

## Licensing Sub-Committee

Tuesday 10 January 2023

10.00 am

Ground Floor Meeting Room G01C - 160 Tooley Street, London SE1 2QH

### Membership

Councillor Charlie Smith  
Councillor Kath Whittam  
Councillor Ian Wingfield

### Reserves

Councillor Jane Salmon

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#### Contact

Maria Lugangira by email: [maria.lugangira@southwark.gov.uk](mailto:maria.lugangira@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Althea Loderick**

Chief Executive

Date: 22 December 2022



## Licensing Sub-Committee

Tuesday 10 January 2023  
10.00 am

Ground Floor Meeting Room G01C - 160 Tooley Street, London SE1 2QH

### 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>ELECTION OF CHAIR</b>	
	To elect a chair for this meeting.	
6.	<b>LICENSING ACT 2003: COSTLESS, 23-25 CAMBERWELL ROAD, LONDON SE5 0EZ</b>	1 - 83

**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: 22 December 2022

# Agenda Item 6

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 10 January 2023	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report title:</b>		Licensing Act 2003: Costless, 23-25 Camberwell Road, London SE5 0EZ	
<b>Ward(s) or groups affected:</b>		Faraday Ward	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the licensing sub-committee reconsiders an application submitted by this Council's Trading Standards service under Section 51 of the Licensing Act 2003 (the Act) for the review of the premises licence held by Mohammad Choudrey in respect of the premises known as Costless, 23-25 Camberwell Road, London SE5 0EZ.
2. Notes:
  - a) The grounds for the review are stated in paragraphs 12 to 20 of this report. A copy of the premises licence review application is attached as Appendix A.
  - b) A copy of the chronology of events leading to the review is provided in Appendix B.
  - c) The review application is supported by representations submitted by responsible authorities in Appendix C. Details of the representations are provided in paragraphs 21 to 23.
  - d) A copy of the current premises licence issued in respect of the premises is attached to this report as Appendix D.
  - e) A copy of the Magistrates' Court appeal bundle, relating to the appeal of the 31 March 2022 decision is available as Appendix F on the website in the appendices supplemental agenda.
  - f) A map of the area that the premises are located in is attached as Appendix G.
  - g) 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: 00:00 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 D.

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

11. The current designated premises Supervisor (DPS) named on the licence is Zakir Hussain, who holds a personal licence with the London Borough of Newham. This was issued on 7 February 2022.

### **The review application**

12. On 7 February 2022, an application was submitted by the council's trading standards service under Section 51 of the Licensing Act 2003, for the review of the premises known as Costless, 23-25 Camberwell Road, London SE5 0EZ.
13. The review application was submitted in respect of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm licensing objectives and in summary states that the following has been witnessed and / or taken place at the premises:
14. On Thursday 27 January 2022 Ray Moore, a principal trading standards enforcement officer with the London Borough of Southwark, visited the premises. The purpose of the visit was at the request of both the police and licensing team administration. Mr Moore was informed by the licensing team administration that the business had not paid its license fee and was effectively unlicensed. The police had also claimed that they had received complaints that the business was selling alcohol that was being consumed in the surrounding streets leading to anti-social behaviour.
15. The following other issues were found:
  - No premises licence holder or DPS present, or employee with a personal licence.
  - Lack of invoices for stock.
  - Breaches of premises licence conditions (100; 101; 288; 289; 326; 336 and 342):
    - **Condition 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.
    - **Condition 101** - Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.
    - **Condition 288** - That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times.

- **Condition 289** - That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty one (31) days.
  - **Condition 326** - That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council.
  - **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 sale or supply of intoxicating liquor will attend a recognised training scheme and that a record will be kept of the names of staff and dates attended.
  - Lack of staff training materials.
16. On 28 January 2022 an officer from the licensing team made a test purchase at 20:30 of a can of Guinness Draft Beer and witnessed a white male purchase four cans of beer.
  17. On Saturday 29 January 2022 police went to the premises shortly after midnight and witnessed alcohol being served.
  18. Trading standards as a responsible authority has asked that the licensing sub-committee consider all options with respect to this business given that it appears to have been operating without a designated premises supervisor for two years and appears to be badly run. Trading standards are seeking revocation of the premises licence.
  19. 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.
  20. A full chronology of events leading to the review are available at Appendix B.

### **Representations from responsible authorities**

21. There are supporting representations submitted in support of the review application by the Metropolitan Police Service and the licensing authority.
22. The representation from the police is made under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. It outlines antisocial issues being caused in the locality by customers purchasing alcohol from the premises, leading to complaints from local residents. This representation is available in Appendix C.
23. The licensing authority's representation is made in support of the review under the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance; and draws attention previous inspection failures from 2019, many of which are repeated in 2022. This representation together with a schedule of licensing visits to the premises and is available in Appendix C.

## Representations from other persons

24. There are no other representations from other persons.

## Operating History

22. The first licence was issued in 2007, issued to Mohammad Choudrey, with Mukhtar Ahmed as DPS.
23. In January 2016 the DPS was varied to John Hussein. However, the licensing department was later informed by trading standards that the DPS had gone away, so the licence holder was written to on 31 January 2022 to advise that a new variation of DPS application would need to be made and that alcohol could not be sold until this had taken place.
24. The application to review the licence was received on 7 February 2022 from trading standards.
25. Also on 7 February 2022, a variation of DPS application was received from the premises and changed to Zakir Hussain with immediate effect.
26. There is no history of temporary events notices for the premises, nor are there any recent complaints made to licensing.
27. The review application was heard by the Southwark licensing sub-committee on 31 March 2022. A copy of the notice of decision is available in Appendix E.
28. On 19 April 2022 an application was received the transfer the premises licence. The application did not remove Mohammad Choudrey as licence holder, rather it added Zakir Hussain as a second licence holder. This has now produced the latest premises licence which is available in Appendix D.
29. The applicant appealed that decision at the Magistrates' Court. This was heard on 22 November 2022. A copy of the Magistrates' Court appeal bundle is in Appendix F. It was agreed between the parties to remit the review back to the Southwark licensing sub-committee for reconsideration. The consent order agreeing to remit the case back to the licensing sub-committee is also attached at Appendix F.

## The local area

30. A map of the local area is attached as Appendix G. There are other licensed premises in the immediate vicinity (100m):

**Southbank Nightclub, 57-59 Camberwell Road, London SE5 0EZ**, licensed for:

- The sale by retail of alcohol (on sales only):
  - Sunday to Wednesday: 10:00 to 00:00 (midnight)
  - Thursday: 10:00 to 02:30 (the following day)
  - Friday and Saturday: 10:00 to 04:30 (the following day)
- The provision of late night refreshment (indoors and outdoors):

- Sunday to Wednesday: 23:00 to 00:00 (midnight)
- Thursday: 23:00 to 02:30 (the following day)
- Friday and Saturday: 23:00 to 04:30 (the following day)
- The provision of regulated entertainment in the form of films, performances of dance, live music and recorded music (indoors):
  - Sunday to Wednesday: 10:00 to 00:00 (midnight)
  - Thursday: 10:00 to 02:30 (the following day)
  - Friday and Saturday: 10:00 to 04:30 (the following day)

**Emukay Restaurant, 91 Camberwell Road, London SE5 1EZ**, licenced for:

- The sale by retail of alcohol (on and off sales):
  - Monday to Sunday: 10:00 to 02:30 (the following day)
- The provision of late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 03:00 (the following day)
- The provision of regulated entertainment in the form of performances of dance, live music, recorded music and anything similar (indoors):
  - Monday to Sunday: 20:00 to 02:30 (the following day)

**Red Sea, 85 Camberwell Road, London SE5 0EZ**, licensed for:

- The sale by retail of alcohol (both on and off sales):
  - Sunday to Thursday: 12:00 to 23:00
  - Friday: 12:00 to 00:00 (midnight)
  - Saturday: 12:00 to 02:00 (the following day)
- The provision of late night refreshment (indoors):
  - Friday: 23:00 to 00:00 (midnight)
  - Saturday: 23:00 to 02:00 (the following day)

**Legacy Restaurant, 53 Camberwell Road, London SE5 0EZ**, licenced for:

- The sale by retail of alcohol (on sales only):
  - Monday to Thursday: 10:00 to 00:30 (the following day)
  - Friday to Sunday: 10:00 to 02:30 (the following day)
- The provision of late night refreshment (indoors):
  - Monday to Thursday: 23:00 to 00:30 (the following day)
  - Friday to Sunday: 23:00 to 02:30 (the following day)

- The provision of regulated entertainment in the form of performances of dance, live music and recorded music (indoors):
  - Monday to Thursday: 18:00 to 00:30 (the following day)
  - Friday to Sunday: 18:00 to 02:30 (the following day)

**Abokobi Ghanaian Restaurant, 33 Camberwell Road, London SE5 0EZ,** licensed for:

- The sale by retail of alcohol (both on and off sales):
  - Monday to Sunday: 12:00 to 23:30
- The provision of late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 23:30

**Dallas Chicken and Ribs, 30 Camberwell Road, London SE5 0EN,** licensed for:

- The provision of late night refreshment (indoors):
  - Monday to Sunday: 23:00 to 01:00 (the following day)

**Astra Newsagents, 5a Westmoreland Road, London SE17 2AX,** licensed for:

- The sale by retail of alcohol (on sales only):
  - Monday to Sunday: 06:00 to 22:00

**H&G Cuisine, 33 Camberwell Road, London SE5 0EZ,** licensed for:

- The sale by retail of alcohol (both on and off sales):
  - Monday to Saturday: 10:00 to 23:00
  - Sunday: 10:00 to 21:30
- The provision of late night refreshment (indoors):
  - Monday to Saturday: 23:00 to 23:30.

### **Southwark Council statement of licensing policy**

25. Council assembly approved Southwark's statement of licensing policy 2021-2026 on 25 November 2020 and it came into effect on 1 January 2021.
26. 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.
31. 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.
32. Members should take into consideration both the Southwark statement of licensing policy and the Section 182 Guidance when making decisions. Links are below.

Southwark policy:

<https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Section 182 Guidance:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

### **Cumulative impact area (CIA)**

33. Within Southwark’s statement of licensing policy, the premises is not situated in a cumulative impact area.

34. Under the Southwark statement of licensing policy 2021-2026 the following closing times are recommended as appropriate within this area for the category of premises indicated:

- Closing time for off-licences is 23:00 daily.

### **Climate change implications**

35. Following council assembly on 14 July 2021, the council is committed to considering the climate change implications of any decisions.

36. Climate change is not a legal factor in the consideration of a grant of a premises license under the current licensing objectives, however members can make enquiries and request an agreement from applicants to promote the reduction of the impact of climate change that may be caused by the operation of the premises.

37. Examples of such an agreement may be:

- Not to use single use plastics, such as disposable plastic glasses, when selling alcohol at the premises.
- Encourage patrons not to drive to venues by providing details of public transport on their webpages/tickets.

38. The council's climate change strategy is available at:

<https://www.southwark.gov.uk/assets/attach/48607/Climate-Change-Strategy-July-2021-.pdf>

### **Community, equalities (including socio-economic) and health impacts**

#### **Community impact statement**

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

#### **Equalities (including socio-economic) impact statement**

40. This report does not result in a policy decision and each application is required to be considered upon its own individual merits with all relevant matters taken into account. In considering the recommendations of this report, due regard must be given to the public sector equality duty set out in section 149 of the Equality Act 2010. This requires the council to consider all individuals when carrying out its functions.

41. Importantly, the council must have due regard to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct; advance equality of opportunity and foster good relations between people with protected characteristics and those who do not. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The public sector equality duty also applies to marriage and civil partnership, but only in relation to the need to eliminate discrimination, harassment, victimisation, or other prohibited conduct.

42. The equalities impact statement for licensing decisions is contained within the Southwark statement of licensing Policy 2021 – 2026 is available at:

<https://www.southwark.gov.uk/business/licences/business-premises/licensing/licensing-and-gambling-act-policy>.

43. The equalities impact assessment is available at:

<https://moderngov.southwark.gov.uk/documents/s92016/Appendix%20F%20-%20Equalities%20Impact%20Assessment.pdf>

### **Health impact statement**

44. Health impacts cannot be considered by law when making decisions under the Licensing Act 2003.

### **Resource implications**

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

### **Consultation**

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

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Governance**

47. 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.

48. The principles, which sub-committee members must apply, are set out below.

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

49. Under Section 52 of the Licensing Act 2003, the licensing authority must hold a hearing to determine the review and any relevant representations.

50. 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.

51. 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.
52. 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.
53. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.
54. 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.
55. 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.
56. 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**

57. 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**

58. 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.

59. This matter relates to the review of the premises licence under Section 51 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**

60. 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.
61. 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.
62. 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.

63. 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.
64. 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.
65. The sub-committee can only consider matters within the application that have been raised through representations from other persons and responsible authorities.
66. 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 of the Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.
67. 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**

68. Members are required to have regard to the Home Office 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**

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

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
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 and Enforcement, 160 Tooley Street, London SE1 2QH	Mrs Kirty Read Tel: 020 7525 5748

**APPENDICES**

<b>Name</b>	<b>Title</b>
Appendix A	Copy of the review application
Appendix B	Chronology of events leading to review
Appendix C	Representations from responsible authorities
Appendix D	Copy of the current premises licence
Appendix E	Notice of decision from 31 March 2022
Appendix F	Magistrates' Court appeal bundle (available on the website in appendices supplemental agenda)
Appendix G	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>	14 December 2022	
<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 and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	16 December 2022	

07/02/2022

Application for a review of a premises licence or club premises certificate under the Licensing Act  
Ref No. 1796090

Please enter the name of applicant who is applying for the review of a premises licence under section 51/  
applying for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the  
premises described in part 1

	Mr Ray MOORE
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## 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.

Please submit the completed form to along with the payment either by cheque or postal order made payable to London Borough of Southwark and dispatch to the following address below.

Environment and Social Regeneration  
Regulatory Services – Licensing Team  
160 Tooley Street  
3rd Floor Hub 1  
PO Box 64529  
London  
SE1P 5LX  
E-mail: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)  
Tel 020 7525 4261

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

Address Line 1	23-25 CAMBERWELL ROAD
Address Line 2	
Town	LONDON
County	
Post code	SE5 0EZ
Ordnance survey map reference or description	

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

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

	851039
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I am

	2) a responsible authority
--	----------------------------

## 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.

## Personal Information

Title	Mr
If other, please specify	
First names	Ray
Surname	MOORE

## Address

Address Line 1	160 TOOLEY STREET
Address Line 2	
Town	LONDON
County	
Post code	SE1 2QH

## Contact Details

Telephone number (if any)	██████████
E-mail address (optional)	████████████████████

## Personal Details

Title	Mr
If other, please specify	
Forenames	Ray
Surname	MOORE

## Address

	SOUTHWARK COUNCIL
Address Line 1	160 TOOLEY STREET
Address Line 2	

Town	LONDON
County	
Post code	SE1 2QH

## Contact Details

Daytime contact telephone number	[REDACTED]
E-mail address (optional)	[REDACTED]

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

	Please select one or more as appropriate
	<ul style="list-style-type: none"> <li>1) the prevention of crime and disorder</li> <li>2) public safety</li> <li>3) the prevention of public nuisance</li> <li>4) the protection of children from harm</li> </ul>

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

	<p>Prevention of Crime and Disorder –</p> <p>On Thursday 27th January 2022 Ray MOORE, a Principal Trading Standards Enforcement Officer with the London Borough of Southwark, went to the business trading as “Costless” at 25 Camberwell Road, London, SE5 0EZ. The purpose of the visit was at the request of both the police and Licensing Team administration. Mr MOORE was informed by the Licensing Team administration that the business had not paid its license fee and was effectively unlicensed. The police had also claimed that they had received complaints that the business was selling alcohol that was being consumed in the surrounding streets leading to anti-social behaviour.</p> <p>Shortly before midday Mr MOORE went into the shop and made a test purchase of a can of Carlsberg Special Brew. He paid £1.99 for this. Exhibit RAY/CL/1 He then met up with three police officers from the Night Time Economy Team: PC Maria O’MAHONEY; PC Mark LYNCH and PC Ross KENNEDY. They then went into the shop at about 12:05hrs where Mr MOORE and the police announced themselves and showed their ID. Mr MOORE explained that the license fee hadn’t been paid and that they had made a sale of alcohol to him when the premises did not have a current premises license contrary to sections 136; 137 and 138 of the Licensing Act 2003. At this time there were 2 people on the premises: [REDACTED] and [REDACTED] who were joined by a third person at 12:35: [REDACTED]. None of them held a personal license. Mr MOORE explained that he intended to do an inspection. They showed ID in the form of Residency Permit Cards stating “Student Leave to enter” / “Work 20 HRS max in term time” for [REDACTED] and [REDACTED]. Exhibit RAY/CL/2 and RAY/CL/3</p> <p>Mr MOORE asked [REDACTED] where the Designated Premises Supervisor ([REDACTED]) was and Premises License Holder ([REDACTED]). He said they were on their holidays. Mr MOORE asked when they would return and he said he didn’t know.</p> <p>On the premises and in the store rooms there was a large quantity of West African lagers and stouts. Mr MOORE asked for traceable invoices for these products and inspected paperwork behind the counter. He found a book with an orange cover entitled “Only Bills” / [REDACTED]. RAY/CL/4 At the back it had 6 weeks’ worth of hours worked for 7 people. The shop opens 24 hours and it had [REDACTED] and [REDACTED] working 12 hour shifts with weekly totals coming in at up to 81 hours. It did not give an indication of the hourly rate of pay. The front part of the book had details of goods purchased by the business on a daily basis from 20/04/2021 until</p>
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27/01/2022 – the day of the visit. This included entries for “Moon Drinks” and “Rum Punch”. They appeared to be related to daily cash purchases by the business rather than the more sizeable purchases from wholesalers.

Mr MOORE noted that there were on the shop floor and in the store rooms large quantities of the following products:-

28 cases of 12 x 600ml bottles of Guinness Foreign export Stout 7.5% alcohol  
 30 cases of 24 x 330ml bottles of Guinness Foreign Export Stout 7.5% alcohol  
 7 cases of 12 x 600ml bottles of Gulder Lager 6% alcohol  
 6 cases 12 x 600ml bottles of Star Lager 6% alcohol  
 3 cases of 12 x 600ml bottles of Trophy Lager 6% alcohol

Mr MOORE formally requested on Notice number 0703 copies of these invoices under the provisions of Regulation 19(1) of the Food Safety & Hygiene (England) Regulations 2013 which require that traceable invoices be provided for food products when requested by an authorised officer. RAY/CL/5 Mr MOORE asked that [REDACTED] produce these invoices within 7 days.

Mr MOORE and the police also looked at what conditions would have been complied with if the license had been in place. As there did not appear to be a Designated Premises Supervisor in place condition 100 would have been breached:-

100: No supply of alcohol may be made under the Premises License-

a. At a time when there is no Designated Premises Supervisor in respect of the premises license; or

b. At a time when the Designated Premises Supervisor does not hold a Personal License or his Personal License is suspended.

101: Every supply of alcohol under the premises license must be made; or authorised by, a person who holds a personal license.

None of those in the shop held a persona license although [REDACTED] showed Mr MOORE and the police pictures of certificates for himself and [REDACTED] for the Highfield Level 2 Award for Personal License Holder... a pre-requisite to getting a personal license. It is unknown if [REDACTED] is the same as the person listed as [REDACTED] in the wages book. RAY/CL/14 & RAY/CL/15

336: A personal License holder shall be on the premises at all times that intoxicating liquor is supplied. Copy of Premises License 851039 RAY/CL/6

The Protection of Children from Harm-

Many of the conditions on the license appear to be outdated and reference an on-sales establishment such as a pub. However, they did have a refusals register behind the counter that was relatively up to date. However, they did not appear to know what a PASS approved card was and there were no staff training records present.

326: That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council.

342: That all staff concerned with the sale or supply of intoxicating liquor will attend a recognised training scheme and that a record will be kept of the names of the staff and dates attended. It is debatable if the two Level 2 Award certificates for [REDACTED] would cover this for all staff.

There was a challenge 25 poster displayed on the cigarette gantry.

There was an EPOS system installed that asked for age identification for alcohol.

There was no A3 poster warning about sales of cigarettes to under 18s as is required under the Children and Young Persons (Protection from Tobacco) Act 1991.

Public Safety-

The store room of the shop had what looked like a lot of dangerous wiring and other hazards which Mr MOORE reported to the Occupational Health Team.

Prevention of public Nuisance-

The original police complaint about anti-social behaviour relating to alcohol bought from this premises.

I gave notice number 0703 listing the issues at the premises and the police also issued a notice emphasising that alcohol was not to be sold while there was still no premises license.

Photos of Shop etc. RAY/CL/7

On Friday 28th January 2022 I requested that an officer from the Licensing Team make a test purchase at the premises. Mr Richard KALU made a test purchase at about 20:30hrs of a can of Guinness Draught Beer and also witnessed a [REDACTED] male purchase four cans of beer. He asked for a receipt for this purchase which he was given.

	<p>Statement of Richard KALU RAY/CL/8</p> <p>On Saturday 29th January 2022 PC Maria O'MAHONEY went to the premises shortly after midnight and again witnessed alcohol being served.</p> <p>On Monday 31st January 2022 Kirty Read from the Licensing Team informed me that payment had been received for the license. She e-mailed [REDACTED] with a letter relating to these matters.</p> <p>e-mail and letter dated 31/01/2022 from Kirty Read RAY/CL/9</p> <p>On Thursday 3rd February 2022, PC Ross KENNEDY informed me that he had been in contact with the Designated Premises Supervisor, Mr John HUSSEIN, who stated that he had not worked at the premises for the last two years.</p> <p>e-mail from PC Ross Kennedy RAY/CL/10</p> <p>Shortly before 11:00hrs Ray MOORE returned to the premises again accompanied by PC Mark LYNCH; PC Maria O'MAHONEY and PC Ross KENNEDY. On this occasion [REDACTED] and [REDACTED] were there again along with [REDACTED] who also showed a residency permit allowing for 20 hours work per week "Student leave to enter". This again would match with another name in the work book [REDACTED] Picture of residency permit RAY/CL/11</p> <p>Mr MOORE gave [REDACTED] [REDACTED] a further notice 0705 outlining the illegal sales of alcohol on 27th and 28th of January 2022. The first without a premises license and the second without a Designated Premises Supervisor. Copy of 0705 RAY/CL/12</p> <p>Again the following license conditions were not complied with:- Conditions 100; 101; 288; 289; 326; 336 and 342.</p> <p>Mr MOORE asked on the notice that [REDACTED] [REDACTED] produce the invoices requested – he then produced invoices to Mr MOORE which Mr MOORE now needs to check with the supplier. Invoices RAY/CL/13</p> <p>Trading Standards as a responsible authority would ask that the Licensing Authority consider all options with respect to this business given that it appears to have been operating without a Designated Premises Supervisor for 2 years and appears to be badly run.</p> <p>Should the Licensing Sub Committee choose not to revoke the license then a list of proposed conditions will be produced for the subcommittee to consider.</p>
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Please provide as much information as possible to support the application (please read guidance note 3)

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Notes for Guidance

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.

Have you made an application for review relating to this premises before?

	No
--	----

If yes, please state the date of the application

--	--

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

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#### Checklist

	I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate I understand that if I do not comply with the above requirements my application will be rejected
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IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON CONVICTION TO A FINE OF ANY AMOUNT

Declaration (please read guidance note 5)

Applicant Full Name	Ray MOORE
Applicant or Applicant's solicitor or other duly authorised agent	
Date	07/02/2022
Capacity	

#### Notes for guidance

5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

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

Full name	Ray
-----------	-----

Address (please read guidance note 6)

Address Line 1	160 TOOLEY STREET
Address Line 2	
Town	LONDON
County	
Postcode	SE1 2QH
Telephone number (if any)	
Email	

Notes for Guidance

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

## CHOUDHREY &amp; HUSSAIN

(t/a “Costless”)

-v-

## LONDON BOROUGH OF SOUTHWARK

Council’s Chronology for Appeal Hearing on 22-23 November 2022

<u>Date</u>	<u>Event</u>	<u>Reference</u>
<b><u>2007</u></b>	Premises Licence first issued to Mohammed Choudrey with Mukhtar Ahmed as DPS.	HERON (C-1)
<b><u>2014</u></b>		
27.1.14	Compliance visit to store. Nobody knew who DPS was – listed on licence as Mohammed Riaz. Refusals register not in use. No personal licence holder present.	MOORE 1 (C-7)
<b><u>2016</u></b>		
13.1.16	DPS varied to John Hussein.	HERON (C-1) MOORE 1 (C-7)
15.1.16	Visit. Staff member arrested for illegally working. Fixed Penalty Notice issued to manager. Quantity of rum and bitters seized – no duty paid as no mandatory duty stamps on items. Traceable invoices requested but never produced (an offence). Various breaches of licence conditions.	MOORE 1 (C-7)
17.2.16	Under age test purchase exercise. Staff refused sale but didn’t ask for ID.	MOORE 1 (C-7)
23.10.16	Under age test purchase exercise. Staff refused sale.	MOORE 1 (C-7)
<b><u>2019</u></b>		
27.3.19	Inspection. Breaches of conditions. Polish lagers without English on sale. No invoices for alcohol forthcoming following request. Warning letter sent following day (E-126).	MOORE 1 (C-7) TEAR 1 (C-18)

11.5.19	Inspection. Compliant with licence conditions. However, non-duty paid Karpackie beer (9% ABV) at store being sold for £1.59 per can (duty plus VAT cost was £1.34).	MOORE 1 (C-7) & 4 TEAR 1 (C-18)
14.5.19	Ray Moore hand delivers letter to shop addressed to Mohammed Choudrey asking for invoices for Karpackie beer seen on 11.5 visit.	MOORE 1 (C-7) &4
20.5.19	Email in response to letter from Zakir Hussain [REDACTED]  Encloses invoices for 5 cases not 10 cases found at shop. Wholesale purchase price shown to be £1.75 per can (i.e. above sale price of £1.34). Invoices made out to "Zakir Hussain" or companies associated with him.	MOORE 1 (C-7) &4
<b><u>2020</u></b>		
18.2.20	Underage test purchase refused to a minor and ID requested.	MOORE 1 (C-7)
23.4.20	Visit during Covid. Social distancing compliant.	TEAR 1 (Log, E-132)
25-26.11.20	Emails from [REDACTED] to Southwark licensing re payment for annual licence fee. Requests call on [REDACTED].	TEAR 2
<b><u>2021</u></b>		
27.9.21	Notice of Suspension for unpaid licence fees posted to Mohammed Choudrey, 57 Tadworth Road, London (address on premises licence). Also emailed on same date to [REDACTED]. Letter indicated licence suspended from 18.10.21 if fees unpaid.	TEAR 2
18.10.21	Licence suspended for unpaid annual licence fee (as per Notice).	TEAR 1 (C-18)
30/31.10.21	ASB visit to area from 23:00-02:00. Police noticed a lot of people using Costless including an intoxicated male staggering on his feet at 24:30hrs seen to purchase a large can of Strongbow cider and walk away and open this outside the store.	GAFFNEY (E-134-136)

6.11.21	ASB visit to area from 23:00-2:00. At 23:46 male exited bar and bought small bottle of rum from Costless.	GOMES (E-137-139)
12/13.11 .21	Pc Lynch and Pc Ducker witness drunk male enter Costless around 02:30hrs. Staff seen selling alcohol to several people under the influence of alcohol. Staff did not refuse any of them sales. When police challenged staff member about selling alcohol to drunk person he said "it is not good".	DUCKER (E-153) LYNCH (C-34)
18.11.21	Letter confirming licence suspended posted to Mohammed Choudrey and emailed on same date to [REDACTED]	TEAR 2
<b><u>2022</u></b>		
27.1.22	Test purchase of alcohol whilst licence suspended for unpaid fees. Carlsberg Special Brew sold. Breaches of conditions (including no personal licence holder on site). When asked where DPS (John Hussein) and licence holder (Mohammed Choudrey) were staff replied "on holiday" and they didn't know when they would return. Staff logs suggesting working 80 hours per week though student visas limited work to 20 hours per week during term time (this was term time). Traceable invoices for alcohol requested. Dangerous wiring in store room.  Within minutes of police telling staff they could not sell alcohol because their licence was suspended, they sold two bottles of red wine to a customer.	MOORE 1 (C-7) O'MAHONEY (C-26) LYNCH (C-35) DUCKER (E-153) KENNEDY 1 (C-30) TEAR 1 (C-18)
28.1.22	Visit. Test purchase of can of Guinness sold though licence suspended. Breach of conditions.	HERON (C-1) MOORE 1 (C-7) KALU (E-100) TEAR 1 (Log E-133)
28/29.1. 22	At 00:03 police witness 5 males drinking alcohol and making a lot of noise in street near Costless. Police enter Costless. Breach of conditions (including no personal licence holder present). Alcohol sold whilst licence suspended.  Street drinker enters Costless shouting to staff "family,	MOORE 1 (C-7) O'MAHONEY (C-26)

	<p>family”. Left his rucksack on counter and asked staff to look after it as he went back outside to join the other street drinkers. Staff indicated to police “He is a regular”.</p> <p>Staff seen to sell alcohol to young males without asking for ID. Staff did not know what “Challenge 25” was when challenged.</p>	
29.1.22	At 20:20hrs police returned to Costless in plain clothes. Staff claimed to be a personal licence holder but couldn't produce it or provide any ID as he “had just come back from holiday”. Police issue section 19 Closure Notice (a warning that compliance required or police may apply to court for a Closure Order).	O'MAHONEY (C-26)
31.1.22	Payment of licensing fee. Licence no longer suspended. Council write to licence holder to advise that since the Council had been told that the DPS was no longer working for the premises an application to vary the DPS was required and alcohol could not be sold until this had been processed.	HERON (C-1) MOORE 1 (C-7)
2.2.22	Police spoke on phone to DPS on licence John Hussein who stated he hadn't worked at premises for 2 years. Breach of conditions	MOORE 1 (C-7) KENNEDY 2 (C-32)
3.2.22	Visit. 3 staff members at store. One staff member admitted they had been selling alcohol all the previous week but they had stopped selling today. Sign on door stating they couldn't sell alcohol although alcohol on display, fridges lit up and blinds not pulled down. Till printout evidences £225.84 worth of alcohol sales over past 24 hours. Officer hands to staff member letter to licence holder from Council informing them the premises could not sell alcohol unless certain conditions met.	MOORE 1 (C-7) KENNEDY 2 (C-32)
7.2.22	Application to Review Premises licence received by LBS.	HERON (C-1)
7.2.22	Application to vary DPS to Zakir Hussain [REDACTED] received by Council.	HERON (C-1)
25.3.22	Inspection. No major trading standards issues. Required A3 tobacco notice not present in shop. Alcohol invoices requested.	MOORE 2 BOURNE

31.3.22	Review Hearing before Council	HERON (C-1)
10.6.22	Visit by Ray Moore requesting invoices	MOORE 2 (C-15)
22.6.22	Council advisory visit on knives. Officer dealt with Zakir Hussain. He was unaware snap off knives displayed on shop floor were age-restricted. Guidance issued by the Responsible Retailer Scheme advises they should not to stored on shop floor.	MOORE 3 (C-36)
26.8.22	Council nicotine vape test purchasing exercise. 16 year old girl asked to buy vaping device. Staff asked for ID. A woman unrelated to the exercise turned to girl and said "Don't worry, I'll buy it for you". Sales assistant sold the vaping device to the woman. This amounts to an offences of making a proxy sale of nicotine to a minor.	MOORE 3 (C-36)
17.11.22	Ray Moore visits Costless. One staff member now has personal licence. No issues with conditions that could be checked. However the store was offering for sale a drain cleaner made of 91% sulphuric acid which can only be sold to persons with a "precursor licence" (e.g. cleaning professionals). Staff unaware of this and removed item.	MOORE 3 (C-36)

**Gary Grant**

Counsel for London Borough of Southwark

21 November 2022



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

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

Tel: 0207 232 6756

Email: SouthwarkLicensing@met.police.uk

**Date: 6th March 2022**  
**Ref 033/21/2022**

**Re:- Mr Mohammed Choudrey Costless 23-25 Camberwell Road SE50EZ**

Dear Sir/Madam

Police are in receipt of an application from Mr Ray Moore of Southwark Councils Trading Standards Team for a review of the above premises licence.

All four of the licensing objectives have been activated in this matter, the evidence for the review has been detailed in the application made by Ray Moore. A number of the incidents referred to came as a result of joint visits to the premises with members of the Police Night Time Economy Team.

In support of this application I exhibit the Police statements and copies of the enforcement notices issued to the person in charge of the premises at the time of visiting.

IJC1,2 & 3 refer to visits made on the 29/01/2022.

IJC4 is a statement from PC Kennedy in relation to the 27<sup>th</sup> Jan 2022

IJC5 is a statement from PC Kennedy in relation to the 2<sup>nd</sup> Feb 2022

ICJ6 Notification of offences dated the 3<sup>rd</sup> Feb 2022

In way of some back ground information, this premises is located in close proximity to Boyson Road off Camberwell Road. The area surrounding Boyson Road has a number of licensed premises including restaurants and bars. For several months this area has been subject of an ongoing Police operation to deal with complaints of anti-social behaviour and noise complaint from local residents. A number of the complaints seem to relate to patrons from these premises congregating outside in the streets where they continue to drink, and as a result have been causing noise and anti-social behaviour issues with the residents.

It also became apparent that the public were purchasing alcohol from the Costless Supermarket 23-25 Camberwell Road. This was then being consumed in close proximity to the shop or across the road in the area around Boyson Road. This then adding to the issues around anti-social behaviour and noise in the streets.

My exhibit IJC1 is a Statement from PC O'Mahoney relating to a visit to the premises on the 29<sup>th</sup> January 2022. You will see from this statement that during the visit members off staff at the premises allowed a member of the public to store his personal belonging in the store whilst he was drinking in the street in proximity of the premises with others. Clearly on this occasion the staff were encouraging such behaviour that it was likely to cause noise and or anti-social behaviour. A number of breaches of the premises licence were also noted. My exhibits IJC2&3 are the enforcement notices issued at the time.

My Exhibit IJC4 relates to a visit on the 27<sup>th</sup> January. A number of offences are the licensing act and breaches of the premises licence are detailed within.

My Exhibit IJC5 is a statement from PC Kennedy in relation to a visit to the premises on the 3<sup>rd</sup> February 2022. This was a follow up visit after the previous visits on the 27<sup>th</sup> & 29<sup>th</sup>. Again further breaches were noted as detailed in the statement.

My exhibit IJC6 is a copy of the alleged offences from the 3<sup>rd</sup> February.

As detailed in the application from Ray Moore, it became evident that the premises were being operated without a DPS being in place. This would support the complete lack of knowledge of the licensing act and the conditions on the premises licence by the staff working at the premises during the numerous visits.

The premises licence holder Mr Mohammad Choudrey would or should have been aware of this and should have rectified the matter immediately. This was not the case and the premises appears to have been operating without a DPS or suitably qualified or authorised person in charge.

This premises is permitted to be open and selling alcohol 24 hours a day. A licensed premises such as this comes with a great responsibility and should have qualified staff and strong management in place. This is not the case and it is therefore my recommendation that this premises licence is revoked. All options are of course to be considered including the suspension of the premises licence and or modification of the premises licence. Something also to be considered would be a considerable reduction in the hours for the sale of alcohol.

However due to the previous operating history of the premises, I would have no confidence that the premises licence holder would operate the premises in line with any licence to supply alcohol.

I submit this evidence in full support of the application to review the premises licence.

Yours Sincerely

**PC Ian Clements 2362AS**

Licensing Officer  
Southwark Police Licensing Unit

### WITNESS STATEMENT

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

URN

Statement of Mark Lynch 2246AS

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

This statement (consisting of \_\_\_\_\_ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: .....  ..... Date: 16/11/2022

This statement was made on Wednesday 16<sup>th</sup> November 2022 by refreshing my memory by reviewing my body worn video recorded on the 12<sup>th</sup> and 13<sup>th</sup> November 2021.

On Friday 12<sup>th</sup> November 2021 I was on duty in plain clothes in company with Pc 2494AS Ducker. We are part of the night time economy team and our duties involve visiting licensed premises to carry out inspections as well as attending venues that have come to light through complaints. On this date we were tasked evening to pay attention to the areas of Boyson Road, John Ruskin Street and Camberwell Road SE5, this was due to complaints by local residents about the antisocial behaviour in the area during the evenings and into the early hours. The allegations were that some of the issues were being caused by customers of Ibbs and other local establishments and included urinating, drug taking, drinking in the street, noise and people congregating around cars, playing music and again drinking and making excessive noise.

On this occasion we attended the area at about 2350hrs along with Charlie Jerrom who works as one of Southwark Councils Licensing Officers. We parked in John Ruskin Street and carried out some patrols in the surrounding area and its venues. We stood in Camberwell Road Se5 where we could see a couple of IC3 males stood outside a venue called Fourth Garden drinking from plastic cups and the males appeared to be playing music. We crossed the road and approached the men where Pc Ducker identified us both to the males. We asked the male to turn the music off as it was too late and local residents are complaining about the noise to which he did. The male was joined by other males and after talking to them all they agreed to move on. We went into Boyson Road where I approached an IC3 male in a red top who'd just weed on the pavement. He was stood by a silver VW. I told the Male who said he'd been drinking at IBBS in Arnside Street SE17 that he should leave the vehicle there as he'd clearly been drinking. He was also holding onto a beer and told us that he wasn't going home yet and that he was going to the other IBBS on Camberwell Road SE5. He left and we walked down Boyson Road which was at that time about 0010hrs on Saturday. We went back over to join Charlie Jerrom back in John Ruskin Street near to the junction with Camberwell Road. Whilst stood there we saw what appeared to be some of the clients of the venue were in and out of the venue walking down the road and smoking. Staff at the venue clearly knew we were in the area and were careful to try and make sure their patrons did not flow around into Boyson Road. I saw a member of staff keep walking down to the junction and engage with patrons who were outside smoking. We did notice that the security staff were not searching everyone going into the venue and because some people were in and out of the venue every few minutes they seemed to be ignored for

Witness Signature: .....  .....

Signature Witnessed by Signature:.....

Continuation of Statement of:

another search. This is in contradiction to their licence which requires that everyone entering the premises shall be searched. We left the area and later returned at about 0230hrs as this was near to the closing time for Ibbs Legacy. As we made our way into Boyson Road our attention was immediately drawn to a male dressed in light coloured clothes pissing on the floor near to a Red coloured car. We told the male that what he was doing was unacceptable at which point he stumbled into the road. He seemed to think that his behaviour was perfectly okay and kept trying to approach us as he did so I could smell he had been drinking and was clearly drunk. We told him to go away which he eventually began to do. A larger built male in a beige coloured jumper appeared to come from Ibbs and was trying to persuade people to leave. Another male wearing white trousers and trainers with a black and beige coloured coat was drinking from a guinness bottle. He was initially encouraged to leave by the aforementioned male in the beige jumper but didn't leave and Pc Ducker told the male to leave the area and be quiet. He was led away eventually by his friends. As patrons left lbs the noise level increased as they entered Boyson Road and loitered. At about 0250hrs we crossed Camberwell Road to observe the venue from John Ruskin Street. We watched a group of 20 people leave the venue and stand at the junction of Boyson Road talking loudly. We then saw another male, in his 40's dressed in a black leather jacket carrying a beer, he had a large necklace. He'd left the club and wandered over Camberwell Road past where we were stood when one of his friends told him we were "cops" to which the male in the black jacket started saying that "you can do fuck all". Pc Ducker told the male to be quiet to which the male ignored him. Pc Ducker explained to the male that it was 0230hrs in the morning and that people live in the area and that he needed to shut up and not swear. The male was unsteady on his feet and his breath smelt of alcohol. He was drunk. He then left and we watched him cross back over Camberwell Road. We walked back over to Boyson Road and saw that most of the vehicles that had been parked there earlier had disappeared. The male who I know as Ibrahim who runs the Legacy Bar came over to us along with the male in the beige jumper. We explained to him of the problems his customers were causing. I explained to both men that their customers were seemingly overly intoxicated and that's in part why they seemed to need to wee all over the pavements. Ibrahim insinuated that this behaviour takes place everywhere and is okay. We then noticed a male [REDACTED] with a red baseball cap having a [REDACTED] in Red Lion Row just across the road from us. We pointed this out to Ibrahim before going and speaking to the male.

We then walked towards Costless where we saw the drunk male from earlier with the black leather jacket also walking towards Cost Less Supermarket, 23-25 Camberwell Road. We stood outside the venue as 3 females we had seen leave Ibbs were stood at the till all were very noisy. I then saw a number of people who smelt of alcohol and were unsteady on their feet enter the venue and bought alcohol without the staff refusing any of them sales. We then saw the drunk male with the black leather jacket walk into the shop with another male, they selected some bottles of beer and the male in the leather jacket gave his money to the other male who paid the cashier, both males had slurred speech, unsteady on their feet and smelt of alcohol they were drunk. We then went inside the shop and observed the staff selling to those that appeared to be drunk alcohol. Whilst waiting inside the male with the leather jacket and his friend returned and started to argue with the shop staff over how much they had charged him for the beer, the staff then recounted the change and both males left. Another male who'd also been in Ibbs earlier with a beige and black coloured coat and his friend in a beige checked coat they both had slurred speech and smelt of alcohol came in and they bought alcohol without being challenged, one of these males then opened his bottle and began drinking it whilst in the shop before a lady informed him we were police and he

Witness Signature: ..... [REDACTED] .....

Signature Witnessed by ..... [REDACTED] .....

Continuation of Statement of:

then began talking but his speech was so slurred I could not understand him. The males left the shop and then re-entered along with the other male in the checked jacket both drinking the alcohol they had previously purchased in the shop. At 0300hrs we spoke to staff in the shop. We identified ourselves and stated that we are from licensing before asking him what he understood about selling alcohol to people who are drunk. He stated that it is not good but seemed unaware of the seriousness of serving drunk persons. Pc Ducker again asked why he is selling alcohol to people who are drunk to which the staff member asked if we wanted to speak to his boss. I then asked if either of the staff had personal licenses to which the staff member was perplexed by the question clearly showing he didn't understand the licensing act in any form, I then asked for the other males details to whom I had seen serving the drunk persons to which he provided a driving licence . Pc Ducker then approached the drunk males and spoke to them, I then joined him as the males were remonstrating they were not drunk to which I pointed out that they smelt of alcohol their speech was slurred . I then told the staff member that we'd return later with paperwork in regards to the breaches we'd observed. We then left the area.

On Saturday 13<sup>th</sup> November 2021 I returned to the venue Costless 23-25 Camberwell Road SE5 0EZ and issued form 694 for offences under the licensing act ,Section135 failure to produce a personal licence to a police officer also a breach of licence condition 336 - A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied. Section 136 carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. Section 144 knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk. The form was served to [REDACTED] [REDACTED] I then left the premises.

Witness Signature: .....

Signature Witnessed by S.....

### 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:



Date: 29/01/2022

Before writing this statement I have viewed my BWV 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 are checking that licensed premises adhere to their licence conditions. On Saturday the 29<sup>th</sup> January 2022 I was on duty in the company of PS DEMPSTER 213AS and PC KENNEDY 2222AS and we were all in plain clothes.

We had been receiving a number of complaints from local residents about a problem with anti-social behaviour in the area. Street drinker and drunk people were congregating on BOYSON ROAD junction with CAMBERWELL ROAD SE5. They were playing loud music shouting and talking loudly as well as smoking and urinating in the street. Residents were unable to sleep at night in their homes due to all the noise.

At 00:03 hours we parked across the road from COSTLESS 23-25 CAMBERWELL ROAD SE5 0EZ. As we walked over to the shop I could clearly see 5 males standing on the corner of BOYSON ROAD all of whom were drinking alcohol and making a lot of noise. We entered the shop and identified ourselves as Police Officers showing the two males working behind the counter our Warrant Cards. I approached [redacted] who was nearest to the door. I asked him if he had a Personal Licence and he said that he didn't but he had applied for one on line. I then asked him if he had any other ID with him and he showed me a Residence Permit Student Visa [redacted] which allowed him to work in the UK for 20 hours per week. PC KENNEDY asked the other male working behind the counter for his ID. Whilst we were waiting for him to retrieve this both males were asked if either of them could operate the CCTV. [redacted] said he would have to ask his manager for permission before changing his mind and saying that he wasn't able to work it. The other male working behind the counter was [redacted] He also did not have a Personal Licence but was able to produce Residence Permit Student Visa [redacted] allowing him to work 20 hours per week as ID. Both males confirmed they were unable to operate the CCTV or to show us that it was working and recording footage to be held for 31 days.

Witness Signature:



Signature Witnessed by Signature:

Continuation of Statement of:

This was a breach of conditions:-

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

288 - That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times.

289 - That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty one (31) days.

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

[redacted] was then asked if they had a Refusals Register. [redacted] replied that he did not have one as he had not refused anyone. We were trying to explain to [redacted] what a Refusals Register was as he did not appear to understand when one of the street drinkers standing on BOYSON ROAD comes into the premises. He shouts to [redacted] and [redacted] several times "Family Family" before asking them to look after his rucksack leaving it on the counter and going back outside to join the other street drinkers. [redacted] was asked why the male was leaving his rucksack with them. [redacted] replies that he always leaves his rucksack with them as "He is a regular".

[redacted] was asked for the training records for alcohol sales. He said that they didn't have them and he would ring his manager. He was then asked about when and what training did he receive in alcohol sales. He was unable to give an answer and appeared very confused he then asked to phone his manager [redacted]. Whilst he was on the phone [redacted] served two males alcohol who appeared to be under 18 years old. He was challenged about the sale by PS DEMPSTER who questioned him as to why he had not asked for ID and did he know what "Challenge 25" was. [redacted] appeared to be very confused by these questions and replied that he would ask [redacted] what "Challenge 25" was. Before he could ask, [redacted] had a male who he referred to as [redacted] on his phone on loud speaker who claimed to be the manager and stated that he was able to operate the CCTV remotely. I requested that he show us the CCTV from Thursday the 27/01/2022 from 1600 hours as that was when we had previously visited and found that there was no Premises Licence as they had not paid their fees and no Personal Licence holder. The staff had been advised at the time that they were not to sell alcohol. The male on the phone became very irate and refused to operate the CCTV and started shouting through the phone that he was not going to supply the CCTV unless police provided a USB stick and write down the dates. We then explained that all we needed was for him to show us the CCTV from 2 days ago and that we did not need it downloaded. [redacted] refused this. It was then explained to him by failing to provide the CCTV this was a breach of his Premises Licence. He was then asked about where were the Training Records for staff and the Refusal Register so that we could inspect them. He replied that he did not have any as he had recently renovated the shop. It was then explained that even though he had done

Witness Signature: [redacted]  
Signature Witnessed by Signature: [redacted]

Continuation of Statement of:

work on the shop his Premises Licence conditions still remained in place and by failing to have these he was breaching Premises Licence conditions:-

326 - That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council.

340 - A Refusal Book shall be introduced and details of all refusals recorded. This book shall be reviewed monthly by the Designated Premises Supervisor and any actions taken recorded and signed by the DPS.

342 - That all staff concerned with the sale or supply of intoxicating liquor will attend a recognised training scheme and that a record will be kept of the names of staff and dates attended.

We then explained to the male on the phone that we were now leaving but would be returning as we would be reporting him for the breaches that had been found.

On Saturday the 29<sup>th</sup> January 2020 at 20:20 hours I returned to the premises along with PC KENNEDY we were both in plain clothes. As I entered the shop there was a male working behind the counter aged about [redacted] years old of [redacted] appearance. I explained to him that we were Police Officers and were conducting a return licensing visit showing him my warrant card. I asked if he was in charge and he said he was. I then asked if he had a Personal Licence which he replied that he did. I asked if I could see it and he replied that he didn't have it with him. It was explained to him that as a Personal Licence holder he was supposed to carry this on him when he was conducting licence activities. He was asked if he had a photo of it on his phone. He then asked if his colleague [redacted] could take over the till while he looked through his phone for it. He then spent a few minutes just scrolling through his phone. I then told him that as he was unable to show me a Personal Licence I was going to assume he did not have one. He was then asked for any other form of ID so that we could confirm who he is. He claimed he did not have any ID on him as he had just returned from holiday. I then told him that I was no longer willing to speak to him as he would not produce either a Personal Licence or ID and that I would deal with one of the other staff whose ID I had already seen. We were then joined by [redacted] who I had dealt with on the Thursday. He also did not have a Personal Licence and was on a Residence Permit Student Visa allowing him to work 20 hours per week. Stacking the shelves was another staff member from [redacted] who is also on a Residence Personal Student Visa [redacted] and does not have a Personal Licence.

I explained to [redacted] that I was going to be issuing a Sec 19 Closure Notice as there was no Personal Licence holder at the either time of my visits and that on Saturday the 29<sup>th</sup> January 2022 at 00:10 hours I had witnessed staff selling alcohol to four males who then consumed it within close vicinity of the premises with one of them even leaving his rucksack with staff to look after.

Witness Signature: [redacted]

Signature Witnessed by Signature: .....

Continuation of Statement of:

At 20:34 hours I issued a CLOSURE NOTICE – SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001 to [REDACTED] fully explaining it and that as I had witnessed the selling of alcohol to the street drinkers who were gathered on the corner of the road. With staff even going as far to look after a rucksack for one of them. There had also not been a Personal Licence holder on the premises on any of my 3 visits. [REDACTED] signed the notice acknowledging receipt of it.

I also issued a Notification of Offences under the Licensing Act 2003 for the breaches which I had found on the 29/01/2022 at 00:20 hours when [REDACTED] had been in charge. I fully explained the Notification to SINGH who signed it acknowledging receipt of it.

At 20:38 hours we left the premises. [REDACTED]

Witness Signature [REDACTED]

Signature Witnessed by Signature: .....

**CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001**

Date of the Closure Notice: 29/01/2022 Time Served: 20:34 hours

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC Maria O Mahoney 232/A

Signature: 

Name (if applicable) and address of the affected premises:  
Costless 23-25 Camberwell Road  
SE5 0E2

**Alleged unauthorised use of the premises (section 19 (6)(a))**

The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:

On Saturday 29/01/2022 at 20:10 hours I witnessed  
four (4) customers being served alcohol and standing  
at the front of Camberwell Rd and I saw a  
whilst one male left his bag with staff whilst he

Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:

No personal licence holder on premises  
breach of the following licence conditions  
101, 288, 289, 326, 326, 340 & 347

**Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))**

A personal licencer holder to ban the premises  
when alcohol is on display for sale. All premises  
licence conditions to be met

**Third party consideration (section 19.4)**

Are there any other persons occupying the premises who need to be informed of this notice?

Yes/No (details):

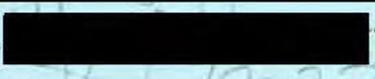
If yes they must be issued with a copy of this form

**Effect of section 20, Application for closure order.**

A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.

The Person (if applicable) on whom the closure notice has been served:

Name:  20/12/99

Signature: 

Date: 29/01/2022



**METROPOLITAN  
POLICE**

Police Copy

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

Venue Name: Costless REF: (CAD/CRIS etc.)

Address: 22-25 Cumberland Road

SS5 0F2 Date: 29/01/22 Time: 00:20

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

02/08/1988 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 - Alcohol sales not authorised by a Personal Licence holder  
 288+289 - Staff unable to operate CCTV  
 326 - Staff do not appear to be trained in age ID and there are no training records  
 236 - No Personal Licence holder on premises  
 240 - No refusal book  
 342 - Staff phrase to produce training records or they have attended

Issuing officer: [REDACTED] Print: REMARIA ONA HONEY

I acknowledge

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**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC Ross KENNEDY 2222AS**.....URN: 

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Constable**.....

This statement (consisting of: .... **2**..... pages 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 anything in it which I know to be false, or do not believe to be true.

Signature: [REDACTED] Date: **27/01/2022**.....

Tick if witness evidence is visually recorded  (supply witness details on rear)

This statement forms my original notes & is being written while the incident is clear in my memory, around two hours after it took place, but with the benefit of having viewed my Body Worn Video (BWW) footage of the incident. At mid day on Thursday 27<sup>th</sup> January 2022, I was on duty, in plain clothes on foot, in the company of PC Mark LYNCH & PC Maria O'MAHONEY plus Ray MOORE a trading standards officer with Southwark Council all of whom were also in plain clothes. We were on Camberwell Road, SE5 & were about to conduct a licencing visit to Costcutter, 25 Camberwell Road, SE5 0QH. We waited 50m up the road while MOORE went into Costcutter to do a test purchase of alcohol. He returned to us a couple of minutes later with a gold coloured can of Carlsberg Special Brew lager (7.5% alcohol) which he informed us he had just bought from this store. We then all walked back & into Costcutter together. Inside the store, at least 1/3 of all the available shelf space was dedicated to alcohol (beer, cider, wine & spirits). Given this is quite a large store, this was a lot of alcohol on offer for sale. On arrival there were two members of staff, the first was an IC4 male wearing a turban I now know to be [REDACTED] The second was another IC4 male that I now know to be [REDACTED]

[REDACTED] Although there was a summary licence on display, I knew that this was invalid & that this venue had no valid licence. We spoke to both [REDACTED] & informed them of this. They both stated that they worked there but were not familiar with the premises licence. They both also seemed unclear, or were not willing to share with us the details of who the DPS, licence holder or owner of the shop was. As Costcutter was at the time unlicensed to sell alcohol, at 1230 I filled out a Notification of Alleged Offences, for the following breaches of the Licencing Act 2003 –

Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises

Signature: [REDACTED] Signature witnessed by: .....

Continuation of Statement of **PC Ross KENNEDY**.....

otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on.

Section 137 (1) Exposing alcohol for retail without authorisation.

Section 138 (1) Keeping alcohol on a premises for an unauthorised sale.

I addressed the paperwork to [REDACTED] got him to sign it. I also put my work email address on the back & told the manager to get in touch with me. I then detached the front two copies of this notice & handed them to [REDACTED] told him he must pass this on to the person who owns or runs the store & he agreed to do this. I also re-iterated to both [REDACTED] that with no licence in place they cannot sell any alcohol until a premises licence is back in place. They were told that they must figure how this can be done, either by closing the shop or perhaps putting signs up stating there was no alcohol on sale. Just after this an IC4 male I now know to be [REDACTED] arrived. Apparently he was one of the managers at the store. He was informed about the lack of licence & the fact that alcohol could not be sold until there was a licence back in place. He was also unclear & guarded about who runs the store.

At 1237 I was stood by the till area & watched as a middle aged IC1 female placed two bottles of red wine on the counter to buy them. She was served by [REDACTED] paid for this wine with a credit/debit card & then left the store with her wine. This was surprising as less than 10 minutes before I have issued the notification of alleged offences & explained very clearly to everyone present that they must not sell alcohol without a licence. Clearly they had paid no attention to this instruction. I then pointed out that I had just witnessed them commit an offence.

Further to this MOORE looked at some documentation that under the counter that showed that both [REDACTED] were working weeks in excess of 60 hours, despite the fact that both were international students, who's visa cards we had seen & both stated they must work no more than 20 hours a week so it appears this requirement was being breached.

All of this encounter is recorded on two segments of Body Worn Video, which I exhibit as RMK/1 & RMK/2.

[REDACTED]

Signature: [REDACTED]

Signature witnessed by: .....

**WITNESS STATEMENT**

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC Ross KENNEDY 2222AS**.....URN:

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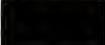
Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Constable**.....

This statement (consisting of: .... **3**..... pages 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 anything in it which I know to be false, or do not believe to be true.

Signature: ..... Date: **04/02/2022**.....

Tick if witness evidence is visually recorded  (supply witness details on rear)

This statement forms my original notes & is being written while the incident is clear in my memory, the morning after it took place. It follows on from another statement I wrote on 27<sup>th</sup> January 2022 about the same venue. Please note that on my statement of 27<sup>th</sup> January, I referred to the venue as "Costcutter". This was an error. My statement of 27<sup>th</sup> January & this statement are both in relation to the same venue which is Costless, 25 Camberwell Road, SE5 0QH.

For some time now, customers of Costless, 25 Camberwell Road, SE5 0QH have been contributing to anti social behaviour in the immediate area of the shop & this has brought about a large volume of complaints from local residents. As such, ourselves (Southwark Police Night Time Economy Team) & Southwark Council have been looking at this business, their compliance with their licencing conditions & whether they are meeting the licencing objectives. Each licenced business is required to be registered with Southwark Council & the details of the premises licence holder & dedicated premises supervisor recorded. We have the names of these people, but there is still some mystery as to who is actually responsible for the running of this business. In light of this, at 1240 on Wednesday 2<sup>nd</sup> February 2022 I emailed  who is recorded on council records as being the Dedicated Premises Supervisor (DPS) for Costless on a Hotmail email address we have for him. I asked  to confirm to me whether or not he is the DPS for Costless. Around 20 minutes after sending my email, I received a phone call from  on my office phone. This phone number which displayed on my phone while he called, matched the one we have recorded for him.  told me that he is not DPS for Costless & hasn't been DPS there for around two years. I thanked him for getting in touch & I gave him the Southwark Council Licensing email address and asked that he email them directly to inform them of this

Signature: ..... Signature witnessed by: .....

Continuation of Statement of **PC Ross KENNEDY**.....

fact. Since this, I have learned from a council colleague that [REDACTED] as been in touch by email & informed them.

At around 1055 on Thursday 3<sup>rd</sup> February 2022, I was on duty, in plain clothes on foot, in the company of PC Mark LYNCH & PC Maria O'MAHONEY plus Ray MOORE a trading standards officer with Southwark Council all of whom were also in plain clothes. We were on Camberwell Road, SE5 & were about to conduct a licencing visit to Costless, 25 Camberwell Road, SE5 0QH. This followed on from a number of visits over the preceding week where we had found a number of breaches of their conditions. In fact, PC O'MAHONEY had the previous weekend issued them a notification of alleged offences & also a closure notice due to a number of breaches of their licencing conditions. The fact that they did not have a personal licence holder at the shop as required on conditions 101 & 336 of their licence was among the many breaches identified.

We entered the store. As we did so I could see a sheet of A4 paper to the left of the door with a hand written note stating they are not selling any alcohol products. There were several members of staff within, all IC4 males in their 20s. We asked if any of them held a personal licence & as had been the case on all our previous visits, we learned they did not. We asked to see CCTV from the previous weekend, but no one present was able to operate the CCTV system. Further to this, there were no staff training records at the premises for our perusal. The store has thousands of bottles & cans of alcohol. These are behind the counter and along the wall on shelves & in large fridges on the right wall of the store next to the till area. Although two shelving units had been moved & placed at one end of the aisle to partially block it off, you could simply walk to the far end of aisle & walk into this alcohol aisle this way. These large fridges containing just alcohol products were turned on, lit up & open. By this I mean they are open fronted fridges that have the insulating blinds at the top that can pulled down when not in use, but these blinds were up, with the fridges open. I asked why the fridges were turned on when they could not sell alcohol & was told that they could not access the socket behind the fridges to turn them off. I asked why the blinds at the top were not pulled down to cover up the alcohol & was told that these blinds were broken. I spoke mostly to [REDACTED] I filled out a notification of alleged offences & handed it to [REDACTED] made it clear he must pass this on to the business owner. I had also had with me a printed out a letter from Kirty Read of Southwark Council addressed to [REDACTED] at his home address informing him that the business must

Signature: [REDACTED]

Signature witnessed by: .....

Continuation of Statement of **PC Ross KENNEDY** .....

not sell alcohol unless certain conditions were met. I handed this letter (inside an envelope) to [REDACTED] & told him he must pass ensure [REDACTED] gets this letter, which he agreed to do. Also at the shop was an IC4 male I know to be [REDACTED]. He protested that they were not selling alcohol. I told him & the others that the small sign saying no alcohol on the door, and one end of the alcohol aisle being blocked but the other end open was inadequate & that they must put in place more prominent signs, cover up or remove the alcohol and completely block off the alcohol aisle. All those present were also told that as there was no DPS for this venue, that no alcohol could be sold until they have one in place even if a personal licence holder was present. In the 45 or so minutes we were at the store that morning, on more than one occasion we saw customers coming in looking to buy alcohol & being told they could not buy any. This confirmed to me that the steps that they had so far taken were inadequate. Council officer Ray MOORE also asked them to do some print outs from their till. Receipts were printed out which showed that over the previous 24 hours, over £200 worth of alcohol products had been sold. MOORE took this print out with him as evidence. Before leaving, I took some photographs & I exhibit them as follows –

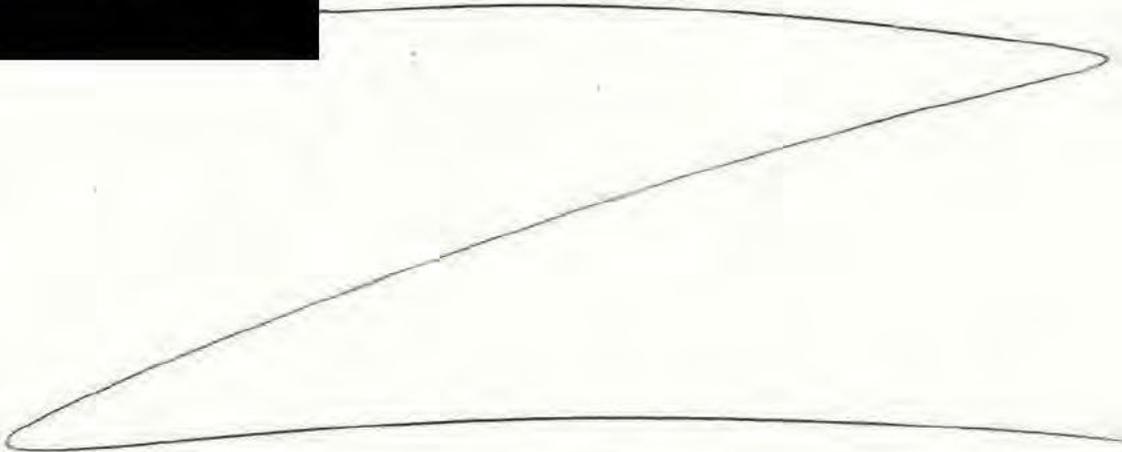
RMK/1 – photo of store entrance.

RMK/2 – photo of alcohol aisle (NB the three boxes of wrapping paper seen placed in the aisle had not been there when we first arrived at the store).

RMK/3 – photo of alcohol fridges (showing the blinds on top).

We then left the store & as we did so reminded staff one more time that no alcohol must be sold. All of this encounter is recorded on my Body Worn Video, which I exhibit as RMK/4.

[REDACTED]



Signature:

[REDACTED]

Signature witnessed by: .....



Licensing Authority Copy

# Notification of alleged offences under the Licensing Act 2003

Venue Name: COST LESS REF: (CAD/CRIS etc.) .....

Address: 23-25 CAMDENWELL ROAD .....

Date: 3/2/2022 Time: 1100 .....

Details of person in charge at the relevant time: [REDACTED] 20/6/1995 .....

NO DPS OR PLH PRESENT 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 - NO PERSONAL LICENCE HOLDER PRESENT ; 268/289 - STAFF UNABLE TO OPERATE CCTV ; 320 - NO STAFF TRAINING RECORD AVAILABLE FOR REVIEW. 336 - NO PERSONAL LICENCE HOLDER ON PREMISES ; 362 - NO STAFF TRAINING RECORD AVAILABLE

Issuing officer: [REDACTED] DR JLLAC .....

I acknowledge receipt [REDACTED] .....

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

# MEMO: Licensing Unit

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To Licensing Unit      Date 15 December 2022  
From Jayne Tear  
Email jayne.tear@southwark.gov.uk

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**Subject** Re: Costless, 23-25 Camberwell Road, London, SE5 0EZ  
- Application to review the premises licence.

With regards the above application to review the premises licence submitted by Southwark Councils Trading Standards Service as a responsible authority under the Licensing Act 2003.

The application is submitted under the prevention of crime and disorder; the prevention of public nuisance, public safety and the protection of children from harm licensing objectives and the grounds for the review are summarised as follows:

*'in regards to the prevention of public nuisance, the prevention of crime and disorder, the protection of public safety and the protection of children from harm licensing objectives. The council's Trading Standards service contend that on various enforcement visits to the premises, taking place between 27 January 2022 to 3 February 2022, sales of alcohol were taking place at the premises when the premises licence issued in respect of the premises had been suspended and when sales of alcohol at the premises were therefore prohibited. The Trading Standards service also state that if the premises licence issued in respect of the premises had in fact been active, the following conditions of the premises licence would have been observed being breached during the enforcement visits in any case: conditions 101, 102, 288, 289, 326, 336 and 342'.*

With reference to my original representation and supporting evidence submitted on 7 March 2022. My representation is based on the Southwark Statement of Licensing policy 2021-2026 and relates to the licensing objective for the prevention of crime and disorder and the prevention of public nuisance and the protection of children from harm licensing objectives.

On a previous joint inspection carried out by a licensing officer, trading standards and the police visited on 27/03/2019 (before the COVID lockdown) the following 7 breaches of the premises licence conditions were found 101; 326, 327, 334, 336, 340, 342. A warning letter was sent to the premises regarding the breaches. The licensing officer revisited on 11/05/2019 and the premises was complaint. I attach a copy of the warning letter to this representation

Trading standards have visited between 27 January 2022 to 3 February 2022 and found most of the same breaches/and more of the premises licence. In addition to that the premises licence was suspended and the premises was operating without a licence.

The staff at the premises were warned regarding the offences and advised not to provide alcohol for sale until all matters regarding the suspension had been rectified. A licensing officer then visited the premises on 28/01/2022 to obtain a test purchase and alcohol was

sold despite the staff at the premise shaving been previously warned. I have attached to this representation a list of licensing officer visits to the premises.

The letters regarding suspension of the licence were sent in the post to the licensee Mohammad Choudrey at [REDACTED]. Copies of the suspension notice and warning are attached to this representation.

On 26 November 2020, Zahir Hussain contacted the licensing unit enquiring how he could pay the annual fee for the licence. He also provided his mobile number and email address. A copy of the email received is attached to this representation

On 27 September 2021 a copy of the notice of suspension, originally sent to Mohammad Choudrey at [REDACTED], was sent Zahir Hussain by the licensing unit on the email provided. A copy of the email sent is attached to this representation.

On 18 November 2021 a copy of the warning letter regarding the notice of suspension, originally sent to Mohammad Choudrey at [REDACTED], was sent to Zahir Hussain by the licensing unit on the email provided. A copy of that email is attached to this representation.

I therefore fully support Trading Standards in submitting their review application. Both the licensee and DPS have been illusive during enforcement visits and officers were told that the licensee, Mr Mohammad Choudrey and the DPS, Mr John Hussein were on holiday and it was not known when they would return. Because of the absence, there has been difficulty in achieving compliance at the premises and promote any of the licensing objectives.

Southwark's Statement of Licensing Policy 2021-2026 recommends the closing of off-licences as 23:00 hours daily.

The Licensee and DPS of this premises have flouted the conditions of the premises licence and undermined the licensing objectives and in the circumstances I ask the sub-committee to consider revoking the premises licence in order to promote the licensing objectives.

Southward's Statement of Licensing Policy 2021 – 2026 can be found on the following link: <https://www.southwark.gov.uk/business/licences/business-premises-licensing/licensing-and-gambling-act-policy>

Jayne Tear  
Principal Licensing officer  
In the capacity of the Licensing Responsible Authority

**Attachment including**

Warning letter dated 27/03/2019

Licensing officer visits to the premises.

Suspension notice and warning to M.C dated 6/11/2020

Email received from Z.K dated 26/11/2020

Email sent with suspension notice sent to Z.K on 27/09/2021

Email sent with warning re suspension notice sent to Z.K on 18/11/2021



COSTCUTTER  
 SUPERMARKET  
 25 Camberwell Road  
 London  
 SE5 0EZ

**Licensing Unit**  
 Direct Line: 02075257529  
 Direct Fax: 020 7525 5735

28 March 2019

Dear MOHAMMAD CHOUDREY

**RE: THE LICENSING ACT 2003 – WARNING LETTER  
 (COSTCUTTER SUPERMARKET, 25 Camberwell Road, London, SE5  
 0EZ)**

On 27 March 2019 at 10:45 Licensing Enforcement Officer carried out an inspection to determine whether the licensable activities at the above premises were carried out in accordance with your authorisation.

In addition to the above, the Officers also considered 'risk assessment' criteria that would help determine the frequency of future inspections to your premises.

During the inspection the officer witnessed the following:

1. Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence. **Contrary to condition 101 on the premises licence**
2. That all appropriate staff shall be trained in the age identification Scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council. **Contrary to condition 326 on the premises licence**
3. That signs shall be displayed informing customers and staff that sales Of alcohol will not be made to under 18s and that age identification will be required. **Contrary to condition 327 on the premises licence**
4. That an age identification scheme shall be established and maintained. The scheme shall require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling o r supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. **Contrary to condition 334 on the premises licence**

5. A personal licence holder shall be on the premises at all times that Intoxicating liquor is supplied. **Contrary to condition 336 on the premises licence**
6. A Refusal Book shall be introduced and details of all refusals Recorded. This book shall be reviewed monthly by the Designated Premises Supervisor and any actions taken recorded and signed by the DPS. **Contrary to condition 340 on the premises licence**
7. That all staff concerned with the sale or supply of intoxicating liquor will attend a recognised training scheme and that a record will be kept of the names of staff and dates attended. **Contrary to condition 342 on the premises licence**

**Each of the matters listed above potentially constitutes a breach of the licence issued by the Council under the Licensing Act 2003.**

You must ensure that licensable activities and hours of operation are in accordance with those listed on your premises licence. You must also ensure that the conditions attached to your licence are adhered to. A further visit will be made to check on these matters.

If compliance is not achieved the Council may take formal action that may affect your license or lead to a prosecution. A person found guilty of an offence under the above section is liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £20,000.

I hope this warning will ensure that compliance is achieved and no further action will be required.

Thank you in anticipation of your co-operation. Should you wish to discuss this matter with a Licensing Enforcement Officer Please contact us by email at [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk) or by telephone on 02075254261 between the hours of 9.00 and 17.00, Monday to Friday. Alternatively you can write or visit us at the above address.

Yours sincerely,

Charlie Jerrom  
Licensing Enforcement Officer  
[charlie.jerrom@southwark.gov.uk](mailto:charlie.jerrom@southwark.gov.uk)

**Costless, 23- 25 Camberwell Road, London SE5 0EZ - Licensing officer Visit Log**

adate	desc	aofficer	adtext
27/03/2019	10:45 Visit To Premises	Charlie Jerrom	Joint visit to the premises with Trading Standards officer Andy Jeffrey and 2 police officers Tracey Crampton and Maria. Full licensing inspection done and breaches of conditions 101, 326, 327, 334, 336, 340, 342 found. Spoke with the man in charge ATOV and advised that until a personal licence holder is at the premises whilst alcohol is being sold then all sales of alcohol are to stop immediately. Just after telling him this a man came in and tried to purchase a can of lager, the shopkeeper scanned the item and was going to make the sale until Maria pointed out that he had just been told he was unable to do so. Action: Warning Letter to be sent
28/03/2019	(MM) Licensed Premises Inspection Visit - Warning Letter	Charlie Jerrom	
23/04/2020	17:49 COVID Visit	Charlie Jerrom	Premises operational. Social distancing compliant.

28/01/2022	20:46 NTE Visit	Richard Kalu	<p>On Friday, 28 January 2022 at approximately 20:32hrs, I arrived at the premises known as Costless located at 23 - 25 Camberwell Road, London, SE5 0EZ. The purpose of the visit was to carry out a test purchase as the premises had been identified as selling alcohol without having a premises licence. I approached the premises with fine and dry weather conditions. Entry into the premises was at approximately 20:32hrs. Upon entry into the premises, I began to browse the store to identify if alcohol was on display for purchase. Within the premises, trading on the 23 Camberwell Road footprint were X24 boxes of beer stacked against a wall on display. The boxes of beer were in clear view to any members of the public who entered the store. It appeared the boxes were stacked for members of the public to decant either single cans of beer or packs of beer for purchase. I walked up to the boxes of beer stacked up and proceeded to take one can of Guinness draught beer from a box. This was done in full view of X2 members of staff working within the store. No challenge was made to me by these staff members to stop me from taking the can of beer. I then turned and walked toward the counter near the entrance of the store stopping to pick up some confectionary clearly holding the can of beer in my hand. As I approached the shop counter to pay for the goods I had picked up. A [REDACTED] male with X4 bottles of Superblock beer approach the counter before me to pay for his bottles of beer. Behind the shop counter was a male of [REDACTED] origin wearing yellow jacket with a neatly groomed beard. This member of staff had gold earring and was wearing a black apple watch. Behind the male staff member at the counter were bottles of spirits clearly on display to members of the public. I observed the member of staff behind the counter take payment from the patron via a card transaction. I then approached the till with the confectionary I had picked up with the single can of Guinness draught beer. I was then asked by the staff member behind the counter if would like to pay by cash or card. I stated "card" and then enquired if it was possible to give me a receipt. The staff member behind the counter said "no problem". I was then asked if I wanted bag and I said "yes" and I was handed a black bag that I placed the items I had purchased. The receipt provided to me from the till was also placed in the black bag along with the items I had purchased. This receipt is attached to this witness statement and is exhibited as RK/254. I left the premises at approximately 20:49hrs and walked to my vehicle parked round the corner from the premises.</p>
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Licensing Act 2003

## NOTICE OF SUSPENSION

UNDER SECTION 55A / 92A OF THE LICENSING ACT 2003 OF THE PREMISES  
LICENCE / CLUB PREMISES CERTIFICATE ISSUED TO

MOHAMMAD CHOUDREY  
[REDACTED]

IN RESPECT OF licence number 851039

Costless

23-25 Camberwell Road, London, SE5 0EZ

ZAKIRHUSSAIN@[REDACTED]

Premises Ref: 191258

**FOR FAILURE TO PAY THE DUE ANNUAL LICENCE FEE**

For any queries, please contact [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

If you have paid, please forward the remittance

Invoice reference: [REDACTED]

Invoice amount: £1,063.00 Band:

Date due: 31/08/2021

Notice is hereby given that the London Borough of Southwark intends to suspend the premises licence / club premises certificate detailed above with effect from

**Suspension date:** 18/10/2021

From this date you must stop all licensable activities at the premises.

The suspension of the licence will not be lifted until the payment of the Annual Fee has been received by us.

If there is an administration error, please contact us as soon as possible in order that the error can be investigated and resolved before the suspension takes effect.

If any licensable activities are then provided at the premises contrary to the suspension, this will constitute an offence under Section 136 of the Act. A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a unlimited fine or both. This may also result in the revocation of the licence.

**Southwark Council** - Regulatory Services, Licensing team, Hub 1, 3rd Floor, PO Box 64529, SE1P 5LX

**Switchboard** - 020 7525 5000 Website - [www.southwark.gov.uk](http://www.southwark.gov.uk)

**Strategic Director of Environment and Leisure**- Caroline Bruce

Once in effect the suspension will continue until such time as the outstanding fee is received in full by the council. The suspension will cease to have effect as of the day of receipt.

If you wish to surrender your licence, then please use the following link:

[https://forms.southwark.gov.uk/ShowForm.asp?fm\\_fid=1470&np=1](https://forms.southwark.gov.uk/ShowForm.asp?fm_fid=1470&np=1)

**Date of Notice:** 27 September 2021



**Head of Regulatory Services**

MOHAMMAD CHOUDREY  
[REDACTED]  
[REDACTED]

**Licensing Unit**  
**Direct Dial** – 0207 525 5748  
**Facsimile** - 0207 525 5705

**Licence number** - 851039

18 November 2021

**Costless**  
**23-25 Camberwell Road, London, SE5 0EZ**

Dear Sir/Madam,

I write with regard to the notice of suspension that we served to you. Please note that despite your licence being issued, your licence is now suspended by the licensing authority for non – payment of the annual fees. **No licensable activities shall not take place on your premises until we have received payment for the outstanding amount.** If you have paid then please can you email [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk) the payment reference number so we can re-instate your licence.

Invoice reference: [REDACTED]  
Invoice amount: £1,063.00 Band:  
Date due: 31/08/2021

**To pay your invoice please can you:**

- Call 0345 6000 611
- Say General invoice
- Quote the 11 digit invoice number
- Send the remittance and the invoice number to [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

If any licensable activities are then provided at the premises contrary to the suspension, this will constitute an offence under Section 136 of the Act. A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a unlimited fine or both. This may also result in the revocation of the licence.

If you have changed the registered name or address of your company you will need to fill out a form online and pay a fee of £10.50.

[https://forms.southwark.gov.uk/ShowForm.asp?fm\\_fid=1631&np=1](https://forms.southwark.gov.uk/ShowForm.asp?fm_fid=1631&np=1)

If you wish to surrender you licence please see the link below.

[https://forms.southwark.gov.uk/ShowForm.asp?fm\\_fid=1470&np=1](https://forms.southwark.gov.uk/ShowForm.asp?fm_fid=1470&np=1)

If you require any further information or assistance please contact us on the telephone number above.

Yours sincerely,

**Kirty Read**  
**Processing Manager**  
[Licensing@southwark.gov.uk](mailto:Licensing@southwark.gov.uk)



From: ZAKIRHUSSAIN@ [REDACTED] <ZAKIRHUSSAIN@ [REDACTED]>  
 Sent: Thursday, November 26, 2020 3:40 PM  
 To: Regen, Licensing <Licensing.Regen@southwark.gov.uk>  
 Subject: RE: Contact form for: Licensing Team

hi Kirty,

hope you well, my mobile is [REDACTED] and license no 851039 .  
 i need to make payment for annual license fee if you could help me how to pay.

thanks  
 regards  
 hussain

On 26/11/2020 09:28 Regen, Licensing <[licensing.regen@southwark.gov.uk](mailto:licensing.regen@southwark.gov.uk)> wrote:

Thank you for your enquiry please email us your mobile number and also the licence number in order for me to help you with your enquiry

Regards

Kirty

Kirty Read  
 Processing Manager  
 Southwark Council | Licensing | Regulatory Services  
 Tel: 0207 525 5748 | Fax: 020 7525 5705  
 Call Centre: 020 7525 2000  
 Email: [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

My usual working days are Monday Tuesday Thursday and Friday  
 In future if you wish to submit an application, a quicker way would be to apply online  
[https://www.localgovernmentlawyer.co.uk/licensing/316-licensing-features/45263-the-lockdown-2-regulations?fbclid=IwAR0voyl6cH1lfrlV\\_jc-DthyBKOuhiSi2ZAjS\\_PnfcYsgUn0-178tILuqj4](https://www.localgovernmentlawyer.co.uk/licensing/316-licensing-features/45263-the-lockdown-2-regulations?fbclid=IwAR0voyl6cH1lfrlV_jc-DthyBKOuhiSi2ZAjS_PnfcYsgUn0-178tILuqj4)

<https://www.southwark.gov.uk/health-and-wellbeing/public-health/for-the-public/coronavirus/covid-19-support-and-information-for-businesses-and-employers>  
<https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19/covid-19-support-for-businesses>

-----Original Message-----

From: <http://www.southwark.gov.uk> Website <[noreply@southwark.gov.uk](mailto:noreply@southwark.gov.uk)>  
 Sent: Wednesday, November 25, 2020 5:41 PM  
 To: Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>  
 Subject: Contact form for: Licensing Team

A visitor to the <http://www.southwark.gov.uk> website has used the Email Us facility to send you an email from a contact on a webpage.

Contact Name: Licensing Team

Page Name: Licensing and Gambling Act policy Page Type: Content Page

Link:

<https://www.southwark.gov.uk/admin/system/ShowEntity?entity=bridge%3A%2F%2Fsouthwark-internet%2Fmodules%2Fm.Content~%2F~%2F.Entry%2F16548>

Senders Email Address: [ZAKIRHUSSAIN@\[REDACTED\]](mailto:ZAKIRHUSSAIN@[REDACTED])

Message:

hi,

can please someone give me a call regarding payment of annual license fee for 25 camberwell road se5 0ez.

thanks

[\[http://www3.southwark.gov.uk/images/CovidSymptomsLogo.jpg\]](http://www3.southwark.gov.uk/images/CovidSymptomsLogo.jpg)

The email you received and any files transmitted with it are confidential, may be covered by legal and/or professional privilege and are intended solely for the use of the individual or entity to whom they are addressed.

If you have received this in error please notify us immediately.

If you are not the intended recipient of the email or the person responsible for delivering it to them you may not copy it, forward it or otherwise use it for any purpose or disclose its contents to any other person. To do so may be unlawful.

Where opinions are expressed in the email they are not necessarily those of Southwark Council and Southwark Council is not responsible for any changes made to the message after it has been sent.

**From:** [Enebeli, Emma](#)  
**To:** [ZAKIRHUSSAIN@](#) [REDACTED]  
**Subject:** Annual Fee - 23-25 Camberwell Road  
**Date:** 27 September 2021 10:19:57  
**Attachments:** [EMF03616.pdf](#)

---

Dear MOHAMMAD CHOUDREY,

Please see attachment regarding the annual Fee for the above premises.

*Regards*

*Emma Enebeli*

Licensing Unit Support Officer

Southwark Council | Licensing | Environment and Leisure

**Tel:** 0207 525 5718 | **Fax:** 020 7525 5705

**Call Centre:** 020 7525 2000

**Email:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

Licensing Act 2003

## NOTICE OF SUSPENSION

UNDER SECTION 55A / 92A OF THE LICENSING ACT 2003 OF THE PREMISES  
LICENCE / CLUB PREMISES CERTIFICATE ISSUED TO

MOHAMMAD CHOUDREY  
[REDACTED]

IN RESPECT OF licence number 851039

Costless  
23-25 Camberwell Road, London, SE5 0EZ  
ZAKIRHUSSAIN@ [REDACTED]

Premises Ref: 191258

FOR FAILURE TO PAY THE DUE ANNUAL LICENCE FEE

For any queries, please contact [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

If you have paid, please forward the remittance

Invoice reference: [REDACTED]  
Invoice amount: £1,063.00 Band:  
Date due: 31/08/2021

Notice is hereby given that the London Borough of Southwark intends to suspend the premises licence / club premises certificate detailed above with effect from

**Suspension date:** 18/10/2021

From this date you must stop all licensable activities at the premises.

The suspension of the licence will not be lifted until the payment of the Annual Fee has been received by us.

If there is an administration error, please contact us as soon as possible in order that the error can be investigated and resolved before the suspension takes effect.

If any licensable activities are then provided at the premises contrary to the suspension, this will constitute an offence under Section 136 of the Act. A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a unlimited fine or both. This may also result in the revocation of the licence.

**From:** [Enebeli, Emma](#)  
**To:** [ZAKIRHUSSAIN@](#) [REDACTED]  
**Subject:** Licence Suspended - 23-25 Camberwell Road  
**Date:** 18 November 2021 09:27:03  
**Attachments:** [EME03869.pdf](#)

---

Dear MOHAMMAD CHOUDREY,

Your licence has now been suspended. Please see attachment

*Regards*

*Emma Enebeli*

Licensing Unit Support Officer

Southwark Council | Licensing | Environment and Leisure

**Email:** [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)



MOHAMMAD CHOUDREY  
 [REDACTED]

**Licensing Unit**  
**Direct Dial – 0207 525 5748**  
**Facsimile - 0207 525 5705**

**Licence number - 851039**

18 November 2021

**Costless**

**23-25 Camberwell Road, London, SE5 0EZ**

Dear Sir/Madam,

I write with regard to the notice of suspension that we served to you. Please note that despite your licence being issued, your licence is now suspended by the licensing authority for non – payment of the annual fees. **No licensable activities shall not take place on your premises until we have received payment for the outstanding amount.** If you have paid then please can you email [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk) the payment reference number so we can re-instate your licence.

**To pay your invoice please can you:**

- Call 0345 6000 611
- Say General invoice
- Quote the 11 digit invoice number
- Send the remittance and the invoice number to [licensing@southwark.gov.uk](mailto:licensing@southwark.gov.uk)

If any licensable activities are then provided at the premises contrary to the suspension, this will constitute an offence under Section 136 of the Act. A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a unlimited fine or both. This may also result in the revocation of the licence.

If you have changed the registered name or address of your company you will need to fill out a form online and pay a fee of £10.50.

[https://forms.southwark.gov.uk/ShowForm.asp?fm\\_fid=1631&np=1](https://forms.southwark.gov.uk/ShowForm.asp?fm_fid=1631&np=1)

If you wish to surrender you licence please see the link below.

[https://forms.southwark.gov.uk/ShowForm.asp?fm\\_fid=1470&np=1](https://forms.southwark.gov.uk/ShowForm.asp?fm_fid=1470&np=1)

If you require any further information or assistance please contact us on the telephone number above.

Yours sincerely,

**Kirty Read**  
**Processing Manager**  
[Licensing@southwark.gov.uk](mailto:Licensing@southwark.gov.uk)

**Southwark Council** - Regulatory Services, Licensing team, Hub 1, 3rd Floor, PO Box 64529, SE1P 5LX  
**Switchboard** - 020 7525 5000 **Website** - [www.southwark.gov.uk](http://www.southwark.gov.uk)  
**Strategic Director of Environment and Leisure**- Caroline Bruce

Once in effect the suspension will continue until such time as the outstanding fee is received in full by the council. The suspension will cease to have effect as of the day of receipt.

If you wish to surrender your licence, then please use the following link:

[https://forms.southwark.gov.uk/ShowForm.asp?fm\\_fid=1470&np=1](https://forms.southwark.gov.uk/ShowForm.asp?fm_fid=1470&np=1)

**Date of Notice:** 27 September 2021



**Head of Regulatory Services**

# Licensing Act 2003 Premises Licence



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

Premises licence number

877294

## Part 1 - Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Costless 23-25 Camberwell Road London SE5 0EZ  Ordnance survey map reference (if applicable), 532480177829	
<b>Post town</b> London	<b>Post code</b> SE5 0EZ
<b>Telephone number</b> [REDACTED]	

<b>Where the licence is time limited the dates</b>
--

<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

**The times the licence authorises the carrying out of licensable activities**

For any non standard timings see Annex 2 of the full premises licence

**Sale by retail of alcohol to be consumed off premises**

Monday	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

**Part 2**

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

Mohammad Choudrey

Zakir Hussain

[Redacted]

[Redacted]

[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**

Zakir Hussain

[Redacted]

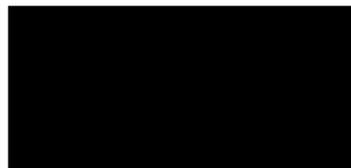
[Redacted]

**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 L.B Newham

Licence Issue date 20/04/2022



Neighbourhood Nuisance Service Manager  
Hub 1, 3rd Floor  
PO Box 64529  
London, SE1P 5LX

## 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**

**124** Alcohol shall not be sold or supplied except during the permitted hours. In this condition the permitted hours are listed elsewhere but include the following conditions / exemptions:

a. On Christmas day, 12 noon to 3.00.p.m. and 7.00.p.m. to 10.30.p.m.

b. On Good Friday, 8.00.a.m. to 10.30.p.m.

The above restrictions do not prohibit:

i) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel

ii) The ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;

iii) The sale of alcohol to a trader or club for the purposes of the trade or club;

iv) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

**125** Alcohol shall not be sold in an open container or be consumed in the licensed premises.

**127** Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied.

**288** That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times

**289** That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty one (31) days

**326** That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the Council

**327** That signs shall be displayed informing customers and staff that sales of alcohol will not be made to under 18s and that age identification will be required

**334** That an age identification scheme shall be established and maintained. The scheme shall Require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol

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

**340** A Refusal Book shall be introduced and details of all refusals recorded. This book shall be reviewed monthly by the Designated Premises Supervisor and any actions taken recorded and signed by the DPS.

**341** If an EPOS system is installed on the premises it shall be configured to give an electronic warning when alcohol is scanned

**342** That all staff concerned with the sale or supply of intoxicating liquor will attend a recognised training scheme and that a record will be kept of the names of staff and dates attended

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

**Annex 4 - Plans - Attached**

Licence No. 877294

Plan No. N/A

Plan Date N/A



## NOTICE OF DECISION

### LICENSING SUB-COMMITTEE – 31 MARCH 2022

#### SECTION 51 LICENSING ACT 2003: COSTLESS, 23-25 CAMBERWELL ROAD, LONDON SE5 0EZ

##### 1. Decision

That the council's licensing sub-committee, having considered an application made under Section 51 of the Licensing Act 2003 submitted by trading standards for the review of the premises licence issued in respect of Costless, 23-25 Camberwell Road, London SE5 0EZ having had regard to all relevant representations has decided to revoke the premises licence.

##### 2. Reasons

This was a review application brought by trading standards under Section 51 of the Licensing Act 2003 of the premises known as Costless, 23-25 Camberwell Road, London SE5 0EZ. The application was brought under all of the licensing objectives: the prevention of crime and disorder, the promotion of public safety, the prevention of nuisance and the protection of children from harm.

The licensing sub-committee heard from an officer from trading standards, the applicant to the review who advised that in January 2022 complaints were being received by the Metropolitan Police Service about alcohol being consumer in the street that was leading to noise and anti-social behaviour. The premises were supplying alcohol that had fuelled this behaviour. In addition, the premises had also not paid the licensing fees and at that time the licence was suspended.

The premises was visited by police from the night time economy team and trading standards on 27 January 2022. Prior to the visit, the premises the trading standards officer made a test purchase of a can of Carlsberg Special Brew. This was an unlicensed sale of alcohol. It was explained to the staff at the premises that an unlicensed sale of alcohol had been made as the licensing fee had not been paid.

It was noted that a large quantity of alcohol was on the premises. Invoices for some of these products were requested by the trading standards officer under the provisions of the Food Safety & Hygiene (England) Regulations 2013, which require traceable invoices for all food. These invoices were produced a week later.

It was also noted that the bottled caps for some of the specialist beers such as Guinness Foreign Export Stout (7.5% ABV), Guinness Foreign Export Stout 7.5% ABV), Gulder Lager (6% ABV), Star Lager (6% ABV) and Trophy Lager (6% ABV) littered outside the shop and in surrounding streets.

When looking for invoices for those products trading standards found a book behind the counter that was for daily cash purchases of goods delivered to the shop such as bread and eggs etc. At the back was six weeks' worth of hours worked by staff. Staff appeared to work 12 hour shifts and up to 80 hours per week. Staff in the shop on 27 January 2022 were on student visas and showed their UKBA cards which provided they could work no more than 20 hours per week. It is unknown how it is possible to work these kinds and hours and study as well.

Had the business been licensed on the day of the visit (27 January 2022) the premises would have been in breach of conditions 100, 101, 326, 336 and 342. None of those in the shop held personal licences. Although a refusals register behind the counter was relatively up to date, the staff on the premises did not appear to know what a PASS (Proof of Age Standards Scheme) approved card was and no staff training records were present on the premises. No A3 warning poster warning concerning sales of cigarettes to under 18s was displayed contrary to Section 4 Children and Young Persons (Protection from Tobacco) Act 1991.

Staff at the premises informed officers did not know who the premises license holder of the designated premises supervisor (DPS) were on the existing unpaid current license. Both the trading standards officer and the police made it abundantly clear both in writing and verbally that alcohol was to not be sold until the license fee had been paid; the license had been transferred to whomever was running the business and the premises had a designated premises supervisor.

On 29 January 2022 a licensing officer attended the premises and made positive test purchase of a draft Guinness Beer.

On 1 February 2022 the council's licensing unit confirmed that the fee had been received for the premises licence.

On 3 February 2022 the police advised trading standards that contact with the DPS had been made and who confirmed that they had not worked at the premises for the previous two years. Staff were provided with Notice number 0705 outlining the illegal sales of alcohol on 27 (sale of alcohol without a premises license) and 28 January 2022 (sale without a DPS). Officers found breaches of conditions 100, 101, 288, 289, 326, 336 and 342.

On 25 March 2022 a further compliance inspection was carried out by trading standards, licensing and police from the night time economy team. Condition 289 was found to be breached, in that the CCTV installed had only retained 24 days of recording rather than the required 31 days due to a power cut at the premises and a summary licence should be on display, which was corrected immediately. All other conditions the premises was found to be compliant with.

Trading standards also informed the sub-committee that that there had been previous issues at the premises that in January 2016 when a man was arrested for illegally working and a fixed penalty notice was issued to the shop manager by UK Border Agency (UKBA). Trading standards also seized a quantity of Wray and Nephew over proof white rum (63%alc) and Alomo Bitters (40%) as smuggled product that was non duty paid, in breach of Section 144 of the Licensing Act 2003. Traceable invoices for these were also requested but never produced in breach of Regulation 19 Food Safety and Hygiene (England) Regulations 2013. There were also breaches of licence conditions

101, 326 334, 336, 340 and 342. Attempts were made to contact the premises business about these matters but all met with silence.

Trading standards also informed the sub-committee of historical breaches of the licence. A visit to the premises in or around February 2016 by trading standards as part of an underage sales campaign, a member of staff failed a test purchase. A warning letter sent to the premises license holder and he then DPS.

In March 2019, trading standards visited the premises and noted a number of polish lagers without English. The premises was formally requested to provide traceable invoices, none were forthcoming. It was also noted that no personal license holder was on the premises and were advised that they could not sell alcohol one was present.

In May 2019 trading standards, licensing and the police attended the premises and found Karpackie on sale at £1.59 per can. The minimum price for Karpackie was £1.36 (i.e. duty plus VAT), meaning it had been manufactured in Poland, shipped to the UK; stored and wholesaled for 23 pence. Nine cases of Karpackie were in the premises store room. Again, traceable invoices were requested. Only five invoices were received for the Karpackie when there were nine cases in the store room plus more on the shelves.

Trading standards concerns related to the past and present management of the premises, having no premises license holder or designated premises supervisor in place a considerable time, for some time. UKBA previously issuing a fixed penalty notice for employing a person not permitted to work on the premises and having smuggled alcohol at the premises.

They also raised concerns of the employment of potentially vulnerable students to run the business, working excessive hours possibly for wage rates that did not meet with national minimum pay rates. There had been a blatant disregard to the Licensing Act 2003 resulting to the irresponsible use of alcohol in the surrounding streets leading to anti-social behaviour and public nuisance. Trading standards requested that the licence be revoked.

The Metropolitan Police Service had two witnesses: PC O'Mahoney and PC Kennedy.

The licensing sub-committee heard from the Metropolitan Police Service whose representation related to all four of the licensing objectives. The officer stated that the area which the premises were situated had been an area of interest with complaints of anti- social behaviour and noise complaint from local residents as a result of patrons from the local licensed premises, including street drinkers, congregating outside in the streets, playing loud music, smoking, urinating and drinking alcohol.

PC O'Mahoney confirmed that a meeting had been arranged by the police for all the local licensed premises in or around December 2021 and Costless was notably absent from this meeting.

When police attended the premises on 27 January 2022 staff present at the premises were either unable or unwilling to inform officers the details of with either the DPS, licence holder or owner of the shop. This was contrary to Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise in accordance with an authorisation or knowingly allowing a licensable activity to

be carried on; Section 137(1) Exposing alcohol for retail without authorisation and Section 138(1) Keeping alcohol on a premises for an unauthorised sale.

Staff, including the manager were informed that with no licence in place they must not sell any alcohol until a premises licence was back in place. Despite being informed not to sell any alcohol, PC Kennedy witnessed a middle aged IC1 female placing two bottles of red wine on the counter to buy them. She was served and paid for the wine with a credit/debit card and then left the store.

PC O'Mahoney who was a witness for the Metropolitan Police confirmed that on 29 January 2022, a street drinker from Boyson Road came into the premises, shouted at one of the members of staff "*Family, family*" before asking the staff then to look after his rucksack he left on the counter, before going outside to join the other street drinkers. When staff were asked why the male had left his rucksack with them, the officer was informed that he always left his rucksack with them as "*He is a regular*".

The member of staff stated that there were now training records for alcohol sales and would have to ring his manager. The member of staff was unable to give an answer and appeared very confused when asked of the training he had received for alcohol sales. When the member of staff was on the phone to his manager, another member of staff served two males alcohol, both of whom appeared to be under 18 years of age.

The member of staff was challenged about the sale by another police officer as to why ID was not requested. When asked about "Challenge 25" the member of staff appeared confused.

The member of staff who was talking to PC O'Mahoney put his phone on loud speaker to a male who claimed to be the manager and who stated he was able to operate the CCTV remotely.

When CCTV was requested for 27 January 2022, when the officer previous visited the premises (at the time when the premises licence fees had not paid, nor personal licence holder or DPS were at the premises) the manager on the phone became irate and refused to operate the CCTV. He shouted that he would not supply the CCTV unless police provided a USB stick and write down the dates. The manager refused and simply showed the requested CCTV footage. When requested, the manager stated he did not have training records for staff or a refusal register.

PC O'Mahoney attended the premises on 29 January 2020 and spoke to a male employee who stated that he was charge. This member of staff stated that he had a personal licence, but did not have it in his person. He then checked his mobile phone for a copy of his personal licence. Because he was unable to produce a copy of it, the officer concluded that he did not have a personal licence. The same member of staff also did not have any form of ID on him. The other members of staff also did not have personal licences but did have Residence Permit Student Visas allowing him to work 20 hours a week. In view of this, a Section 19 Closure Notice was served for failure to have a personal licence holder at the premises and that on witnessing staff selling alcohol to four males.

On 2 February 2022 the DPS on the premises licence contacted PC Kennedy and advised him that he was not the DPS for the premises and had not been the DPS there for approximately two years.

On 3 February 2022 officers, including PCs Kennedy, O'Mahoney and trading standards attended the premises. An A4 sign was on the door stating they were not selling any alcohol. A number of IC4 male staff were asked if they held personal licences. They did not.

Officers' asked to view the CCTV from the previous weekend, but no one present was able to operate the CCTV system. There was no staff training records were available at the premises.

A significant amount of bottles and cans of alcohol were behind the counter and along the wall on shelves and in large fridges. Two shelving units had been moved and placed at one end of an aisle to partially block it off, a customer could simply walk to the far end of that aisle and walk into this alcohol aisle an alternative way. The large fridges contained just alcohol products and were turned on, lit up and the insulated blinds to the fridges were not pulled down, suggesting that they were open.

Despite not selling alcohol, officers were informed that the fridges were turned on as the plug socket was behind the fridges could not be accessed and the insulated blinds were not pulled down to cover up the alcohol because the insulated blinds were broken. A member of staff insisted that the premises was not selling alcohol.

PC Kennedy informed the staff that a small the small sign erected on the door and one end of the alcohol aisle being blocked (but the other end open) was inadequate and that more prominent signs, the removal or cover up of alcohol and the complete block off the alcohol aisle was inadequate. The staff present stated that there was no DPS for the premises which meant no alcohol could be sold until they have one in place even if a personal licence holder was present. During the time the officers were at the premises customers were seen coming in to the premises looking to buy alcohol and being told they could not buy any.

The licensing sub-committee heard from licensing as a responsible authority whose representation was based on Southwark's statement of licensing policy 2021- 2026 and related to the licensing objectives for the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

The officer's representation detailed that during a joint inspection on 27 March 2019 officers from licensing, trading standards and the police identified seven breaches of premises licence conditions: 101; 326, 327, 334, 336, 340, 342. The 2022 visits by trading standards, licensing and the police identified most of the same breaches/and more of the premises licence. Despite having a suspended licence, the premises continued to operate after staff at the premises were warned regarding offences and informed not to sell provide alcohol until all matters regarding the suspension had been rectified.

The legal representative for the premises requested a brief adjournment of the meeting in order to take instructions from the premises licence holder. When the meeting resumed, the premises licence holder's legal representative informed the sub-committee that connection with his client had been lost. Attempts had been made to re-establish the connection, but this was not possible. His client mentioned that he had a funeral and prayers that afternoon and presumably, that was where he was.

When asked why the legal representative had not requested a variation of the order of business so the item could be considered first, the sub-committee were informed that he had only just been informed. He stated that had already received full instructions, prior to the request for a short adjournment, so he would be able to speak on his client's behalf. In the circumstances, the sub-committee agreed to proceed in the premises licence absence.

The premises licence holder's representative advised the licensing sub-committee that the review application had been brought by trading standards, yet no trading standards offences had been identified. There had been no warning letters and no counterfeit/smuggled alcohol was identified.

The premises licence holder's representative also informed for the sub-committee that its role was not to establish innocence or guilt and that the Home Office Revised Guidance issued under Section 182 of the Licensing Act 2003 (2018) was clear on this point.

The premises holder had recently moved and as a result, he had not received the invoice for the licence fees. The non-payment of the premises licence fees was administrative only, and not a matter for a review application. The premises licence holder's representative was unable to advise the committee of the date that his client had moved, or the address. The only matters that trading standards had raised were historic. Since 2019 there were no other licensing matters arising that were of any concern to trading standards. The level of the trading standards evidence demonstrated that there was no undermining of the licensing objectives.

Concerning the evidence presented by the Metropolitan Police Service, nothing had been presented either in the agenda papers or at the sub-committee meeting concerning the area that the premises was located being in an area of special interest and/or the details of anti-social behaviour. The police had also not provided any CADs, criminal analysis or any causal link regarding the complaints of anti-social behaviour and the premises. The allegations of selling to street drinkers were exactly that, allegations. CCTV had not been viewed to establish the allegation; the alleged complaints were generic whereas the Section 182 guidance requires specifics being required.

There had also been no graduated approach taken with the premises as required. The premises were entitled to be given all of the facts and evidence and given the opportunity to rectify any alleged breach. There had been no other matters that undermined the crime and disorder licensing objective made by the Metropolitan Police Service.

Regarding the lack of presence of the premises licence holder and/or DPS at the premises when responsible authorities visited and/or carried out inspections, this was purely due to the individuals' working patterns. Responsible authorities had simply not attended the premises on the occasions that they were there. There was always a DPS and the now previous DPS, as a matter of law, remained the DPS until they relinquished the role and/or another DPS appointed.

The allegations concerning the lack of any personal licence holder on the premises was not a matter for the licensing sub-committee and should be put before the Magistrates' Court by way of prosecution. In any event, there were now four personal licence holders and five had received training and awaiting premises their personal licences. Local

authorities had delayed in issuing these personal licences and the premises should not be penalised for this.

In conclusion, all historic complaints should be disregarded as irrelevant and no one had sold alcohol without a licence. The issues relating to remit of the staff with student visas, this was a matter for UK Border Agency/Immigration. UK Border Agency/Immigration were a responsible authority for the purposes of the Licensing Act 2003 and they had not submitted a representation.

The representative for the premises licence then questioned the members of the sub-committee's impartiality and their failure to challenge the responsible authorities.

The premises licence holder was therefore under a duty to notify the council of his change in address and failure to do so without reasonable excuse under Section 33(6) of the Act.

Similarly, the premises licence holder was under a duty to inform the council of the change in DPS given that the then DPS had not done so.

Section 33 (1) and (2) Licensing Act 2003 provides:

- “(1) The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change in -
- (a) his name or address,
  - (b) unless the designated premises supervisor has already notified the authority under subsection (4), the name or address of that supervisor”.

The premises licence holder was therefore under a duty to notify the council of his change of address and pursuant to Section 33(6) Licensing Act 2003. There had been a failure to notify the council without a reasonable excuse

Contrary to the premises licence holder's submissions, findings with regard to alleged offences are not restricted to prosecutions in the Magistrates' Court Section 86(2) Licensing Act 2003 provides:

“Proceedings for an offence **may** be instituted -

- (a) except in the case of an offence under section 147A by a licensing authority,
- (b) by the Director of Public Prosecutions, or
- (c) in the case of an offence under section 146 , 147 or 147A (sale of alcohol to children), by a local weights and measures authority (within the meaning of section 69 of the Weights and Measures Act 1985 (c. 72)”.

The insertion of the word “may” indicates that the local authority has a discretion to prosecute alleged offences and is not under a duty to do so.

Further, paragraph 11.25 of the Home Office Revised Guidance, issued under Section 182 of the Licensing Act 2003 (2018) reads: “Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings”. No

prohibition on a sub-committee making finding of facts where criminal proceedings have not been instigated.

The premises licence holder's legal representative also made reference to responsible authorities having a "stepped approach" in licensing breaches. This licensing sub-committee noted that all the responsible authorities, in both their verbal and written evidence, had attempted to engage with the premises. All of the red warnings were not heeded and improvements were not made and the stepped approach did not result in compliance.

Reference was made by all of the responsible authorities of Southwark's night time economy team. The night time economy team is a Southwark partnership joint enforcement initiative involving a programme of regular compliance visits on Friday and Saturday nights within the borough and:

"...includes representatives from the council's Licensing and Regulatory Services teams (which could be from the Southwark ASB unit, environmental protection, trading standards, health and safety or the food health and safety team). In addition, representatives from UK Border Force, the London Fire Brigade and the Security Industry Authority (SIA) have joined them on various nights...The task team uses a risk based approach, concentrating on complaints and problem premises, one-off events and crime and disorder flashpoints and times, such as dispersal...The regular, targeted compliance visits have had a positive impact on alcohol related and public nuisance complaints due to there being a regular presence of the NET, enabling the council to work smarter with reduced resources. This creates pro-active engagement with business operators working in the night-time economy. This has brought about a more cohesive approach to solving problems related to licensed premises, which in turn supports licensees regarding compliance and helps reduce any negative impact that licensed premises have upon local residents". (page 22-23, Approaches to Managing the Night-Time Economy, Local Government Association) (July 2019)).

The trading standards officer that submitted this review application is the licensing lead for trading standards and authorised to conduct investigations under the Licensing Act 2003. The legal representative for the premises is put to strict proof concerning his suggestion of trading standards acting either beyond the remit their remit and/or unlawfully.

The sub-committee also considered the historic matters as part of the stepped approach. It was accepted by the premises that a fixed penalty notice had been issued by Immigration/UK Border Forces in respect of the employment of an illegal worker. The legal representative for the premises licence holder

The options available to this sub-committee are:

**i. Take no action**

The licensing sub-committee have found a significant number of breaches have taken place and the taking no action is not an option.

ii. **Modify the conditions of the licence by altering, omitting or adding any conditions**

The premises has been in breach of its licence conditions on a number of occasions. The sub-committee were not satisfied that the addition of further conditions would be complied with given that the premises were unable to comply with the conditions that already exists on its licence.

iii. **Exclude a licensable activity**

The only activity that could be excluded from the licence would be the sale of alcohol. This would be tantamount to a revocation of the licence.

iv. **Remove the designated premises supervisor**

The licensing sub-committee did consider removing the DPS. The sub-committee was surprised to learn that no objection was submitted by the police as this decision is a matter for the police. The DPS was appointed on 7 February 2022, yet appeared to be employed at the premises for some time prior to this, when a significant number of breaches took place. The sub-committee concluded that he would be likely remain in the employment of the premises licence holder. In view of this, it was felt that there would be no change in the overall management of the premises.

v. **Suspend the licence**

With the specifics of this case, a suspension of the licence was considered punitive only and this sub-committee took the view that this was not an appropriate course of action given the circumstances.

vi. **Revoke the licence**

Paragraph 11.10 of the Section 182 guidance provides “Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

Under Southwark’s statement of licensing policy 2021- 2026 the premises is located in a residential area and the appropriate closing time for an off-licence in this area is recommended as appropriate within this area is 23:00 hours daily.

A significant number of licence breaches have taken place at this premises over a considerable period of time. The breaches in 2019 replicate those in 2022. Paragraph 4.6.4 of the Section 182 guidance provides:

“.....the management committee will collectively be responsible for ensuring compliance with licence conditions and the law (and may remain liable to

prosecution for one of the offences in the 2003 Act) although there would not necessarily be any individual member always present at the premises”.

There have been issues at the premises since 2016. The premises licence holder was given opportunity to rectify those issues at this time and again in 2019, but was either unable or unwilling failed to do. The same issues and licence breaches remain after six year issues remain, having been given ample opportunity to rectify these recurring issues.

The licensing sub-committee found that breaches of licence took place on the following dates:

**27 March 2019:**

- 100 That 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.
- 326 That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the council.
- 327 That signs shall be displayed informing customers and staff that sales of alcohol will not be made to under 18s and that age identification will be required.
- 334 That an age identification scheme shall be establish and maintained. The scheme shall require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol.
- 336 That a personal licence holder shall be on the premises at all times that intoxicating liquor is supplied.
- 340 That a refusal book shall be introduced and details of all refusals recorded. This book shall be reviewed monthly by the designated premises supervisor and any actions taken recorded and signed by the DPS.
- 342 That all staff concerned with the sale or supply of intoxicating liquor will attend a recognised training scheme and that a record will be kept of the names of staff and dates attended.

A warning letter was sent on 27 March 2019.

**May 2019:**

- Non-traceable invoices/non-duty paid Karpackie
- Illegal worker employed at the premises.

**27 January 2022:**

- 100 That 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 That every supply of alcohol under the premises licence must be made, or authorised by a person who holds a personal licence.
- 326 That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the council.
- 336 That a personal licence holder shall be on the premises at all times that intoxicating liquor is supplied.
- 342 That all staff concerned with the sale or supply of intoxicating liquor will attend a recognised training scheme and that a record will be kept of the names of staff and dates attended.

Section 136(1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise in accordance with an authorisation or knowingly allowing a licensable activity to be carried on.

Section 137(1) Exposing alcohol for retail without authorisation. Section 138 (I) Keeping alcohol on a premises for an unauthorised sale. Staff, including the manager were informed that with no licence in place they cannot sell any alcohol until a premises licence is back in place.

A verbal warning was given on 27 January 2022 and a written warning of offences provided 3 February 2022.

**28 January 2022**

- 100 That 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 That every supply of alcohol under the premises licence must be made, or authorised by a person who holds a personal licence.
- 288 That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times.

- 289 That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty one (31) days.
- 326 That all appropriate staff shall be trained in the age identification scheme required at the premises and records of training shall be kept and made available for inspection by authorised officers of the council.
- 336 That a personal licence holder shall be on the premises at all times that intoxicating liquor is supplied.
- 342 That all staff concerned with the sale or supply of intoxicating liquor will attend a recognised training scheme and that a record will be kept of the names of staff and dates attended.

A verbal warning was given on 28 February 2022 and written warning of offences provided 3 February 2022.

**29 January 2022:**

- 101 That every supply of alcohol under the premises licence must be made, or authorised by a person who holds a personal licence.
- 288 That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times.
- 289 That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty one (31) days.
- 336 That a personal licence holder shall be on the premises at all times that intoxicating liquor is supplied.

Section 136(1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise in accordance with an authorisation or knowingly allowing a licensable activity to be carried on.

**3 February 2022:**

- 101 That every supply of alcohol under the premises licence must be made, or authorised by a person who holds a personal licence.
- 288 That the CCTV system installed upon the premises shall be maintained in good working condition and operable at all times.
- 289 That recordings taken by the CCTV system installed upon the premises shall be kept and made available for inspection by authorised officers for a period of thirty one (31) days.
- 336 A personal licence holder shall be on the premises at all times that intoxicating liquor is supplied.

**Offences:**

Section 135(4) Failure without reasonable excuse to produce licence.

Section 136(1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise in accordance with an authorisation or knowingly allowing a licensable activity to be carried on.

Section 137(1) Exposing alcohol for unauthorised sale.

Section 138(1) Keeping alcohol on premises for unauthorised sale etc.

The licensing sub-committee was directed to *East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant)* [2016] EWHC 1265 (Admin), which the legal representative will be more than aware of where the High Court upheld a licensing sub-committee's decision to revoke a premises licence, where the licensee had employed an illegal worker. This reaffirmed the principle that responsible authorities need not wait for the licensing objectives to actually be undermined before objecting to a licence being granted.

Costless is a premises open and selling alcohol 24 hours a day. Such a premises licence requires qualified staff and strong management in place. Due to the operating history of the premises, this sub-committee has no confidence that the premises licence holder would operate the premises in line with any licence to supply alcohol. This licensing sub-committee that in all the circumstances, there is no alternative but to revoke the premises licence.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives and considered that this decision was appropriate and proportionate.

**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.

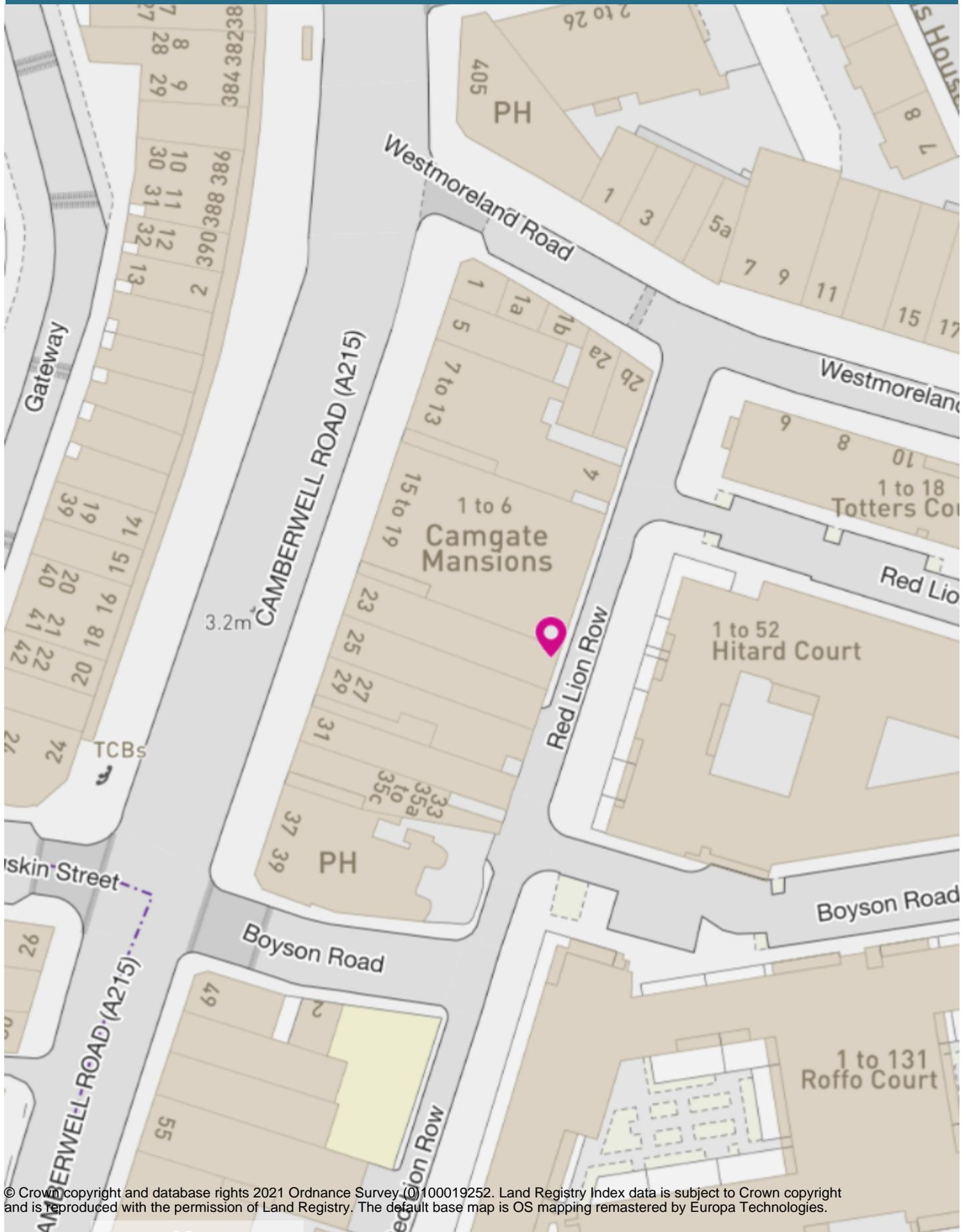
Such appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the Magistrates' Court for the area within the period of 21 days beginning with the day on which the appellant was notified by this licensing authority of the decision.

This decision does not have effect until either

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

Issued by the Constitutional Team on behalf of the Director of Law and Governance.

Date: 31 March 2022



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