



APPENDIX B POLICE

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 27th Jan 2022

IJC5 is a statement from PC Kennedy in relation to the 2nd Feb 2022

ICJ6 Notification of offences dated the 3rd 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 29th 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 27th 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 3rd February 2022. This was a follow up visit after the previous visits on the 27th & 29th. Again further breaches were noted as detailed in the statement.

My exhibit IJC6 is a copy of the alleged offences from the 3rd 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: 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: *[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 29th 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] date of birth [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] date of birth [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]*

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: *[Signature]* [redacted] *[Signature]*

Signature Witnessed by Signature:

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 29th 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 50 years old of Asian 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 Thursday [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 29th 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] [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 [REDACTED] who signed it acknowledging receipt of it.

At 20:38 hours we left the premises.

_____ PC [REDACTED] 23/1/22

Witness Signature: [REDACTED]

[REDACTED] [Signature]

Signature Witnessed by Signature:

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 29/01/2022 Time Served: 20:36 hours

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: PC Maria O Mahoney 2321AS

Signature: [Redacted] 2321AS

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 00:10 hours I witnessed
four (4) customers being served alcohol and standing
at the front of Camberwell Rd and Bayham Rd to
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 licence 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: [Redacted]
Signature: [Redacted] 20/12/99

Date: 29/01/2022



METROPOLITAN POLICE

Police Copy

Notification of alleged offences under the Licensing Act 2003

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

Address: 23-25 Amberwell Road

SS5 0E2 Date: 29/01/22 Time: 00:20

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

02/08/198 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 unable to produce training records or state what training scheme they have attended

Issuing officer: [Redacted] Print: RE MARIA ONA HONEY

I acknowledge receipt of this form: (venue) [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.

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:

[Redacted] [Redacted] [Redacted] [Redacted]

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 27th 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] of [Redacted]. The second was another IC4 male that I now know to be [Redacted] of [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] of [REDACTED] [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

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:

--	--	--	--

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:

[Redacted 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 27th January 2022 about the same venue. Please note that on my statement of 27th January, I referred to the venue as "Costcutter". This was an error. My statement of 27th 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 2nd February 2022 I emailed [Redacted] 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 [Redacted] 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 [Redacted] on my office phone. This phone number which displayed on my phone while he called, matched the one we have recorded for him. [Redacted] 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:

[Redacted Signature]

Signature witnessed by:

.....

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

fact. Since this, I have learned from a council colleague that Hussein has been in touch by email & informed them.

At around 1055 on Thursday 3rd 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 PLH [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 –

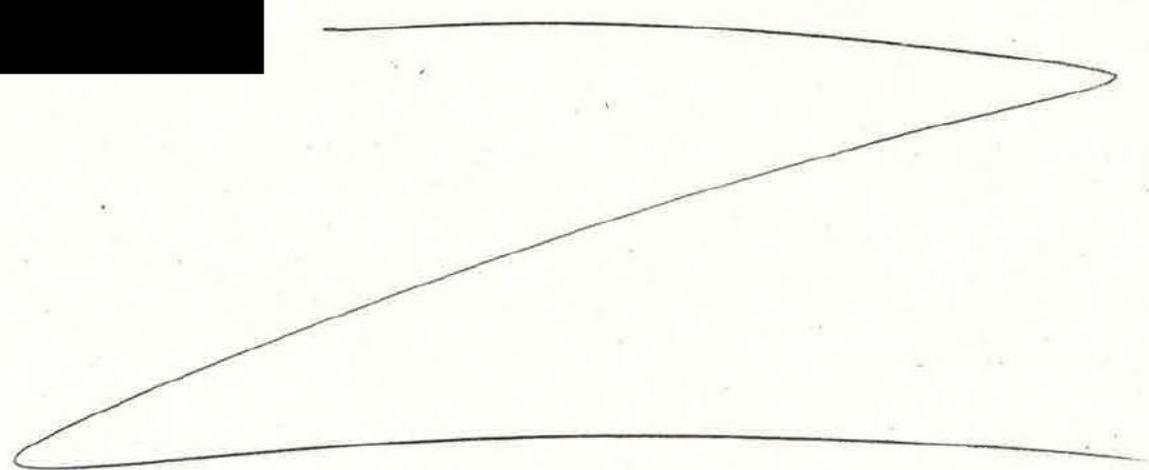
RMK/1 – photo of store entrance.

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: 

DPS Personal Licence Holder

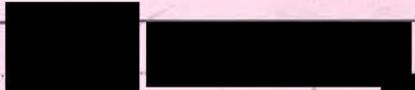
NO DPS OR PLH PRESENT

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 ; 326 - NO STAFF TRAINING RECORD AVAILABLE FOR REVIEW. 336 - NO PERSONAL LICENCE HOLDER ON PREMISES ; 362 - NO STAFF TRAINING RECORD AVAILABLE

Issuing officer:  Print: PC ROSS KENNEDY 2622AC

I acknowledge receipt of this form: (venue) 

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

To Licensing Unit Date 7 March 2022
From Jayne Tear
Email jayne.tear@southwark.gov.uk

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

I write with regards to 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'.

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 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. Trading standards have recently visited 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.

I fully support Trading Standards in submitting this review as the licensee and DPS have been illusive during enforcement visits and officers were told that the licensee Mr Mohammad Choudrey and DPS Mr John Hussein were on holiday and it was not known

when they would return. This makes it difficult to achieve compliance at the premises and promote any of the licensing objectives.

I may provide further supporting information to this representation at a later stage.

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

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 white 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 Middle Eastern 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>
------------	-----------------	--------------	--