

## Licensing Sub-Committee

Thursday 17 September 2020

10.00 am

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

### Membership

Councillor Renata Hamvas (Chair)  
Councillor Adele Morris (Vice-chair)  
Councillor Dora Dixon-Fyle MBE  
Councillor Barrie Hargrove  
Councillor Jon Hartley  
Councillor Sirajul Islam  
Councillor Sunny Lambe  
Councillor Lorraine Lauder MBE

Councillor Maria Linforth-Hall  
Councillor Eliza Mann  
Councillor Margy Newens  
Councillor Sandra Rhule  
Councillor Charlie Smith  
Councillor Kath Whittam  
Councillor Ian Wingfield

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

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#### Contact

Andrew Weir by email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 9 September 2020



## Licensing Sub-Committee

Thursday 17 September 2020  
10.00 am

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### Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
3.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	<b>LICENSING ACT 2003: FOODLINK, 98-100 WYNDHAM ROAD, LONDON SE5 0UB</b>	1 - 42

**ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

**PART B - CLOSED BUSINESS**

**EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the 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 1-7, Access to Information Procedure rules of the Constitution.”

**ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

Date: 9 September 2020

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 17 September 2020	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Foodlink, 98-100 Wyndham Road, London SE5 0UB	
<b>Ward(s) or groups affected:</b>		Camberwell Green	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee considers an application submitted by the Metropolitan Police (Licensing Division) under Section 51 of the Licensing Act 2003 (the Act) for the review of the premises licence held by Sohail Khan in respect of the premises known as Foodlink – 98-100 Wyndham Road, London SE5 0UB.
2. Notes:
  - a) The grounds for the review are stated in paragraphs 12 to 15 of this report. A copy of the premises licence review application is attached as Appendix A.
  - b) The review application is supported by representations submitted by trading standards and the licensing authority in their roles as responsible authorities. Copies of the representations are attached as Appendix B. Details of the representations are provided in paragraphs 16 to 19.
  - c) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix C. A map of the area that the premises are located in is attached as Appendix D.
  - d) 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

3. The Licensing Act 2003 provides a licensing regime for:
  - The sale of and supply of alcohol
  - The provision of regulated entertainment
  - The provision of late night refreshment.
4. Within Southwark, the licensing responsibility is wholly administered by this council.
5. 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.
6. 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.
7. The applications process involves the provision of all relevant information required under the Act to the licensing authority with copies provided by the applicant to the relevant responsible bodies. The application must also be advertised at the premises and in the local press. The responsible authorities and other persons within the local community may make representations on any part of the application where relevant to the four licensing objectives.
8. The premises licence once issued remains valid for the life of the business unless surrendered or revoked. However, under section 51 of the Act it remains open to any responsible authority or other person to apply to the local licensing authority for a review of the premises licence where there are ongoing concerns regarding one or more of the four stated licensing objectives.

## **KEY ISSUES FOR CONSIDERATION**

### **The premises licence**

9. The premises licence allows the provision of licensable activities as follows:
- The sale of alcohol to be consumed off the premises:
    - Monday to Sunday: 06:00 to 00:00
  - Opening Hours:
    - Monday to Sunday: 00:00 to 00:00.
10. The licence is subject to the mandatory conditions set down under the Act and further conditions consistent with the operating schedule submitted with the application for the licence. A copy of the full premises licence is attached as Appendix C.

### **Designated premises supervisor (DPS)**

11. The current Designated Premises Supervisor (DPS) named on the licence is Sohail Khan, who is also the licensee of the premises.

### **The review application**

12. On 23 July 2020, an application was submitted by the Metropolitan Police Service, under Section 51 of the Licensing Act 2003, for the review of the premises known as Foodlink, 98-100 Wyndham Road, London SE5 0UB.
13. The review application was submitted in respect of the prevention of crime and disorder, public safety and the protection of children from harm licensing objectives. The and in summary states that the following has been witnessed and / or taken place at the premises:
- On Friday 3 July 2020 at 19.58, police executed two search warrants at Foodlink, 98-100 Wyndham Road and 108 Wyndham Road, London SE5 issued by Croydon

Magistrate's court. Sohail Khan, the licence holder and designated premises supervisor was on the premises and became aggressive and obstructive.

- Police searching the private basement storage area found twelve wraps of what is believed to be a cocaine and heroin mix, which was subsequently tested and found to contain cocaine and opiates. Under the counter, the searching officer found a hammer and a large bread knife, which appeared to be kept there to use as weapons.
- The full licence and summary were not made available and breaches were found in relation to the following licence conditions were found:
  - Condition 342: That all staff concerned with the supply of intoxicating liquor undergo a recognised training scheme for such duties.
  - Condition 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.
  - Condition 340: That an approved CCTV be installed both inside and out and a recording shall be kept for 31 days.
- On Thursday 9 July 2020, officers from the licensing and night time economy team in the company of Southwark trading standards carried out another licensing inspection.
- Officers again found a number of breaches of the licence relating to the following licence conditions:
  - Condition 101: Every supply of alcohol under the premises licence must be made, or authorised by, a person who holds a personal licence.
  - Condition 336 - A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied.
  - Condition 342: That all staff concerned with the supply of intoxicating liquor undergo a recognised training scheme for such duties.
  - Condition 345: That a refusals book will be kept at the premises and maintained at all times.
  - Condition 341: That the adoption and implementation of a recognised Proof of Age scheme.
  - Condition 344: That any person who appears to be under the age of 21 will be asked to sign a universally recognised form of ID. (i.e. proof of age card, passport or photo driving licence), before being allowed to purchase alcohol.
  - Condition 488: That (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.

- Condition 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.
- Condition 340: That an approved CCTV be installed both inside and out and a recording shall be kept for 31 days.
- Police attended the premises again on the 15 July 2020 to collect the CCTV that had been requested but were advised the CCTV was not working for the period requested. This is a further breach of the licence as they have failed to provide the CCTV.
- The police have carried out four licensing inspections on the premises previously and on three occasions weapons have been found under the counter and on two occasions no personal licence holder was present. On all visits a number of breaches of the licence have been found.
- In October 2014 the premises licence was subject to a Section 53a review under the previous management after a very serious assault whilst the premises were operating in breach of the licence. Sohail Khan has held the freehold to the premises since 2012. He owns a number of properties, which have had council and police enforcement action against them due to poor management, and breaches of the licence. He is also the owner of another property on Wyndham Road which had a warrant executed on the same day as Foodlink and was believed to be used as a brothel with links to human trafficking; but advertising as a massage parlour.
- A prosecution was taken under planning legislation and confiscation under the Proceeds of Crime Act in April 2019 in relation of the unlawful conversion of 98-100 Wyndham Road from a public house to a shop and six flats without planning permission. The owners had failed to comply with a planning notice, which constituted an offence and continued to receive rent from the properties in breach of the notice. The application was for the sum the criminal benefit of £25,175.00. He was convicted and a confiscation order was issued on the 18 May 2019 for £18,000. Failure to pay a confiscation order can result in a prison sentence of up to five years.

14. The Metropolitan Police are seeking revocation of the premises licence.
15. Full details of the grounds for the review are provided within review the application. A copy of the review application is attached as Appendix A.

#### **Representations from responsible authorities**

16. There are supporting representations submitted in support of the review application by trading standards and the licensing authority.
17. The council's trading standards service representation is submitted in support of the police review in respect of a history of noncompliance at the premises.
18. The licensing authority's representation is made in support of the police review and draws attention to the history of the premises, breaches of conditions and the discovery of narcotics on the premises. In addition, the premises was subject to an expedited review by the Metropolitan Police Service in 2014 following a serious crime and disorder incident at

the premises. The notice of decision from the licensing sub-committee Hearing held on 23 December 2014 is attached as part of the representation.

19. Copies of the representations are attached as Appendix B.

### **Representations from other persons**

20. No representations have been received by other persons.

### **Operating History**

21. A premises licence was issued to the premises on 16 January 2008.
22. 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.
23. 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.
24. On 22 November 2013 at 01:10 officers again visited the premises and were advised there was no personal licence holder on site and no DPS.
25. 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.
26. 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**

27. 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 of 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.
28. The DPS was varied in May 2015 from Muzffar Hussain to Ashaq Hussain and to Naveed Ali in October 2016.
  29. 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.
  30. On 23 July 2020, the current application was submitted by the Metropolitan Police under Section 51 of the Licensing Act 2003, for the review of the premises licence.
  31. There are no recent complaints regarding the premises, and there is no history of temporary events notices.

## The local area

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

## Southwark council statement of licensing policy

33. Council assembly approved Southwark's statement of licensing policy 2019 - 2021 on 27 March 2019. The policy came into effect on 28 March 2019. Sections of the statement that are considered to be of particular relevance to the sub-committee's consideration are:

- Section 3 - Purpose and scope of the policy. This reinforces the four licensing objectives and the fundamental principles upon which this authority relies in determining licence applications
- Section 5 – Determining applications for premises licences and club premises certificates. This explains how the policy works and considers issues such as location; high standards of management; and the principles behind condition setting.
- Section 6 – Local cumulative impact policies. This sets out this authority's approach to cumulative impact and defines the boundaries of the current special policy areas and the classifications of premises to which they apply. To be read in conjunction with Appendix B to the policy
- Section 7 – Hours of operation. This provides a guide to the hours of licensed operation that this Authority might consider appropriate by type of premises and (planning) area classification.
- Section 8 – The prevention of crime and disorder. This provides general guidance on the promotion of the first licensing objective
- Section 9 – Public safety. This provides general guidance on the promotion of the second licensing objective
- Section 10 – The prevention of nuisance. This provides general guidance on the promotion of the third licensing objective
- Section 11 – The protection of children from harm. This provides general guidance on the promotion of the fourth licensing objective.

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.

35. Within Southwark's statement of licensing policy, the premises is situated within a residential area and is not within a cumulative impact policy area. Under the Southwark statement of licensing policy 2019 - 2021 the following closing times are recommended as appropriate within this area for this categories of premises indicated:

- Off-licences and alcohol sales in grocers and supermarkets:
  - 23:00 daily.

## **Resource implications**

36. There is no fee associated with this type of application.

## **Consultations**

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

## **Community impact statement**

38. Each application is required by law to be considered upon its own individual merits with all relevant matters taken into account.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

39. The sub-committee is asked to determine, under Section 51 of the Licensing Act 2003, following an application, made under Section 51 of the same act, for a review of premises licence. At any stage, following the grant of a premises licence, a responsible authority or any other person may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
40. The principles, which sub-committee members must apply, are set out below.

### **Principles for making the determination**

41. Under Section 52 the licensing authority must hold a hearing to determine the review and any relevant representations.
42. The four licensing objectives are:
- The prevention of crime and disorder
  - The protection of public safety
  - The prevention of nuisance
  - The protection of children from harm.
43. Each objective must be considered to be of equal importance. The authority must, having regard to the application and any relevant representations, take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are to:
- Modify the conditions of the licence by altering, omitting or adding any condition
  - Exclude a licensable activity from the scope of the licence
  - Remove the designated premises supervisor
  - Suspend the licence for a period not exceeding three months
  - Revoke the licence.
44. For the purpose of determining a relevant representation under section 52 of the Act a "relevant representation" means representations which:
- Are relevant to one or more of the licensing objectives
  - Are made by the holder of the premises licence, a responsible authority or an other person within the prescribed period
  - Have not been withdrawn
  - If made by another person (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority frivolous or vexatious.

45. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
46. The authority may decide that no action is necessary if it finds that the review does not require it to take any steps appropriate to promote the licensing objectives.
47. In deciding what remedial action if any it should take, the authority must direct its mind to the causes or concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
48. It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

### **Reasons**

49. Where the authority determines an application for review it must notify the determination and reasons why for making it to:
  - The holder of the licence
  - The applicant
  - Any person who made relevant representations
  - The chief officer of police for the area (or each police area) in which the premises are situated.

### **Hearing procedures**

50. Subject to the licensing hearing regulations, the licensing 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.

51. This matter relates to the determination of an application for a premises licence under section 17 of the Licensing Act 2003. Regulation 26(1) (a) requires the sub-committee to make its determination at the conclusion of the hearing.

### **Council's multiple roles and the role of the licensing sub-committee**

52. 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.
53. 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.
54. 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.
55. 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.
56. 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.
57. 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.
58. 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.
59. 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

60. 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

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

## 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 review application
Appendix B	Supporting representations
Appendix C	Copy of the current premises licence
Appendix D	Map of local area

## AUDIT TRAIL

<b>Lead Officer</b>	Caroline Bruce, Strategic Director of Environment and Leisure	
<b>Report Author</b>	Andrew Heron, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	25 August 2020	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law & Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
Date final report sent to Constitutional Team	4 September 2020	



**METROPOLITAN  
POLICE**

**TOTAL POLICING**

## 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 **PC Graham White**

apply for the review of a premises licence under Section 51 of the Licensing Act 2003  
for the premises described in Part 1 below

### Part 1 – Premises or club premises details

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

Foodlink, 98-100 Wyndham Road,

Post town:	London	Post code: (if known)	SE5 0UB
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Name of premises licence holder or club holding club premises certificate (if known):

Sohail Khan

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

870142

### 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)	<input type="checkbox"/>
2	a responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
3	a member of the club to which this application relates (please complete section (A) below)	<input type="checkbox"/>

## PROTECTIVE MARKING

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

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>
Surname:						First Names:			
I am 18 years old or over				<input type="checkbox"/>					
Current postal address if different from premises address:									
Post town:					Post code:				
Daytime Tel. No.:					Email: (optional)				

**(B) DETAILS OF OTHER APPLICANT** (fill in as applicable)

Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT** (fill in as applicable)

Name and Address:	
Metropolitan Police, Southwark Police Station, 323 Borough High Street, London SE1 1JL	
Telephone Number (if any):	
Email address: (optional)	

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

		Please tick one or more boxes
1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input checked="" type="checkbox"/>
3	The prevention of public nuisance	<input type="checkbox"/>
4	The protection of children from harm	<input checked="" type="checkbox"/>

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

On Friday the 3rd July 2020 at about 19.58hrs, police executed two search warrant at Foodlink, 98-100 Wyndham road & 108 Wyndham road, London SE5 issued by Croydon magistrate's court. The licence holder and designated premises supervisor [REDACTED] was in the premises behind the counter with two other people employed at the premises which included [REDACTED] the DPS thather owns [REDACTED] [REDACTED] was asked along with [REDACTED] to come out from behind the counter so that they could be searched and the area behind the counter searched. Solhail immediately became aggressive and obstructive he refused to come out to be searched and had to be pulled out along with his brother [REDACTED] [REDACTED] kept shouting at the officers "don't touch me" and trying to pull away from them to make a phone call on his mobile phone having already been told he was not allowed to make any calls. PC O'Mohoney from the Licensing and Nighttime economy team informed [REDACTED] that she was an officer from Licensing and asked him if he was the DPS, which he confirmed that he was. She then asked him what his name was and he replied, "You know what I ain't going to answer no questions".

## PROTECTIVE MARKING

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

█████ kept on walking around and refusing to stay in the one place and trying to be obstructive. █████ had to this point been compliant with police and co-operative then █████ shouts over to him "Don't give nothing don't answer no questions don't give nothing". He then tries to walk towards the door before being stopped by police.

Police searching the private basement storage area found twelve wraps of what is believed to be 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.

█████ then got up, tried to lean over the counter, and had to be told yet again that either he sit down or he would be cuffed. He was also calling out to people as they were passing the shop.

PC O'Mohoney asked █████ if he was the DPS and he replied "No comment". She asked him if he had a Personal Licence and he replied, "I don't want to answer questions". She then explained that, as I was unable to ascertain if he was the DPS or if he had a Personal Licence, I would be issuing a Notification of alleged offences under the Licensing Act 2003. She then asked if anyone who was, working in the shop had a Personal Licence to which she received no comment. She also asked █████ if he had a Personal Licence and he replied, "I am not answering questions".

█████ was then spoken to by an officer regarding the drugs they had found at the premises. He was fully cautioned and shown the drugs and █████ replied "No comment" to all the officers' questions. He was asked again about having a personal licence and refused to answer without a solicitor. He was then asked him if he had the training records for the two people that were working in the shop and he refused to answer. This was a breach of conditions

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

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.

He was then asked Solhail if he could show me the CCTV which he also refused to do. It was pointed out again that this was also a condition on his Premises Licence.

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

He was also asked if he could produce a Premises Licence, which he refused to do. He also refused to show me where the Summary Licence was on display.

At 20:43 hours, I issued a Notification of alleged offences and it was fully explained to Solhail Khan. He was requested to sign to acknowledge receipt of the form, which he refused to do so, and a copy and left the premises.

The premises has previously been the subject of a number of licensing visits, which include weapons being found behind the counter.

All three males found working at the premises including the licence holder and his brother are currently still under investigation for possession of a controlled drug.

On Thursday the 9<sup>th</sup> July 2020, officers from the Licensing and Night Time economy team in the company of Southwark Trading standards carried out another Licensing inspection. Officers again found a number of Breaches of the licence.

- Condition 101 - Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence
- Condition 336 - A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied.
- Condition 342 - That all staff concerned with the supply of intoxicating liquor undergo a recognised training scheme for such duties.
- Conditions 345 - A refusal book will be kept at the premises and maintained at all times.
- Condition 341 - The adoption and implementation of a recognised Proof of Age scheme.

## PROTECTIVE MARKING

- Condition 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.
- Condition 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.
- Condition 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.

The person in the shop produced a refusals book. In the book was an entry for February 2020. The employee had only worked at the premises for one month and admitted to officers that [REDACTED] who he described as his boss had instructed him to put this entry in the book. This was a fraudulent entry placed in to seem that the premises was complying with the licence conditions and acting responsibly. This shows a clear attempt to deceive the police and council.

Officers served another Notification of offences to the premises and reported the matter to Southwark Council Licensing team with a view to a prosecution being considered.

CCTV was requested in writing and a USB memory stick supplied to the premises for the visit on the 3<sup>rd</sup> July 2020 and the previous seven days.

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

Police attended the premises again on the 15th July 2020 to collect the CCTV that had been requested and [REDACTED] was present and stated that the CCTV was not working for the period requested. This is a breach of the licence as they have failed to provide the CCTV. It also shows [REDACTED] has a controlling interest in Foodlink and had control of 108 Wyndham road which a search warrant was issued for being used for unlawful purposes.

PC O'Mahoney has carried out four licensing inspections on the premises previously and on three occasions weapons have been found under the counter and on two occasions no personal licence holder was present. On all visits a number of breaches of the licence have been found.

October 2014 the premises licence was subject to a Section 53a review under the previous management after a very serious assault whilst the premises were operating in breach of the licence. [REDACTED] has held the Freehold to the premises since 2012, which he purchased from [REDACTED] owns a number of properties, which have had Council and police enforcement action against due to poor management, and breaches of the licence. He is also the owner of 108 Wyndham road which had a warrant executed on the same day as Foodlink and was believed being used as a brothel with links to human trafficking but advertising as Massage parlour.

[REDACTED] was prosecuted under planning legislation and the Proceeds of Crime Act in April 2019 in relation of the conversion of 98-100 Wyndham road from a public house to a shop and 6 flats without planning permission. [REDACTED] had failed to comply with a planning notice, which constitutes an offence and continued to receive rent from the properties in breach of the notice. The application was for the sum of £25,175.00. Failure to pay a confiscation order can result in a prison sentence of up to 5 years. He was convicted and a confiscation order was issued on the 18<sup>th</sup> May 2019 for £18,000.

[REDACTED] has shown a disregard for Licensing, planning and criminal law. He failed to comply with a court search warrant and was obstructive to that search. We request that the licence be revoked as [REDACTED] has a controlling interest in the property even if the Licence holder and DPS is changed. He has previously leased out the business and then evicted them reclaiming control. We maintain that any change in management would only be administrative and not any substantial change in control.

We submit this review under the Protecting children from harm, Public Safety, Crime and Disorder Licensing objectives as controlled drugs were found within the premises, and weapons being kept under the counter and the licence was being breached on a number of occasions.

## PROTECTIVE MARKING

<b>Have you made an application for review relating to this premises before?</b>	<input checked="" type="checkbox"/> (Please tick yes)						
	<b>Day</b>		<b>Month</b>		<b>Year</b>		
<b>If yes, please state the date of that application:</b>	2	6	1	1	2	0	1 4
<b>If you have made representations before relating to this premises please state what they were and when you made them:</b>							
<p>The Metropolitan Police submitted a review under Section 53a of the licensing Act 2003, After an argument started between a group of males and staff at the premises. The males were ushered out of the premises. One of the staff members leaves the shop with a long object possible a bat or iron bar and swings it at the males. A fight happens and the staff member receives multiple stab wounds to arm and back.</p> <p>The licence was revoked on the 23<sup>rd</sup> December 2014.</p>							

## PROTECTIVE MARKING

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.	<input checked="" type="checkbox"/>
I understand that if I do not comply with the above requirements my application will be rejected.	<input checked="" type="checkbox"/>



**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 (see guidance note 5). If signing on behalf of the applicant please state in what capacity.**

Signature:		Date:	
Capacity:	Police Licensing Officer		

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

Southwark Police Station, 323 Borough High Street

Post town:	London	Post code:	SE1 1JL
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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.



**METROPOLITAN  
POLICE**

Book 694

Police Copy

# Notification of alleged offences under the Licensing Act 2003

Venue Name: Foodlink REF: (CAD/CRIS etc.) 4960  
 Address: 98-100 The Windmill WYNHAM ROAD  
SE5 OUB Date: 3/7/20 Time: 20:43  
 Details of person in charge at the relevant time: Sohail KHAN 09/08/92  
 DPS  Personal Licence Holder

### Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y  No  )
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y  No  )
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y  No  )
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

335 - 342 - No staff training records available  
~~345 - No refusal book 340 CCTV unavailable~~  
843 - Staff training records unavailable

Issuing officer: PC Maria O Mahoney 232115 Print: PC O Mahoney 232115

I acknowledge receipt of this form: (venue) Refused

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001



**METROPOLITAN  
POLICE**

Book 694

Police Copy

# Notification of alleged offences under the Licensing Act 2003

Venue Name: Foodlink REF: (CAD/CRIS etc.) 4960

Address: 98-100 Wyndham Road

SES PUB Date: 09/07/00 Time: 11:15

Details of person in charge at the relevant time: [REDACTED]

DPS  Personal Licence Holder

### Summary of alleged offences identified

- Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the Licence.
- Section 57 (7) Failure to produce a premises licence or a certified copy.
- Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- Section 109 (8) Failure to produce a TEN to a police officer.
- Section 135 (4) Failure to produce a personal licence to a police officer.
- Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y  No  )
- Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y  No  )
- Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y  No  )
- Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- Section 146 (1) Selling alcohol to an individual aged under 18.
- Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- Section 153 (1) knowingly allowing an individual under 18 to make a an unsupervised sale of alcohol.
- Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

101 - [REDACTED] - Not authorised by a Personal Licence Holder to sell alcohol

336 - No Personal licence holder on premises

342 - [REDACTED] has not received training on supply of intoxicating liquor

345 - Refusal book has been updated fraudeantly

341 344 488 847 499

Issuing officer: P. Ahmad Maher 2321AS Print: RO' MAHONEY

I acknowledge receipt of this form: (venue) [Signature]

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

### WITNESS STATEMENT

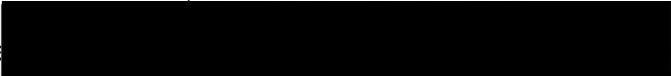
**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

Statement of: PC Maria O'MAHONEY 2321AS

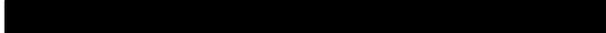
Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 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.

Witness Signature:  Date: 07/07/2020

Before writing this statement I have viewed my BWC footage which I exhibit as MVO/1 and MVO/2.

I am a Police Officer attached to the Night Time Economy Team and part of my duties include checking that licensed premises adhere to their licence conditions. On Friday the 3<sup>rd</sup> July 2020 I was on duty in plain clothes and was taking part in a pre-planned operation to execute a Section 8 warrant on FoodLink 98–100 Wyndham Road SE5 0UB as intelligence that had been received linking the premises to allegations of prostitution and slavery.

At 19:58 hours we entered the premises there were two males behind the counter on the right at the front of the shop. I now know these males to be Solhail KHAN date of birth  who is the Licence Holder and Designated Premises Supervisor and his brother  It was explained to Solhail KHAN that we had a warrant to search the shop and the warrant was read out to him by PS SMITH. Solhail was also given a copy of it. Whilst the warrant was being explained to Solhail he continually interrupted the officer and talked over the top of him. Solhail KHAN was asked along with his brother to come out from behind the counter so that they could be searched and the area behind the counter searched. Solhail immediately became aggressive and obstructive he refused to come out to be searched and had to be pulled out along with his brother Tehmoor. Solhail kept shouting at the officers "don't touch me" and trying to pull away from them to make a phone call on his mobile phone having already been told he was not allowed to make any calls.

It was then pointed out to Solhail that I was an officer from Licensing. I introduced myself and asked him if he was the DPS which he confirmed that he was. I then asked him what his name was and he replied "You know what I ain't going to answer no questions". Solhail kept on walking around and refusing to stay in the one place and trying to be obstructive. He had to be told several times to stop walking around or he would have to be placed in handcuffs. Tehmoor had to this point been compliant with police and co-operative then Solhail shouts over to him "Don't give nothing don't answer no questions don't give nothing". He then tries to walk towards the door before being stopped by police. It was explained to Solhail several times that he was being detained under the warrant. He just continued to argue with officer's talk over the top of them and walking around trying to distract the officers.

Witness Signature: 

Signature Witnessed by Signature: .....

Continuation of Statement of:

Police searching the private basement storage area found twelve wraps of what is believed to a cocaine and heroin mix. Which is exhibited as MJA/01 and sealed in exhibit bag MPSA66791697.

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. Solhail replied "what weapons it's a bread knife".

Solhail then got up and tried to lean over the counter and had to be told yet again that he either sat down or he would be cuffed. He was also calling out to people as they were passing the shop.

I asked Solhail if he was the DPS and he replied "No comment". I asked him if he had a Personal Licence and he replied "I don't want to answer questions". I explained that as I was unable to ascertain if he was the DPS or if he had a Personal Licence I would be issuing a Notification of alleged offences under the Licensing Act 2003. I then asked if anyone who was working in the shop had a Personal Licence to which I received no comment. I also asked [redacted] if he had a Personal Licence and he replied "I am not answering questions".

Solhail was then spoken to by an officer regarding the drugs they had found at the premises. He was fully cautioned and shown the drugs and Solhail replied "No comment" to all the officers' questions.

After they had finished with the questions I asked Solhail again if he has a Personal Licence as this was a condition on the Premises Licence.

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

Solhail replied that he was not going to answer without a solicitor. I explained that it was a requirement that he produces his Personal Licence to a Police Officer when required to do so. He then stated he had a Personal Licence but he did not have it with him. I then asked him to confirm his name so that I could check this and he replied "No comment". I then explained that as he was unwilling to give me his name that I can only assume that he does not have a Personal Licence and that I will be issuing him with a Notification of alleged offences. I did try to explain to him that it was in his interest to answer any questions regarding the Premises Licence but he continued to refuse.

I then asked him if he had the training records for the two people that were working in the shop and he refused to answer. This was a breach of conditions

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

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.

I then asked Solhail if he could show me the CCTV which he also refused to do. I pointed out again that this was also a condition on his Premises Licence.

Witness Signature: .. [redacted] .....

Signature Witnessed by Signature: .....

Continuation of Statement of:

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

I also asked if he could produce a Premises Licence which he refused to do. He also refused to show me where the Summary Licence was on display.

At 20:43 hours I issued a Notification of alleged offences and fully explained the Notification to Solhail. I asked him to sign to acknowledge receipt of the form which he refused to do so. I gave him a copy and left the premises.

I have worked on Night Time Economy and Licensing for four years and regularly inspect licensed premises I have always found that staff and owners are very helpful and polite. This is my third visit to FoodLink and on each occasion there has been an assortment of weapons under the counter including a meat cleaver and a baseball bat. The staff are always obstructive and uncooperative. But on this occasion I was shocked to have to experience such aggressive and obstructive behaviour from a Designated Premises Supervisor. He went out of his way to prevent me from conducting a licensing check to the point of refusing to even confirm his name and encouraging the other staff to refuse to engage with police resulting in his brother having to be arrested as he refused to provide his name and address.

In my opinion FoodLink and the people that work there are not suitable to operate a licensed premises and do not meet the licensing objectives. I believe that they are a danger to members of the public especially keeping knives and other weapons under the counter. Their complete refusal to engage with police and help with the investigation of crimes. Solhail KHAN did not appear to know any of the conditions of his Premises Licence and was unaware that he was obliged to show his Personal Licence when required to do so by a Police Officer which makes him unsuitable to be either a DPS or a Personal Licence holder.

Witness Signature:

[Redacted Signature]

Signature Witnessed by Signature:

### WITNESS STATEMENT

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

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Statement of: PC Maria O'MAHONEY 2321AS

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 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.

Witness Signature:

[Redacted Signature]

Date: 09/07/2020

Before writing this statement I have viewed my BWC footage which I exhibit as MVO/3 and MVO/4.

I am a Police Officer attached to the Night Time Economy Team and part of my duties include checking that licensed premises on the borough adhere to their licence conditions.

On Thursday the 9<sup>th</sup> July 2020 I was on duty in plain clothes in the company of PC Jonathan DUCKER and Trading Standards Officer Ray MOORE. We were conducting a follow up licencing inspection on FoodLink 98-100 Wyndham Road SE5 0UB as I had attended there on the 3rd July 2020 and found there was a number of breaches of the Premises Licence conditions and that the Designated Premises Holder (DPS) and Licence Holder Sohail KHAN had been obstructive throughout my visit refusing to answer any questions regarding the Premises Licence or the show me a Personal Licence.

At 09:35 hours we entered the shop and approached the counter where [Redacted] date of birth 25/06/1986 was working. I asked him if he was in charge and he confirmed that he was. I identified myself as a Police Officer showing Mr [Redacted] my warrant card as did PC Ducker and Ray MOORE identified himself as a Trading Standards Officer and explained that we there to conduct a licensing inspection. I asked Mr [Redacted] if he had a Personal Licence he did not appear to know what this was. I then asked if he had any ID and he produced his Home Office card. He then said his boss would not be back in the shop until after 18:00 hours. There were two further members of staff [Redacted] who were sat in the storeroom at the back of the shop eating. They said that neither of them worked behind the counter and that they just stocked the shelves and that neither of them had a Personal Licence. We asked Mr [Redacted] if he could get in contact with his boss as we needed to speak to him as there was no Personal Licence holder on the premises and this was a breach of the Premises Licence condition.

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

Mr [Redacted] said he would phone his boss and when we enquired who it was he said [Redacted] was told that we were conducting a inspection and he stated that he would make his way to the shop.

Witness Signature:

[Redacted Signature]

Signature Witnessed by Signature:

Continuation of Statement of:

Ray MOORE has then checked the staff records book to see who has been authorised to make alcohol sales by a Personal Licence Holder and none of the staff who were in the shop had been authorised. This is a breach of condition

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

There were no staff training records for [redacted] and when question about "Challenge 25" and the selling of alcohol he stated he did not know what it meant. He also said that he had not received any training regarding the sale of alcohol. He was then asked how long he had worked in the shop and he said one month and that he had never worked at the premises before. [redacted] was then asked about the "Refusal register" which is a log kept of when people have been refused a sale of alcohol. It showed that he [redacted] had signed the book with a date of 05/02/2020 stating he had refused to make a sale of alcohol. [redacted] was shown the book with his entry signature and the date. He was why it was dated the 05/02/2020 and [redacted] stated that he had made the entry 2 or 3 days ago as "[redacted] told me I had to".

These were the Premises Licence condition breaches

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.

344 - That any person who appears to be under the age of 21 will be asked to sign a universally recognised form of ID. (i.e. 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.

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.

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.

Witness Signature [redacted] .....

Signature Witnessed by Signature:.....

Continuation of Statement of:

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.

At 11:15 hours I issued [REDACTED] with a Notification of alleged offences under the Licensing Act 2003 explaining it to him what breaches of the Premises Licence conditions we had found.

I also made a request for CCTV for the dates the 26<sup>th</sup> June 2020 through to the 4<sup>th</sup> July 2020 for all cameras covering the premises. The letter was addressed to Sohail KHAN and given to [REDACTED] along with a USB stick marked 10 which he signed for.

This is the fourth time I have carried out a licensing visit at this premises. On three of the visits weapons have been found under the counter. On the last two occasions there has not been a Personal Licence holder present. On every visit there have been a number of breaches to Premises Licence conditions. I have now also been made aware that as well as staff not receiving any training on the sale of alcohol they have also been told to make false entries in the Refusals book. I do not believe that the either [REDACTED] or [REDACTED] Sohail KHAN are fit persons to run a licences premises. I have concerns that they are asking staff to falsify records and that they cannot ensure that their staff have even basic training regarding alcohol sales.

Witness Signature: [REDACTED]

Signature Witnessed by Signature: .....

### WITNESS STATEMENT

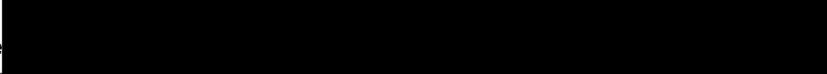
**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

Statement of: PC Maria O'MAHONEY 2321AS

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 2 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.

Witness Signature 

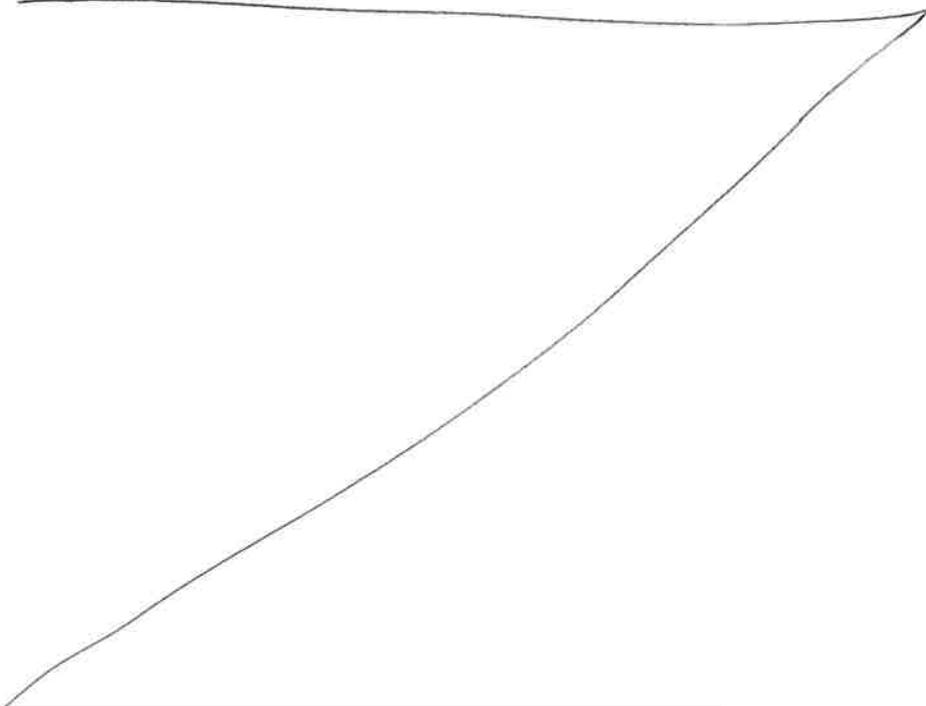
Date: 15/07/2020

Before writing this statement I have viewed my BWC footage which I exhibit as MVO/5.

On Wednesday the 15<sup>th</sup> July 2020 at 15:15 hours I attended Foodlink 98-100 Wyndham Road London SE5 OUB along with PC Jonathan DUCKER. I had made a written request for a copy of CCTV on the 09/07/2020 for the period covering 26/06/2020 to 04/07/2020 providing a USB stick.

As we approached Foodlink  was standing outside. I showed Mr  my warrant card and told him that I had come to collect the CCTV that I had requested. Mr  stated that he did not have the CCTV for those dates as it was not working at that time and he has had new CCTV installed. I asked him if it had been saved onto the old hard drive and he said no as it had not been working.

I collected the USB stick and left the premises informing him that I would be reporting him for failing to provide CCTV.



Witness Signature: 

Signature Witnessed by Signature:.....

## APPENDIX B

**From:** Moore, Ray  
**Sent:** Thursday, August 20, 2020 10:53 PM  
**To:** Regen, Licensing  
**Cc:** 'Graham.S.White@met.police.uk'; 'Ian.Clements@met.police.uk'; Tear, Jayne; Deidda, Clizia; Chudasama, Sailesh  
**Subject:** RE: Food Link, 98 Wyndham Road. SE5 0UB application for a review of the premises license number 870142

As a responsible authority under the Licensing Act 2003, Trading Standards are in receipt of an application for a review of the premises license for Food Link that has been put in by the police. Trading Standards as a responsible authority would like to add the following comments to that review.

The current license was issued on 24<sup>th</sup> September 2019 with Sohail KHAN as the Premises License Holder and the Designated Premises License Holder. Sohail KHAN is a son of [REDACTED] KHAN who this authority asserts in the real controlling mind behind the business.

By way of back ground, this premises was previously a public house that closed down and became a shop. The land registry shows that Mr Sohail KHAN is the owner of the premises and has been since 27/12/2012. His father [REDACTED] KHAN previously had control of the business before selling it to his son. [REDACTED] KHAN also has the long lease on the premises at [REDACTED] Wyndham Road.

For a considerable period since Sohail KHAN held the freehold the premises license was in the names of [REDACTED] and [REDACTED]. These two were prosecuted by the London Borough of Southwark and were found guilty of the following offences on 23/06/2016

Reeg 19 (1) Food Safety & Hygiene (England) Regs 2013 (illicit alcohol without any traceable invoices – duty diverted vodka):

£2,300 +£3,200 costs

3. [REDACTED] – Sec 136 Licensing Act 2003 (not using the serving hatch at the time of the stabbing and fight on 19/11/2014): £900

4. [REDACTED] – section 146 of the Licensing Act 2003 – sale of alcohol to a minor £350 + £200 costs

During the course of investigation of the above offences it became clear that the one bedroom flat above the shop had been turned into 8 rooms for rent...Sohail Khan was convicted under planning laws regarding the flats and under a Proceed of Crime Hearing on 28/05/2019 was required to pay back £18,000 worth Of POCA money.

At the time that Sohail KHAN took over the license in 2019, Mr MOORE received a visit at the council offices by [REDACTED] and an associate of [REDACTED] KHAN's, [REDACTED]. They alleged that [REDACTED] had been forcibly evicted from the premises by [REDACTED] and Sohail. They also alleged that Yaqoob was running a brothel from the property at [REDACTED] Wyndham Road. Mr MOORE passed this information on to the police.

The Trading Standards service have had many dealing with this premises, the most recent of which was on 9<sup>th</sup> July 2020. At that time there were numerous breaches of the premises license and the person behind the counter and in charge at the time was [REDACTED] who said that he had worked there for a month. When Mr MOORE asked him why he had entries in the refusals register dating way back beyond this date he laughed and said that [REDACTED] had made him write them in there. Mr Moore was wearing an overt body camera at the time and has video footage of this

exchange. Mr Moore gave a notice at the time for these matters, notice number 1151. There was also no personal license holder on the premises as required under the license.

There are many conditions on this license dating back to previous reviews.

Trading Standards as a responsible authority strongly support the review the police have brought as this premises has been badly run for many, many years.

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Ray MOORE

Principal Trading Standards Enforcement Officer

## MEMO: Licensing Unit

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**To** Licensing Unit                      **Date** 20 August 2020

**Copies**

**From** Jayne Tear                      **Telephone** 020 7525 0396

**Email** jayne.tear@southwark.gov.uk

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**Subject** Re Foodlink, 98-100 Wyndham Road, London, SE5 OUB

- Application to review the premises licence

I write with regards to the above application to review the premises licence submitted by the Metropolitan Police as a responsible authority under the Licensing Act 2003.

The application is submitted under the prevention of crime and disorder, public safety and the protection of children from harm licensing objectives and the grounds for the review are concerned with the discovery of narcotics on the premises and breaches of the following licensed conditions:

- 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.
- 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.
- 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.
- 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.

My representation is submitted under the prevention of crime and disorder, public safety and the protection of children from harm licensing objectives and has regard to the Southwark Statement of Licensing Policy 2019 – 2021.

The premises is an off licence/grocery that is currently licensed for supply of alcohol 'off the premises' for 24hours 7 days a week. The current licence holder and designated premises supervisor (DPS) attached to the licence is Sohail Khan.

The premises has already been called to an expedited review by the Metropolitan police back in 2014 following a serious crime and disorder incident at the premises. I attach the Notice of decision from the full LSC Hearing held on 23 December 2014 to this representation. At the time [REDACTED] was the licensee and I note that Mr Sohail Khan has the same address as [REDACTED] the previous licensee.

Following the outcome of recent inspections by the police and trading standards to the premises which are highlighted in this application and have lead to this review being submitted. I have no faith in the current licensee/DPS Mr Sohail Khan to promote the licensing objectives. I submit this representation under the prevention of crime and disorder, public safety and the protection of children from harm as it is clear that there is no responsible licensee or DPS in control of the premises or the management of alcohol sales at the premises and as such several breaches of the licensed conditions and other criminal offences have been committed.

I therefore fully support the Metropolitan Police in asking for the licence to be revoked.

I may submit further supporting information before the hearing.

Jayne Tear  
Principal Licensing Officer  
In the capacity of Licensing Authority as a Responsible Authority



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 23 DECEMBER 2014

#### LICENSING ACT 2003: Food Link, The Windmill, 98-100 Wyndham Road, London SE5 0UB

1. The council's licensing sub-committee, having had regard to the application by the Metropolitan Police for a review of the premises granted under the Licensing Act 2003 to Ghazanar Ali in respect of the premises known as Food Link, The Windmill, 98-100 Wyndham Road, London SE5 0UB and having had regard also to all other relevant representations has decided it necessary for the promotion of the licensing objectives to revoke the licence.
2. **Reasons for the Decision**

The reasons for this decision are as follows:

The licensing sub-committee had previously adjourned on 19 December 2014 at the request of the legal representatives of Food Link. All parties had agreed to reconvene on 23 December 2014.

This was a hearing made to consider an application under section 51 of the licensing act 2003 by the Metropolitan Police Service, for a review of the premise known as Food Link.

The licensing sub-committee heard from the Metropolitan Police Service who made the review and advised that the application related to an incident made on 19 November 2014 at 00:25 when there was a serious assault and a member of staff received multiple stab wounds to the front and back. A number of suspects had entered the premises, one drinking alcohol from an open vessel. An argument ensued and one of the suspects started shouting abuse at staff. A member of staff was seen ushering the individuals out on CCTV and he was observed leaving the premises brandishing a pole and swung it at the suspects. A fight started where the victim received multiple stab wounds. When the police attended there were still customers in the store and staff had to be told to shut the shop and to stop serving customers.

On 22 November 2014 at 03:00, police attended the premises to retrieve the CCTV images from the 19 November. Police were informed that the CCTV footage had been deleted from the hard drive.

On 23 November 2014 police attended the premises at 00:32 and again customers were witnessed purchasing alcohol in the shop in breach of the licence.

The licensing sub-committee heard from the trading standards officer supporting the review, who attended on 23 November 2014 with the police. They found the premises to be operating in breach of the licence and a member of staff was arrested for immigration offences. Ten boxes of Smirnoff vodka were identified that had been previously opened and resealed with tape. The UK duty payable label on the back of the bottles had been covered with white round stickers. Some of the bottles had a sticky residue over the UK duty payable label suggesting the white labels had been removed.

The licensing sub-committee heard from the representatives of Food Link who informed the sub-committee that the issues arising from the assault on the 19 November 2014 had been addressed appropriately when the interim steps were imposed on 28 November 2014. There had been no further incidents since the interim steps and full training had been provided to staff. Concerning the allegations of immigration offences, these were still being investigated by the relevant authorities. Regarding the export diversion fraud, the premises licence holder was unable to dispute this. The premises were still investigating the whereabouts of the receipts and conditions could be put in place to ensure this could not happen again. Concerning the breaches in conditions this could be addressed by curtailing the hours on the licence and the removal of the designated premises supervisor.

The licensing sub-committee considered very carefully the both the written and oral submissions. It noted on 14 September 2013 licensing officers witnessed breaches of conditions 336 (a personal license holder should be on the premises at all times that intoxicating liquor is supplied); condition 343 (that there be window service only between 00:00 and 06:00); and condition 345 (a refusal book will be kept at the premises and maintained at all times). On 22 November 2013 a further inspection by licensing officers found the premise operating again in breach of conditions 336, 343 and 345. The incident that occurred on the 19 November 2014 resulted wholly as a result of the premises operating in breach of condition 343. Furthermore CCTV was deliberately deleted in breach of condition 340. Notwithstanding the very serious assault on 19 November 2014 the staff continued to serve customers in the premises until they were ordered to stop by the police. Furthermore on 22 November 2014, the premises were operating in breach of condition 343. There also appeared to be no personal licence holder on the premises or if they were their actions were evasive and their actions led the police to conclude that they were not personal licence holders.

Two days after this incident police and trading standards found the premises operating in breach of licensing conditions, a member of staff working at the premises was arrested for immigration offences and a substantial amount of vodka was seized for export diversion fraud. The licensing sub-committee are satisfied that no additional conditions could be added to the licence to address the responsible authorities concerns. The premises licence holder has demonstrated little regard to the licensing objectives in relation the prevention of crime and disorder and promotion of public safety and therefore there is no alternative but to revoke the premises licence.

### 3. **Appeal Rights**

This decision is open to appeal by either:

- a) The applicant for the review
- b) The premises licence holder
- c) Any other person who made relevant representations in relation to the application

Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either:

- a) The end of the period for appealing against this decision
- b) In the event of any notice of appeal being given, until the appeal is disposed of.

For the avoidance of doubt, during this time the interim steps imposed on 28 November 2014 shall remain in place.

Issued by the Constitutional Team on behalf of the Director of Legal Services

Date: 23 December 2014

# Licensing Act 2003 Premises Licence

## APPENDIX C



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

Premises licence number

870142

### Part 1 - Premises details

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

<b>Where the licence is time limited the dates</b>
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<b>Licensable activities authorised by the licence</b>
Sale by retail of alcohol to be consumed off premises

<b>The opening hours of the premises</b>
For any non standard timings see <b>Annex 2</b>
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

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

<b>The times the licence authorises the carrying out of licensable activities</b>
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

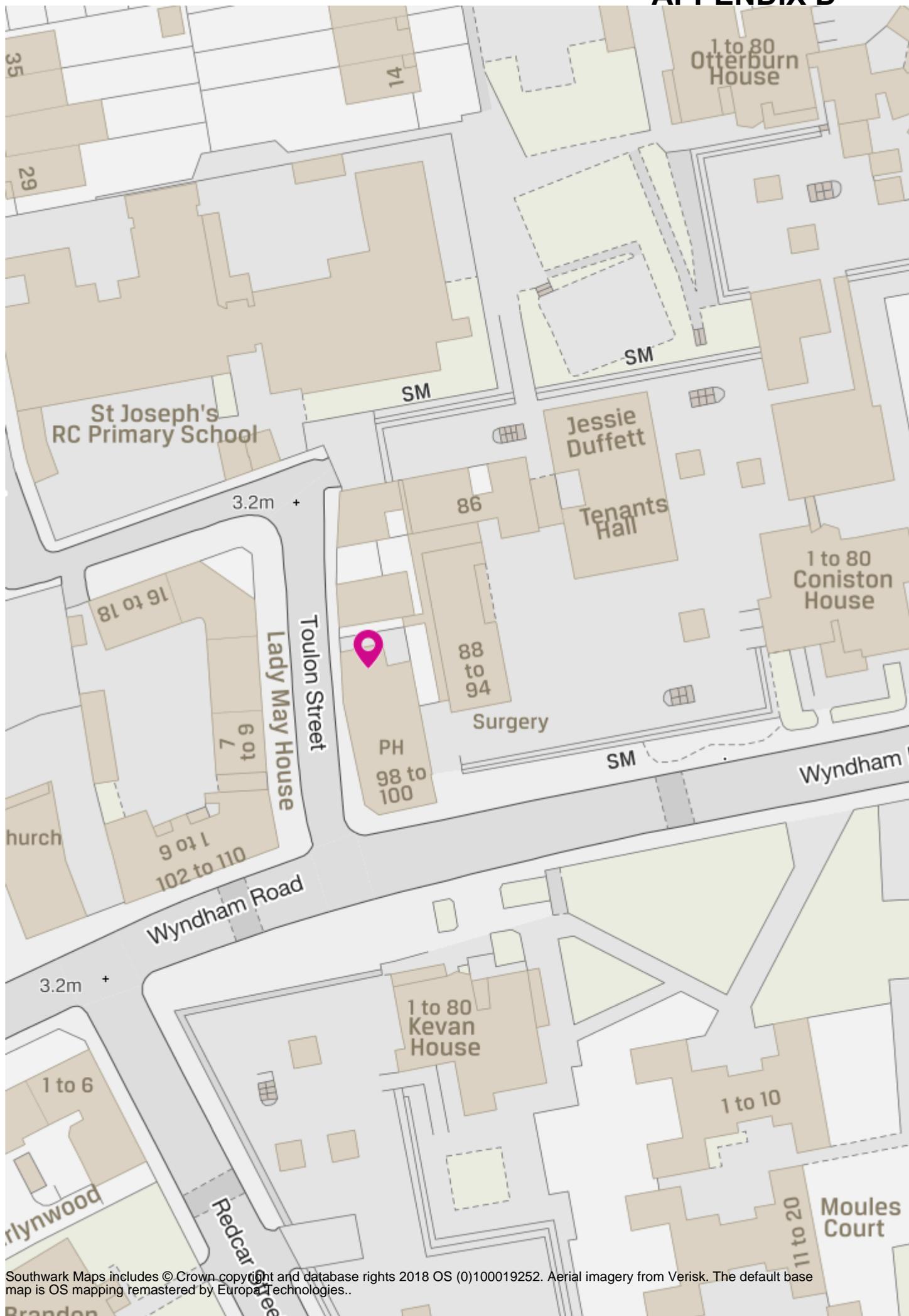
Notices will be prominently displayed at the entry and point of sale stating that CCTV is in use, challenge 25 is operated and the provisions of the licensing act regarding underage and proxy purchases and sales.

**Annex 4 - Plans - Attached**

Licence No. 870142

Plan No. N/A

Plan Date 21 November 2007



**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

Name	No of copies	Name	No of copies
<b>Members</b>		<b>Officers</b>	
Councillor Renata Hamvas (Chair)	1	Debra Allday, legal team	By email
Councillor Margy Newens	1	Charlotte Precious, legal team	By email
Councillor Charlie Smith	1	Andrew Heron licensing team	By email
<b>Reserve</b>		Ray Moore, trading standards team	By email
Councillor Ian Wingfield	1	Jayne Tear, licensing team	By email
<b>Other Members</b>		P.C. Graham White, Metropolitan Police Service	By email
Councillor Dora-DixonFyle	By email	Andrew Weir, constitutional team	By email
Councillor Barrie Hargrove	By email	<b>Total printed copies: 4</b>	
Councillor Jon Hartley	By email	<b>Dated:</b> 9 September 2020	
Councillor Sunny Lambe	By email		
Councillor Lorraine Lauder MBE	By email		
Councillor Sirajul Islam	By email		
Councilor Maria Linforth-Hall	By email		
Councillor Eliza Mann	By email		
Councillor Adele Morris	By email		
Councillor Sandra Rhule	By email		
Councillor Kath Whittam	By email		