

CHOUDHREY & 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>
<u>2007</u>	Premises Licence first issued to Mohammed Choudrey with Mukhtar Ahmed as DPS.	HERON (C-1)
<u>2014</u>		
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)
<u>2016</u>		
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)
<u>2019</u>		
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
<u>2020</u>		
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
<u>2021</u>		
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
<u>2022</u>		
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

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21 November 2022