

RESPONSE TO
ENVIRONMENTAL
PROTECTION TEAM

From: Diana Rodriguez [REDACTED]
Sent: Friday, April 1, 2022 10:27 AM
To: Binya, Raymond <[REDACTED]>
[REDACTED]
[REDACTED]

Subject: Re: Application for a new premises licence for Quick Bite Grill, 110 Wyndham Road, London SE5 0UB our ref 972349

Raymond

I need to correct the content of your objection.

Change of Use from A1 (Retail) to A3 and installation of new shopfront and installation of extraction flue and X2 air conditioning units to rear elevation was granted by the Planning Inspectorate at Appeal on the 19/10/2020.

You are or should also be aware of the relaxation of planning legislation and the welcome introduction of planning Class E. This would also now allow my client to operate from this property.

We have proposed conditions which would stop any detrimental impact on residents living in the immediate vicinity of the property. AS far as I am aware no resident has objected to this new premises licence application.

I would invite you to suggest conditions to alleviate any concerns you may have. This would be helpful and provide grounds for discussion should a licensing committee be minded to grant this licensing application.

Diana

RESPONSE TO TRADING STANDARDS

From: Diana Rodriguez [REDACTED] >

Sent: Tuesday, March 22, 2022 8:30 AM

To: Moore, Ray <[REDACTED]>

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Re: RE: Application for a new premises license, Mr Yaqoob KHAN T/A "Quick Bite Grill", 110 Wyndham Road, Camberwell, SE5 0UB Ref: 876954

Ray

I would like to point out that this is a new business venture which my client is pursuing legitimately.

It is unusual for objection to be made to a licensing application with reference to business rates debts. This does not appear to be in the spirit of the Licensing Act 2003. You are aware we are cautiously coming through a pandemic and the finances of businesses including that of my client are under significant strain at the moment.

Is Trading Standards proposing to object to all submitted licensing applications because an applicant has business rates debts ?

My client is taking steps to settle all liabilities with your business rates team. I do not view a licensing application consultation as the correct or appropriate forum for business rates debts to be discussed. Southwark Council business rates team have a procedure for discussing and recovering payment of business rates which I would respectfully ask is adhered to and not circumvented.

Reference has been made to an incident which occurred at 108 Wyndham Road in your objection. This property does not form part of this licensing application.

You state in your objection that enquires were made up until the end of October 2019. It appears that you are not aware and have not been updated by the police that all charges were dropped in this matter. You will also be pleased to know that my client has now received an apology from the investigating police officer. As no action has been taken by Trading Standards or the Police, I trust you share a similar view that the allegations were without merit and unfounded. For factual accuracy reference to this matter should be withdrawn given the update now provided.

Reference is also made to 98 Wyndham Road in your objection which again does not form part of this licensing application.

You refer to a commercial business not owned by my client but by his son which has no relevance to my clients submitted licensing application. My client makes no apology for being a father and visiting his son from time to time at his business. This is not contrary to the licensing objectives or southwark council licensing policy. The fact that on two occasions officers have visited the business and my client has

been at the business his son owns helping him due to staffing issues is not contrary to the licensing objectives or southwark council licensing policy.

Assistance was provided by my client when officers visited his sons business when he was at his sons shop helping him. Assistance as opposed to hindrance which the visiting officers thanked him for. It is confusing why objection is being made to my clients submitted licensing application due to failings of his sons business located elsewhere which he has no active control over.

Other commercial businesses referenced below in your objection relate to other commercial businesses which again do not form part of this licensing application. In one instance reference is made to an incident which occurred with my client 14 years ago for an underage sale. 14 years have now passed without any further incident and as you are aware the sale of alcohol does not form part of my clients submitted licensing application.

All other matters referenced relate to businesses that my client was renting legitimately to other parties running businesses. No action has been taken against my client in these matters and it is unclear why this has been included in your objection.

12 Camberwell Green; SE5 7AF - 2008

133-135 Southampton Way, SE5 7EW - 2014

244 Southwark Park Road, SE16 - Date not specified

209 Rotherhithe New Road, SE16 2BA - 2017

The submitted licensing application under consideration is not contrary to southwark council licensing policy and does promote the licensing objectives with robust conditions. The sale of alcohol and consumption of alcohol will not be permitted at the shop. After 11:30pm Monday to Sunday the shop will be closed to the public. On Friday and Saturday after 11:30pm the shop will be closed and only operate a home delivery service up until 2am and customers will not be allowed to enter the shop.

Contrary to what is suggested in your objection the public will not be gathering to buy food at our shop late into the night as we will be closed. This licensing application should be considered on the merits of the application presented.

I would welcome any additional conditions to alleviate any concerns surrounding the licensing objectives.

Diana

From: Diana Rodriguez [REDACTED]
Sent: Wednesday, March 23, 2022 4:20 PM
To: Moore, Ray [REDACTED]

Subject: Re: RE: Application for a new premises license, Mr Yaqoob KHAN T/A "Quick Bite Grill", 110 Wyndham Road, Camberwell, SE5 0UB Ref: 876954

Ray

I will again ask the question which has not been answered by you.

Is it usual practice for Trading Standards to object to an application because of unpaid business rates? When an applicant submits an application to vary a licence or submits a minor variation application do you object on the grounds that he or she may have business rates debts ? Or is this practice which you appear to have adopted preferential treatment reserved only for my client.

I would like to understand on what occasions Trading Standards has objected to a licensing application because of debts an applicant has for business rates. I have reviewed the southwark council statement of licensing policy and I see no reference to this practice.

Please accept a request under the freedom of information act for the above information to be provided to me.

Reference to 108 Whyndham Road has been made where it is not disputed that my client is the leaseholder. I will reiterate again, 108 Whyndham Road does not form part of the licensing application now under consideration. The CPS have taken the decision not to prosecute which you appear reluctant to accept or provide further evidence to support a prosecution. Your comment that the CPS '*may not have been satisfied*' is extremely concerning to me in the context and manner written by you. Could it in fact be the CPS was not satisfied that the allegation made was accurate & truthful and lacked evidence hence why no further action was taken against my client.

Can you also confirm you have authority to answer or assume on behalf of the CPS ? I respectfully ask that you seek legal advice before proceeding in this manner which is both unprofessional and unacceptable. My client was not charged with a criminal offence and as such there is no case to answer hence no further action has been taken by the CPS. You are by the manner in which you are approaching this criminalising my client with no evidence to support a prosecution by the CPS.

98 Whyndham Road is a business owned by my clients son which is not disputed. My client is permitted lawfully to visit his son at his business which is not contrary to the licensing objectives or southwark council licensing policy. Again my client it appears is receiving preferential treatment for doing nothing other than visiting his son and helping him when he was short staffed. Is a father visiting his son at his business contrary to southwark council licensing policy. Surely my client is

permitted to visit his son at his business or his home address without being labeled as being of bad character by Trading Standards.

You have made various allegations against my client which are neither proven or supported by evidence of a prosecution against my client. You state my client is of bad character due to a failed test purchase which occurred 14 years ago. Business rates debts which have been incurred as a result of slow trade and loss of trade as a result of the covid pandemic. One would argue as we cautiously come out of the covid pandemic that most small to mid - size independent businesses have unfortunately an element of business rates debts. Do you propose to object to all licensing applications submitted by these businesses ?

Reviewing the above I would again respectfully ask that focus is placed on the submitted licensing application.

I again invite you to suggest conditions to help a licensing sub - committee should they be minded to grant this licensing application.

Diana

Sent: Wednesday, March 23, 2022 at 1:28 PM

From: "Moore, Ray" [REDACTED]

To: "Diana Rodriguez" [REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: Application for a new premises license, Mr Yaqoob KHAN T/A "Quick Bite Grill", 110 Wyndham Road, Camberwell, SE5 0UB Ref: 876954

Diana,

In response to each of your points I would make the following response at the end of each point in red italics.

"I would like to point out that this is a new business venture which my client is pursuing legitimately.

It is unusual for objection to be made to a licensing application with reference to business rates debts. This does not appear to be in the spirit of the Licensing Act 2003. You are aware we are cautiously coming through a pandemic and the finances of businesses including that of my client are under significant strain at the moment."

1. It demonstrates another regulatory regime that has been breach. One of which dates back to 2012-2021

“Is Trading Standards proposing to object to all submitted licensing applications because an applicant has business rates debts ?”

2. As per 1.

“My client is taking steps to settle all liabilities with your business rates team. I do not view a licensing application consultation as the correct or appropriate forum for business rates debts to be discussed. Southwark Council business rates team have a procedure for discussing and recovering payment of business rates which I would respectfully ask is adhered to and not circumvented.”

3. As per 1.

“Reference has been made to an incident which occurred at 108 Wyndham Road in your objection. This property does not form part of this licensing application.”

4. YK is the leasehold owner of 108.

“You state in your objection that enquires were made up until the end of October 2019. It appears that you are not aware and have not been updated by the police that all charges were dropped in this matter. You will also be pleased to know that my client has now received an apology from the investigating police officer. As no action has been taken by Trading Standards or the Police, I trust you share a similar view that the allegations were without merit and unfounded. For factual accuracy reference to this matter should be withdrawn given the update now provided.”

5. Not to be withdrawn. As leaseholder owner he had responsibility for the property. Intelligence was received that YK was running a brothel from the premises and a brothel was found to be operating from the premises. The CPS may not have been satisfied that the evidence that the offence met the criteria of the Prosecutors

Code, so YK was not charged with a criminal offence, but the allegation still undermines the crime and disorder licensing objective.

“Reference is also made to 98 Wyndham Road in your objection which again does not form part of this licensing application.”

6. YK’s son may be the freehold owner of 98, but YK has a business interest in the premises and has assisted running the business on his son’s behalf from time to time. Such details are in my witness statement for the Foodlink appeal which at present you do not wish to view in agreement with their barrister.

“You refer to a commercial business not owned by my client but by his son which has no relevance to my clients submitted licensing application. My client makes no apology for being a father and visiting his son from time to time at his business. This is not contrary to the licensing objectives or the Southwark council statement of licensing policy. The fact that on two occasions officers have visited the business and my client has been at the business his son owns helping him due to staffing issues is not contrary to the licensing objectives or southwark council licensing policy.”

7. As per 5.

“Assistance was provided by my client when officers visited his sons business when he was at his sons shop helping him. Assistance as opposed to hindrance which the visiting officers thanked him for. It is confusing why objection is being made to my clients submitted licensing application due to failings of his sons business located elsewhere which he has no active control over.

8. It is alleged that YK played more of a role than that of assisting his son at the shop from time to time as suggested. Evidence is that YK had pressured an employee into falsifying licensing documents (i.e. refusals register).

“Other commercial businesses referenced below in your objection relate to other commercial businesses which again do not form part of this licensing application. In one instance reference is made to an incident which occurred with my client 14 years ago for an underage sale. 14 years have now passed without any further incident

and as you are aware the sale of alcohol does not form part of my clients submitted licensing application.

All other matters referenced relate to businesses that my client was renting legitimately to other parties running businesses. No action has been taken against my client in these matters and it is unclear why this has been including in your objection.”

9. This is evidence of bad character or of a disposition towards, misconduct on YK's part as defined in s.112 Criminal Justice Act 2003 as “the commission of an offence or of other reprehensible behaviour”.

“12 Camberwell Green; SE5 7AF - 2008

133-135 Southampton Way, SE5 7EW - 2014

244 Southwark Park Road, SE16 - Date not specified

209 Rotherhithe New Road, SE16 2BA - 2017

The submitted licensing application under consideration is not contrary to southwark council licensing policy and does promote the licensing objectives with robust conditions. The sale of alcohol and consumption of alcohol will not be permitted at the shop. After 11:30pm Monday to Sunday the shop will be closed to the public. On Friday and Saturday after 11:30pm the shop will be closed and only operate a home delivery service up until 2am and customers will not be allowed to enter the shop. “

10. Maintain that the grant of a licence to YK would undermine the prevention of crime and disorder licensing objective.

“Contrary to what is suggested in your objection the public will not be gathering to buy food at our shop late into the night as we will be closed. This licensing application should be considered on the the merits of the application presented.”

11. I will invite the LSC to refuse the application which they will of course consider on its merits.

Lastly I would again draw your attention to the last line of my representations....

“Trading Standards as a responsible authority would ask the subcommittee to refuse this application for a late night refreshments license in an area that has had violent incidents late at night where people gather to buy food and / or alcohol.”

Ray MOORE

Principal Trading Standards Enforcement Officer