act 2003 received Royal Assent on 10 July 2003. The Act provides a new licensing regime for:
 - The sale of and supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment.

7. Within Southwark, the licensing responsibility is wholly administered by this council.
8. The Act requires the licensing authority to carry out its functions under the Act with a view to promoting the four stated licensing objectives. These are:
 - The prevention of crime and disorder
 - The promotion of public safety
 - The prevention of nuisance
 - The protection of children from harm.
9. In carrying out its licensing functions, a licensing authority must also have regard to:
 - The Act itself
 - The Guidance to the act issued under Section 182 of the Act
 - Secondary regulations issued under the Act
 - The licensing authority's own Statement of Licensing Policy
 - The application, including the operating schedule submitted as part of the application
 - Relevant representations.
10. The application to transfer a premises licence involves the provision of all relevant information required under the Act to the licensing authority. If the licensing authority receives a police objection notice that is not withdrawn, it must hold a hearing to consider the objection notice (unless all parties agree that this is unnecessary).
11. The police may submit an objection notice to an application to transfer a premises licence when relevant to the promotion of the four licensing objectives.

KEY ISSUES FOR CONSIDERATION

Premises licence transfer and vary DPS

12. Applications for a transfer and vary DPS were received on 14 September 2020 to remove Sohail Khan as the premises licence holder and DPS of Foodlink, 98-100 Wyndham Road, London SE5 0UB.
13. The effect of an application to transfer a premises licence or a vary DPS is that it will have immediate interim effect unless an objection is received from the Police.
14. Copies of the applications are attached as Appendices A and B.

Premises history

15. A premises licence was issued to the premises on 16 January 2008.
16. On 14 September 2013 officers visited and observed that there was no personal licence holder on the premises, no refusal book was not available, the licence was

not available on site and the admission of staff of not always using the hatch. This resulted in a warning letter being issued.

17. On 5 November 2013 at 01:10 the store was observed to be allowing people to enter the premises and was not using the hatch to serve customers. No personal licence holder or designated premises supervisor (DPS) was on site at the premises.
18. On 22 November 2013 at 01:10 officers again visited the premises and were advised that there was no personal licence holder on site and no DPS.
19. On 26 November 2014 the licence was reviewed under Section 53A (1)(b) of the Licensing Act 2003 as a result of the premises being associated with both serious crime and disorder. The notice of decision from the licensing sub-committee is contained with the representation of the licensing authority.
20. The review application was concerned with an incident that occurred on 19 November 2014 which amounted to a grievous bodily harm at the premises. The premises failed to operate in compliance with the conditions on the licence in particular condition 343 which states that "There will be window service only between the hours of 24:00 and 06:00. No members of the public will be allowed on the premises during this time", resulting in a member of staff being seriously injured. A member of staff attacked the males with a weapon prior to him being stabbed. CCTV was deleted in breach of licence condition as must be kept for 31 days. Four days later the premises was found breaching the same conditions again. There is a history of the premises not complying with the conditions stipulated on the licence especially in relation to window service between 24:00 and 06:00 and also having a personal licence holder on the premises at all times that alcohol is retailed.

Appeal

21. The case was brought by Mr Ghazanfar Ali (t/a Foodlink) v. Southwark Council at Croydon Magistrates Court. A Consent Order was signed on 19 October 2015 and the Appellant was ordered to pay the council costs of £8312.90. The following conditions were to be added to the premises licence:
 1. The premises licence holder (whether directly or through his employees) shall not purchase any alcohol, cigarettes or tobacco products from door to door sellers.
 2. The premises licence holder shall ensure all receipts for goods bought include the following details:
 - The seller's name,
 - The seller's company details
 - The seller's VAT details (if applicable)
 3. The premises licence holder shall retain copies and/or all receipts for purchase of alcohol and tobacco products which must be kept at the premises for a minimum of six months from the date of purchase which may

be inspected by a council officer or Police Officer, Trading Standards Officer or HMRC upon request.

4. Staff training shall be recorded stating that each employee understand that alcohol and cigarettes are not to be purchased from customers and/or a door-to-door sales person.
5. All purchases of alcohol and tobacco products must be undertaken by the premises licence holder or DPS or personal licence holder.
6. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display and at the point of sale.
7. The Premises Licence Holder shall maintain an EPOS system at the premises which will flag up any age restricted products and any alcohol sales outside the permitted hours.
8. The Licensee to adhere to a "Challenge 25" policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.
9. The Licensee to prominently display notices advising customers of the "Challenge 25" policy. The following proofs of age are the only ones to be accepted:
 - Proof of age cards bearing the "Pass" hologram symbol
 - UK Photo Driving Licence
 - Passport
10. Notices will be prominently displayed at the entry and point of sale stating that CCTV is in use, challenge 25 is operated and the provisions of the licensing act regarding underage and proxy purchases and sales.
11. Notices will be prominently displayed at the entry and at the point of sale stating that proxy challenge 25 is in and use and the provisions of the Licensing Act regarding underage and proxy purchases and sales.
12. The permitted hours for the sale and supply of alcohol shall be amended to take place on Monday to Sunday between the hours of 06:00 and 00:00.
13. The premises licence shall be suspended for four weeks.
22. The DPS was varied in May 2015 from Muzffar Hussain to Ashaq Hussain and to Naveed Ali in October 2016.
23. A transfer application to the current licence holder was made on 24 September 2019 by Sohail Khan (transferring from Ghazanfor Ali) along with a vary DPS to the same name, Sohail Khan.

24. On 23 July 2020, an application was submitted by the Metropolitan Police under Section 51 of the Licensing Act 2003, for the review of the premises licence.
25. Applications for a transfer and vary DPS were received on 14 September 2020 to remove Sohail Khan as the premises licence holder and DPS.
26. On 16 September 2020, the Metropolitan Police submitted a representation against both the transfer and vary DPS.

The police objection

27. The police upon receipt of the application to transfer the premises licence holder submitted an objection notice on 16 September 2020. A copy of the representation is available in Appendix D.
28. The representation considers that there has been no real change of business ownership and that the applications are an attempt to circumvent the review process.

Consideration by the sub-committee

29. It has not been possible to reach a negotiated outcome of this matter and the sub-committee is asked to consider whether the Police objection notice is upheld under the necessity to promote the licensing objective of crime and disorder and refuse the application to transfer.

The local area

30. A map of the local area is attached as Appendix E. There are no other licensed premises in the immediate vicinity.

Community impact statement

31. Members are advised that under the Act, the only matter to which consideration may be given in this instance is the pursuit of the crime and disorder objective.
32. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

Southwark council statement of licensing policy

33. Council assembly has approved Southwark's Statement of Licensing Policy 2019 - 21. Sections of the statement that are considered to be of particular relevance to this application are:
 - Section 3 which sets out the purpose and scope of the policy and reinforces the four licensing objectives
 - Section 5 which sets out the council's approach with regard to the imposition of conditions including mandatory conditions to be attached to the licence

- Section 6 details other relevant council and government policies, strategies, responsibilities and guidance, including the relevant articles under the Human Rights Act 1998
 - Section 7 provides general guidance on dealing with crime and disorder and deals with licensing hours
 - Section 8 provides general guidance on ensuring public safety including safe capacities
 - Section 9 provides general guidance on the prevention of nuisance
 - Section 10 provides general guidance on the protection of children from harm.
34. The purpose of Southwark's statement of licensing policy is to make clear to applicants what considerations will be taken into account when determining applications and should act as a guide to the sub-committee when considering the applications. However, the sub-committee must always consider each application on its own merits and allow exceptions to the normal policy where these are justified by the circumstances of the application.

Resource implications

35. A fees have been paid by the applicant in respect of these application being the statutory fees payable for the transfer and vary DPS of a premises licence.

Consultations

36. Consultation has been carried out on this application in accordance with the provisions of the Licensing Act 2003.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

37. The sub-committee is asked to determine the application for the transfer of a premises licence under Section 42 of the Licensing Act 2003.
38. The principles which sub-committee members must apply are set out below.

Principles for making the determination

39. The general principle is that applications for the transfer of a premises licence must be granted unless a police objection notice is received. This is subject to the proviso that the applicant has complied with regulations in submitting the application.
40. An application to transfer a premises licence under section 42 shall be in the form and shall contain the information set out in the application and accompanied by the prescribed fee.

41. If a relevant police objection notice is received then the sub-committee must have regard to them, in determining whether it is necessary for the promotion of the licensing objectives.

Reasons

42. If the sub-committee determines that it is necessary to refuse the application to transfer the premises licence, it must give reasons for its decision.

Hearing procedures

43. Subject to the licensing hearing regulations, the licensing sub-committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross-examination shall not be permitted unless the authority considered that it is required for it to consider the representations.
 - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
 - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
 - Address the authority
 - If given permission by the committee, question any other party
 - In response to a point which the authority has given notice it will require clarification, give further information in support of their application.
 - The committee shall disregard any information given by a party which is not relevant to the particular application before the committee and the licensing objectives.
 - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
 - In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
44. This matter relates to the determination of an application for a premises licence under section 42 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.
45. Sub-committee members will note that, in relation to this application, the council has multiple roles. Council officers from various departments have been asked to

consider the application from the perspective of the council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.

46. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
47. As a quasi-judicial body the licensing sub-committee is required to consider the application on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of all persons entitled to make representations to them.
48. The licensing sub-committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.
49. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
50. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities. Other persons must live in the vicinity of the premises. This will be decided on a case to case basis.
51. Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
52. Other persons, responsible authorities and the applicant have the right to appeal the decision of the sub-committee to the magistrates' court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

Guidance

53. Members are required to have regard to the Home Office Revised Guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

Strategic Director of Finance and Governance

54. The head of community safety and enforcement has confirmed that the costs of this process are borne by the service.

REASONS FOR LATENESS

55. The Metropolitan Police Service objected to the transfer and variation of the designated premises supervisor application on 16 September 2020.

REASONS FOR URGENCY

56. The Metropolitan Police Service requested that this matter be dealt with prior to the review of the premises licence. This was accepted by the Southwark legal team.

BACKGROUND DOCUMENTS

Background papers	Held At	Contact
Licensing Act 2003 Home Office Revised Guidance to the Act Secondary Regulations Southwark Statement of Licensing Policy Case file	Southwark Licensing, C/o Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read Phone number: 020 7525 5748

APPENDICES

No.	Title
Appendix A	Copy of the transfer application
Appendix B	Copy of the vary DPS application
Appendix C	Premises licence
Appendix D	Police Representation
Appendix E	Map

AUDIT TRAIL

Lead Officer	Caroline Bruce, Strategic Director of Environment and Leisure	
Report Author	Andrew Heron, Principal Licensing Officer	
Version	Final	
Dated	16 September 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Cabinet Member	No	No
Date final report sent to Constitutional Team		16 September 2020

APPENDIX A**Application to transfer premises licence to be granted 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/We **Gul Mohammad**

(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

870142

Part 1 – Premises details

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

**Food Link
98-100 Wyndham Road**

Post town London

Post code SE5 0UB

Telephone number at premises (if any)

Please give a brief description of the premises (see note 1)

Convenience store

Name of current premises licence holder

Sohail Khan

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

Please tick yes

a) an individual or individuals*

please complete section (A)

b) a person other than an individual *

i. as a limited company/limited liability partnership

please complete section (B)

ii. as a partnership (other than limited liability)

please complete section (B)

iii. as an unincorporated association or

please complete section (B)

- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

Mohammad

First names

Gul

Please tick yes

Date of birth ██████████

I am 18 years old or over x

Nationality ██████████

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information)

Current residential address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

Surname

First names

Date of birth

Nationality

I am 18 years old or over

Please tick yes

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information)

Current residential address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3Please tick yesAre you the holder of the premises licence under an interim authority notice? Do you wish the transfer to have immediate effect? **x**

If not when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please tick yesI have enclosed the consent form signed by the existing premises licence holder **x**

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003) x

Please tick yes

I have enclosed the premises licence x

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee x
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed x
- I have enclosed the premises licence or relevant part of it or explanation x
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today
- Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents, or my Home Office online right to work checking service share code, to demonstrate my entitlement to work in the United Kingdom (please read note 2) x

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

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

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 15/9/2020

.....

Capacity Agent

.....

For joint applicants signature of second applicant, second applicant’s solicitor or other authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

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

Licensing Services Agency
16 Bengeo Street

Post town
Hertford

Post Code

Telephone number (if any) [REDACTED]

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

[REDACTED]

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.

2. Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership which is not a limited liability partnership who:

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

Any premises licence issued on or after 6 April 2017 will lapse if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensing activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport apply].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- A **current** Residence Card issued by the Home Office to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of an EEA state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the EEA family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the EEA national has a right of permanent residence in the UK or

is one of the following if they have been in the UK for more than 3 months:

- (i) working e.g. employment contract, wage slips, letter from the employer,
- (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
- (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
- (iv) self-sufficient e.g. bank statements.

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

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

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

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

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

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. Where there is more than one applicant, both applicants or their respective agents must sign the

application form.

6. This is the address which we shall use to correspond with you about this application.

Form of consent given by the person who holds the existing licence

I/We, Sohail Khan [insert full name(s) of existing licence holder(s)] being the holder(s) of an existing licence/existing licences 870142
 [insert name of licence(s), the date of grant of the licence(s) and by whom the grant(s) was/were made] hereby consent(s) to the application by GUL Mohammar [insert full name or names of applicant] under paragraph 2 of Schedule 8 to the Licensing Act 2003 for the grant of a new licence under paragraph 4 of that Schedule to succeed the said existing licence(s) held by me in respect of Food Link
98-100 Wyndham Road, London SE5 0UB [insert name and address of premises].

Signature



Dated

09/09/2020

11/09/2020

Application to vary a premises licence to specify designated premises supervisor
Ref No. 1511701

Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

I / we (full name(s) of the current licence holders)

	Gul Mohammad
	being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

	870142
--	--------

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Part 1 &ndash; Premises details

Address Line1	THE WINDMILL
Address Line 2	98-100 WYNDHAM ROAD
Town	LONDON
County	
Post code	SE5 0UB
Ordnance survey map reference	
Telephone number (if any)	
Email	

Description of premises (please read guidance note 1)

	Convenience store
--	-------------------

Guidance Note 1

Describe the premises. For example the type of premises it is.

Full name of proposed designated premises supervisor

First name	Gul
Surname	Mohammad

Please state your nationality

	██████████
--	------------

Please state your place of birth

	██████████
--	------------

Please state your date of birth (dd/mm/yyyy)

	██████████
--	------------

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

Personal licence no.	██████████
Issuing authority	Croydon Council

Full name of existing designated premises supervisor (if any)

First name	Sohail
Surname	Khan

Please select the appropriate option

	I would like this application to have immediate effect under section 38 of the Licensing Act 2003 I have posted the premises licence or relevant part of it
	(If I cannot post the premises licence or relevant part of it, please give reasons why not below)

Please scan and upload a copy of your premises licence and send the hard copy in the post

--	-------

Reasons why I have failed to enclose the premises licence or relevant part of it

--	--

If you wish to sell alcohol, the application must be accompanied by a consent form from the proposed DPS to show that they consent to taking on this responsible role. Please download the consent form. The DPS must be signed by the individual and submitted with the application.

Please select the appropriate option(s)

	I will give a copy of this form to the existing premises supervisor, if any rejected I have posted the premises licence, or relevant part of it
Upload consent form	_____

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

Name of applicant or applicant's solicitor or other duly authorised agent. If submitting on behalf of the applicant please state in what capacity. (Please read guidance note 3)

Name of Applicant	Gul Mohammad
Applicant's solicitor or other duly authorised agent	Debra Silvester
Capacity	Agent
Date	11/09/2020

Joint Applicants Names or Joint Applicant's solicitor or other duly authorised agent (Please read guidance notes 4)

Joint names	
Capacity	Hertford
Date	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Contact name	Debra Silvester
Telephone	██████████
Email	████████████████████

Postal address for correspondence associated with this application

Address Line 1	Licensing Services Agency
Address Line 2	16 Bengeo Street
Town	Hertford
County	- County -

Post code	SG14 3ES
-----------	----------

Guidance Notes

- 3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
- 5. This is the address which we shall use to correspond with you about this application.

I agree that the Information i've submitted is true and accurate

	I agree
PaymentDescription	Application to vary a premises licence to specify designated premises supervisor
PaymentAmountInMinorUnits	2300
AuthCode	
LicenceReference	

I HEREBY DECLARE that the information provided is accurate and correct

I agree to the above statement

	I agree
--	---------

Consent of individual to being specified as premises supervisor

I Gul Mohammad
[full name of prospective premises supervisor]



[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

premises licence transfer/DPS change [type of application]

by Gul Mohammad [name of applicant]

relating to a premises licence 870142 [number of existing licence, if any]

for 98-100 Wyndham Road

London

SES OUB

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made

by Gul Mohammad [name of applicant]

concerning the supply of alcohol at Food Link,

98-100 Wyndham Road, London SES OUB

[name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number 
[insert personal licence number, if any]

Personal licence issuing authority CROYDON COUNCIL
[insert name and address and telephone number of personal licence issuing authority, if any]

 signed

Gul Mohammad name (please print)

9/9/2020 dated

Licensing Act 2003 Premises Licence



Regulatory Services
Licensing Unit
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX

Premises licence number

870142

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Foodlink The Windmill 98-100 Wyndham Road London SE5 0UB	
Ordnance survey map reference (if applicable), 532133177242	
Post town London	Post code SE5 0UB
Telephone number	

Where the licence is time limited the dates
--

Licensable activities authorised by the licence
Sale by retail of alcohol to be consumed off premises

The opening hours of the premises
For any non standard timings see Annex 2
Monday 00:00 - 00:00
Tuesday 00:00 - 00:00
Wednesday 00:00 - 00:00
Thursday 00:00 - 00:00
Friday 00:00 - 00:00
Saturday 00:00 - 00:00
Sunday 00:00 - 00:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies
Sale by retail of alcohol to be consumed off premises

The times the licence authorises the carrying out of licensable activities
For any non standard timings see Annex 2 of the full premises licence

Sale by retail of alcohol to be consumed off premises

Monday	06:00 - 00:00
Tuesday	06:00 - 00:00
Wednesday	06:00 - 00:00
Thursday	06:00 - 00:00
Friday	06:00 - 00:00
Saturday	06:00 - 00:00
Sunday	06:00 - 00:00

Part 2

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

Sohail Khan
[REDACTED]
[REDACTED]

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 for the supply of alcohol

Sohail Khan
[REDACTED]
[REDACTED]

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

Licence No. [REDACTED]
Authority. LB Brent

Licence Issue date 24/09/2019



Head of Regulatory Services
Hub 1, 3rd Floor
PO Box 64529
London, SE1P 5LX
020 7525 5748
licensing@southwark.gov.uk

Annex 1 - Mandatory conditions

100 No supply of alcohol may be made under the Premises Licence - a. At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or b. At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended

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

488 (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

- (a) a holographic mark; or
- (b) an ultraviolet feature.

491 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph (1):

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V),$$

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence;
 - (ii) the designated premises supervisor (if any) in respect of such a licence; or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(iv) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax;

(2) the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating Schedule

336 A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied

340 That an approved CCTV be installed both inside and out and a recording shall be kept for 31 days.

341 The adoption and implementation of a recognised Proof of Age scheme

342 That all staff concerned with the supply of intoxicating liquor undergo a recognised training scheme for such duties.

343 There will be window service only between the hours of 24.00 and 06.00. No members of the public will be allowed on the premises during this time.

344 That any person who appears to be under the age of 21 will be asked to sign a universally recognised form of ID. (ie proof of age card, passport or photo driving licence), before being allowed to purchase alcohol.

345 A refusal book will be kept at the premises and maintained at all times.

346 A sign shall be displayed at the point of sale stating "No PROOF OF AGE NO SALE".

4AG A 'Challenge 21' policy shall be implemented at the premises requiring that any customers attempting to buy alcohol at the premises who appear to be under 21 years old to any staff involved in the sale of alcohol shall be requested to produce valid photographic ID (comprising of a passport, full driving licence and / or proof of age standard scheme (PASS) accredited card) that proves that they are over 21 years old.

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

840 That the premises licence holder (whether directly or through his employees) shall not purchase any alcohol, cigarettes or tobacco products for door to door sellers.

841 That the premises licence holder shall ensure all receipts for goods bought include the following details:

- a) seller's name, b) the seller's company details c) the seller's VAT details (if applicable)

842 That the premises holder shall retain copies and/or all receipts for the purchase of alcohol and tobacco products which must be kept at the premises for a minimum of six months from the dates of purchase which may be inspected by a Council Officer or Police Officers, Trading Standards Officer or HMRC upon request.

843 That staff training shall be recorded stating that each employee understands that alcohol and cigarettes are not to be purchased from customers and or a door to door sales person.

844 That all purchases of alcohol and tobacco products must be undertaken by the premises licence holder of DPS or personal licence holder.

845 That prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display and at the point of sale

846 That the premises licence holder shall maintain an EPOS system at the premises which will flag up any age restricted products and any alcohol sales outside the permitted hours.

847 That the licensee to adhere to a "Challenge 25" policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age. The following proofs of age are the only ones to be accepted:

a) proof of age cards bearing the "Pass" hologram symbol, b) UK Photo Driving licence c) Passport

Notices will be prominently displayed at the entry and point of sale stating that CCTV is in use, challenge 25 is operated and the provisions of the licensing act regarding underage and proxy purchases and sales.

Annex 4 - Plans - Attached

Licence No. 870142

Plan No. N/A

Plan Date 21 November 2007



The Licensing Unit
Floor 3
160 Tooley Street
London
SE1 2QH

Metropolitan Police Service
Licensing Office
Southwark Police Station,
323 Borough High Street,
LONDON,
SE1 1JL

Tel: 020 7232 6756

Email: SouthwarkLicensing@met.police.uk

Our reference: MD/21/135/20

Date: 16th September 2020

Dear Sir/Madam

Re:- Mr Gul Mohammad, Foodlink, 98-100 Wyndham Road

Police are in possession of an application from the above to transfer a premises licence for the licence and change the DPS at Foodlink, 98-100 Wyndham road, London SE5 0UB under the licensing act 2013.

On Friday the 3rd July 2020 at about 19.58hrs, police executed two search warrant at the premises issued by Croydon magistrate's court. Police searching the private basement storage area found twelve wraps of what is believed to a cocaine and heroin mix this was subsequently tested and found to contain Cocaine and Opiates. Under the counter, the searching officer found a hammer and a large bread knife when this was pointed out that these appeared to be kept there to use as a weapon.

October 2014 the premises licence was subject to a Section 53a review under the previous management after a very serious assault whilst the premises where operating in breach of the licence. [REDACTED] has held the Freehold to the premises since 2012, which he purchased from his father Mr [REDACTED].

The application was submitted by a licensing consultant who has informed the council licensing unit that she has had no contact with Mr [REDACTED] and has no contact number or email address for him. She stated that all her dealings are with Mr Y [REDACTED] and his son.

Mr [REDACTED] d was known to be working as a security guard at a car park in February 2020.

We object to the transfer of the premises licence to Mr Mohammed on the grounds that it is an abuse of process to circumvent due process of the review hearing for the premises being associated with crime and disorder.

Due to the frequency of such application Southwark's Statement of licensing policy has been amended to contain guidance for applicants as follows.

Where, such applications are made, this authority will require documented proof of transfer of the business / lawful occupancy of the premises, to the new proposed licence holder to support the contention that the business is now under new management control.

This application was received without any supporting documents or additional information that would support the suggestion that this business is now under new management control.

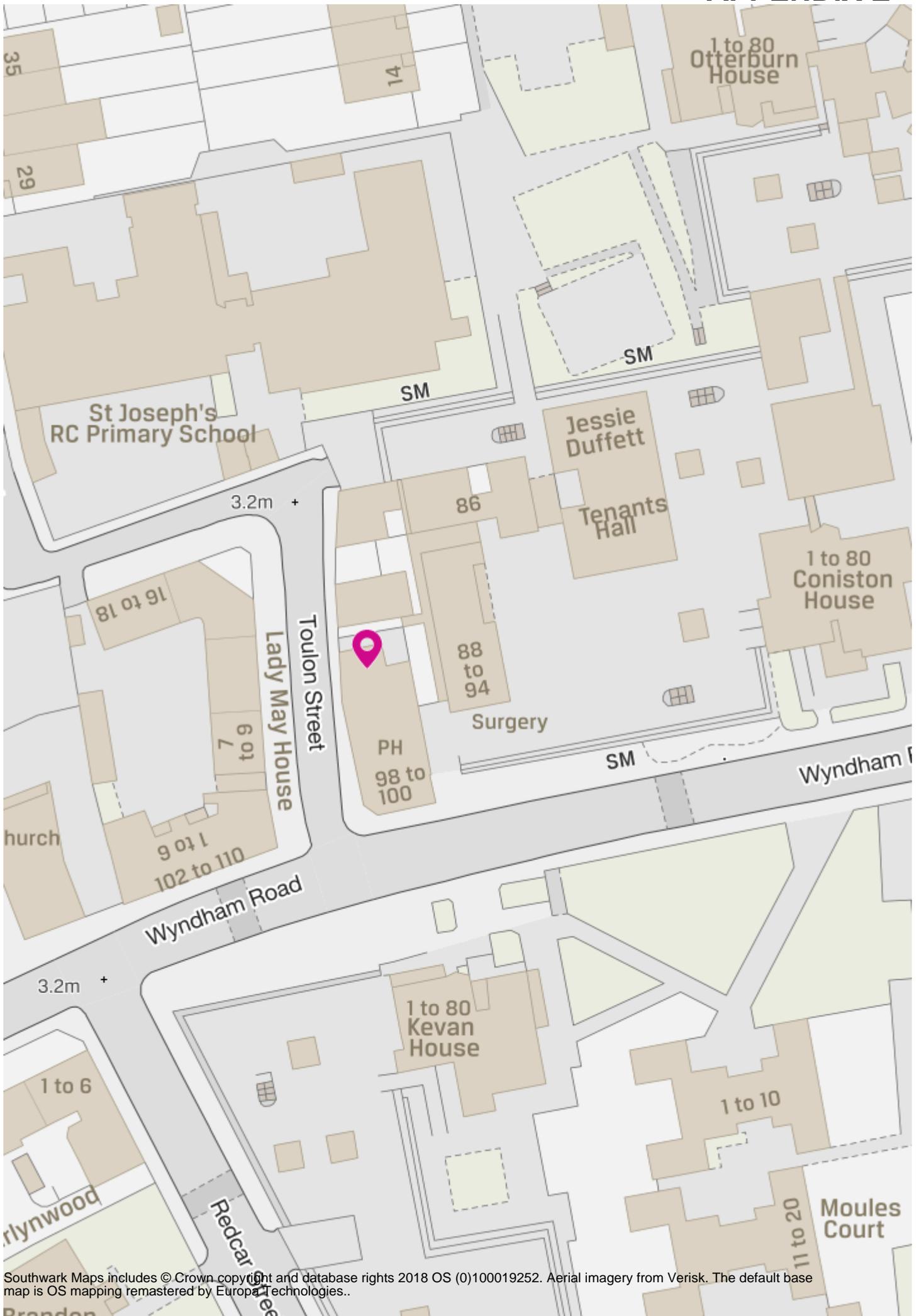
I suspect this is an attempt to circumvent the full review process under section 51 of the licensing act 2003.

Without any supporting documents I conclude that the premises is likely to remain in control of the current premises licence holder and or those previously involved in the running of the business during the period of previous review applications.

I object to this transfer, as it would undermine the prevention of crime and disorder licensing objective.

Submitted for consideration.

PC Graham White 2288AS
Licensing Officer
Southwark Police Licensing Unit



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LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2019-20

NOTE: Original held by Constitutional Team; all amendments/queries to Andrew Weir - Tel: 020 7525 7222

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		Ray Moore, trading standards team	By email
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