

## 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.

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