



HILLINGDON
LONDON



Notice of Hearing Licensing Sub-Committee

Date: FRIDAY, 20 JANUARY 2017

Time: 2.00 PM

Venue: COMMITTEE ROOM 6 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

Councillors on the Sub-Committee:

Dominic Gilham, Chairman of Licensing
Committee (Chairman)

Jazz Dhillon

Teji Barnes

Important Information

On receipt of this notice, you **MUST** notify
the Committee Clerk (contact details
below) by the following date:

17 January 2017

If you don't notify you may lose your right
to speak at the hearing. When notifying
you must confirm:

- 1) Whether you intend to attend or to be
represented by someone at the
hearing;
- 2) If you consider a hearing to be
unnecessary and;
- 3) Whether to request that another
person attends (other than your
representative) as a witness

Published: Thursday, 5 January 2017

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Lloyd White

Head of Democratic Services

London Borough of Hillingdon,

3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW

www.hillingdon.gov.uk

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Agenda

CHAIRMAN'S ANNOUNCEMENTS

Hearing Protocol

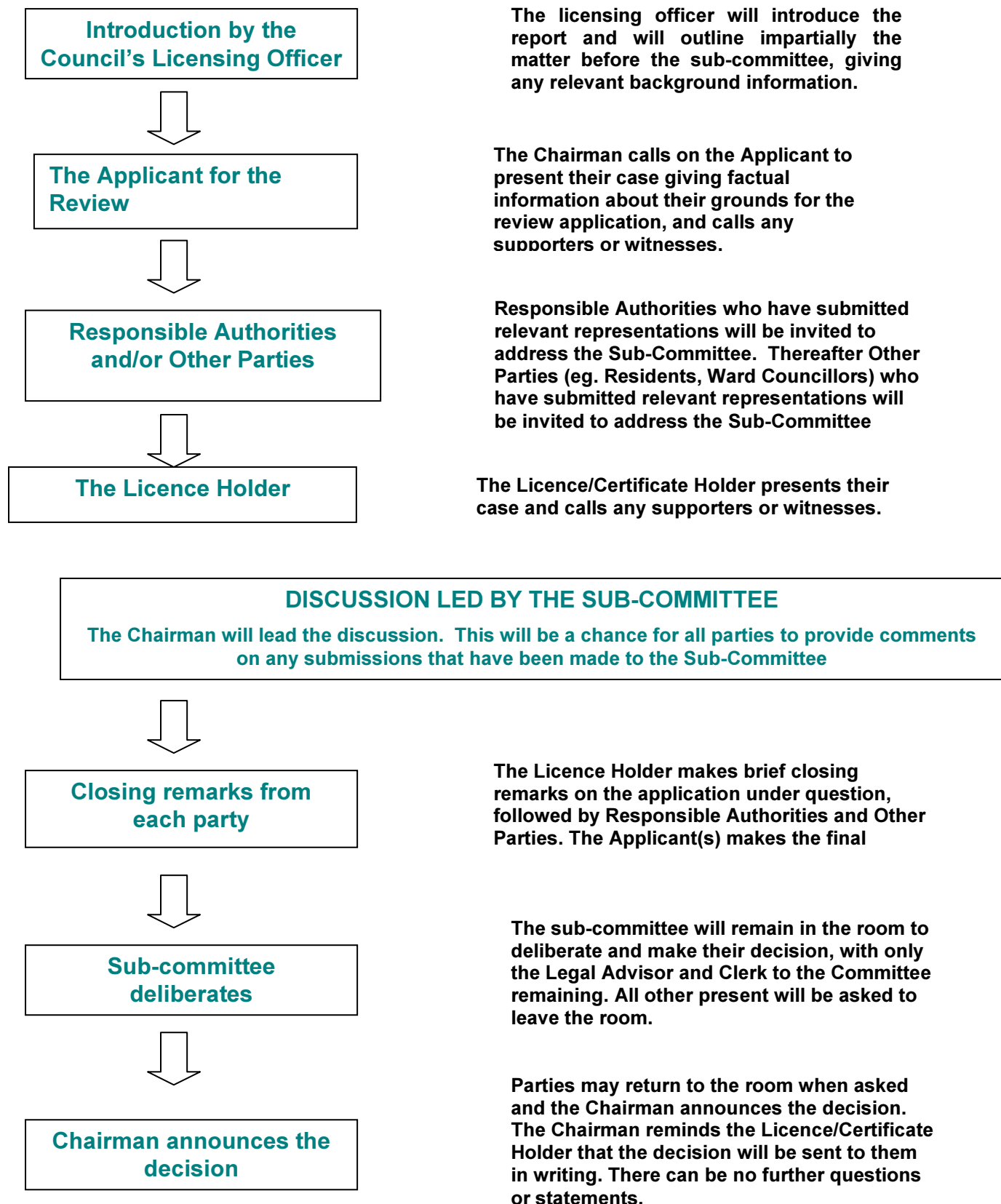
- 1 Apologies for Absence
- 2 Declarations of interest in matters coming before this meeting
- 3 To confirm that the items of business marked Part I will be considered in Public and items marked Part II will be considered in Private
- 4 Matters that have been notified in advance or urgent

Part I - Members, Public and Press

	Title of Report / Address of application	Ward	Time	Page
5	Application for a Review of a Premises Licence (Section 51)	Botwell	2pm	3 - 258

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What is the order of proceedings?



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Agenda Item 5

Application for a Review of a Premises Licence (Section 51)

Committee	Licensing Sub-Committee
Officer Contact	Ian Meens Licensing Officer 01895 277067
Papers with report	Appendix 1 - Review Application made by the Police Authority Appendix 2 - Supporting Statements and evidence made by Police Licensing Officer Ian Wares Appendix 3 - Representation from Licensing Authority and supporting attachments (Exhibits SW1) Appendix 4 - Representation from Trading Standards Service Appendix 5 - Existing licence and premises plan Appendix 6 - Site map of local area & photos of premises Appendix 7 - Report of licensing inspection (22/12/2016) by Licensing Officer
Ward name	Botwell

1.0 SUMMARY

To consider a premises licence review application for Lotus Wines, 761 Uxbridge Road Hayes UB4 8HY.

2.0 RECOMMENDATION

That the Licensing Sub-Committee consider the revocation of the premises licence, having regard to the Government guidance issued under s182 of the Licensing Act 2003.

Paragraphs 11.18 and 11.26 give guidance to Licensing Sub-Committees concerning certain activities which undermine the crime prevention objective and the steps already taken to be considered.

3.0 INFORMATION

- 3.1 On 24th November 2016, the Police Authority applied to the Licensing Authority for a Premises Licence Review for the premises known as 'Lotus Wines', 761 Uxbridge Road, Hayes, UB4 8HY.

Accompanying the application was a supporting statement made by Police Licensing Officer Ian Wares. This statement contains information relating to a visit made to the premises on the 12th October 2016 at 11.45hrs. It also makes reference to further visits on the 13th October 2016, 20th October 2016 and 26th October 2016. It was during the first visit and last visit that the Police found that there were a number of breaches of the Premises Licence conditions. These conditions had previously been applied by a licensing committee on the 25th May 2016.

- 3.2 The sub-committee hearing on the 25th May 2016 had been conducted to hear an application for a new licence. This was part of a process that had seen the original application refused and appealed by Mr Lamba. This appeal was then subsequently sent back to the committee by Uxbridge Magistrates Court as part of the appeal.
- 3.3 The Licensing Authority in its submissions have provided the committee with the extensive history of this premises, covering the current and previous occupiers of the shop and the history of recent licensing applications.
- 3.4 The Police's Review application and supporting statement are attached as **Appendices 1 & 2** respectively.

4.0 CONSULTATION

- 4.1 As required by the legislation, a legal notice giving notice of the review was displayed at the premises, at the Council offices and also on the Councils website
- 4.2 Closing date for representations
23rd December 2016
- 4.3 A total of two responses to the consultation were received. These are detailed in Part 5.

5.0 REPRESENTATIONS

- 5.1 All representations received in respect of this review application have been from Responsible Authorities as detailed in the table below.

Responsible Authority	Ground for Representation	Appendix Number
Licensing Authority	Prevention of Crime & Disorder Protection of Children from Harm	Appendix 3
Trading Standards	Prevention of Crime & Disorder	Appendix 4

- 5.2 The following Responsible Authorities have not responded and are therefore considered to have no concerns about this application:
- The Planning Authority
 - Environmental Protection Unit
 - Safeguarding Children
 - Food, Health and Safety Team
 - Fire Authority
 - Public Health
- 5.3 There were no representations received from any other parties.

6.0 BACKGROUND INFORMATION

- 6.1 Current Licences held

The premises have been licensed as an off licence under the Licensing Act 2003, since 25th May 2016. The current licence holder is Mr Aamir Singh Lamba. A copy of the current premises licence is attached as **Appendix 5**.

6.2 Current Designated Premises Supervisor
Mr Aamir Singh Lamba

6.3 Description of the Premises

The premise is a single shop located on a shopping parade of 7 other units. The shopping parade is situated on Uxbridge Road, Hayes and borders Hayes End Recreation Ground at one end and Morgans Lane at the other.

The premises operate primarily as an off licence but do stock a small amount of groceries.

Directly positioned above the property are a number of residential dwellings.

6.4 Other licensed premises nearby

The Premises is currently the only alcohol licensed premises in the parade. The shopping parades located on the opposite side of the Uxbridge Road include a Public House and Take-Away and 2 x Off Licences.

6.5 A site map of the local area and photos of the premise are attached as **Appendix 6**

6.6 Licensable Activities currently authorised

<u>Activity</u>		<u>Permitted</u>
Sale of Alcohol:	Consumption off the premises	✓

6.7 Licensable Activity and opening hours currently authorised

	Sale of Alcohol	Opening Hours
Monday	08:00-23:00	Not restricted
Tuesday	08:00-23:00	Not restricted
Wednesday	08:00-23:00	Not restricted
Thursday	08:00-23:00	Not restricted
Friday	08:00-23:00	Not restricted
Saturday	08:00-23:00	Not restricted
Sunday	08:00-23:00	Not restricted

6.8 Visits made by Licensing Officers

The premise was visited by officers from the licensing service on the 22nd December 2016 a report of findings is attached at **Appendix 7**.

Classification: Public

Licensing Sub-Committee 20 January 2017

6.9 Complaints received

There are no records of any complaints being received by the Regulatory Services Team.

There have been no Members Enquires made regarding the business.

7.0 OFFICER'S OBSERVATIONS

- 7.1 Mr Aamir Singh Lamba was successful in obtaining a Premises Licence in May this year. This followed an application for a premises licence originally being refused and appealed to Uxbridge Magistrates Court. The appeal bought the application back to the Licensing committee who re-heard the application and made a decision to grant the licence with conditions. The conditions as per the licence as in **Appendix 5**

This review has been triggered by the Police Authority following a Police licensing visit which took place on the 12th October 2016. At the time of the visit and a subsequent visit two weeks later the police discovered a number of the conditions pertaining to the licence were not being complied with.

At the time of the police visit and in conclusion, the police served Mr Lamba with a form 694 (notification of alleged offences) and also a form B699 (closure notice). These forms are shown in **Appendix 2**. The closure notice was later lifted following action taken by the Licence Holder.

The review submitted in regard to this review highlights a lack of control and effective management taking place at the premises by the current owner/operator.

The representations submitted by the Trading Standards Service and the Licensing Authority surmise that Mr Lamba obtained his licence after a long and difficult process with assurances made about ability and professionalism. It is also suggested in the representations that Mr Lamba's management ability does cast some considerable concern that the objectives will not be upheld in the future.

7.2 Relevant Sections of the S182 Guidance

The Committee's attention is drawn to the following, particularly relevant sections of the S182 Guidance:

2.5 *Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.*

11.26 *Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working*

at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.18 *However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.*

7.3 Relevant Sections of the Hillingdon Licensing Policy

The Committee's attention is drawn to the following, particularly relevant sections of the Hillingdon Licensing Policy:

Appendix B - Prevention of Crime and Disorder

8.0 LEGAL COMMENTS

8.1 The Licensing Authority must review the premises licence where it is alleged, in an application for review by a Responsible Authority or other persons, that any of the licensing objectives are being undermined.

8.2 Following receipt of a review application the Licensing Authority must hold a hearing to consider it and any relevant representations. At the hearing, the Sub-committee must, having regard to the application and any relevant representations, take such of the steps following steps (if any) as it considers appropriate for the promotion of the licensing objectives:

- to modify the conditions of the licence;
- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

8.3 S182 Guidance issued by the Secretary of State advises as follows:

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives."

- 8.4 In making its decision, the Sub-Committee must have regard to the consider the London Borough of Hillingdon's Statement of Licensing and the Secretary of State's Guidance issued under the Licensing Act when deciding what action, if any, to instigate. The terms of the Statement of Licensing Policy and Guidance are highly persuasive, but not binding on the Licensing Sub- Committee. The Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy and or Guidance if it considers there are clear and convincing reasons to do so. Full reasons must be given if this is the case.
- 8.5 The Sub-Committee can only consider matters within the application or that have been raised through relevant representations.
- 8.6 The Sub-Committee may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives.
- 8.7 Members are referred to the Secretary of State's Guidance on conditions, specifically paragraph 1.16 and chapter 10 which state that licensing conditions should be practical and enforceable, tailored to the size, type, location and characteristics and activities taking place at the premises. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Conditions will not be necessary if they duplicate a current statutory requirement. Licensing Authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.
- 8.8 Under the Human Rights Act 1998, the Sub Committee needs to consider the balance between the rights of the applicant, licence holder and those making representations to the application when making their decision. The Sub-Committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.
- 8.9 Where the Licensing Authority determines an application for review it must provide written notice and reasons for its decision.
- 8.10 The licence holder, applicant or any party that made relevant representations have the right to appeal the decision of the Licensing 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.



Application for the Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

- Before completing this form please read the guidance notes at the end of the form.
- If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
- You may wish to keep a copy of the completed form for your records.

I Pc 310XH Ian Wares

apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

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

Lotus Food & Wine, 761 Uxbridge Road

Post town: Hayes **Post code:** UB4 8HY
(if known)

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

Mr Aamir SINGH LAMBA

Number of premises licence or club premises certificate (if known):

LBHIL/18909

Part 2 – Applicant details

I am:

Please tick Yes

- | | | |
|----------|--|-------------------------------------|
| 1 | an individual, body or business which is not a responsible authority
(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/> |
| 2 | a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 | a member of the club to which this application relates (please complete section (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)			
Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>
Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>
Any other title (e.g. Rev.)			<input type="checkbox"/>
Surname:		First Names:	
I am 18 years old or over <input type="checkbox"/>			
Current postal address if different from premises address:			
Post town:		Post code:	
Daytime Tel. No.:		Email: (optional)	

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)	
Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)	
Name and Address:	
PC 310XH Wares - Police Licensing Department, Uxbridge Police Station, 1 Warwick Place, UB8 1PG.	
Telephone Number (if any):	0208 246 1933
Email address: (optional)	Licensing - xh@met.police.uk

This application to review relates to the following licensing objective(s)		
		Please tick one or more boxes
1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input checked="" type="checkbox"/>
3	The prevention of public nuisance	<input type="checkbox"/>
4	The protection of children from harm	<input checked="" type="checkbox"/>
Please state the ground(s) for review: (please read guidance note 2)		
Please see next page.		

Please provide as much information as possible to support the application: (please read guidance note 3)

On Wednesday 12th October 2016 The Police Licensing Team carried out a licensed visit at the premises, they were in the company of a London Borough of Hillingdon Trading Standards officer and a counterfeit expert from Surelock Global Invertigators.

During the licensing visit police established the following licensing offences:

1/ No Personal licence holder in the premises. -

Annex 3 Paragraph 8 - There shall be a person licence holder on duty at the premises at all times during opening times.

2. Finding Mr Amarjeet Singh who is excluded from the premises in the premises.

Annex 3 Paragraph 17 - The premises licence holder shall exclude Mr Ulgeet Singh and his spouse, Mr Jasmeet Singh and his spouse and Mr Amarjeet Singh and his spouse from the premises and all of its business and operational activities including all licensable activity at all times.

3. Defective CCTV system.

Annex 3 Paragraph 3 - The CCTV system shall be maintained in effective working order and any recording shall be made available to the police and any Authorised Officer of the Council on request.

4. Unable to produce invoices or receipts for alcohol when asked.

Annex 3 Paragraph 14 - All receipts/invoices relating to all purchases for goods at the premises must be kept in accordance with the statutory terms and made available for inspection at the request of the Metropolitan Police Service or an Authorised Officer of the Council.

5. Inspection of the premises incident/log book, resulting in no entries listing the defective CCTV, Police visits etc.

Annex 3 Paragraph 12.

An incident log shall be kept at the premises and shall be made available to Police and authorised Officers of the Council on request. The incident log shall be used to record any incidents, dates and times and the name of staff member involved.

Incidents can include but not limited to:

- a. All crimes reported by the premises to the Police;
- b. Any incidents of disorder/anti-social behaviour;
- c. Any faults with the CCTV system and details about remedial action/repair;
- d. Any refusal of age restrictions;
- e. Any visit by an authorised officer or emergency services

Further visit carried out on Wednesday 26th October 2016, during this visit further licensing breaches were evident.

6. Finding Mr Jasmeet Singh Lamba who is excluded from working in the premises in the premises.

Annex 3 Paragraph 17 - The premises licence holder shall exclude Mr Ulgeet Singh and his spouse, Mr Jasmeet Singh and his spouse and Mr Amarjeet Singh and his spouse from the premises and all of its business and operational activities including all licensable activity at all times.

7. No letter of authorisation to sell alcohol from the DPS.

Annex 3 Paragraph 9 - The DPS shall provide all staff members with written autorisation for selling alcohol, records and copies of authorisations shall be available to authorised officers on request.

8. No up to date training records.

Annex 3 Paragraph 11 - No member of staff shall make sales of alcohol until such time as the member of staff completes a recognised training course. Training will be reviewed regularly and updated training shall be provided in accordance with changes in legislation and staffing.

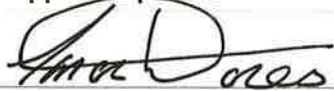
<p>Have you made an application for review relating to this premises before?</p>	<input type="checkbox"/> (Please tick yes)			
<p>If yes, please state the date of that application:</p>	<table border="1"> <tr> <td data-bbox="1061 174 1173 212">Day</td> <td data-bbox="1173 174 1284 212">Month</td> <td data-bbox="1284 174 1513 212">Year</td> </tr> </table>	Day	Month	Year
Day	Month	Year		
<p>If you have made representations before relating to this premises please state what they were and when you made them:</p>				
<p>Lotus Food & Wine was previously owned by Mr Ulgeet Singh. On Wednesday 16th December 2015 the premises was taken to a licensing review by Hillingdon Trading Standards and was supported by the Metropolitan Police Service after a quantity of Non Duty paid alcohol and tobacco products were found on two separate visits carried out by the Metropolitan Police Service, Trading Standards and the HMRC. As a result of this review the Licensing Sub Committee made the decision to revoke the premises licence.</p>				
<p>On the 18th January 2016 the Police Licensing Department at Uxbridge Police Station received an application from the present Licence holder Mr Aamir Singh LAMBA for a new premises licence to be granted.</p>				
<p>The Metropolitan Police, Trading Standard and Hillingdon Trading Standards had concerns about this application due to Mr Lamba's connection with the business and the previous owner and about his experience and knowledge of the Licensing Act 2003 and ability to operate and control a licensed premises.</p>				
<p>The responsible authorities had several meetings with Mr Lamba and on the 25th May 2016 his application was heard by a Licensing Sub - Committee, who made the decision to grant Mr Lamba a premises licence.</p>				
<p>Further to the above the Police have attached further statements and CCTV images to support this application.</p>				
<p>The Metropolitan Police Service are seeking a full revocation of this premises licence.</p>				

	Please tick Yes
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.	<input type="checkbox"/>
I understand that if I do not comply with the above requirements my application will be rejected.	<input type="checkbox"/>

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature:		Date:	24 th NOVEMBER 2016
Capacity:	Police Licensing Officer - Hillingdon Police		

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

Post town:	Post code:
Telephone Number (if any):	
If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):	

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.

Retention Period: 7 years
MP 321/12

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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 IAN C.R.WARES Wt No P193105 URN: [] [] [] []

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Licensing Officer

This statement (consisting of: ... 7..... 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: [Signature] Date: 2nd November 2016.....

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

This statement is made in relation to a Licensing Review Hearing application submitted by the Metropolitan Police Service, regarding a premise known as Lotus Wines, 761 Uxbridge Road, Hayes, UB4 8HY.

I am the above named officer and I currently hold the role of Police Licensing officer for the Metropolitan Police Service posted to the Hillingdon Police licensing department a role that I have held for the past four and half years.

On Wednesday 12th October 2016, I was carrying out visits of licensed premises with Pc Emly Mitchell who is also from the police licensing department, we were also in the company of Ms Kiran Seyan from Hillingdon Trading Standards and Mr Nick Alford who is a counterfeit expert from a company called Surelock, Global Investigators.

At about 11.45hrs we attended Lotus Wines, 761 Uxbridge Road, Hayes, UB4 8HY. On entering the premises we found one male in the premises sitting behind the counter, I recognized this male as Mr Amarjeet Singh a male that used to work in the premises, I am also aware that this male is not permitted to work in this premises and this is a condition of the premises licence.

(Annex 3 – Conditions attached after a hearing by the licensing authority, Para 17 – The premises licence holder shall exclude Mr Ulgeet Singh and his spouse, Mr Jasmeet Singh and his spouse Mr Amarjeet Singh and his spouse from the premises and all of its business and operational activities including all licensable activity at all times).

I identified myself to this male by showing him my warrant card and informed him that we were there to carry out a licensing inspection. I then asked Mr Amarjeet Singh why he was working behind the counter and he stated that he was only covering for Mr Aamir Singh Lamba as he had to pop out for a couple of minutes, he

Signature: [Signature] Signature witnessed by:

Continuation of Statement of **IAN C.R.WARES Wt No P193105**.....

was informed that it was a condition on the licence that he was prohibited from working in the premises. I then asked Mr Amarjeet Singh if he was a personal licence holder and He stated that he was not and when asked to produce some id he produced his driving licence to which a copy was made. The fact that Mr Amarjeet Singh was in the premises by himself constitutes a **breach of condition 8 in Annex 3 of the premises licence.**

Mr Amarjeet Singh then phoned Mr Aamir Singh Lamba who returned to the premises about 10 minutes later. On speaking to Mr Aamir Singh Lamba I notice that there was a strong smell intoxicating liquor on his breath, I asked him if he had been drinking and he said it was from the night before, I then asked him if he had driven to the premises.

He stated that he had taken the bus. I asked Mr Aamir Singh Lamba why Mr Amarjeet Singh was working in the shop when he was not allowed to do so; he replied that he had only gone out for a few minutes. I then informed Mr Aamir Singh Lamba that I wanted to view his CCTV to see how long and how often Mr Amarjeet Singh had been in the premises, Mr Aamir Singh Lamba stated the CCTV was defective, I then asked how long it had been defective for and he stated for about the last 4 to 5 days. **Breach of condition 3 Annex 3 of the premises licence.**

I then carried out a full licensing inspection which was recorded on a Form 695 – Record of visit to a licensed premise. During the inspection Seventeen (17) x Bottles of Jack Daniels were examined by Mr Nick Alford from Surelock as they showed signs of being counterfeit, these bottles were seized by Ms Kiran Seyan from Trading Standards so that further enquiries could be made. Whilst seizing this alcohol Ms Seyan asked Mr Aamir Singh Lamba to produce invoices for the Jack Daniels, Mr Aamir Singh Lamba was unable to do this.

Breach of condition 14 Annex 3 of the premises licence.

Incident/Refusals Log.

I then asked Mr Aamir Singh Lamba to show me his incident/ refusals log as having a log is a condition of his premises licence and states the following in **Annex 3 – Para 12 of the premises licence.**

An incident log shall be kept at the premises and shall be made available to Police and Authorised Officers of the Council on request. The incident log shall be used to record any incidents, dates and times and the name of staff member involved.

Incidents can include but not limited to:

- a. All crimes reported by the premises to the Police;
- b. Any incidents of disorder/anti-social behaviour;
- c. Any faults with the CCTV system and details about remedial action/repair;
- d. Any refusal of age restrictions;

Signature:



Signature witnessed by:

Continuation of Statement of **IAN C.R.WARES Wt No P193105**.....

e. Any visit by an authorised officer or emergency services

On inspection of the Incident/Refusals log which commenced in June 2016 when Mr Aamir Singh Lamba was given the new premises licence, it was found to have no entries of any kind in the log. Where there should have been an entry made when the CCTV system became defective. There was another incident on the 4th October 2016 when PCSO Maxine Ward from the local policing team saw two male school children in school uniform standing near the premises one of the males was holding a single cigarette, these males ran off when the officers approached them, she was then approached by a member of the public who stated that he had witnessed a male staff member in Lotus Wines sell a single cigarette to the school boy. The officer entered the premises and challenged the staff member who stated that he did sell a cigarette to a male but he was an adult. Crimint Report No XHRT00321036 completed by the officer who has completed a statement which is attached to the review papers. This incident was not recorded in the log book.

At the completion of the inspection I informed Mr Aamir Singh Lamba that I had found the following breaches of his licence under Section 136(1) LA 2003 – 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.

- 1/ Defective CCTV.
- 2/ Allowing a person who is excluded from the premises in the premises and allowing him to work in the premises
- 3/ Not being able to produce invoices for a quantity of alcohol that was seized as it is believed to be counterfeit.

At 12.22hrs I issued Mr Aamir Singh Lamba with a Form 694 – Notification of alleged offences under the Licensing Act 2003, which he signed and accepted. I then asked Mr Aamir Singh Lamba when he last sold alcohol in the premises and he informed me that it was at about 10.30 that morning. I then informed him that due to the licensing breaches that had been found I was going to issue the premises with a closure notice – under Section 19 of the Criminal Justice and Police Act 2001, I explained to Mr Aamir Singh Lamba that under this closure notice he did not have to close his premises but if he or any of his staff sold any alcohol whilst the notice was in place, they may be committing an offence under Section 136 of the Licensing Act 2003. I then issued him with the Form B699 closure notice which he signed and an instruction page explaining the notice was also issued with the notice.

On leaving the premises Mr Aamir Singh Lamba asked me if his son Jasmeet Singh Lamba could work with him in the premises, I then explained that he could not as this is stated on the premises licence.

It is my opinion even although Mr Aamir Singh Lamba has done a personal licence course and a Designated

Signature: 

Signature witnessed by:

Continuation of Statement of **IAN C.R.WARES Wt No P193105**.....

Premises Supervisors course he does not have a good understanding of the Licensing Act and does not know what his conditions are on his premises licence.


On leaving the premises I again asked him if he understood the conditions of the Closure Notice and he seemed confused so I asked him to phone his licensing agent Mr Panchal, who I spoke to and asked him to explain it to Mr Lamba.

Later that day I received calls from Mr Aamir Singh Lamba and Mr Panchal informing me that the CCTV hard drive had been replaced and the CCTV is now working. I informed him that I would attend the next day to speak to him.

On Thursday 13th October 2016 at 11.57hrs Myself and Pc Mitchell attended the premises and spoke to Mr Lamba who stated that the CCTV had been replaced and handed me the remote mouse to look at the system, The CCTV monitor was showing that the cameras were working but I told Mr Lamba that it was for him to show me that the system was working, he stated that he did not know how to work it. I informed him that I would cancel the Section 19 Closure Notice, but I would be returning with a police video officer in a few days for him to examine the system. I then issued a Form 699c – Cancellation of Closure Notice.

On Thursday 20th October 2016, I attended the premises with Pc 1391CO Ian Woodbridge who is an Evidential Images Recovery Officer from the Visual Images, Identification & Detections Office. (VIIDO). On entering the premises we spoke to Mr Aamir Singh Lamba and another male who gave his name as Mr Sambhu Patel, Mr Patel was asked if he was working in the premises and he said that he was not, although he had access to the storeroom and behind the counter. I informed Mr Aamir Singh Lamba that we were there to examine the CCTV system and could he show us how it worked. Mr Aamir Singh Lamba was unable to find the mouse that is needed to operate the system. Fortunately Pc Woodbridge was able to use equipment that he had with him. Pc Woodbridge confirmed that it was a new system and that it had been recording images since the 12th October 2016, I then asked Mr Aamir Singh Lamba where his old hard drive was and he informed me that it had been taken away by the CCTV Company.

During this visit Mr Aamir Singh Lamba started to ask about the bottles of Jack Daniels that had been taken from his premises, he stated that he was a poor man and demanded the bottles back as he has done nothing wrong, and that he doesn't do anything like that. He was informed that there will be official tests carried out on the goods to ascertain as to whether they were counterfeit or Non Duty paid and if the test results come back that they are genuine, then the goods will be returned to him. He was also informed that further enquiries are being made and that there is a very high chance that he is going to be invited into the police station for a PACE

Signature:  Signature witnessed by:

Continuation of Statement of **IAN C.R.WARES Wt No P193105**.....

interview with regards to the licensing breaches found during the visit.

On Wednesday 26th October 2016 at about 14.05hrs I was in the company of Pc Emly Mitchell, when we attended the premises as we wanted to check some documentation, on our arrival we noticed a male standing outside the shop, smoking a cigarette as we entered the shop this male followed us into the premises and then went behind the counter and joined a male who was sitting behind the counter, again we identified ourselves as police licensing officers and showed our warrant cards. I then asked the male who was sitting behind the counter what his name was and he gave it as Mr Rashpal Singh. He stated that he worked there and produced his personal licence. Serial Number [REDACTED] issued by Harrow Council. I then asked the other male what his name was and he gave his name as Mr Sunny Singh from [REDACTED]. I then asked him if he worked in the shop and he stated that he did not and that he was only visiting his friend, I then asked if he had any identification and he stated that he did not.

I then told Mr Sunny Singh that I recognised him as Mr Jasmeet Singh LAMBA and asked him who his father was and he replied Mr Aamir Singh LAMBA the owner of the shop. I then asked him again if he was working in the shop and he stated that he helps out now and again. I asked him if he was working today and said that he was here seeing his friend but he did sell a bar of chocolate to a customer earlier. I then asked him if I could take his photograph and he agreed.

I then informed Mr Jasmeet Singh LAMBA that he was not allowed to be in the premises or allowed to work in the shop and that he was breaching the conditions of the premises licence, he stated that he did not know that he wasn't allowed to work in the shop and asked why he wasn't allowed to work there.

Breach of condition 17 Annex 3 of the premises licence.

I then informed Mr Rashpal Singh that I wanted to see a copy of the following documents:

- 1/ Incident Book for Lotus Food & Wine.
- 2/ Authorisation for staff to sell alcohol.
- 3/ Staff training register.

Mr Rashpal Singh started to look for the documents but did not know where to find them, Mr Jasmeet Singh LAMBA then started to search for the documents and found them in the folder next to the till, and I examined these documents and photographed them.

1/ Incident Book still had no entries entered in it.

I exhibit these photos as ICRW/1.

Signature:



Signature witnessed by:

Continuation of Statement of **IAN C.R.WARES Wt No P193105**.....

2/ Authorisation for staff to sell alcohol had the two names on it Aamir .S. Lamba and Amarjeet Singh both of who had signed the document and it was signed by Ulgeet as the DPS and dated 15/04/16.

I exhibit this photo as ICRW/2.

3/ Staff training register again was signed by Amarjeet Singh and Aamir Lamba and was signed by Ulgeet.

I exhibit this photo as ICRW/3.

Breach of conditions 9, 11 and 12 Annex 3 of the premises licence.

I then informed Mr Rashpal Singh that the police wanted a download from the CCTV system and he stated that he did not know how to download the system, I then told him that I wanted a copy of the images taken from 4pm on Tuesday 25th October 2016 until closing on that day and from 10am until 2.30pm on Wednesday 26th October 2016 and that I would attend the premises on Friday 28th October 2016 to pick it up. He agreed that this would be done. I then informed Mr Jasmeet Singh Lamba that he would have to leave the shop, which he did. We then left the premises and returned to the Licensing office at Uxbridge Police Station, on returning to my office I received a phone call from a Mr Panchal who is the licensing agent for Lotus Wines who asked what times we wanted the CCTV downloads and informed him the times required and he told me that it wouldn't be a problem.

On Friday 28th October 2016 at about 10.10hrs I attended the premises with Police Sergeant Karl Spour. On entering the premises we spoke to Mr Rashpal Singh, then handed me two memory sticks and informed me that it was the footage that I had requested. I took the memory sticks back to Uxbridge Police station and examined the images.

1. USB stick dated 25th October 2016 - show images from 4pm until closing time. These images show Mr Rashpal Singh working in the premises and they also show Mr Jasmeet Singh Lamba working in the premises, both males are taking turns sitting behind the till and on several occasions Mr Jasmeet Singh Lamba is seen serving alcohol to customers. Both males were seen to be in the premises for the duration of the CCTV footage.

I exhibit this memory stick as ICRW/4.

2. USB stick dated 26th October 2016 - shows images of the shop being opened in the morning by Mr Aamir Singh Lamba and another unknown male. They remain in the premises until they are relieved by Mr Rashpal Singh and Mr Jasmeet Singh Lamba, who remain on the premises until the police visit the premises.

I exhibit this memory stick as ICRW/5.

On Tuesday 1st November 2016, I received information from Ms Kiran Seyan from LBH Trading Standards informing me that the Seventeen bottles of Jack Daniels that had been seized had been tested and had come back

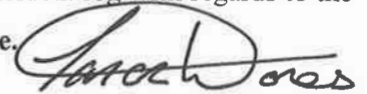
Signature:  Signature witnessed by:

Continuation of Statement of **IAN C.R.WARES Wt No P193105**.....

as genuine goods.

At 10.40am I accompanied Ms Seyan to Lotus Food & Wine, where we met Mr Aamir Singh Lamba, Ms Sayan explained to Mr Lamba that the Jack Daniels was genuine and returned the goods to him.

During the visit I asked Mr Aamir Singh Lamba if he could produce a copy of his Refusals Book, Training Records and Authorisation to sell alcohol. Mr Aamir Singh Lamba eventually located the documents and gave them to me, on examining these documents it was established that they were the same documents that I had examined during the previous visits. Again no entries had been entered into the incident log with regards to the previous visits by police. **Breach of condition 12 Annex 3 of the premises licence.**



Signature:



Signature witnessed by:

Witness contact details

Home address:
 Postcode:
 Home telephone number Work telephone number
 Mobile/pager number Email address:
 Preferred means of contact:
Male / Female (delete as applicable) Date and place of birth:
 Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6.**
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness Print name
 Signature of parent/guardian/appropriate adult: Print name
 Address and telephone number if different from above:

Statement taken by (print name): **Pc 310XH P193105 Ian Wares**..... Station: **Uxbridge**.....

Time and place statement taken:

CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001

Date of the Closure Notice: 12/10/16 Time Served: 12:22 HRS

Authority issuing Notice: Metropolitan Police Service

Name and rank of person making the notice: IAN C.R WARES P/310X

Signature: [Signature]

Name (if applicable) and address of the affected premises:
LOTUS WINES, 761 UXBIDGE ROAD, UAYES, UB4 8HY

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:

SEVERAL BREACHES UNDER S136 LA 2003. 1) DEFECTIVE CCTV. 2) PROHIBITED PERSON WORKING IN THE PREMISE. 3) NO INVOICES FOR SEIZED ALCOHOL.

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

AS ABOVE

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))

RECTIFICATION OF ABOVE

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) DPS ON PREMISES

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 MR AMIR SINGH LAMBA (DPS) P/L 

Signature X [Signature]

Date 12TH OCTOBER 2016

To be handed to the venue with S19 Notice

1. EXPLANATORY NOTES

A police officer has decided to issue this closure notice under the terms of section 19 of the Criminal Justice and Police Act 2001 ("the 2001 Act"). The notice alleges that the said premise has been operating either without premises licence, or otherwise than in accordance with a premises licence. It also details the actions that may be taken by the owner or manager to end the unlicensed sale of alcohol to prevent it reoccurring. Please note that any such unauthorised activity may also constitute a criminal offence under section 136 Licensing Act 2003.

The purpose of this notice is to provide a warning to those responsible for the premises in order that swift remedial action can take place to rectify the unauthorised activity. If the problem continues, or appears likely to continue, the police may apply to the magistrate's court for an order to close the premises.

2. Section 19 of the 2001 Act- Closure Notices

Where a police officer, or an authorised officer from the local authority, is satisfied that any 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, he may serve a notice under section 19(3) in respect of the premises. An "unauthorised sale of alcohol" includes a premises with a valid premises licence, but that is operating in breach of its licence conditions. Any person occupying another part of any building or other structure of which the premises forms part whom may have their access adversely affected by the application to the magistrate for a section 20, resulting in a possible issuing of a full closure (Sec 21) by the court must also be issued with a copy of this form.

3. Section 20 of the 2001 Act- Closure Orders

Your attention is drawn to section 20 of the 2001 Act. This provides that the police, or as the case may be the local authority, can take action against the said premises by applying to a justice of the peace at the local magistrates' court for a closure order if the unlicensed sale of alcohol (as alleged in this closure notice) is continuing, or there is a reasonable likelihood that the premises will be so used in the future.

The application for a closure order must be made not less than 7 days, and not more than 6 months, after the date on which this closure notice was served.

After an application for a closure order is made, the justice of the peace may issue a summons requiring the applicant, and also the person or persons on whom the closure notice was served, to attend a court hearing. At the hearing the court will consider the applicant's complaint against the said premises and decide whether a closure order should or should not be made.

In accordance with the Magistrates' Courts Act 1980 and the Human Rights Act 1998 you are entitled to be legally represented at the hearing and to make representations to the court before any decision is taken.

4. Appeals- Section 24 of the 2001 Act

An appeal against a decision by the magistrates' court to grant a closure order, or a decision to refuse an application for a closure order, can be made by an affected person to the Crown Court within 21 days.

5. Enforcement Powers and Offences- Section 25 of the 2001 Act

It is an offence for a person, without reasonable excuse, to permit a premises to be open in contravention of a closure order made by the magistrates court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.

It is also an offence for a person who, without reasonable excuse, fails to comply with any other terms of a closure order made by the court, or does an act which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both.

Police officers and authorised officers from the local authority have the power to enter the said premises at "any reasonable time", and do anything reasonably necessary to secure compliance with the closure order (for example, to board up the premises). However, when exercising this power, the constable or the officer must produce evidence of this authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or the person in charge of the premises).

It is an offence for a person to intentionally obstruct police officers or authorised local authority officers from exercising these powers. Any person convicted of obstructing a police officer is liable to a fine not exceeding £5,000, or to one month's imprisonment, or to both.

Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.


**METROPOLITAN
POLICE**
TOTAL POLICING
Form 699C

Cancellation of Closure Notice - Section 19(7) Criminal Justice and Police Act 2001

Details

Name of Premises:	Lotus Food & Wine		
Address of Premises:	761 Uxbridge Road, Hayes UB4 8HY		
Premises Type:	Off Licence		
Day and Date of Visit:	Thursday 13th October 2016	Time Of Visit:	11.57 hrs.

Name and rank of person making the notice

PC 310XH Ian Wares - Police Licensing Officer

CAD Reference:

N/A

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

Several licensing breaches under Sect 136 of the Licensing Act 2003.

The closure notice served under S19 Criminal Justice and Police Act 2001 as detailed above is hereby cancelled with immediate effect (section 19(7))

Grounds for Notice cancellation

Licensing breaches have been rectified.

Other persons occupying the premises who must be served with a copy of this cancellation

Mr Aamir Singh LAMBA (DPS)

Name and rank of person cancelling the notice

Pc 310 XH Wares Police Licensing Officer

Signed
Date

13/10/16

Any other comments

 The premises was given a licensing visit by the police licensing team on Wednesday 12th october 2016, the following breaches were found.

- 1/Mr Armajeet Singh was working in the premises and under a condition on the premises licence he is prohibited to work at the premises.
- 2/ The CCTV at the premises was defective and had been for 4 to 5 days.
- 3/ Seventeen bottles of Jack daniels were siezed as they were believed to be counterfeit and the DPS was unable to prduce any invoices for the siezed alcohol.

**METROPOLITAN
POLICE**

Police Copy

Notification of alleged offences under the Licensing Act 2003Venue Name: LOTUS WINES, # REF: (CAD/CRIS etc.) _____Address: 761 UXBRIDGE ROAD, HAYES, URBH 8HYDate: 12/10/16 Time: 12.07HRSDetails of person in charge at the relevant time: MR AMIR SINGH LAMBADPS 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:

- 1) SECT 136(1) - DEFECTIVE CCTV.
- 2) SECT 136(1) - PROHIBITED MALE SERVING IN THE PREMISE.
- 3) SECT 136(1) - UNABLE TO PRODUCE INVOICES FOR A QUANTITY OF JACK DANIELS 17 BOTTLE BELIEVED TO BE COUNTERFEIT.

Issuing officer: IAN C.R. WARES - POLICE LICENSING OFFICER Print: WARESI acknowledge receipt of this form: (venue) [Signature]

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



TOTAL POLICING

Licensing Act 2003 - Record of Visit to Licensed Premises

Details	
Name of Premises:	LOTUS WINES
Address of Premises:	761 UXBRIDGE ROAD, HAYES, UB4 8HY
Premises Type / Event:	OFF LICENCE
Date of Visit:	WEDNESDAY 12 TH OCTOBER 2016
Time Of Visit:	11.45 URS

Officers in Attendance	
1. IAN WARES - POLICE LICENSING OFFICER	CAD Reference:
2. EMILY MITCHELL - " " "	CRIS Reference:
3. MS KIRAN SEYAN - LBK TRADING STANDARDS.	CRIMINIT Reference:
4. MR NICK ALFORD - SURELOCK INVESTIGATORS. (GLOBAL COUNTERFEIT EXPERT)	

Premises Details	
Is the Premises Licence Summary displayed and correct?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is the Designated Premises Supervisor (DPS) present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Record details of DPS personal Licence (include full name, issuing authority and lic No.)	
MR AAMIR SINGH LAMBA P/L NO [REDACTED]	
DPS Contact No.:	[REDACTED]
If No DPS is present provide details of person in charge:	MR AMARJEET SINGH.
Record details of personal Licence (include full name, issuing authority and lic No.)	
NO P/L - THIS MALE IS PROHIBITED FROM WORKING IN THE PREMISES.	
Is the full premises Licence or an endorsed copy available?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
What is the capacity of the premises if shown on premises licence?	N/A
How many persons present (rough headcount)?	N/A
What process is used to record customer numbers (clicker, tickets head count etc)?	N/A

Details of Door Staff				
Are Door Staff required by licence conditions?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Number of Door staff on duty		Male:	Female:	
Name of Security company				
Full Name	D.O.B.	SIA Badge	Full Badge Number	Comments
N/A		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
Register of Door Supervisors complete and correct		Yes <input type="checkbox"/> No <input type="checkbox"/>		
Incident log kept and complete		Yes <input type="checkbox"/> No <input type="checkbox"/>		

Operation of Premises	
Is CCTV required by the licence?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If no is CCTV installed?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is there a member of staff trained and available to operate the CCTV system?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is CCTV operating correctly and in accordance with any licence conditions? If no detail defects	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
INFORMED BY THE DPS THAT THE CCTV SYSTEM HAD BEEN DEFECTIVE FOR AT LEAST 4 TO 5 DAYS.	
Are customers searched prior to entry? What is the procedure?	N/A
Is the search area covered by CCTV?	
Is there a system for recording or verifying customer details and age, what is the system? (Passport, driving licence PASS card or use of ID scan, entry scan, or other biometric screening systems)	DRIVING LICENCE, ETC
Does the venue operate any drinks promotions? If yes provide details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details of the Premises age verification policy (e.g. challenge 21/25)	CHALLENGE 25.

Toilets and public areas	
Toilets	
Are the toilets regularly checked by staff?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there a Toilet attendant?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are the toilets covered by CCTV?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Are the toilets and environs well maintained?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there any evidence of drugs use in this area? If yes detail evidence (drugs paraphernalia, or evidence obtained from drugs swipes or drugs itemiser)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Smoking area:	
Is there a designated smoking area?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is it covered by CCTV?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is it controlled by staff?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there a re-entry search policy?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Public areas:	
Is the ambient lighting in public areas adequate?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there a VIP area?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does CCTV cover public areas and dancefloor?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do staff regularly clear glassware?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the premises use plastic drinkware?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there a cloakroom?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the premises have a Medical facility/room?	Yes <input type="checkbox"/> No <input type="checkbox"/>
What percentage of the premises is given over to seating and tables?	%

Premises Staff	
How many staff are on duty?	1
How many Personal Licence Holders on site?	1
Are staff training records available?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is there a trained first aider on duty?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
General attitude of staff	
Helpful <input type="checkbox"/> Unhelpful <input checked="" type="checkbox"/> Obstructive <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/>	

FOUND THE DPS TO HAVE A STRONG SMELL OF ALCOHOL ON HIS BREATH. HIS LACK OF THE ENGLISH LANGUAGE MADE THINGS DIFFICULT.

Actions

Have any breaches in licensing conditions been identified?

Yes No

Details of breaches

- 1/ BREACH OF LICENCE CONDITION - ALLOWING A PROHIBITED PERSON TO BE IN CHARGE OF THE PREMISES.
- 2/ BREACH OF LICENCE CONDITION - DEFECTIVE CCTV.

Section 19 (Police and Criminal Justice Act 2001) Closure notice issued?

Yes No

Is an action plan required as a result of this visit?

Yes No

Is a warning letter required as a result of this visit?

Yes No

Detail grounds for action plan and or warning letter?

AS ABOVE.

Are there other offences or issues relevant to partner agencies (ie fire, environmental health, HM Customs and Excise, Etc).

Appropriate Agency: LBU - TRADING STANDARDS MS KIRAN SEYAN.

Details: 17 BOTTLES OF COUNTERFEIT JACK DANIELS SEIZED.

Details of whom referral passed to

TS ON SCENE WITH POLICE.

Does the premises require a further visit?

Yes No

By what date should this visit be completed

TBC

General Notes

THIS PREMISES IS BEING RUN BY PEOPLE WHO HAVE VERY LITTLE RESPECT AND UNDERSTANDING OF THE LICENSING ACT 2003.

Further action by Licensing Office

THE LICENSING OFFICE IS MAKING AN APPLICATION FOR THE PREMISES TO BE TAKEN TO A LICENSING REVIEW HEARING.

RESTRICTED (when complete)

MG 11 (T)

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 Maxine Ward..... URN:

Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: Police Community Support Officer

This statement (consisting of 1 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: PCSO 7608XH WARD Date: 14/10/2016

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

I am a Police Community Support Officer based at Hayes Police Station on the East Cluster.

On 19/09/2016 at approximately 1500hrs, I was on foot patrols on UXBRIDGE ROAD HAYES.

I saw 2 male children wearing school uniforms. They were wearing dark blazers with badges on the chest pocket. They were standing on the parade of shops that LOTUS FOOD AND WINES 761 UXBRIDGE ROAD HAYES is located. I noticed that they were looking at me. One of them appeared to have an unlit cigarette in his hand. Realising I had noticed them, they ran off.

I was then approached by a member of the public who informed me that the male serving behind the counter in LOTUS FOOD AND WINES had sold a cigarette to school children whilst the member of the public was also in the shop.

I entered the shop and spoke with the male employee behind the counter. He did admit to someone asking to buy a cigarette but stated the male was an adult.

I gave words of advice regarding the selling of cigarettes to persons under age. PCSO 7608XH WARD

Signature: PCSO 7608XH WARD , Signature witnessed by:

RESTRICTED (when complete)



WITNESS STATEMENT

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

URN [] [] [] []

Statement of: Ian WOODBRIDGE

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: Ian WOODBRIDGE PC 1391CO

Date: 20/10/2016

I am Police Constable Ian WOODBRIDGE Shoulder number 1391CO

I am employed as the Evidential Images Recovery Officer for the Directorate of Forensic Services Forensic Imagery Team, West Area Hub Visual Images, Identification & Detections Office.

On 20/10/2016 at 10.15 I attended Locus Food & Wines, 761 Uxbridge Road, Hayes, UB4 8HY. I was asked to attend by PC Ian Wares, Hillingdon Borough licensing officer, to check that a CCTV system within the shop was working.

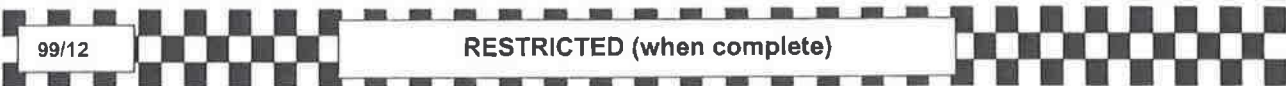
I found that the CCTV system was working correctly and the footage was recording correctly. The first recorded date of footage was on 12/10/2016 and footage had been recorded right through to the current date.

[Handwritten signature] C1391CO

Witness Signature: Ian WOODBRIDGE PC 1391CO

[Handwritten signature] C1391CO

Signature Witnessed by Signature:



AUTHORISATION FOR STAFF TO SELL ALCOHOL

As the premises supervisor I confirm that the following staffs has been fully trained in the sale of alcohol and alcohol products and that, in my opinion, they have demonstrated their understanding of their legal requirements in this regard. I therefore authorise by delegated authority the following staff to sell alcohol from these premises.

Site Name: LOTUS Food & wine

Site Address: 761, UXBridge ROAD HAYES, UB4 8HY.

Staff Name	Staff Signature	DPS Signature	Date
AAMI R.S. LAMBA	[REDACTED]	[REDACTED]	15/04/16
RAL KAP LAMBA			
Amrjeet SINGH	[REDACTED]	[REDACTED]	15/04/16

DATE:	TIME:
DESCRIPTION OF INCIDENT:	
ACTION TAKEN/OUTCOME:	
NAME:	POSITION:
PREMISES SUPERVISOR(DPS):	DATE ENTRY CHECKED:

DATE:	TIME:
DESCRIPTION OF INCIDENT:	
ACTION TAKEN/OUTCOME:	
NAME:	POSITION:
PREMISES SUPERVISOR(DPS):	DATE ENTRY CHECKED:

DATE:	TIME:
DESCRIPTION OF INCIDENT:	
ACTION TAKEN/OUTCOME:	
NAME:	POSITION:
PREMISES SUPERVISOR(DPS):	DATE ENTRY CHECKED:



**PERSONAL LICENCE
COURSES LTD**

INCIDENT BOOK

LOTUS FOOD & WINE

761 Uxbridge Road, Hayes, UB4 8HY

**ALL INCIDENTS OF CRIME AND DISORDER
MUST BE WRITTEN IN THIS BOOK
POLICE MUST BE INFORMED IF APPLICABLE**



Highfield

awarding body for compliance

Approved HABC Centre

Where Service Matters *ncfe*

Personal Licence Courses Ltd, Studio 8, Hayes Business Studio, Hayes Campus, College Way, Hayes,
UB3 3BB, TEL: 020 8606 0558/07952990536



HILLINGDON

LONDON

Mr Ian Meens
Licensing Officer
Regulatory Services

Reference; SW/16/LA03

Your Reference;

Date; 19 December 2016

Dear Sir,

**LOTUS WINES, 761 UXBRIDGE ROAD, HAYES, UB4 8HY
THE LICENSING ACT 2003**

I am writing to you as the Officer duly authorised to make representations on behalf of the Licensing Authority, in regard to the review of premises licence application submitted by the Metropolitan Police Service, for the above premises.

The Licensing Authority are extremely concerned to learn of the most recent activity taking place at the premises and feel that it is necessary to submit a representation to the Licensing Sub-Committee with a recommendation to revoke the premises licence under the Crime Prevention Licensing Objective.

Some of the history, which is relevant to this case, is summarised below:

1. This premises licence was reviewed in December 2015 by the Licensing Sub-Committee following an application by the Trading Standards Service. This review was applied for following a quantity of illicit alcohol being seized from the premises in May 2015. The premises licence at that time was held in the name 'Ulgeet Singh'. The Licensing Authority made a representation to the Licensing Sub-Committee with a recommendation to revoke the premises licence. The Licensing Sub-Committee determined that a revocation of Mr Singh's licence was appropriate.
2. Following the revocation of Mr Singh's premises licence on 16th December 2015, a new application was submitted in January 2016 by a 'Mr Aamir Singh Lamba' who was a

Regulatory Services

T.01895 277232

swaterford@hillington.gov.uk

www.hillingdon.gov.uk

London Borough of Hillingdon,

Civic Centre, High Street, Uxbridge, UB8 1UW



INVESTOR IN PEOPLE

member of staff at the shop employed by Mr Ulgeet Singh. This application attracted representations from the Licensing Authority, Trading Standards and The Metropolitan Police Service due to Mr Lamba's suitability and capability in upholding the licensing objectives and also because of his links to the previous licence holder, Mr Ulgeet Singh. During the hearing on 10th March 2016, assurances were given by Mr Lamba and his agents that he would be a responsible licence holder and that he had received appropriate training on the licensing objectives.

3. Both Mr Ulgeet Singh's decision and Mr Aamir Lamba's decision were appealed to the Magistrates Court. Mr Ulgeet Singh's appeal was withdrawn and the Court directed Mr Lamba's application back to the Licensing Sub-Committee with an instruction to consider new information demonstrating a legitimate business transaction and sale of business from Mr Ulgeet Singh to Mr Lamba. This was heard by the Licensing Sub-Committee on 25th May 2016. The Licensing Sub-Committee granted the licence.
4. At the hearing on 25th May 2016, Mr Lamba and his agents gave the Sub-Committee a number of assurances about how Mr Lamba was going to operate the premises in a responsible way. Mr Lamba's representatives also proposed a number of conditions which they argued would enable Mr Lamba to uphold the licensing objectives in a manner that the Authority would expect.
5. The information relating to the above hearings can be found in the Licensing Sub-Committee agenda for the hearing on 25th May 2016. I have attached this as Exhibit SW1.
6. The Licensing Sub-Committee decision notice for the hearing 25th May 2016 is attached as Exhibit SW2.

What is most concerning to the Licensing Authority, is that Mr Lamba was granted a licence approximately 7 months ago and has failed to comply with at least 8 conditions: These conditions being those proposed by Mr Lamba and his representatives and then imposed upon the licence by the Licensing Sub-Committee on 25th May 2016. In making this decision, the Authority gave Mr Lamba a chance to prove his capabilities and demonstrate that he is a competent licence holder able to uphold the licensing objectives.

According to the Police review papers and supporting statements, Mr Lamba, nor his staff members, appear to have an adequate comprehension of what is expected as a licensed premises retailer and premises licence holder.

The Licensing Authority still believes that Mr Lamba is not capable of upholding the licensing objectives, nor is he able to comprehend his responsibilities, demonstrated by the failure to comply with licence conditions which he himself proposed at the hearing of 25th May 2016.

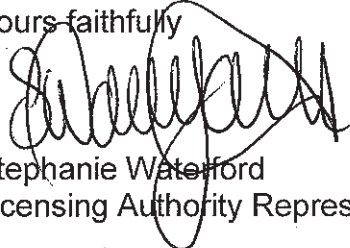
This is further demonstrated by Mr Lamba having the benefit of advice, guidance, training and literature from a Licensing Consultant and specialist licensing barrister. Training logs, refusals books and incident logs have been provided to Mr Lamba with instructions as to how to use them.

The incident recorded by PCSO Ward concerning the alleged sale of cigarette wearing school uniforms is also extremely concerning. This further demonstrates a lack of understanding and training regarding the rules and regulations relating to licensed premises.

The Licensing Authority does not believe that any further measures can be considered or imposed on the premises licence which would assist Mr Lamba in realising his responsibilities. Therefore, the Licensing Authority believes that it is necessary, appropriate and proportionate to revoke the licence in full.

I intend to be present at the hearing to verbally deliver my representation and also to answer any queries from the Licensing Sub-Committee.

Yours faithfully



Stephanie Waterford
Licensing Authority Representative



HILLINGDON
LONDON



Notice of Hearing Licensing Sub-Committee

Date: WEDNESDAY, 25 MAY 2016

Time: 10.00 AM

Venue: COMMITTEE ROOM 5
CIVIC CENTRE
HIGH STREET
UXBRIDGE
UB8 1UW

Meeting Details: This is a confidential meeting.

Councillors on the Sub-Committee:

Dominic Gilham (Chairman)

Lynne Allen

Roy Chamdal

Important Information

On receipt of this notice, you **MUST** notify the Committee Clerk (contact details below) by the following date:

As soon as possible.

If you don't notify you may lose your right to speak at the hearing. When notifying you must confirm:

- 1) Whether you intend to attend or to be represented by someone at the hearing;
- 2) If you consider a hearing to be unnecessary and;
- 3) Whether to request that another person attends (other than your representative) as a witness

Published: Wednesday, 18 May 2016

Contact: Charles Francis

Tel: 01895 556454

Email: democratic@hillington.gov.uk

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Lloyd White

Head of Democratic Services

London Borough of Hillingdon,

3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW

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Agenda

CHAIRMAN'S ANNOUNCEMENTS

Hearing Protocol

- 1 Apologies for Absence
- 2 Declarations of interest in matters coming before this meeting
- 3 To confirm that the items of business marked Part I will be considered in Public and items marked Part II will be considered in Private
- 4 Matters that have been notified in advance or urgent

Part II - Members Only

	Title of Report / Address of application	Ward	Time	Page
5	<p>Application for the grant of a Premises Licence made by Lotus Food and Wine 761 Uxbridge Road UB4 8HY</p> <p>Report</p> <p>Appendix 1 - Reports Pack to 10 March 2016 Appendix 2 - Addendum Appendix 3 - Lotus Food & Wines Decision Notice Appendix 4 - Accountants letter to Lamba Appendix 5 - Valuation and Figures Appendix 6 - Conditions</p>	Botwell	10:00am	

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government (Access to Information) Act 1985 as amended.

Application for the grant of a Premises Licence made by Lotus Food and Wine 761 Uxbridge Road UB4 8HY

Committee	Licensing Sub-Committee
Officer Contact	Ian Meens Licensing Officer Ex 01895 277067 (7067)
Papers with report	Appendix RH1 Original committee Agenda Appendix RH2 Original Committee hearing Addendum Appendix RH3 Original Decision Notice Appendix RH4 Letter Accountant Appendix RH5 Stock and valuation Appendix RH6 Proposed Conditions
Ward name	Botwell
<p style="color: red; margin: 0;">NOT FOR PUBLICATION</p> <p style="margin: 0;">This report contains confidential or exempt information</p>	<p>This item is included in Part 2 as it contains information relating to an individual or likely to reveal the identity of an individual and Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. The public interest in withholding the information outweighs the public interest in disclosing it (exempt information under paragraphs 1,2 and 7 of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).</p>
Reason for Urgency	<p>On 16 May 2015 the Uxbridge Magistrates Court remitted the matter to the Licensing Authority to be determined again with the expectation that a hearing would be speedily convened. The Applicant was awaiting receipt of supporting documentation from third parties. Officers prepared the report as soon as supporting documents were received from the Applicant. Some documents are still awaited.</p>

1.0 SUMMARY

To reconsider the decision made on 10 March 2016 in respect of a Premises Licence Application for a premises known as Lotus Food and Wine, 761 Uxbridge Road, Hayes, UB4 8HY. The original decision was appealed by the Applicant. In view of the appeal, and developments with regard to the sale of the premises and an offer to compromise conditions by the Applicant for the Premises Licence, it is considered appropriate and agreed by the court, for the matter to be referred back to the Sub-Committee for reconsideration of its decision.

2.0 RECOMMENDATION

- 2.1 That the Licensing Sub-Committee rehear the application taking into account the new submissions of the applicant.

3.0 BACKGROUND

- 3.1 The Licensing Sub-Committee met on 16 December 2015 in regard to a review of the Premises Licence for the premises known as Lotus Wines, 761 Uxbridge Road, Hayes, UB4 8HY. The Licensing Authority determined to revoke the Premises Licence held by Ulgeet Singh.
- 3.2 The Premises Licence Holder lodged an appeal against the Council's decision. During the appeal period, the premises licence remained in force and operational.
- 3.3 On 16 March 2016 the appeal was withdrawn by Ulgeet Singh. There is currently no Premises Licence in place for the premises.
- 3.4 The premises are currently operating under Temporary Event Notices.
- 3.5 The Licensing Sub-Committee met on 10 March 2016 to determine the application for the grant of a new premises licence at the same premises to Mr Aamir Lamba. A copy of the Agenda and Addendum documents are attached to this report as **Appendices RH1 and RH2** respectively.
- 3.6 The decision was to reject the application. A copy of the Decision Notice is attached to the report at **Appendix RH3**.
- 3.7 The decision to reject the application was appealed to the Magistrates Court where it was resolved to remit the decision back to the Licensing Authority for determination.
- 3.8 The Applicant for the Premises Licence has advised that he is to take over the lease of the premises with a view to the purchase of the business should the new application be successful.
- 3.9 In addition, the applicant has submitted further proposed conditions including correspondence from the Applicant's accountant and an independent stock valuation which are provided at **Appendices RH4 and RH5** respectively.
- 3.10 The Conditions proposed by the Applicant are provided at **Appendix RH6**.
- 3.11 At the time of publication, there were a number of documents outstanding from the applicant. These will be added by way of addendum to the report, should they be received in time.

Details of the Application

- 3.12 Type of application
New Premises Licence

3.13 Description of premises taken from the application form
A modern local community convenience store

3.14 A copy of the application form and premises plan is attached as **Appendix RH1**

3.15 A site map of the local area and photos of the premise are attached as **Appendix RH1**

3.16 Licensable Activities

<u>Activity</u>		<u>Previously Permitted under old licence</u>	<u>Proposed</u>
Sale of Alcohol:	Consumption on the premises		
	Consumption off the premises	✓	✓
Regulated Entertainment:	Plays		
	Films		
	Live Music		
	Recorded Music		
	Performances of dance		
	Indoor Sporting Events		
	Boxing/Wrestling		
Late Night Refreshment			

3.17 Licensable Activity Hours (general)

	Sale of Alcohol	
	Previously permitted under old licence	Proposed
Monday	0800-23.00	08.00-23.00
Tuesday	08.00-23.00	08.00-23.00
Wednesday	08.00-23.00	08.00-23.00
Thursday	08.00-23.00	08.00-23.00
Friday	08.00-23.00	08.00-23.00
Saturday	08.00-23.00	08.00-23.00
Sunday	10.00-22.30	08.00-23.00

Part 2 - Members Only

3.18 Opening Hours

	Previously permitted under old licence	Proposed
Monday	Not restricted	08.00-23.00
Tuesday	Not restricted	08.00-23.00
Wednesday	Not restricted	08.00-23.00
Thursday	Not restricted	08.00-23.00
Friday	Not restricted	08.00-23.00
Saturday	Not restricted	08.00-23.00
Sunday	Not restricted	08.00-23.00

3.19 Operating Schedule and Conditions

- 3.20 The original operating schedule, as proposed by the Applicant, can be found at Section 18 of the application form in **Appendix RH1**.
- 3.21 The Applicant has drawn up this operating schedule with the intention of demonstrating the steps he proposes to take in order to promote the licensing objectives.

4.0 CONSULTATION (original)

- 4.1 Closing date for original representations
12th February 2016
- 4.2 Public Notice published in local newspaper
27th January 2016 - Uxbridge Gazette
- 4.3 The application was published on the Councils website on 19th January 2016. Responsible Authorities and Ward Members were notified of the application on 19th January 2016

5.0 REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

Three Responsible Authorities originally responded to the application.

Responsible Authority	Ground for Representation
Licensing Authority	Crime & Disorder
Police	Crime & Disorder
Environmental Protection Unit	
Fire Authority	
Public Health	
Trading Standards	Crime & Disorder
Planning Authority	
Safeguarding Children	
Food, Health & Safety	

5.2 All other Responsible Authorities have not responded and are therefore considered to have no concerns about this application.

5.3 There were no representations from Interested Parties.

6.0 BACKGROUND INFORMATION

6.1 Previous licence held:

This premises has been licensed under the Licensing Act 2003 for off sales, since November 2005. The premises licence was revoked by the Licensing Sub Committee at a review hearing on the 16th December 2015. There is no Premises Licence currently in operation at the premises.

6.2 Designated Premises Supervisor

The application proposes that the Designated Premises Supervisor will be Aamir Singh Lamba

6.3 Description of the Premises

The premise is a single lock up shop in a parade of 7 other units. The parade is situated on the Uxbridge Road, Hayes and borders Hayes End recreation ground at one end and Morgans Lane at the other.

The premises is a mixed grocer and off licence.

There are a number of residential properties above the property.

6.4 Other licensed premises nearby

The premises are currently the only alcohol licensed premises in the parade. The shopping parades located on the opposite side of the Uxbridge Road include a Public House; take away shops and two off licensed premises.

7.0 OFFICER'S OBSERVATIONS

7.1 The premises was visited by the Licensing Authority on the 18th May 2016. At the time of the visit Mr Ulgeet Singh was behind the counter and no alcohol was on display.

7.2 The Applicant has seen and agreed proposal conditions as shown at **RH6**

7.3 S182 Guidance

The Committee's attention is drawn to the following particularly relevant section of the S182 Guidance:

Section 9:12

In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

8.0 LEGAL CONSIDERATIONS

The Magistrates Court have directed that the Application is remitted back to be determined again by the Licensing Authority. The Licensing Act 2003 and associated regulations do not specify any provisions with regard to determining matters that have been remitted from the Magistrates Court. Section 12 of the Interpretation Act 1978 permits the Local Authority to carry out the functions provided to it from time to time and as the occasion requires.

8.1 The original hearing on 10 March 2016 contained information that was exempt under Schedule 12A of the Local Government Act 1972 on account of ongoing legal proceedings viz a licensing appeal and potential prosecution. As all legal proceedings have been resolved, there is no legal impediment to the matter being heard in Part 1 and it is further noted that the Applicant has no objection to the matter being heard in Part 1. However, Democratic Services advise the Sub-Committee that given the detailed sensitive nature of the personal data revealed and financial and some crime related

content throughout the agenda, including the fact that Part 1 meetings are broadcast live on YouTube, the ordinary practice for the Council in such circumstances is that the meeting should take place in Part 2 under the categories set out on the front page of this report. Ultimately, it is the Committee's decision whether to make the meeting public or private and whether the public interest in doing so outweighs the reason for keeping the information and discussion private.

8.2 When considering licence applications the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

8.3 The Sub-Committee must ensure that all licensing decisions:

- Have a direct relationship to the promotion of one or more of the four licensing objectives
- Have regard to the Council's statement of licensing policy
- Have regard to the Secretary of State guidance
- Must not be subject to a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded

8.4 The Sub-Committee is advised that when considering applications for a new premises licence, regard must be had to any relevant representations that are made before taking such steps (if any) as it considers necessary for the promotion of the licensing objectives.

The steps are:

- grant the application.
- grant the application subject to conditions the Sub-Committee considers necessary to promote the licensing objectives
- exclude from the scope of the licence any licensable activity(ies) to which the application relates
- refuse to specify a designated premises supervisor
- reject the application



HILLINGDON
LONDON



Notice of Hearing

Licensing Sub-Committee

Date: THURSDAY, 10 MARCH
2016

Time: 2.30 PM

Venue: COMMITTEE ROOM 5 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE,
UB8 1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

Councillors on the Sub-Committee:

David Yarrow (Chairman)

Lynne Allen

Carol Melvin

Important Information

On receipt of this notice, you **MUST** notify the Committee Clerk (contact details below) by the following date:

Friday, 4 March 2016

If you don't notify you may lose your right to speak at the hearing. When notifying you must confirm:

- 1) Whether you intend to attend or to be represented by someone at the hearing;
- 2) If you consider a hearing to be unnecessary and;
- 3) Whether to request that another person attends (other than your representative) as a witness

Published: Tuesday, 23 February 2016

Contact: Alex Quayle

Tel: 01895 250692

Email: democratic@hillington.gov.uk

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Lloyd White

Head of Democratic Services

London Borough of Hillingdon,

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Agenda

CHAIRMAN'S ANNOUNCEMENTS

Hearing Protocol

1 - 18

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Part II - Members Only

	Title of Report / Address of application	Ward	Time	Page
5	<p>Application for the grant of a Premises Licence - Lotus Food and Wine, 761 Uxbridge Road, UB4 8HY</p> <p>Committee Report Appendix 1 - Application and Plan Appendix 2 - Conditions Appendix 3 - Photos and Map Appendix 4 - Trading Standards Representation Appendix 5 - Police Representation Appendix 6 - Licensing Authority Representation Appendix 7 - Hearing Agenda: 16 December 2015 Appendix 8 - Decision Notice: 16 December 2015</p>	Botwell	2.30 PM	

Application for the grant of a Premises Licence made by Lotus Food and Wine 761 Uxbridge Road UB4 8HY

Committee	Licensing Sub-Committee
Officer Contact	Ian Meens, Licensing Officer 01895 277067
Papers with report	<p>Appendix 1 - Application for the grant of a premises licence including proposed plan</p> <p>Appendix 2 - Conditions consistent with operating schedule</p> <p>Appendix 3 - Map of the area and Photos of the premises</p> <p>Appendix 4 - Representation from the Trading Standards Service</p> <p>Appendix 5 - Representation from the Metropolitan Police</p> <p>Appendix 6 - Representation from the Licensing Authority</p> <p>Appendix 7 - Committee report of review hearing 16 December 2015</p> <p>Appendix 8 - Decision Notice 16 December 2015</p>
Ward name	Botwell
<p>NOT FOR PUBLICATION</p> <p>This report contains confidential or exempt information</p>	<p>This item is included in Part 2 as it contains information relating to an individual or likely to reveal the identity of an individual and Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. The public interest in withholding the information outweighs the public interest in disclosing it (exempt information under paragraphs 1,2 and 7 of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).</p>

1.0 SUMMARY

To consider a new application for a Premises Licence in respect of Lotus Food and Wine, 761 Uxbridge Road, Hayes, UB4 8HY, and representations against the application received from three responsible authorities.

2.0 RECOMMENDATION

2.1 That the Licensing Sub-Committee refuses the application.

3.0 APPLICATION

3.1 Name of applicant
Aamir Singh Lamba
73 Cleave Avenue
Hayes
UB3 4HB

Licensing Sub-Committee - 10 March 2016

Name of licensing agent representing

Mr S Panchal
C/o Personal Licence Studios Ltd
College Way
Hayes
UB3 3BB

3.2 Type of application
New Premises Licence

3.3 Description of premises taken from the application form
A modern local community convenience store

3.4 A copy of the application form and premises plan is attached as **Appendix 1** and conditions which are consistent with the operating schedule are listed in **Appendix 2**.

3.5 A site map of the local area and photos of the premise are attached as **Appendix 3**.

3.6 Licensable Activities

<u>Activity</u>		<u>Previously Permitted under old licence</u>	<u>Proposed</u>
Sale of Alcohol:	Consumption on the premises		
	Consumption off the premises	✓	✓
Regulated Entertainment:	Plays		
	Films		
	Live Music		
	Recorded Music		
	Performances of dance		
	Indoor Sporting Events		
	Boxing/Wrestling		
Late Night Refreshment			

3.7 Licensable Activity Hours (general)

	Sale of Alcohol	
	Previously permitted under old licence	Proposed
Monday	0800-23.00	08.00-23.00
Tuesday	08.00-23.00	08.00-23.00
Wednesday	08.00-23.00	08.00-23.00
Thursday	08.00-23.00	08.00-23.00
Friday	08.00-23.00	08.00-23.00
Saturday	08.00-23.00	08.00-23.00
Sunday	10.00-22.30	08.00-23.00

3.8 Opening Hours

	Previously permitted under old licence	Proposed
Monday	Not restricted	08.00-23.00
Tuesday	Not restricted	08.00-23.00
Wednesday	Not restricted	08.00-23.00
Thursday	Not restricted	08.00-23.00
Friday	Not restricted	08.00-23.00
Saturday	Not restricted	08.00-23.00
Sunday	Not restricted	08.00-23.00

3.9 Operating Schedule and Conditions

3.10 The operating schedule, as proposed by the Applicant, can be found at Section 18 of the application form in **Appendix 1**.

APPENDIX 3

3.11 The Applicant has drawn up this operating schedule with the intention of demonstrating the steps he proposes to take in order to promote the licensing objectives.

3.12 Conditions which are consistent with the operating schedule can be found at **Appendix 2**.

4.0 CONSULTATION

4.1 Closing date for representations
12 February 2016

4.2 Public Notice published in local newspaper
27 January 2016 - Uxbridge Gazette

4.3 The application was published on the Councils website on 19 January 2016. Responsible Authorities and Ward Members were notified of the application on 19 January 2016.

5.0 REPRESENTATIONS

5.1 RESPONSIBLE AUTHORITIES

Three Responsible Authorities have responded;

Responsible Authority	Ground for Representation	Appendix
Licensing Authority	Crime & Disorder	Appendix 6
Police	Crime & Disorder	Appendix 5
Environmental Protection Unit		
Fire Authority		
Public Health		
Trading Standards	Crime & Disorder	Appendix 4
Planning Authority		
Safeguarding Children		
Food, Health & Safety		

5.2 All other Responsible Authorities have not responded and are therefore considered to have no concerns about this application.

5.3 There were no representations from Interested Parties.

6.0 BACKGROUND INFORMATION

6.1 Previous licence held:

This premises has been licensed under the Licensing Act 2003 for off sales, since November 2005. The premises licence was revoked by the Licensing Sub Committee at a review hearing on the 16 December 2015. At the time of the hearing the licence was held by Mr Ulgeet Singh of [REDACTED].

The premises licence review committee report for the hearing on 16 December 2015 can be found at **Appendix 7**.

The Decision Notice of the hearing on 16 December 2015 can be found at **Appendix 8**.

Mr Singh, who has been the licence holder since 2009 has subsequently appealed this decision to Uxbridge Magistrates Court. The regulations allow the premises licence to remain in operation until the appeal is concluded. The date of the appeal hearing is yet unknown.

6.2 Designated Premises Supervisor

The application proposes that the Designated Premises Supervisor will be Aamir Singh Lamba who at the time of application did not have a personal licence but is in the process of obtaining one.

6.3 Description of the Premises

The premise is a single lock up shop in a parade of 7 other units. The parade is situated on the Uxbridge Road, Hayes and borders Hayes End recreation ground at one end and Morgans Lane at the other.

The premises is a mixed grocer and off licence.

There are a number of residential properties above the property.

6.4 Other licensed premises nearby

The premises are currently the only alcohol licensed premises in the parade. The shopping parades located on the opposite side of the Uxbridge Road include a Public House; take away shops and two off licensed premises.

7.0 OFFICER'S OBSERVATIONS

7.1 Observations

Mr Ulgeet Singh was transferred onto the licence in February 2009. Since this date, and up to the date of the review, there followed a number of incidents which gave concern regarding the ability of Mr Ulgeet Singh to manage the premises within the constraints of the licensing objectives. This culminated in a review being undertaken by the London Borough of Hillingdon Trading Standards Department, the Metropolitan Police and the Licensing Authority.

APPENDIX 3

All information supporting the review was submitted as part of the proceedings which was heard on the 16 December 2015 and the committee report for this hearing has been included in Appendix 7.

- 7.2 This new premises Licence application hearing has been triggered by a representation from Trading Standards and further representations by The Metropolitan Police and The Licensing Authority as a Responsible Authority. Each representation raising concerns over the new applicant's connection with the previous licence holder and that the premises will not effectively change ownership and overall control.
- 7.3 From the submissions of the Responsible Authorities this important link between the current licence holder and the new applicant must be considered.
- 7.4 At the present time, there is no tangible evidence presented that the premise has undergone any change in ownership or control.
- 7.5 S182 Guidance
The Committee's attention is drawn to the following particularly relevant section of the S182 Guidance:

Section 9:12

In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

8.0 LEGAL CONSIDERATIONS

When considering licence applications the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

The Sub-Committee must ensure that all licensing decisions:

- Have a direct relationship to the promotion of one or more of the four licensing objectives

Licensing Sub-Committee - 10 March 2016

APPENDIX 3

- Have regard to the Council's statement of licensing policy
- Have regard to the Secretary of State guidance
- Must not be subject to a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded

The Sub-Committee is advised that when considering applications for a new premises licence, regard must be had to any relevant representations that are made before taking such steps (if any) as it considers necessary for the promotion of the licensing objectives.

The steps are:

- grant the application.
- grant the application subject to conditions the Sub-Committee considers necessary to promote the licensing objectives
- exclude from the scope of the licence any licensable activity(ies) to which the application relates
- refuse to specify a designated premises supervisor
- reject the application

Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above-mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review.



Hillingdon
Application for a premises licence
Licensing Act 2003

For help contact
applicationsprocessingteam@hillington.gov.uk
Telephone: 01895 558170

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

You must enter a valid e-mail address

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name	LOTUS FOOD & WINE
Street	761 UXBRIDGE ROAD
District	
City or town	HAYES
County or administrative area	
Postcode	UB4 8HY
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	8,400

Section 3 of 19**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

First name

AAMIR SINGH

Family name

LAMBA

Is the applicant 18 years of age or older?

- Yes No

<p><i>Continued from previous page...</i></p> <p>If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend</p> <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div>
Section 6 of 19
PROVISION OF PLAYS
<p>Will you be providing plays?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 7 of 19
PROVISION OF FILMS
<p>Will you be providing films?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 8 of 19
PROVISION OF INDOOR SPORTING EVENTS
<p>Will you be providing indoor sporting events?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 9 of 19
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS
<p>Will you be providing boxing or wrestling entertainments?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 10 of 19
PROVISION OF LIVE MUSIC
<p>Will you be providing live music?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 11 of 19
PROVISION OF RECORDED MUSIC
<p>Will you be providing recorded music?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 12 of 19
PROVISION OF PERFORMANCES OF DANCE
<p>Will you be providing performances of dance?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 13 of 19
PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE
<p>Will you be providing anything similar to live music, recorded music or performances of dance?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes
- No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes
- No

You must enter a valid email address

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

<i>Continued from previous page...</i>	
Section 14 of 19	
LATE NIGHT REFRESHMENT	
Will you be providing late night refreshment?	
<input type="radio"/> Yes <input checked="" type="radio"/> No	
Section 15 of 19	
SUPPLY OF ALCOHOL	
Will you be selling or supplying alcohol?	
<input checked="" type="radio"/> Yes <input type="radio"/> No	
Standard Days And Timings	
<p>MONDAY</p> <p>Start <input type="text" value="08:00"/> End <input type="text" value="23:00"/></p> <p>Start <input type="text"/> End <input type="text"/></p>	<p>Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.</p>
<p>TUESDAY</p> <p>Start <input type="text" value="08:00"/> End <input type="text" value="23:00"/></p> <p>Start <input type="text"/> End <input type="text"/></p>	
<p>WEDNESDAY</p> <p>Start <input type="text" value="08:00"/> End <input type="text" value="23:00"/></p> <p>Start <input type="text"/> End <input type="text"/></p>	
<p>THURSDAY</p> <p>Start <input type="text" value="08:00"/> End <input type="text" value="23:00"/></p> <p>Start <input type="text"/> End <input type="text"/></p>	
<p>FRIDAY</p> <p>Start <input type="text" value="08:00"/> End <input type="text" value="23:00"/></p> <p>Start <input type="text"/> End <input type="text"/></p>	
<p>SATURDAY</p> <p>Start <input type="text" value="08:00"/> End <input type="text" value="23:00"/></p> <p>Start <input type="text"/> End <input type="text"/></p>	
<p>SUNDAY</p> <p>Start <input type="text" value="08:00"/> End <input type="text" value="23:00"/></p> <p>Start <input type="text"/> End <input type="text"/></p>	

APPENDIX 3

Continued from previous page...

Will the sale of alcohol be for consumption:

- On the premises
- Off the premises
- Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

Continued from previous page...

Will the sale of alcohol be for consumption:

- On the premises
- Off the premises
- Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

State the name and details of the individual whom you wish to specify on the licence as premises supervisor.

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

Continued from previous page...

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

Electronically, by the proposed designated premises supervisor

As an attachment to this application

Reference number for consent form (if known) If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start End

Start End

TUESDAY

Start End

Start End

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

Section 18 of 19

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

- STRICT IMPLEMENTATION OF CHALLENGE 25 POLICY
- ALL STAFF TO BE TRAINED IN RESPONSIBLE ALCOHOL RETAILING
- CCTV TO RECORD FOR 24HRS.
- JOINING RETAIL WATCH SCHEMES & KEEPING IN TOUCH WITH THE POLICE

b) The prevention of crime and disorder

- CCTV INSTALLED INSIDE AND OUTSIDE THE PREMISES
- CCTV TO RECORD FOR 31 DAYS
- CCTV SYSTEM TO BE MAINTAINED IN EFFECTIVE WORKING ORDER AND RECORDING BE PROVIDED TO POLICE WHEN REQUESTED.
- ALL PURCHASES MADE FROM REPUTABLE WHOLESALERS/CASH AND CARRY'S
- INCIDENT BOOK TO BE KEPT AT PREMISES
- THE PREMISES LICENCE HOLDER AND/OR DPS SHALL NOT PURCHASE ANY ALCOHOL OR TOBACCO GOODS FROM DOOR TO DOOR SELLERS.
- WHERE THE TRADER BECOMES AWARE THAT ANY ALCOHOL OR TOBACCO GOODS MAY BE NOT DUTY PAID THEY SHALL INFORM THE POLICE OF THIS IMMEDIATELY

APPENDIX 3

Continued from previous page...

-NO BUSINESS RELATION BETWEEN PREMISES LICENCE HOLDER AND PREVIOUS OWNER OF THE BUSINESS.

c) Public safety

-ALL STOCK WILL BE BOUGHT FROM REPUTABLE CASH AND CARRY OR WHOLESALERS
 -INCIDENT BOOK WILL BE AVAILABLE ON PREMISES
 -SIGNAGE OF FIRE EXIT DISPLAYED

d) The prevention of public nuisance

-TO MONITOR ANTI SOCIAL BEHAVIOUR BY USE OF CCTV
 -ASKING CUSTOMERS TO LEAVE PREMISES IN A QUIET AND ORDERLY MANNER
 -POSTERS DISPLAYED ALSO ASKING CUSTOMERS TO LEAVE QUIETLY AND NOT DISTURB NEIGHBOURS

e) The protection of children from harm

-STRICT IMPLEMENTATION OF CHALLENGE 25 POLICY
 -CHALLENGE 25 POSTERS DISPLAYED ACROSS THE PREMISES, STATING WHAT ID'S ARE ACCEPTED
 -ALCOHOL TO BE KEPT AWAY FROM CHILDRENS CONFECTIONERY SHELVES
 -SIGNS TO BE PUT ON SHELVES STATING NO ID, NO SALE
 -SPIRITS & CIGARETTES TO BE KEPT BEHIND THE COUNTER
 -REFUSAL BOOK TO BE KEPT AT PREMISES, ALL REFUSALS TO BE WRITTEN IN BOOK AT ALL TIMES

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises' licence fees are determined by the non-domestic rateable value of the premises. To find out a premises' non-domestic rateable value, go to the Valuation Office Agency website at http://www.voa.gov.uk/business_rates/index.htm. For full details, refer to the 'Fees for Applications' webpage: <http://www.hillingdon.gov.uk/media.jsp?mediaid=22879&filetype=pdf>

* Fee amount (£)

190.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

MANPREET SINGH KAPOOR

* Capacity

AGENT

* Date

15	/	01	/	2016
dd		mm		yyyy

Add another signatory

APPENDIX 3

Continued from previous page...

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/hillingdon/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 Next >

Consent of individual to being specified as premises supervisor

AAMIR SINGH LAMBA

[full name of prospective premises supervisor]

of



[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

NEW PREMISES LICENCE

[type of application]

by

AAMIR SINGH LAMBA

[name of applicant]

relating to a premises licence

N/A

[number of existing licence, if any]

for

LOTUS FOOD & WINE
761 UXBRIDGE ROAD
HAYES
UB4 8HY

[name and address of premises to which the application relates]

APPENDIX 3

and any premises licence to be granted or varied in respect of this application made by

AAMIR SINGH LAMBA

[name of applicant]

concerning the supply of alcohol at

LOTUS FOOD & WINE
761 UXBRIDGE ROAD
HAYES
UB4 8HY

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

APPLIED FOR

[insert personal licence number, if any]

Personal licence issuing authority

LONDON BOROUGH OF HILLINGDON

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



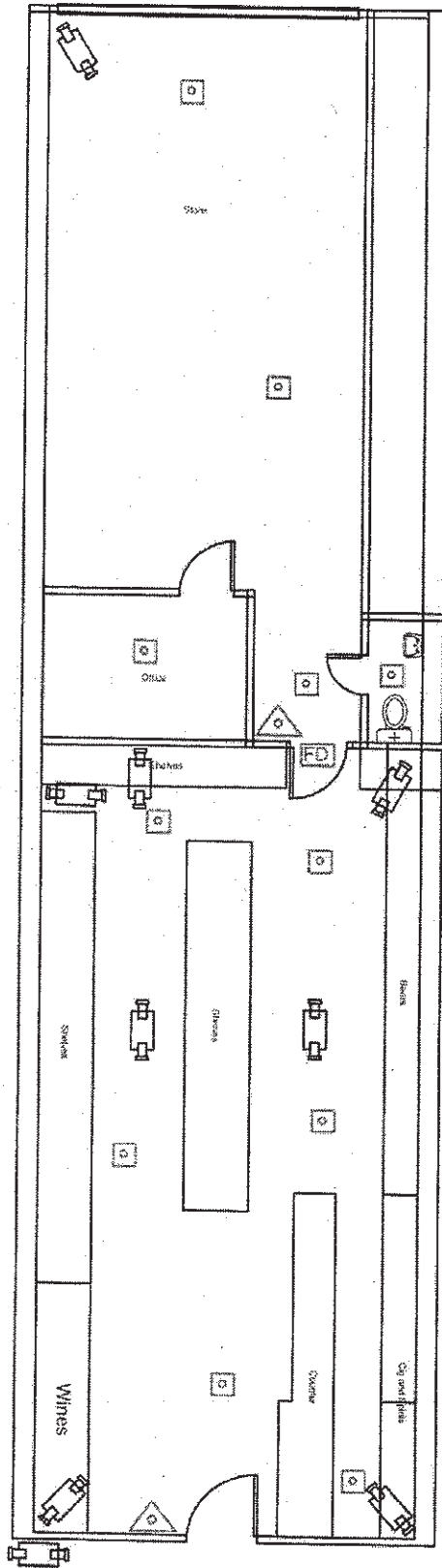
Name (please print)

AAMIR SINGH LAMBA

Date

14/01/2016

PROPOSED LICENSING PLAN



Property Address:
761 Uxbridge Road
Hayes
UB4 8HY

Drawing no: P/HBS/45		Date: 13th Jan 2015	
Key		Scale: 1:100	Paper: A4
	FIRE EXTINGUISHER		
	FIRE EXIT SIGNS		
	EMERGENCY LIGHTING		
	Fire Check Door		
	CCTV CAMERAS		
CCTV RECORDING 31 DAYS			
SHUTTERS PROVIDED			
ALARM SYSTEM TO AOISPEC OR SIMILAR FITTED			

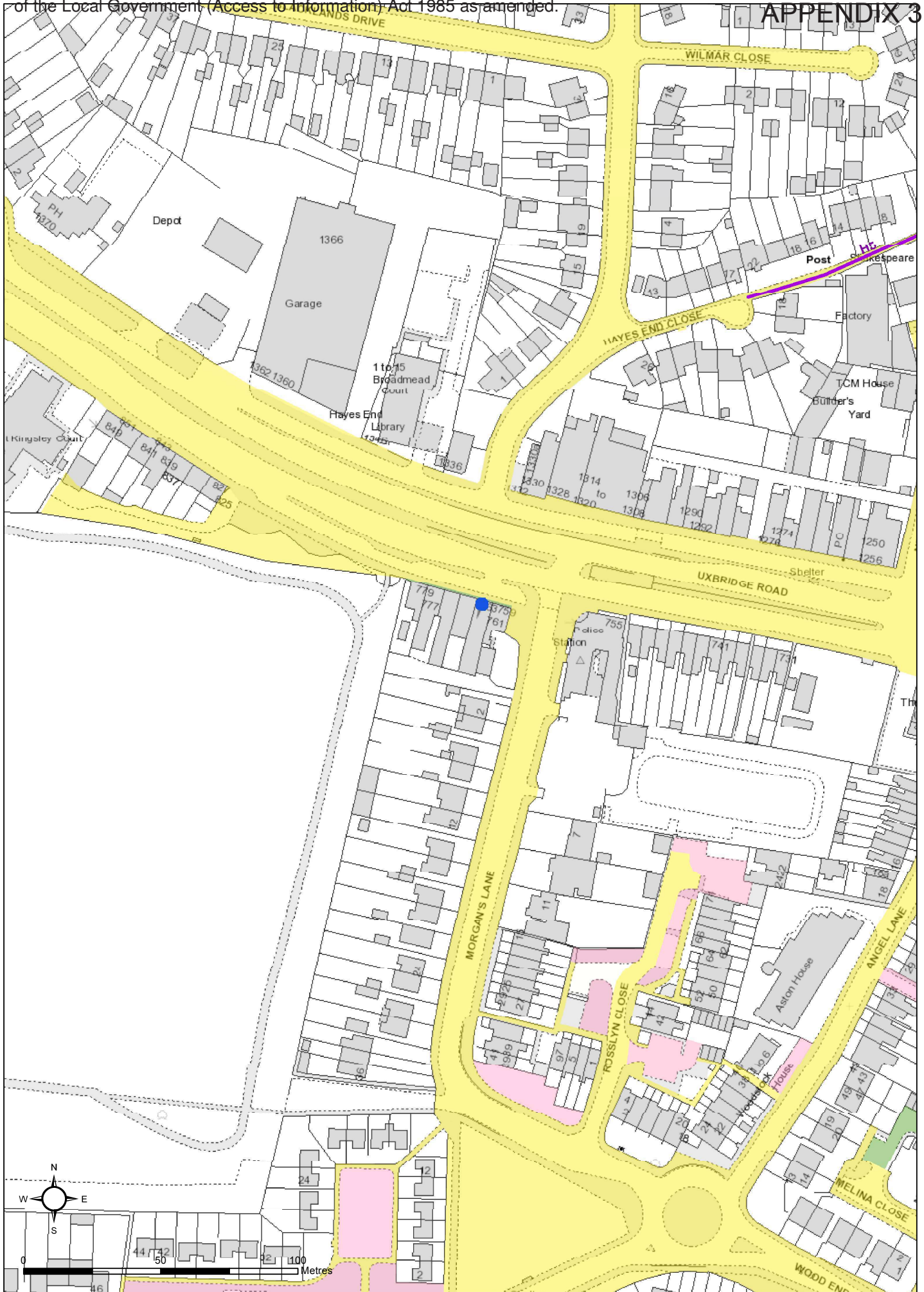
The following conditions are consistent with the operating schedule in the application and will form part of Annex 2 of the premises licence, if granted.

1. The premises will undertake implementation of a Challenge 25 policy, and a poster or posters to this effect will be displayed stating what ID's are accepted.
2. All staff including casual staff shall be trained in responsible alcohol retaining.
3. The CCTV system shall be installed to record images both internally and externally for 24 hours each day and shall retain those recordings for 31 days.
4. The CCTV system shall be maintained in effective working order and any recording shall be made available to the Police on request.
5. All purchases made for and on behalf of the premises shall be made at reputable wholesales outlets and/or cash and carry venues.
6. The premises Licence Holder or his staff shall not purchase any alcohol products or tobacco goods from any person presenting sales at the shop other than representatives from genuine companies.
7. If the Premises Licence holder becomes aware that any alcohol or tobacco goods at the premise may or appear to be non duty paid then the premises Licence Holder shall inform the police immediately.
8. There shall remain no business relationship between the premises Licence Holder and the previous owner of the business Ulgeet Singh.
9. The Premises Licence Holder shall maintain a refusals book at the premises in which all refusals will be entered immediately.
10. Posters will be displayed requesting customers to leave the premises quietly, when required the staff shall ask a customer/s to leave quietly.
11. Alcohol will not be displayed near children's confectionery.
12. Spirits and cigarettes will be kept behind the counter

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government (Access to Information) Act 1985 as amended.

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APPENDIX 3













HILLINGDON

LONDON

Mr Ian Meens
Licensing Service
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
UB8 1UW

Ref: GKS/EVU4380

12th February 2016

Dear Mr Meens

**Re: Lotus Wines, 761 Uxbridge Road, Hayes, Middlesex UB4 8HY
Application for a premises licence under the Licensing Act 2003**

Representation

I write regarding the above application for a premises licence by Mr Aamir Singh Lamba.

The Trading Standards Service (this Service) is making a representation further to this application in support of the licensing objective; the prevention of crime and disorder.

In addressing the matters relating to this application, I will refer to my licence review submission on Lotus Wines in the Members' Document Pack for the Licensing Sub-Committee meeting on Wednesday 16th December 2015. I will also make reference to a meeting with Mr Lamba and his representative Mr Panchal on 9th February 2016, conducted jointly with Stephanie Waterford, Senior Licensing Officer and PS Ian Wares, Licensing Enforcement Officer.

At the time of the Licensing Sub-Committee meeting last year, this Service asserted that the current licence holder of the premise Mr Ulgeet Singh and his manager Mr Amarjeet Singh Lamba had demonstrated a pattern of non-compliant behaviour as the governing

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kseyan@hillingsdon.gov.uk www.hillingsdon.gov.uk
London Borough of Hillingdon,
2E/07, Civic Centre, High Street, Uxbridge, UB8 1UW

minds of the business. This assertion was upheld by the Committee in light of the evidence presented, hence the decision to revoke the licence.

In the course of investigating the case for review, I interviewed Mr Ulgeet Singh under caution (page 47). During the interview, he stated that he only employed two members of staff; Mr Amarjeet Singh Lamba, Manager and Mr Amar (correct spelling - Aamir) Lamba, till operator. Mr Jasmeet Singh Lamba who was present at the time of my visit in May 2015 has no capacity in the business. He is simply the brother of Mr Ulgeet Singh.

On meeting Mr Aamir Singh Lamba on 9th February 2016, he confirmed that he and his wife have worked part-time for three years at Lotus Wines for Mr Ulgeet Singh, shelf stacking and cleaning the shop. Mr Lamba asserts that there is no relationship with Mr Ulgeet Singh and that they met one another through attendance at the community temple. Mr Lamba stated that he has completed his licensing course with Mr Panchal and will be applying for a personal licence to the Licensing Team. On being questioned by Miss Waterford regarding his understanding of licensing activities, his responses were noted to be weak.

In order to satisfy this Service that there is indeed a separation of ownership between the current owner and the proposed new owner, I made appropriate checks of the Councils databases. In doing so I became aware of the following:

Mr Jasmeet Singh Lamba, already confirmed to be Mr Ulgeet Singh's brother by his own admission used to live in Mr Singh's residence at [REDACTED]. He now resides at the address of Mr Aamir Singh Lamba at [REDACTED]. Further, in accordance to a benefit claim made for Mr Jasmeet Singh Lamba, his father is noted as being Mr Aamir Singh Lamba.

This information suggests that there is a closer relationship between Mr Singh and Mr Lamba, and they are therefore not independent entities. Mr Lamba to date has worked in a licensed premise in a non-managerial capacity and has only just passed a licensing course. This then raises the issue as to whether there will actually be a change in governing minds of the business. This service is suggesting that there will not be.

In the circumstances, this Service feels that it would be a necessary and proportionate response to request a refusal of the new premises licence application, and further that Mr Lamba should not be named DPS for the new premise.

I wish to make a formal representation regarding this application in respect of the prevention of crime and disorder objective. I invite the Licensing Committee to consider this representation before making any decisions.

Yours sincerely



Kiran Seyan
Trading Standards Investigating Officer

11th February 2016

The Licensing Officer
Licensing Services
Civic Centre
Uxbridge
UB8 1UW.

Hillingdon Borough
Licensing Dept.
Uxbridge Police Station
1 Warwick Place
Uxbridge
UB8 1PG.

Telephone: 020 8246 1933
Mobile: 07785 226483
Email: Licensing - xh@met.pnn.police.uk

Your Ref

Dear Sir/Madam,

Re; Premises Licence application;

Lotus Food & Wine, 761 Uxbridge Road, Hayes, UB4 8HY.

On behalf of the Commissioner of Police I wish to make a representation to the application for the grant of a premises licence at the above venue.

This representation is in support of the licensing objectives. The prevention of crime and disorder, nuisance and the protection of children from harm.

Lotus Food & Wine operates as an off licence and convenience store. On Wednesday 16th December 2015 the premises was taken to a Licensing review after a quantity of Non Duty Paid alcohol and tobacco products was found during two separate visits carried out by the Metropolitan Police, Hillingdon Trading Standards and HMRC, this review resulted in the premises having it's premises licence revoked by the Licensing Sub Committee.

The premises have remained open as the current owner Mr Ulgeet Singh has appealed against the Licensing Sub Committee's decision to revoke the licence and is now awaiting an appeal hearing at a Magistrates Court.

On Monday 18th January 2016 the Hillingdon Police Licensing Office received an application for a new premises licence to be granted for Lotus Food & Wine, this application has been made by Mr Aamir Singh LAMBA.

On Wednesday 9th February 2016 a meeting was held at the Uxbridge Civic Centre with the applicant Mr Aamir Singh Lamba his Licensing Agent Mr Panchal, A/PS Ian Wares, Ms Stephanie Waterford Licensing Services and Ms Keran Seyan from Trading Standards. The purpose of the meeting was to ascertain if there was any connection between the present owner Mr Ulgeet Singh and the applicant Mr Aamir Singh Lamba.

At the conclusion of the meeting all of the officers involved in the meeting came away, believing that there is a strong connection between the current owner and the applicant.

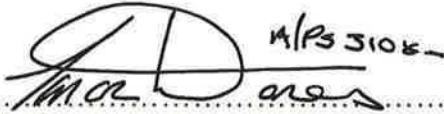
RH1

EXHIBIT SW1

On Wednesday 10th February 2016 I carried out a search of the Police data bases and I have found a number of reports which shows a family connection between Mr Ugeat Singh and Mr Aamir Lamba.

APPENDIX 3

I have attached my MG11 Police Statement to this letter listing the findings of the police enquires.

A handwritten signature in black ink, appearing to read 'IAN C.R. WARES'. To the right of the signature, the text 'A/PS 3105' is written in a smaller, less legible hand.

**IAN C.R.WARES. A/Police Sergeant
Police Licencing Enforcement Officer
Hillingdon Borough.**

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 **IAN C.R.WARES** Wt No: **P193105** URN:

--	--	--	--

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

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:  A/PS 310x4 Date: 11th February 2016

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

This statement is made in relation to an application for a new premises licence to be granted at Lotus Food & Wines, 761 Uxbridge Road, UB4 8HY.

I am the above named person and I hold the role of Police Enforcement Officer for Hillingdon Borough a role that I have held for over three and half years.


On Monday the 18th January 2016 the Police Licensing Office at Hillingdon Police Station received an application for a new premises licence to be granted at Lotus Food & Wine, 761 Uxbridge Road, Hayes, UB4 8HY. The application was made by Mr Aamir Singh Lamba via Personal Licence Studios Ltd. Lotus Food & Wine operates as an Off Licence and Convenience Store and is currently owned by a male named Mr Ulgeet Singh who has been the owner since 20th February 2009.

On Wednesday 16th December 2015 the premises was taken to a Licensing Review Hearing after a quantity of Non Duty Paid alcohol and tobacco products were seized during two separate visits involving the Metropolitan Police Service, Trading Standards and HMRC, this review resulted in the premises licence being revoked by the Licensing Sub Committee.

After the licensing review the owner of the premises appealed against the decision made by the Licensing Sub Committee and the premises remains open and is awaiting a date for the appeal to be heard at Magistrates Court.

On Tuesday 9th February 2016 the applicant was invited into the Uxbridge Civic Centre to have a meeting with the Police licensing Officer, Licensing Services and Trading Standards so that they could discuss the application. The meeting was attended by A/PS Ian Wares, Ms Stephanie Waterford from Licensing Services, and Keran Seyan from Trading Standards, the applicant Mr Aamir Singh Lamba and his Licensing Agent Mr Panchal.

During this meeting the application was discussed and the following questions were asked:

Signature:  A/PS 310x4 Signature witnessed by:

Continuation of Statement of IAN C.R.WARES Wt No: P193105

1. What is your connection with Lotus Food & Wine?

Mr Lamba stated that he and his wife had worked in the shop as part time shop assistants for the past three years.

2. Are you related to the present owner of this business?

Mr Lamba stated that there was no blood or family connection with the present owner and that they met through the local temple when he came to the UK in 2002.

3. How much rent are you paying for this business?

Mr Lamba stated that he will be paying £36,000 rent a year and £25,000 start up costs.

4. Are you exchanging any sort of contract or lease for this business?

Mr Panchal explained that a contract will be drawn up if the licence is granted. He stated that Gordon Dadd's Solicitors will be acting on behalf of the applicant.

5. Do you have any of the paperwork with you today?

Mr Panchal stated that no paperwork had been completed as this time.

6. Personal Licence and DPS?

Mr Lamba stated that he has recently completed his personal licence course and that he will be the DPS if the licence is granted.

7. Who will be working in the premises if the premises licence is granted?

Mr Lamba stated that he and his wife will be working in the shop with one of the existing staff member a man called Mr Patel.

At the end of the meeting all of the officers attending the meeting came to the conclusion that there was a high possibility that there is a family connection between the new applicant Mr Aamir Lamba and the current owner Mr Ulgeet Singh.

On Wednesday 10th February 2016, I carried out a search of the police data base and I have found two reports that show a family connection between Mr Ulgeet Singh and Mr Aamir Singh Lamba.

These reports refer to the following:

31st August 2015.

Crime Report: 0917656/15 - Robbery.

At 19.32hrs police were called to the premises by the Mr Ulgeet Singh stating that his brother who suffers from mental health issues has entered the shop and is asking for money and threatening to

Signature:



Signature witnessed by:

Continuation of Statement of IAN C.R.WARES Wt No: P193105

beat him up. The crime reports states that the suspect assaulted Victim 1 and then took £100 out of the till.

This crime report lists that Victim 1 is shown as Mr Aamir Lamba who is the suspect's father. Victim 2 is shown as Mr Ulgeet Singh who is shown as the suspect's brother. It also states that the business is owned by both Victim's 1 & 2.

16th November 2015

Crime Report: 0923383/15 - Domestic Incident.

Police were called to the premises by Ulgeet's younger brother who had entered the shop demanding his money and was causing a disturbance. This crime report refers to this being a family run business being run by Jasmeet's father Aamir Lamba and his brother Ulgeet Singh.

It is my belief that these reports show clear family connection between Mr Aamir Lamba and Mr Ulgeet Singh and if a premises licence is granted Mr Ulgeet Singh will still have control of the business.

Stuart Jones W/193105

Signature:

Stuart Jones W/193105

Signature witnessed by:

Witness contact details

Home address:

Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6.**
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? **No.** If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

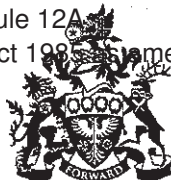
Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **A/PS 310XH P193105 IAN C.R.WARES** Station: **Uxbridge**

Time and place statement taken:



HILLINGDON

LONDON

Mr Ian Meens
Licensing Officer
Regulatory Services

Reference; SW/15/LA03

Your Reference;

Date; 11th February 2016

Dear Sir,

LOTUS WINES, 761 UXBRIDGE ROAD, HAYES, UB4 8HY
THE LICENSING ACT 2003

With reference to the new premises licence application submitted by Mr Aamir Singh Lamba, in respect of the above premises, you are advised that I am writing to you as the Officer duly authorised to make representations on behalf of the Licensing Authority.

You will be aware that the same premises was recently the subject of a premises licence review application whereby the Licensing Sub-Committee resolved to revoke the licence. This decision is currently pending appeal and a final result is awaited. The licence holder at the time of the revocation was Mr Ulgeet Singh.

The premises licence review was applied for following operations by Trading Standards and the Police where quantities of non-duty alcohol and cigarettes were found on the premises.

I have had the opportunity to assess Mr Lamba's new application and also have a meeting with him and his representative to obtain further information.

During this meeting, Mr Lamba explained that he and his wife currently hold part-time positions in the shop and had been working for Mr Ulgeet Singh for approximately 3 years. Mr Lamba also explained that his current duties include till operating, cleaning and re-stocking the shelves.

It is understood that Mr Ulgeet Singh is intending to sub-let the lease for the premises to Mr Lamba and an arrangement will be made between the two for rent and transfer of stock. Mr Lamba and his agent have confirmed that no lease has been drawn up at the present time

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swaterford@hillington.gov.uk
www.hillingdon.gov.uk
London Borough of Hillington,
Civic Centre, High Street, Uxbridge, UB8 1UW



INVESTOR IN PEOPLE

and that no money has been exchanged. They intend to follow this up, should this licence application be granted.

Based on the information above, I would like to make representation to the Licensing Sub-Committee under the Crime Prevention objective.

There are concerns that Mr Ulgeet Singh will still be in day to day control of the premises, despite the new application being submitted by Mr Lamba and that this is merely an exercise to try and obtain a new licence, as the current one has been revoked by the Authority.

Additionally, in the absence of any formal business transaction in respect of the lease, the Licensing Authority is not satisfied that there is clear separation between Mr Ulgeet Singh and Mr Lamba.

In addition, Mr Lamba has confirmed that he has worked at the premises for at least three years, during which time, the premises was raided three times by the Police and Trading Standards Service, each time finding quantities of illicit alcohol.

The Licensing Authority has serious doubts as to Mr Lamba's diligence and capability to uphold the Licensing Objectives.

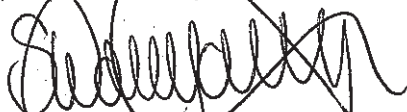
The Licensing Authority would like to draw the Sub-Committee's attention to paragraphs 11.27 and 11.28 of the Guidance issued under Section 182 of the Licensing Act 2003, which states;

"There is certain criminal activity that may arise on connection with licensed premises which should be treated particularly seriously. These are the use of licensed premises... for the sale or storage of smuggled alcohol and tobacco...Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence - even in its first instance - should be seriously considered."

In conclusion, we would invite the Sub-Committee to consider the refusal of the premises licence on the grounds that this decision is appropriate for the promotion of the crime prevention objective.

I intend to be present at the hearing to verbally deliver my representation and also to answer any queries from the Licensing Sub-Committee.

Yours faithfully



Stephanie Waterford
Senior Licensing Officer
Licensing Authority

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government (Access to Information) Act 1985 as amended.

Members' Document Pack
APPENDIX 3



HILLINGDON
LONDON

A

Notice of Hearing Licensing Sub-Committee

Date: WEDNESDAY, 16
DECEMBER 2015

Time: 2.00 PM

Venue: COMMITTEE ROOMS
4 & 4A - CIVIC CENTRE

Meeting Details: Members of the Public and Press are welcome to attend this meeting

Councillors on the Sub-Committee:

Dominic Gilham (Chairman)
Roy Chamdal
Jazz Dhillon

Important Information

On receipt of this notice, you **MUST** notify the Committee Clerk (contact details below) by the following date:

Friday 11 December 2015

If you don't notify you may lose your right to speak at the hearing. When notifying you must confirm:

- 1) Whether you intend to attend or to be represented by someone at the hearing;
- 2) If you consider a hearing to be unnecessary and;
- 3) Whether to request that another person attends (other than your representative) as a witness

Published: Tuesday, 1 December 2015

Contact: Jon Pitt
Tel: 01895 277655
Email: democratic@hillington.gov.uk

This Agenda is available online at:

<http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?CId=352&Year=0>

Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk

Agenda

Part I - Members, Public and Press

CHAIRMAN'S ANNOUNCEMENTS

Hearing Protocol

1 - 18

- 1 Apologies for Absence
- 2 Declarations of interest in matters coming before this meeting
- 3 To confirm that the items of business marked Part I will be considered in Public and items marked Part II will be considered in Private
- 4 Matters that have been notified in advance or urgent

Part II - Members Only

	Title of Report / Address of application	Ward	Time	Page
5	Application for a Review of a Premises Licence - Lotus Wines, 761 Uxbridge Road, Hayes, UB4 8HY	Botwell	2.00 pm	19 - 76
	Appendix 1 - Application for a review		Briefing 1.45 pm	25 - 32
	Appendix 2 - Supporting Statement & Exhibits			33 - 48
	Appendix 3 - Police Representation & Supporting Statements			49 - 60
	Appendix 4 - Licensing Authority Representation			61 - 62
	Appendix 5 - Further submissions from Trading Standards			63 - 66
	Appendix 6 - Premises Licence			67 - 72
	Appendix 7 - Map & Photos			73 - 76

Application for a Review of a Premises Licence (Section 51)

Committee	Licensing Sub-Committee
Officer Contact	Ian Meens Licensing Officer 01895 277067
Papers with report	<p>Appendix 1 - Review Application made by Trading Standards</p> <p>Appendix 2 - Supporting Statement and Exhibits made by Trading Standards Investigating Officer, Kiran Seyan</p> <p>Appendix 3 - Representation from Police Service and Supporting Statements</p> <p>Appendix 4 - Representations from Licensing Authority</p> <p>Appendix 5 - Further submission from Trading Standards Service</p> <p>Appendix 6 - Existing licence and premises plan</p> <p>Appendix 7 - Site map of local area & photos of premises</p>
Ward name	Botwell

1.0 SUMMARY

To consider a premises licence review application for Lotus Wines, 761 Uxbridge Road, Hayes, UB4 8HY.

2.0 RECOMMENDATION

That the Licensing Sub-Committee consider the revocation of the premises licence, having regard to the Government guidance issued under s182 of the Licensing Act 2003. Paragraphs 11.26, 11.27 and 11.28 give guidance to Licensing Sub-Committees concerning the seriousness of certain activities which undermine the crime prevention objective.

3.0 INFORMATION

- 3.1 On 29 October 2015, the Trading Standards Service applied to the Licensing Authority for a Premises Licence Review for the premises known as 'Lotus Wines', 761 Uxbridge Road, Hayes, UB4 8HY.
- 3.2 Accompanying the application was a supporting statement made by Investigating Officer, Kiran Seyan. This statement contains information regarding the operation carried out by Trading Standards on 22 May 2015 and also exhibits a number of documents in support of the review application.
- 3.3 The Review application and supporting statement are attached as **Appendices 1 & 2** respectively.

4.0 CONSULTATION**APPENDIX 3**

4.1 As required by the legislation, a legal notice giving notice of the review was displayed at the premises, at the Council offices and also on the Council's website.

4.2 Closing date for representations
26 November 2015

4.3 A total of three responses to the consultation were received. These are detailed below.

5.0 REPRESENTATIONS

5.1 The only representations received in respect of this review application have been from Responsible Authorities as detailed in the table below.

Responsible Authority	Ground for Representation	Appendix Number
Police Service	Prevention of Crime & Disorder & Protection of Children from Harm	Appendix 3
Licensing Authority	Prevention of Crime & Disorder	Appendix 4
Trading Standards	Prevention of Crime & Disorder	Appendix 5

5.2 The following Responsible Authorities have not responded and are therefore considered to have no concerns about this application:

- The Planning Authority
- Environmental Protection Unit
- Safeguarding Children
- Food, Health and Safety Team
- Fire Authority

5.3 There were no representations received from any other parties.

6.0 BACKGROUND INFORMATION**6.1 Current Licences held**

The premises have been licensed as an off licence under the Licensing Act 2003, since 24 November 2005. The current licence holder is Mr Ulgeet Singh. A copy of the current premises licence is attached as **Appendix 6**.

6.2 Current Designated Premises Supervisor
Mr Ulgeet Singh

6.3 Description of the Premises

The premises are a single shop located on a shopping parade of 7 other units. The shopping parade is situated on Uxbridge Road, Hayes and borders Hayes End Recreation Ground at one end and Morgans Lane at the other.

The premises operate primarily as an off licence but do stock a small amount of groceries. APPENDIX 3

Directly positioned above the property are a number of residential dwellings.

6.4 Other licensed premises nearby

The premises are currently the only alcohol licensed premises in the parade. The shopping parades located on the opposite side of the Uxbridge Road include a Public House and Take-Away and 2 x Off Licences.

6.5 A site map of the local area and photos of the premise are attached as **Appendix 7**.

6.6 Licensable Activities currently authorised

<u>Activity</u>		<u>Permitted</u>
Sale of Alcohol:	Consumption off the premises	✓

6.7 Licensable Activity and opening hours currently authorised

	Sale of Alcohol	Opening Hours
Monday	08:00-23:00	Not restricted
Tuesday	08:00-23:00	Not restricted
Wednesday	08:00-23:00	Not restricted
Thursday	08:00-23:00	Not restricted
Friday	08:00-23:00	Not restricted
Saturday	08:00-23:00	Not restricted
Sunday	10:00-22:30	Not restricted

6.8 Visits made by Licensing Officers

The premises were visited by licensing officers in July and September 2009, with no significant problems being identified.

6.9 Complaints received

There is no record of any complaints having being received by the Regulatory Services Team.

7.0 OFFICER'S OBSERVATIONS

7.1 Mr Ulgeet Singh was transferred onto the licence as the Premises Licence Holder and DPS in February 2009. The Regulatory Services Team do not have any information of significance on file from the time since Mr Singh became the licence holder.

The consultation in respect of this review and the representations submitted in response to it, highlight a track record of incidents which gives rise to concerns regarding the crime prevention objective. APPENDIX 3

This review has been triggered by the Trading Standards operation which took place on 22 May 2015. What has become evident, through the consultation period, is that the Police also carried out an operation the following month, which yielded similar results in non duty paid goods.

Once aware of the submissions made by the Police Service, the Trading Standards Service has altered the recommendation contained within the review application form from 'modifying the licence conditions' to full revocation. This alteration is detailed in the further letter from the Trading Standards Officer.

This view has also been supported by the Licensing Authority as Responsible Authority and further reflected in the Officers Recommendation attached to this report.

7.2 Relevant Sections of the S182 Guidance

The Committee's attention is drawn to the following, particularly relevant sections of the S182 Guidance:

11.26 *Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.*

11.27 *There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises: ... for the sale or storage of smuggled tobacco and alcohol.*

11.28 *It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.*

7.5 Relevant Sections of the Hillingdon Licensing Policy

The Committee's attention is drawn to the following, particularly relevant sections of the Hillingdon Licensing Policy:

Appendix B - Prevention of Crime and Disorder

8.0 LEGAL COMMENTS

8.1 The Licensing Authority must review the premises licence where it is alleged, in an application for review by a Responsible Authority or other persons, that any of the licensing objectives are being undermined.

8.2 Following receipt of a review application the Licensing Authority must hold a hearing to consider it and any relevant representations. At the hearing, the Sub-committee must, having regard to the application and any relevant representations, take such of the steps following steps (if any) as it considers appropriate for the promotion of the licensing objectives:

- to modify the conditions of the licence;
- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

8.3 The Sub-Committee must also have regard to consideration of the London Borough of Hillingdon's Statement of Licensing and the Secretary of State's Guidance issued under the Licensing Act when deciding what action, if any, to instigate. The terms of the Statement of Licensing Policy and Guidance are highly persuasive, but not binding on the Licensing Sub-Committee. The Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy and or Guidance if it considers there are clear and convincing reasons to do so. Full reasons must be given if this is the case.

8.4 The Sub-Committee can only consider matters within the application or that have been raised through relevant representations from. This will be decided on a case to case basis.

8.5 The Sub-Committee may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In deciding what remedial action if any it should take, the Sub-Committee must direct its mind to the causes or concerns which the application and representations identify. The remedial action should generally be directed at these causes and should always be no more than a necessary and proportionate response.

8.6 Members are referred to the Secretary of State's Guidance on conditions, specifically paragraph 1.16 and chapter 10 which state that licensing conditions should be practical and enforceable, tailored to the size, type, location and characteristics and activities taking place at the premises. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Conditions will not be necessary if they duplicate a current statutory requirement. Licensing Authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

- 8.7 Under the Human Rights Act 1998, the Sub-Committee needs to consider the balance between the rights of the applicant, licence holder and those making representations to the application when making their decision. The Sub-Committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.
- 8.8 Where the Licensing Authority determines an application for review it must provide written notice and reasons for its decision.
- 8.9 The licence holder, applicant or any party that made relevant representations have the right to appeal the decision of the Licensing 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.

APPENDIX 3

Licensing Act 2003
Sections 51



HILLINGDON
LONDON

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Gurkiran Seyan, Trading Standards Investigating Officer

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Lotus Wines 761 Uxbridge Road	
Post town Hayes	Post code (if known) UB4 8HY

Name of premises licence holder or club holding club premises certificate (if known) Mr Ulgeet SINGH
--

Number of premises licence or club premises certificate (if known) [REDACTED]

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Gurkiran Seyan Trading Standards Investigating Officer Trading Standards Service London Borough of Hillingdon Civic Centre High Street Uxbridge UB8 1UW
Telephone number (if any) 01895 277423
E-mail address (optional) kseyan@hillingdon.gov.uk

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

- Please tick one or more boxes ✓
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

This application to review relates to the licensing objective; the prevention of crime and disorder. It concerns alleged offences at Lotus Wines, 761 Uxbridge Road under the Consumer Protection from Unfair Trading Regulations 2008 and the Licensing Act 2003.

Mr Ulgeet Singh, who is the Designated Premises Supervisor (DPS) and Premises License Holder (PLH) states that he has owned and operated the business since 2006. Mr Singh currently trades under licence number [REDACTED] granted by the London Borough of Hillingdon to permit the sale of alcohol at the premises Lotus Wines, 761 Uxbridge Road, Hayes since 4th March 2009.

On 22nd May 2015, officers from the Trading Standards Service reported breaches of the above legislation, namely:

- Offering for sale alcoholic beverages which did not bear the required statutory HMRC (Her Majesty's Revenue & Customs) duty paid labels contrary to the Licensing Act 2003.
- Creating the impression that the alcoholic beverages could legally be sold when they cannot, contrary to the Consumer Protection from Unfair Trading Regulations 2008.

I believe this indicates a general disregard of the law which raises questions as to whether the business is managed in accordance with licensing objectives.

In the circumstances, the London Borough of Hillingdon, Trading Standards Service feel that it would be a necessary and proportionate response to request a review of the

premises licence with a view to:

Modifying the conditions of the licence - proposed conditions:

- No alcoholic drinks or tobacco will be purchased by the premises from unannounced sellers calling at the premises.
- All alcohol and tobacco products will be purchased from established and bona fide VAT registered traders, who provide invoices or receipts.
- Invoices for all stock bought will be kept on file for a minimum of 12 months and will be made available to the Police, HMRC officers and Authorised Local Authorities Officers upon request.

RESPONSIBLE AUTHORITY: Section 13(4) of the Licensing Act 2003 and Regulation 7 of the Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005 makes a local weights and measures authority a Responsible Authority for the purposes of the legislation. The London Borough of Hillingdon is a local weights and measures authority and that function is carried out by the Trading Standards Service.

Please provide as much information as possible to support the application (please read guidance note 3)

22 May 2015: Inspection and seizure visit carried out by Trading Standards following consumer complaint. 23 bottles were seized as they had either counterfeit rear labels or tampered stamps, indicating that duty had not been paid. These comprise of 11 bottles of Famous Grouse (70cl), 6 bottles of Teachers (1L) and 6 bottles of Teachers (70cl). At the time of seizure, Mr Singh offered to pay the difference in duty. He was informed that this would not be possible.

Mr Singh was formally interviewed in connection with this matter and a summary of the interview is attached. Also attached - a witness statement from Gurkiran Seyan (Trading Standards Investigating Officer) with supporting evidence including an email from Stephen Rogers (Brand representative from International Federation of Spirit Producers) detailing his assessment of the bottles.

11 August 2015: Interview under caution of Mr Singh conducted at London Borough of Hillingdon, Civic Centre. Mr Singh decided against legal representation. He confirmed that he is the owner and DPS for Lotus Wines. He accepted ownership of the seized goods and stated that they had been purchased from a man in a van, by his manager Mr Amarjeet Singh Lamba. There were no receipts or invoices regarding this purchase. Mr Singh volunteered the statement *'Amarjeet and myself, we thought that we are not getting a VAT invoice so they're not paying VAT, and that's why we're getting it cheaper. That's all we knew'*.

Mr Singh stated that he normally buys from cash and carries, and has done so in the 9 years he has owned the business. Apparently this was the first time he had bought from a man in a van and stated that he would not do so again.

Please tick yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

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

Non applicable

Please tick ✓ yes

- 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 ✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 19.10.15

Capacity Trading Standards Investigating Officer

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

Gurkiran Seyan
Trading Standards Service
London Borough of Hillingdon
Civic Centre
High Street

Post town

Uxbridge

Post Code

UB8 1UW

Telephone number (if any) 01895 250164

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) kseyan@hillingdon.gov.uk

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.

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 27.2;
Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: Gurkiran Kaur SEYAN

Age of witness: (if over 18 enter "Over 18") Over 18

Occupation of witness: Trading Standards Investigating Officer

This statement consisting of 3 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 that I know to be false or do not believe to be true.

Dated the 19th day of October 2015 Signed: 

1. I am employed by the London Borough of Hillingdon, Trading Standards Service as a Trading Standards Investigating Officer, based at the Civic Centre, High Street, Uxbridge UB8 1UW.
2. On Friday 22nd May 2015, I conducted inspection visits at licensed premises in the Hillingdon Borough accompanied by Police Sergeant Nick Davies. Also present were Stephen Rogers and Mark Shelton, Brand representatives from the International Federation of Spirit Producers (IFSP).
3. At approximately 12.20pm, we entered Lotus Wines located at 761 Uxbridge Road, Hayes UB4 8HY. On entry I identified myself to the two men situated behind the counter till and explained the reason for our visit. They identified themselves as Amarjeet Singh Lamba, Manager and Jasmeet Singh Lamba, his brother.
4. An inspection of the premises was conducted with Stephen and Mark identifying 23 bottles with counterfeit or tampered rear labels. He stated to me that this was an indication that they were non-duty paid. I then seized the identified bottles, assisted by PS Davies, Stephen and Mark. At which

Signed: 

Statement of: Gurkiran Kaur SEYAN

APPENDIX 3

point the owner Ulgeet Singh had arrived on the premises and all items were seized in his presence.

5. I bagged six 1Litre bottles of 'Teachers' whisky and tagged them with secure seal A002041. I produce identified as **GKS/1**. I bagged six 70cl bottles of 'Teachers' whisky and tagged them with secure seal A002042. I produce identified as **GKS/2**.
6. I bagged five 70cl bottles of 'Famous Grouse' whisky and tagged them with secure seal A002043. I produce identified as **GKS/3**. I bagged six 70cl bottles of 'Famous Grouse' whisky and tagged them with secure seal A002044. I produce identified as **GKS/4**.
7. A notice of powers and rights, number 0117 was provided to Mr Singh. I produce identified as **GKS/5**.
8. A seizure notice, number 1211 comprising of two pages was left with Mr Singh listing the seized items. I produce a copy of the identified as **GKS/6**.
9. A forfeiture notice, number 0006 was provided to Mr Singh. I produce identified as **GKS/7**.
10. An inspection report, number 3263 of the visit was left with Mr Singh. I produce an office copy of the identified as **GKS/8**.
11. Mr Singh queried what was wrong with the goods and whether he would be able to get them back. He was informed that they were non-duty paid, to which he offered to pay the difference in duty tax. PS Davies informed him this would not be possible.
12. I made notes of the visit, recorded in my notebook. I produce a photocopy of my notebook entry, identified as **GKS/9**.
13. I exited the premises at approximately 1.00pm. The seized items were taken and placed in our departmental secure storage.


Signed: _____

Statement of: Gurkiran Kaur SEYAN

APPENDIX 3

14. On 23rd May 2015, I received an email from Stephen Rogers of IFSP providing me with an assessment of the seized goods. I produce a print out of the email, identified as **GKS/10**.
15. On 6th July 2015, I sent a letter to Mr Singh inviting him to an interview under caution. I produce a copy of the letter identified as **GKS/11**.
16. On 11th August 2015 Mr Singh attended our offices. A pre-interview disclosure was provided to him in advance of the interview and signed. A photocopy was given to Mr Singh. I produce the record of pre-interview briefing identified as **GKS/12**. I interviewed Mr Singh under caution. I produce the interview summary, identified as **GKS/13**. *GKS*

Signed: *Gurkiran Kaur Seyan*

 TRADING STANDARDS SERVICE I IDENTIFY THIS AS EXHIBIT No: <u>GKS/15</u>
SIGNATURE: <u>[Signature]</u>



HILLINGDON
LONDON

Notice of Powers and Rights

Officers of the London Borough of Hillingdon Council are given powers to enable them to enforce legislation and investigate offences. It is a requirement of the Police and Criminal Evidence Act 1984, Code of Practice B, that when exercising certain powers, officers should issue traders with a notice summarising the extent of those powers and the rights of traders.

**Please read this notice carefully.
If you obstruct officers you could be prosecuted.**

It is likely we will compile a prosecution report, therefore you must make sure any evidence is kept safe and secure. You should identify any person who could be a defence witness and if necessary, tell them to make notes. If expert testing/ examination is involved, consider whether you should have an expert test carried out. If you require access to items held by Hillingdon Borough Council, you should discuss this with the investigating officer as soon as possible as items may deteriorate over time or work may be carried out to remedy faults.

Name of business (capitals): LOTUS WINE

Address of premises: 761 UXBRIDGE ROAD, HAYES
UB4 8HY

Name of person notice given to (capitals): MR ULGEET SINGH

Signature: [Redacted]

Position in company: OWNER

Name of officer in charge of search: K. SEMAN

Date: 22/5/15 Time: 12.25PM

This search is made in accordance with the powers afforded to authorised officers under the following legislation:

(specify legislation) CONSUMER PROTECTION FROM UNFAIR TRADING, REG TRADE MARKS ACT 1994, LICENSING ACT 2003.

Powers and rights are summarised on the reverse of this form.
Pink copy to be given to occupier.
Original to be attached to search register record at office.



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Trading Standards Service
Planning, Environment, Education and Community Services
T.01895 250164 F.01895 277443
tradingstandards@hillington.gov.uk www.hillingdon.gov.uk/tradingstandards
London Borough of Hillingdon,
3S/01, Civic Centre, High Street, Uxbridge, UB8 1UW

PAGE 1
OF 2



HILLINGDON

LONDON

Seizure Notice No 1211

Name: LOTUS WINES

Address: 701 UXBRIDGE ROAD
HAYES UBA 8HY Date: 22/5/15

THIS IS TO CERTIFY THAT, acting in accordance with powers granted under the legislation mentioned above, an officer from the Trading Standards Service has seized the item(s) listed below on the attached Schedule(s) No. 1211 (*delete as appropriate).

Property: TEACHERS (1L) x 6

Location: BEHIND COUNTER

Seal No: A002041

Property: TEACHERS (700) x 6

Location: BEHIND COUNTER

Seal No: A002042

Recipient: MR. ULGREET SINGH Signed: [Signature]

Position: OWNER Name: K. SEYAN

Signed: [Redacted] Title: TRADING STANDARDS OFFICER

Trading Standards Service
 Planning, Environment, Education & Community Services
 T.01895 250164 F.01895 277443
 tradingstandards@hillingdon.gov.uk
 www.hillingdon.gov.uk/tradingstandards
 London Borough of Hillingdon,
 35/01, Civic Centre, High Street, Uxbridge, UB8 1UW



Trading Standards Service

PAGE 2
OF 2.

Tel: 01895 250164
Fax: 01895 277443
email: tradstad@hillingdon.gov.uk

Schedule of Seized Property N^o 1211.

Property: FAMOUS GROUSE (70cl)
XS

Location: BEHIND COUNTER

Seal N^o: A002043

Property: FAMOUS GROUSE (70cl)
X6


Location: BEHIND COUNTER

Seal N^o: A002044

Property:

Location:

gus.

	TRADING STANDARDS SERVICE I IDENTIFY THIS AS EXHIBIT No: <u>EXS/6</u>
	DESCRIPTION OF EXHIBIT: <u>SEIZURE NOTICE #1211, PAGE 1-2</u>
SIGNATURE: <u>[Signature]</u>	

us

Location:

Seal N^o:

Making a difference

Trading Standards Service, Environmental Services Group, London Borough of Hillingdon
3S/01, Civic Centre, High Street, Uxbridge, UB8 1UW

www.hillingdon.gov.uk

RHS
HILLINGDON TRADING STANDARDS SERVICE
 I IDENTIFY THIS AS EXHIBIT No: 915/7

DESCRIPTION OF EXHIBIT: FORFEITURE NOTICE #0006

SIGNATURE: [Signature]



HILLINGDON
 LONDON

Forfeiture Notice - Disclaimer

I MR MUREET SINGH.

trading as LOTUS WINE

at 761 UXBRIDGE ROAD, HAYES UB4 8HY.

hereby now, and for all time in the future, renounce completely all claims, rights and ownership in the goods described in the attached, signed schedule(s) in favour of the London Borough of Hillingdon Trading Standards Service. The goods were ~~seized~~/~~suspended~~/~~detained~~* (*delete as required)

at 761 UXBRIDGE ROAD, HAYES UB4 8HY.

on 22ND MAY 2015.

In furtherance to this disclaimer, I also indemnify the Chief Inspector of Weights and Measures and each member of the London Borough of Hillingdon Trading Standards Service from all claims and demands that may be made in respect thereof, and all proceedings, actions and costs as between solicitor and his client that may arise in connection therewith.

Signed: [Redacted] Date: 22/5/15.

SCHEDULE OF FORFEITED GOODS

Description:
TEACHERS (1L) x 6 , TEACHERS (70cl) x 6 ,
FAMOUS GROUSE (70cl) x 11).

The London Borough of Hillingdon reserves the right to dispose of the said goods in any manner it deems fitting. Disposal will be effected after a period of not less than six months from the date of this document.

Officer's Name: K. SEYAN. Signed: [Signature]
 Title: TRADING STANDARDS OFFICER . Date: 22/5/15

Trading Standards Service
 Planning, Environment, Education and Community Services
 T.01895 250164 F.01895 277443
 tradingstandards@hillington.gov.uk www.hillingdon.gov.uk/tradingstandards
 London Borough of Hillingdon,
 35/01, Civic Centre, High Street, Uxbridge, UB8 1UW



RH1
TRADING STANDARDS SERVICE
 HILLINGDON
 IDENTIFY THIS AS EXHIBIT No: GKS/8

DESCRIPTION OF EXHIBIT: OFFICE
COPY OF INSPECTION
REPORT FORM #3263

SIGNATURE: K. Sevan

EXHIBIT SW1
 No 3263
 APPENDIX 3
 Office Copy



HILLINGDON
 LONDON

To: MR ULJEET SINGH
LOTUS WINES
761 UXBRIDGE ROAD
HAYES
UB4 8HY

☎ 07946 131297 (MOBILE)

Dear Sir / Madam

Re: INSPECTION VISIT

Comments: JOINT VISIT BY TRADING STANDARDS, POLICE AND BRAND REPRESENTATIVES, FOLLOWING ON FROM COMPLAINTS REGARDING COUNTERFEIT PRODUCTS IN AREA. 'TEACHERS' AND 'FAMOUS GROUSE' BOTTLES SEIZED FOR INDICATION OF NON DUTY PAID PRODUCTS. PAPERWORK PROVIDED:
0117 NOTICE OF POWERS
0006 FORFEITURE NOTICE
1211 SEIZURE NOTICE (2 PAGES)

Companies Act	
Consumer Credit Act	
Cons Prot Act (Safety)	
Cons Prot Unf Trading Regs	✓
Explosives Act(s)	
Hallmarking Act	
Prices Act	
Weights and Measures Act	
(Specify)	
<u>TRADE MARKS ACT</u>	✓
<u>LICENSING ACT.</u>	✓
No Infringements	

TAKE NOTICE that it is alleged that you have contravened the provisions of the legislation indicated above. This notice is to inform you that the matters above need your attention and an officer of this Service may revisit this premises in 28 days to ensure effective action has been taken. (Failure to take corrective action may result in prosecution). If you wish to discuss these, or any other Trading Standards matters, please telephone 01895 250164.

Handed to: MR ULJEET SINGH Officer: K. SEVAN
 Position: OWNER Title: TRADING STANDARDS OFFICER



Signed: [Redacted] Signed: K. Sevan Date: 22/5/15

Complied with:



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Trading Standards Service
 Planning, Environment, Education and Community Services
 T.01895 250164 F.01895 277443
 tradingstandards@hillington.gov.uk www.hillingdon.gov.uk/tradingstandards
 London Borough of Hillingdon,
 35/01, Civic Centre, High Street, Uxbridge, UB8 1UW

	TRADING STANDARDS SERVICE I IDENTIFY THIS AS EXHIBIT No: GKS/19	APPENDIX 3
DESCRIPTION OF EXHIBIT: PHOTOCOPY OF NOTEBOOK ENTRY RECORD OF VISIT PAGE 1-2		
SIGNATURE: 		

12.20pm Lotus Wines,
761 Uxbridge Road, Hayes
UB4 8HY. Manager Mr
Amarjeet Singh Lamba
and his brother Mr
Jasmeet Singh Lamba
present in store ATOL.
owner not present. I
observed on entry the
2 brothers communicated
something to each other
in Punjabi regarding
stock at the rear, and
it having been removed.
Examined products
in store and shop floor.
Teachers + Famous Grouse

found non duty paid.
 seized + bagged in
 presence of owner Mr
 Ugeet Singh as he
 arrived. Paperwork
 left. Powers # 0117,
 seizure # 1211, forfeiture
 # 0006, IRF # 3263 -
 Mr U.S. queried what
 was wrong with goods.
 Advised it is non duty
 paid. Further questioned
 if its safe. Then offered
 to pay difference -
 duty tax unpaid.
 PS Mr. Danes stated
 he could not do that.

Asked what he can
 do to get product
 back. Advised it is
 being seized / forfeited
 won't get it back.
 But can provide info
 regarding suppliers
 of goods. in PACE.
 left 1 pm

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Lotus Wines 761 Uxbridge Road Hayes UB4 8HY**

2 messages

Steve Rogers <steve.rogers@ifspglobal.com>
To: Kiran Seyan <kseyan@hillingdon.gov.uk>

23 May 2015 at 11:58

Kiran

Here is my assessment of the products seized at the address shown above on Friday 22nd May 2015:

11 x Famous Grouse 70cl (A200243 - 5 bottles and A200244 - 6 bottles). All 11 bottles have self-adhesive rear labels. This means that the rear labels are counterfeit and have been used to replace the original manufacturers labels. The counterfeit labels have fake duty stamps and as a result, they give the appearance that UK Duty has been paid. In my experience, these counterfeit rear labels are used to defraud the government.

6 x Teachers 1L (A002041). All six bottles have sticky duty stamps. In my experience this is evidence that "obliteration" stickers have been removed. These stickers are placed over UK duty stamps when a product is prepared for export and UK duty has not been paid. If the product is not exported and the sticker is removed, then it appears that duty has been paid, even though it has not.

6 x Teachers 70cl (A002042). All six bottles have counterfeit rear labels. The labels are self-adhesive and also have the name of the "Ardmore" distillery spelt incorrectly as "Admore". These counterfeit rear labels are affixed to non duty paid bottles in order to give the appearance that duty has been paid.

Kind Regards


Steve

Stephen ROGERS
Country Manager UK and Ireland
IFSP

Mobile: +44 (0)7861 723014

Office: +44 (0)1635 200254

Email: steve.rogers@ifspglobal.comWeb: www.ifspglobal.com

	TRADING STANDARDS SERVICE I IDENTIFY THIS AS EXHIBIT No: <u>GKS/10</u>
	DESCRIPTION OF EXHIBIT: <u>EMAIL OF BRAND EXAMINATION</u>
SIGNATURE: <u>Kiran Seyan</u>	



HILLINGDON
LONDON

EXHIBIT SVT TRADING STANDARDS SERVICE	
HILLINGDON	I IDENTIFY THIS AS EXHIBIT No: GKS/11
APPENDIX 3	
DESCRIPTION OF EXHIBIT: COPY OF LETTER TO MR SINGH	
PAGE 1-2	
SIGNATURE: <i>[Signature]</i>	

Mr Ulgeet Singh
Lotus Wines
761 Uxbridge Road
Hayes
UB4 8HY

Ref: GKS/004380

6 July 2015

Dear Mr Singh

TRADE MARKS ACT 1994

LICENSING ACT 2003

CONSUMER PROTECTION FROM UNFAIR TRADING REGULATIONS 2008

I understand that you are the designated premises supervisor and premises license holder for the retail premises of Lotus Wines situated at 761 Uxbridge Road, Hayes UB4 8HY - whose licence authorises the supply of alcohol.

I write further to my visit to Lotus Wines on Friday 22nd May 2015, when a quantity of alcohol products were seized from the premises as they were found to be in breach of the above mentioned legislation. I list the items below:

Alcohol	Quantity
Teachers	1 Litre x 6 bottles, 70cl x 6 bottles
Famous Grouse	70cl x 11 bottles

It is necessary to formally interview you regarding this matter. The interview will be conducted under caution and tape recorded in accordance with the Police and Criminal Evidence Act. You may wish to consult with a solicitor and have him present during the

Trading Standards Service
Residents Services

T.01895 250164 F.01895 277443

kseyan@hillington.gov.uk www.hillingdon.gov.uk/tradingstandards

London Borough of Hillingdon,

3S/01, Civic Centre, High Street, Uxbridge, UB8 1UW



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interview. It may also assist you to bring any documentation that you feel may be relevant to this investigation.

I can confirm that the interview will take place at the **Civic Centre, High Street, Uxbridge on Tuesday 11th August at 11.00am**. On arrival you will be directed to a reception area. Should you have problems with this date, do not hesitate to contact me with alternatives.

Yours sincerely

Kiran Seyan
Trading Standards Investigating Officer

RECORD OF PRE-INTERVIEW BRIEFING

URN

Suspect(s) surname: SINGH Forenames: ULGEET		
Solicitor/Legal representative: <i>N/A</i> Firm's name: <i>N/A</i>		
List of information provided to suspect or defence solicitor/legal representative		
Time and date	Person briefed	Description of information/material <i>(include how given: verbally/written/audio/visual)</i>
11/08/2015 <i>11-35 AM</i>	Mr ULGEET SINGH	Written and verbal disclosure Visual of items seized Audio recording of interview <i>After last entry invite solicitor/legal representative to sign receipt of information</i>
Officer completing: G.Seyan		Job title: Trading Standards Investigating Officer
Location / Station: London Borough of Hillingdon		Date: 11/08/15
Officer in case <i>(if different from above)</i> :		

On Friday 22nd May 2015, officers from Hillingdon Trading Standards accompanied by the Police and brand representatives, visited Lotus Wines at 761 Uxbridge Road, Hayes, UB4 8HY. From the premise a total of 23 bottles were seized, these were:

- 6 x 1L Teachers
- 6 x 70cl Teachers
- 11 x 70cl Famous Grouse

The Owner and Designated Premises Supervisor Mr Ulgeet Singh was not present at the beginning of our visit but arrived mid way and remained until our departure. Paperwork relating to the visit and seizure was left with Mr Singh. These items were examined by Trademark representatives present at the time of seizure, who have confirmed that they are non-duty paid. This is an offence under the Trade Marks Act 1994, and the Licensing Act 2003, and the Consumer Protection from Unfair Trading Regulations 2008.

Ulgeet.
11/08/15

G.Seyan. 11/8/15.

TRADING STANDARDS SERVICE
HILLINGDON

I IDENTIFY THIS AS EXHIBIT No: **GKS/12**

DESCRIPTION OF EXHIBIT: **RECORD OF PRE-INTERVIEW BRIEFING**

SIGNATURE: *G.Seyan*

EXHIBIT SW3 APPENDIX 3 HILLINGDON TRADING STANDARDS SERVICE I IDENTIFY THIS AS EXHIBIT No. GKS/13 APPENDIX 3	
DESCRIPTION OF EXHIBIT: PACE INTERVIEW SUMMARY PAGE 1-2	
SIGNATURE: <i>[Signature]</i>	

PACE INTERVIEW SUMMARY
OF: ULGEET SINGH

Date of Interview : **11th August 2015**

Commencement Time of Tape : **11.42 hours**

Termination Time of Tape : **12.01 hours**

Interviewer 1: (GS) Gurkiran Seyan, Trading Standards Investigating Officer

Interviewer 2: (CB) Claire Bunker, Trading Standards Investigating Officer

Interviewee: (US) Ulgeet Singh

Full name: Ulgeet Singh

Address: [REDACTED]

Date and Place of Birth: [REDACTED]

Occupation: Shopkeeper

No solicitor present. Mr Singh chose to represent himself.

11.45am Cautioned. Understanding confirmed

Alleged offences put to US. Written pre-interview disclosure provided in advance by GS. Verbal disclosure reiterated on tape.

US confirmed that he is the owner and designated premises supervisor (DPS) for Lotus Wines. He is a sole trader and there is no Limited company associated with the premise. He has owned Lotus wines for 9 years, since 2006.

US employs two members of staff: (1) Amarjeet Singh Lamba, Manager and (2) Amar Lamba, till operator.

Jasmeet Singh Lamba who was present at the time of visit has no capacity in the business. He is the brother of US.

GS showed seized goods to US, identified as GKS/1 to GKS/4:

GKS/1 - 6 x Teachers 1L

GKS/2 - 6 x Teachers 70cl

GKS/3 - 5 x Famous Grouse 70cl

GKS/4 - 6 x Famous Grouse 70cl

US accepted ownership of the seized bottles and stated that they were bought from the back of a van by Amarjeet Lamba. No receipts for this stock. US did not recall date of purchase or any more information regarding the man and van.

US stated that he normally buys stock from Cash and Carries: Crown C&C, Dhamecha, Drinks C&C, Bestways and Middlesex Wines. For these he retains receipts.

**Person
Speaking****Commentary****APPENDIX 3**

- 1 Staff training is the responsibility of US.
2
3 US states that this is the first time a purchase has been made from a man in a van. Stock
4 purchased was 6 x Teachers (1L), 6 x Teachers (70cl) and 12 x Famous Grouse (70cl).
5
6 US states that he will not do this again. He has 15 years experience in running an off-
7 license, including the 9 years he has owned Lotus Wines.
8
9 GS advised US that the condition of the bottles indicate that they are not genuine and
10 buying from the back of a van does not ensure due diligence.
11
12 CB queried price of the bottles purchased from man in van and whether it was a lot less
13 to the price in a C&C? US states that they were similar to Supermarket prices, slightly
14 cheaper which encourages the purchase. No receipt or invoice.
15
16 US: *'Amarjeet and myself, we thought that we are not getting a VAT invoice so they're not*
17 *paying VAT, and that's why we're getting it cheaper. That's all we knew'*

**METROPOLITAN
POLICE****TOTAL POLICING**

APPENDIX 3

Thursday 19th November 2015

The Licensing Officer
The Licensing Service
London Borough of Hillingdon
Civic Centre
Uxbridge
UB8 1UW.

**Licensing Department
Uxbridge Police Station
1 Warwick Way
Uxbridge
UB8 1PG**

Telephone: 020 8246 1933**Mobile: 07785 226483****Email: Licensing - xh@met.pnn.police.uk**

Your Ref

Dear Sir/Madam,

Re; Licensing Review**Lotus Wines 761 Uxbridge Road, Hayes, UB4 8HY.**

On behalf of the Commissioner of Police I wish to support the application for a Licensing Review made by the London Borough of Hillingdon Trading Standards Department against the above venue. This representation is submitted having regard to the licensing objective - The Prevention of Crime and Disorder and the Protection of Children from Harm.

On Friday 22nd May 2015 Police and LBH Trading Standards visited and carried out an inspection of the premises; as a result of this inspection Twenty Three bottles of Alcohol were seized by Trading Standards for HMRC and Trading Standard offences.

On Thursday 18th June 2015 the police licensing officer re attended the premises with Her Majesty's Revenue and Customs (HMRC) officers where another inspection was carried out resulting in the following items being seized by the HMRC Officers.

- Ten x Bottles of Penderyn Legend Wine - Non Duty Paid.
- Four x Bottles of Glenn's Vodka - Non Duty Paid.
- Nine x Bottles of High Commissioner Whisky - Non Duty paid.
- Three Thousand Non Duty Paid Cigarettes.
- Two Kilograms of Non Duty Paid Chewing Tobacco.

For the purpose of supporting this information the police have requested statements from HMRC and these are currently awaited. It is the police position that the items taken on the 18th June 2015 were non duty paid. I will submit a full statement for the hearing in due course.

The Police Authority therefore have concerns that in the short period between the two visits being less than four weeks the premises were restocked with a quantity Non Duty Paid alcohol, Cigarettes and Tobacco. This action shows that the management of the premises has a total disregard in promoting the Prevention of Crime and Disorder Objective under the Licensing Act 2003. Due to the seriousness of this offence the police would ask for the Licensing Sub Committee to consider a full revocation of the premises licence.

APPENDIX 3

However if the Licensing Sub Committee are minded not to revoke the Premises Licence then the police would ask them to consider the following conditions.

1. No Alcoholic drinks or tobacco will be purchased by the premises: from unannounced sellers calling at the premises.
2. All alcohol and tobacco products will be purchased from established and bona fide VAT registered traders, who provide invoices or receipts.
3. Invoices for all stock bought will be kept on file for a minimum of 12 months and will be made available to the Police, HMRC Officers and Authorised Local Authorities Officers upon request.
4. The counter shall be a minimum distance of one metre from the floor and at least 60 cm wide. Access behind the counter shall be via a door bolted from the inside. The floor behind the counter shall be raised 10cm above normal floor level.
5. All products with an abv above 35% shall be stored behind the above counter.
6. All alcohol products shall be stored in direct line of sight from the cashier's position and not obscured by other displays or shelving.
7. The till shall be placed under the counter or if on the counter it shall be fixed into position so that it cannot be easily moved.
8. No alcohol products shall be displayed within 2 metres of the door
9. The CCTV system shall be kept in good working order. One camera should be in a position to record all transactions at the counter, another the area where the alcohol is displayed and a third to record all head and shoulders of persons entering the store. A fourth in the area immediately outside the entrance door to the premises.
10. Images from the CCTV system shall be capable of retention for 30 days, and be made available to police on request or as soon as practicable.
11. If the CCTV system should at any stage fail to operate and record properly then the police licensing officer and the local authority should be notified and the defect should be rectified as soon as possible.
12. A monitor showing one or more of the CCTV images shall be positioned so that it is visible by customers and staff at the till area.
13. There shall be two adult staff members on the premises between 7pm and up until the close of business each day.



**IAN C.R. WARES. A/Police Sergeant
Police Licensing Enforcement Officer
Hillingdon Borough.**

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 **IAN C.R.WARES** Wt No; p193105..... URN:

--	--	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Licensing Enforcement Officer**

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: 20th November 2015.....


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

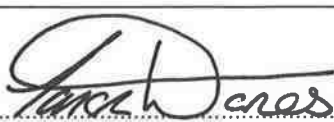
This statement is made in relation to a Licensing Review Hearing application submitted by the London Borough of Hillingdon Trading Standards Department regarding a premise known as Lotus Wines, 761 Uxbridge Road, Hayes, UB4 8HY.

I am the above named person and I hold the role of Police Licensing Enforcement Officer for Hillingdon Borough a role that I have held for the past three and a half years.

On Thursday 29th October 2015 the police licensing department at Hillingdon received a copy of a licensing review application from the London Borough of Hillingdon Licensing Services for the above premises.

On behalf of the Metropolitan Police Service, I have submitted a letter of representation supporting the application for a licensing review, the reason being that on Thursday 18th of June 2015, I was taking part in a police operation named 'Op Yare' this operation involved carrying out joint visits with Her Majesty's Revenue & Customs (HMRC) officers. At approximately 10.20am we attend Lotus Wines 761 Uxbridge Road, Hayes UB4 8HY, on entering the premises we were met by a male who gave his name as Mr Armajeet Singh and he informed us that he was in charge of the premises, we identified ourselves as police and customs officers and informed Mr Singh that we were going to carry out full inspection of the premises.

I then carried out a full licensing check, Form 695 Record of Visit to a Licensed Premises completed. Mr Singh informed me that he was a personal Licence holder but was unable to produce his person licence when requested to do so. He was informed that it was an offence under Section 135(4) of the Licensing Act 2003 failing to produce a personal licence to a police officer; he was issued with Form 694 Notification of alleged offences, (a copy of both Forms 694 & 695 served with this statement). 

Signature:  Signature witnessed by:

Continuation of Statement of **IAN C.R.WARES Wt No; p193105**.....

During this visit the HMRC officers carried out their inspection and found the following goods;

- Ten (10) x Bottles of Penderyn Legend Wine - Non UK Duty Paid.
- Four (4) x Bottles of Glenn's Vodka - Non UK Duty Paid.
- Nine (9) x Bottles of High Commissioner Whisky - Non UK Duty Paid.
- Three Thousand (3000) x Cigarettes - Non Duty UK Duty Paid.
- Two (2) x Kilograms of Chewing Tobacco - Non UK Duty Paid.

These items were seized and dealt with by the HMRC officers; I have requested statements from the HMRC officers involved and I currently await these statements.

I have carried out further enquiries on the Police Criminal Intelligence System (CRIMINT) where I found the following reports;

XHRT00263002 - 02/03/2012.

On Friday 2nd March 2012 at approximately 19:38 Hours Charville SNT stopped a group of young lads in Hayes End Close; the groups were in possession of two bags of alcohol when stopped.

It was clear that the group was underage; the group handed over the alcohol and told Police where they purchased it from. Police escorted the group back to two different locations one of which was Lotus Wines 761 Uxbridge Road, Hayes, Middlesex, UB4 OEG, officers spoke to the shopkeeper who gave his name as Mr. Ulgeet Singh who produced his personal licence. LBHIL/0764, Mr. Singh admitted to selling Eight (8) cans of Magners Cider to the group without checking their identification.

XHRT002280645 -Tax Evasion 25/06/2013

LOTUS FOOD & WINE, 761 UXBRIDGE ROAD is selling various brands of counterfeit/non-duty paid cigarettes & tobacco.

XHRT00281360 - Tax Evasion 16/07/2013

LOTUS FOOD & WINE, 761 UXBRIDGE ROAD, HAYES is still selling various brands of counterfeit/non-duty paid cigarettes & tobacco.

They sell 50 gram duty free pouches of Golden Virginia for £10. They also sell pouches believed sold in other countries for £8, the packaging, feel and quality of this product is below UK standard tobacco.

They also sell Golden leaf brand.

Some of the products they offer are kept close to hand under the counter. It is believed other counterfeit goods may be kept out the back of the shop.

All persons working in the shop offer these goods.

XHRT00299690 - 15/01/2015

On 15/01/2015 at about 1700hrs, officers on foot patrol in Uxbridge Road Hayes were stopped by a male and female who declined to give their details. They stated they had recently purchased a bottle of red wine from

Signature:



Signature witnessed by:

Continuation of Statement of IAN C.R.WARES Wt No; p193105.....

Lotus Wines 761 Uxbridge Road, Hayes which is very near to Hayes police Station, they said they had paid £3.00 for it and on further examination found spelling mistakes on the label. They were told to inform the local Trading Standards office as it was very likely to be counterfeit wine.

XHRT00300707 Joint Visit - 10/02/2015

Police Licensing & HMRC are conducting a joint Operation on 10/02/2015 aimed at counterfeit and non duty paid alcohol/cigarettes in the off Licence. No breaches or offences found.

Friday 22nd May 2015.

Joint visit carried out with Police Sergeant Nick Davies from the Police licensing team and LBH Trading Standards Team resulting in Twenty Three (23) x Bottles of Spirits being seized by Trading Standards, thus resulting in the Licensing Review application being made.



Signature:



Signature witnessed by:

Witness contact details

Home address:
..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / **Female** (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? **No.** If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, , language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **A/PS 310XH P193105 IAN C.R.WARES** Station: **Uxbridge**

Time and place statement taken:



**METROPOLITAN
POLICE**

TOTAL POLICING

APPENDIX 635

Licensing Act 2003 - Record of Visit to Licensed Premises

Details	
Name of Premises:	LOTUS WINES
Address of Premises:	761 UXBRIDGE ROAD, HAYES, UB4 8HY.
Premises Type / Event:	OFF LICENCE PREMISES.
Date of Visit:	18 TH JUNE 2015
Time Of Visit:	10.20 hrs

Officers in Attendance	
1.	AIPS 310x4 IAN WARES - PLEO
2.	HMRC OFFICERS.
3.	
4.	

Premises Details	
Is the Premises Licence Summary displayed and correct?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is the Designated Premises Supervisor (DPS) present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Record details of DPS personal Licence (include full name, issuing authority and lic No.)	
NOT PRESENT.	
DPS Contact No.:	
If No DPS is present provide details of person in charge: MR AMARJEET SINGH.	
Record details of personal Licence (include full name, issuing authority and lic No.)	
STATED THAT HE WAS THE MANAGER AND THAT HE WAS A PERSONAL LICENCE HOLDER - COULD NOT PRODUCE HIS P/L.	
Is the full premises Licence or an endorsed copy available?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
What is the capacity of the premises if shown on premises licence?	N/A
How many persons present (rough headcount)?	—
What process is used to record customer numbers (clicker, tickets head count etc)?	N/A

Details of Door Staff

Are Door Staff required by licence conditions? Yes No

Number of Door staff on duty Male: _____ Female: _____

Name of Security company _____

Full Name	D.O.B.	SIA Badge	Full Badge Number	Comments
/	/	Yes <input type="checkbox"/> No <input type="checkbox"/>	/	/
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
		Yes <input type="checkbox"/> No <input type="checkbox"/>		
Register of Door Supervisors complete and correct	Yes <input type="checkbox"/> No <input type="checkbox"/>	/	/	/
Incident log kept and complete	Yes <input type="checkbox"/> No <input type="checkbox"/>			

Operation of Premises

Is CCTV required by the licence? Yes No

If no is CCTV installed? Yes No

Is there a member of staff trained and available to operate the CCTV system? Yes No

Is CCTV operating correctly and in accordance with any licence conditions? If no detail defects N/A Yes No

Are customers searched prior to entry? What is the procedure?
N/A

Is the search area covered by CCTV?
Is there a system for recording or verifying customer details and age, what is the system? (Passport, driving licence PASS card or use of ID scan, entry scan, or other biometric screening systems)

Does the venue operate any drinks promotions? If yes provide details Yes No

Details of the Premises age verification policy (e.g. challenge 21/25)
No

Toilets and public areas

Toilets

- Are the toilets regularly checked by staff? Yes No
- Is there a Toilet attendant? Yes No
- Are the toilets covered by CCTV? Yes No
- Are the toilets and environs well maintained? Yes No
- Is there any evidence of drugs use in this area?
If yes detail evidence (drugs paraphernalia, or evidence obtained from drugs swipes or drugs itemiser) Yes No

Smoking area:

- Is there a designated smoking area? Yes No
- Is it covered by CCTV? Yes No
- Is it controlled by staff? Yes No
- Is there a re-entry search policy? Yes No

Public areas:

- Is the ambient lighting in public areas adequate? Yes No
- Is there a VIP area? Yes No
- Does CCTV cover public areas and dancefloor? Yes No
- Do staff regularly clear glassware? Yes No
- Does the premises use plastic drinkware? Yes No
- Is there a cloakroom? Yes No
- Does the premises have a Medical facility/room? Yes No
- What percentage of the premises is given over to seating and tables? %

Premises Staff

- How many staff are on duty? |
- How many Personal Licence Holders on site? |
- Are staff training records available? Yes No
- Is there a trained first aider on duty? Yes No
- General attitude of staff
Helpful Unhelpful Obstructive Other

Actions

APPENDIX 3

Have any breaches in licensing conditions been identified?

Yes No

Details of breaches

Not Producing a Personal License when asked by a Police officer - Sect 135(4) of the Licensing Act 2003.

Section 19 (Police and Criminal Justice Act 2001) Closure notice issued?

Yes No

Is an action plan required as a result of this visit?

Yes No

Is a warning letter required as a result of this visit? F698 issued at time of offence.

Yes No

Detail grounds for action plan and or warning letter?

Revisit to the Premises.

Are there other offences or issues relevant to partner agencies (ie fire, environmental health, HM Customs and Excise, Etc).

Appropriate Agency: HMRC

Details: OFFICER ON SCENE WITH POLICE.

Details of whom referral passed to

10 - Bottles of wine - Non Duty Paid. 2kg of Non Duty Paid chewing tobacco.
13 x Bottles of spirits - Non Duty Paid.
3000 - Non duty Paid cigarettes.

Does the premises require a further visit?

Yes No

By what date should this visit be completed

General Notes

HMRC officers dealing with customs offences.

Further action by Licensing Office

YES.



METROPOLITAN POLICE

TOTAL POLICING

Book 694

APPENDIX 3
Police Copy

Notification of alleged offences under the Licensing Act 2003

Venue Name: LOTUS WINES REF: (CAD/CRIS etc.) _____

Address: 761 UXBRIDGE ROAD, HAYES, UXB 3UY

Date: 18/6/15 Time: 10:20

Details of person in charge at the relevant time: MR AMARJEET SINGH

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:

• Sect 135 (4) FAILURE TO PRODUCE A PERSONAL LICENCE TO A POLICE OFFICER .

Issuing officer: A/PS 310XU WARES Print: WARES

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



HILLINGDON

I O N N O N

Mr Ian Meens
Licensing Officer
Regulatory Services

Reference; SSN/15/LA03

Your Reference;

Date; 26th November 2015

Dear Mr Meens

LOTUS WINES, 761 UXBRIDGE ROAD, HAYES, UB4 8HY
THE LICENSING ACT 2003

Regarding the review of premises licence application submitted by the Trading Standards Service, in respect of the above premises. I am writing to you as the Officer duly authorised to make representations on behalf of the Licensing Authority.

I have had the opportunity to assess the review application documentation and supporting evidence; representations received during the consultation period and have also gathered feedback from Licensing Officers in respect of the premises history.

In addition I have made enquiries with officers to ascertain whether there have been any Members Enquiries in relation to this premises and can confirm that there have been none.

Based on this assessment, I would like to make representation to the Licensing Sub-Committee under the Crime Prevention objective.

It has been noted that the premises licence review application has been applied for as a result of an operation by Trading Standards on 22nd May 2015, primarily concerned with investigating non-duty paid alcohol.

The review application and supporting evidence submitted by the Trading Standards Service is of great concern to the Licensing Authority. The Trading Standards Service seized 23 bottles of non-duty paid alcohol and also interviewed the Licence Holder, Mr Uljeet Singh. The Authority is extremely concerned that Mr Singh firstly, made an offer of payment in order 'settle the difference' in duty at the time of the Trading Standards



INVESTOR IN PEOPLE

rvices

Tel: 01895 250190 Ext 7403 or 4029

snagra@hillington.gov.uk www.hillington.gov.uk

London Borough of Hillington,

3S/08 Civic Centre, High Street, Uxbridge UB8 1UW

operation, and secondly, after confirming that the stock came from 'a man in a van,' stated that 'we thought we are not getting a VAT invoice, so they're not paying VAT, that's why we're getting it cheaper.'

Greater concern is the representation made by the Metropolitan Police Service where information is provided following a Police operation with HMRC which took place on 18th June 2015. During this operation, 23 bottles of non-duty paid alcohol, 3000 non-duty paid cigarettes and 2kg of non-duty paid chewing tobacco, were seized.

Given the short period of time between these two operations, there is a serious concern that the non-duty items had either been restocked from somewhere off the premises, or that there had been a further purchase made from the 'man in van' retailer. Either of these options leads to the conclusion that the Licence Holder has a disregard for the seriousness of the offences relating to non-duty paid items including alcohol and a disregard for the licensing objectives.

The Licensing Authority would like to draw the Sub-Committee's attention to paragraphs 11.27 and 11.28 of the Guidance issued under Section 182 of the Licensing Act 2003, which states;

"There is certain criminal activity that may arise on connection with licensed premises which should be treated particularly seriously. These are the use of licensed premises... for the sale or storage of smuggled alcohol and tobacco.... Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence - even in its first instance - should be seriously considered."

In conclusion, we would invite the Sub-Committee to consider the revocation of the premises licence on the grounds that this decision is appropriate for the promotion of the crime prevention objective.

Yours faithfully



Shabeg Nagra
Public Protection Service Manager



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HILLINGDON

LONDON

APPENDIX 3

Mr Ian Meens
Licensing Service
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
UB8 1UW

Ref: GKS/EVU004380

25th November 2015

Dear Mr Meens

**Re: Lotus Wines, 761 Uxbridge Road, Hayes, Middlesex UB4 8HY
License Review under the Licensing Act 2003**

Representation

I write further to my initial License Review submission for the above mentioned premise.

The Trading Standards Service (the service) is making a representation further to this review in support of the licensing objective; the prevention of crime and disorder.

The premise was inspected by the Service on 22nd May 2015 which resulted in the seizure of 23 bottles of branded alcoholic spirits (11x Famous Grouse whiskey and 12x Teachers whiskey) that bore either counterfeit rear labels or tampered stamps. This indicates that duty has not been paid on the spirits as is legally required. The status of the alcohol was confirmed by an email from Stephen Rogers, Consultant for the International Federation of Spirit Producers (IFSP) who was present at the time of seizure.

Trading Standards Service
Residents Services
T.01895 250164 F.01895 277443
kseyan@hillington.gov.uk www.hillingdon.gov.uk
London Borough of Hillingdon,
35/01, Civic Centre, High Street, Uxbridge, UB8 3PL

APPENDIX 3

At the time of the inspection, Mr Ulgeet Singh on being informed that the product was being seized for non payment of duty offered to pay the tax difference. He was told this would not be possible, duty should be paid at time of purchase from a legitimate supplier.

On 11th August 2015, Mr Singh confirmed owner and Designated Premises Supervisor (DPS) for Lotus Wines, was interviewed under caution. Mr Singh decided against legal representation. He accepted ownership of the seized goods and stated that they had been purchased from a man in a van, by the shop manager Mr Amarjeet Singh Lamba. There were no receipts or invoices regarding this purchase. Mr Singh further volunteered the statement *'Amarjeet and myself, we thought that we are not getting a VAT invoice so they're not paying VAT, and that's why we're getting it cheaper'*. In making such a statement, Mr Singh has demonstrated his understanding that they had purchased non duty paid alcohol.

Mr Singh stated that he normally buys from cash and carries, and has done so in the 9 years he has owned the business. Apparently this was the first time he had bought from a man in a van, which he indicated he would not do so again.

On 18th November 2015 during a conversation with Ian Wares, Police Licensing Officer, I became aware he had also inspected Lotus Wines. His visit took place on 18th June 2015, following my inspection visit and prior to my interviewing Mr Singh. I am informed that Ian inspected the premise with Her Majesty's Revenue and Customs (HMRC) and seizures were made of 23 bottles of branded alcohol (4x Glens Vodka, 9 x High Commissioner Whiskey, 10x Penderyn Legend Wine), 3000 cigarettes and 2kg of chewing tobacco as they were non-duty paid product.

I believe that the conduct of Mr Singh demonstrates a flagrant disregard of the law which raises questions as to whether the business is managed in accordance with licensing objectives. Attached supplementary evidence is a record of the service internal database for the premise which demonstrates a history of non compliance. In the circumstances, the Service feels that it would be a necessary and proportionate response to request a revocation of the premises licence. Further that Mr Singh should not be DPS.

I wish to add this letter to my representation supporting the review in respect of the prevention of crime and disorder objective. I invite the Licensing Committee to consider this representation before making any decisions.

Yours sincerely



Kiran Seyan

Trading Standards Investigating Officer

Lotus Wines

Previous History recorded on TS internal database

Date	Details
30/1/15 Kiran Seyan	Consumer complaint: 'Gallo White Grenache' Wine, alleged counterfeit product. Actioned in May 2015 by TS inspection. This is the subject of the current review.
03/02/14 Charles Ofulu	Consumer complaint: alleged sales of 'Metropolitias' vodka, Polish Marlboro Lights. Actioned by TS Inspection visit on 6/2/14, seized 6 x 'Krupnik' vodka, 12 x 'Smirnoff' Vodka, 6 x 'Belvedere' Vodka as found to be non-duty paid. Forfeiture notice signed by Mr Ulgeet Singh, forfeited goods over to TS.
18/11/13 Sue Pollitt	Consumer complaint: Selling fireworks without a license. No license had been issued to the trader. 22/11/13 Inspection visit revealed no fireworks on premise at time of visit however a banner outside the shop advertising fireworks. Advised to remove banner.
24/09/13 King Yip Cheung	Advisory visit by TS to provide Mr Amarjeet Singh, Manager with a underage sales pack
13/09/13 Richard Nowacki	Underage Sales Test Purchase visit for Alcohol. No sale made. No Age Restricted booklet.
13/04/11 Martin King	Underage Tobacco test purchase exercise carried out - No sale made to child volunteer.
07/04/11 Stephen Pearson	TS visit: 3 bottles of counterfeit 'Bollinger' Champagne seized. Priced at £33.99 each. Mr Ulgeet Singh was written to and asked to provide invoices / receipts for purchase of said alcohol. Verbal response that this was old stock and that he may not be able to access the invoices.
17/08/10 King Yip Cheung	Advisory visit by TS to provide Mr Ulgeet Singh, owner and DPS with an underage sales pack.



LICENSING ACT 2003
Section 24

HILLINGDON
LONDON

PREMISES LICENCE

Ref:

SG/213/LBH

Premises Licence Number:

██████████

This Premises Licence has been issued by Norman C Stanley on behalf of the Licensing Authority, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW

Signature: Date: 4th March 2009

Part 1 – Premises Details

Postal Address of Premises or, if none, Ordnance Survey map reference or description -

Lotus Wines
761 Uxbridge Road

Post Town - Hayes

Postcode – UB4 8HY

Telephone number – 0208 8484040

Where the licence is time limited, the dates -
N/A

Licensable activities authorised by the licence -

Sale by retail of alcohol

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

Monday to Saturday 08.00 hours to 23.00 hours
Sunday 10.00 hours to 22.30 hours
Good Friday 08.00 hours to 22.30 hours
Christmas Day 12.00 hours to 15.00 hours and 19.00 hours to 22.30 hours

APPENDIX 3

The opening hours of the premises -

Not restricted

Where the licence authorises supplies of alcohol whether these are on and/or off supplies -

Off supplies only

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence -
Mr Ulgeet Singh

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

Registered number of holder, for example company number, charity number (where applicable) -
N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol –

Mr Ulgeet Singh

[REDACTED]
[REDACTED]
[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 –

[REDACTED] - London Borough of Hillingdon

Annex 1 – Mandatory Conditions**APPENDIX 3****ALCOHOL**

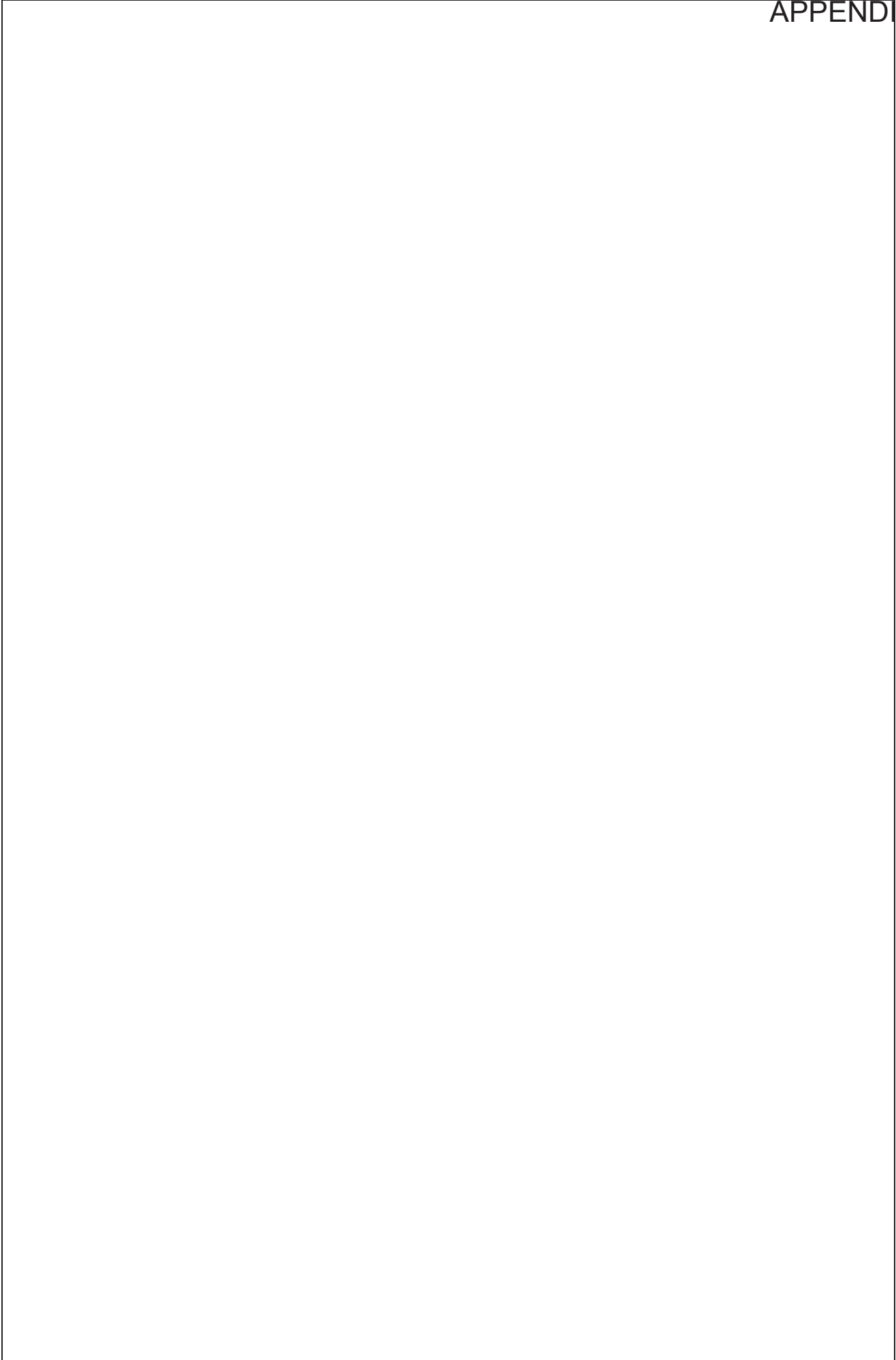
1. No sale / supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the Premises Licence.
2. No sale / supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his / her Personal Licence is suspended.
3. Every sale / supply of alcohol under the Premises Licence shall be made, or authorised by a person who holds a Personal Licence.

Annex 2– Conditions consistent with the operating Schedule

APPENDIX 3

General

The Premises Licence Holder shall ensure that alcohol shall not be sold in an open container or be consumed in the licensed premises.



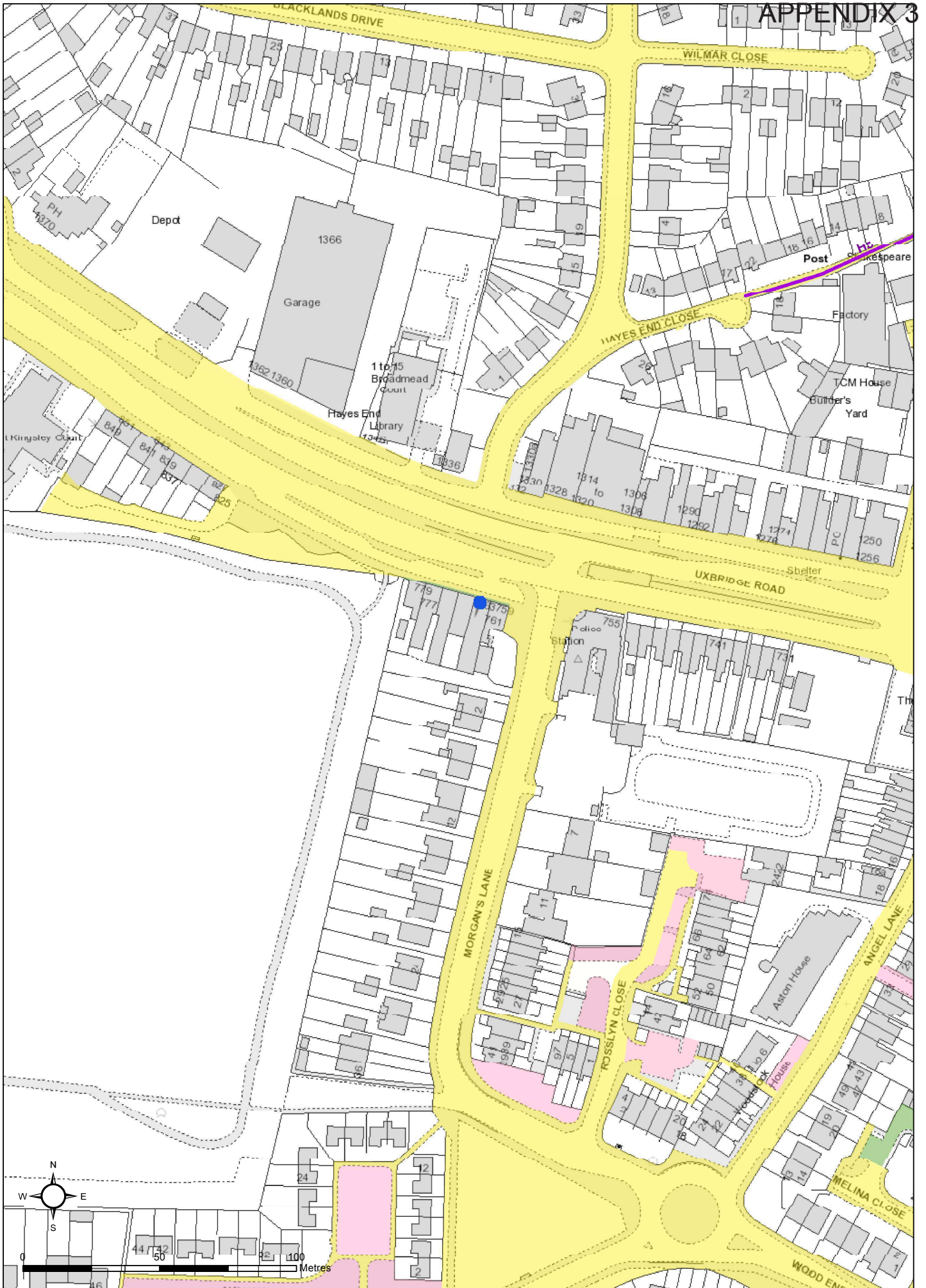
Annex 4 – Plans

APPENDIX 3

Location Lotus Wines

Licensing Services Registered Number [REDACTED]

Drawing Number [REDACTED]





HILLINGDON
LONDON

Licensing Sub-Committee

Decision Notice

Application by Trading Standards
Seeking a Review of the Premises Licence of
Lotus Wines, 761 Uxbridge Road, Hayes

Hearing: Wednesday, 16 December 2015

Sub-Committee: Cllr Dominic Gilham (*Chairman*)
Cllr Roy Chamdal
Cllr Jazz Dhillon

Legal Adviser: Beejal Soni

Licensing Officer: Ian Meens

Committee Clerk: Jon Pitt

Chairman.....



Cllr Dominic Gilham

Dated: 16 December 2015

APPENDIX 3

Referring to the statement of Steve Rogers, the brand representative present during the inspection, she advised that the goods are confirmed as being non-duty paid goods rather than counterfeit alcohol products. In response to queries from Councillors, she confirmed that the entire premises including the stock room was inspected and cleared of goods suspected of being non-duty paid or counterfeit alcohol products.

Referring to her pocket book notes and the interview with Mr Singh under caution, Ms Seyan confirmed that the licence holder offered to 'pay the difference' in duty on the products at the time of the inspection when he was advised of the confiscation of the goods. During the interview, the licence holder admitted that he thought that VAT had not been paid on the products therefore the price was slightly cheaper than the local supermarkets and cash and carry. However, it was of concern to MsS Seyan, that 28 days later, at a joint inspection by Metropolitan Police and Her Majesty's Revenue and Customs (HMRC), he was once again found to have a similar quantity of non-duty paid alcohol - indicating that the seized items had been restocked. She also referred to incidents of enforcement action previously undertaken by Trading Standards to demonstrate that there was a pattern of non-compliance and concern by the Responsible Authority over the management of the premises. Her recommendation was to revoke the premises licence.

PC Ian Wares began by clarifying that the items and quantity of goods seized in the inspection in June 2015 as reflected in his statement were based on estimates and therefore required adjustment. The items and quantity as reflected in the statement from the HMRC officer who bagged and tagged it items was a correct reflection of both the items and quantity of alcohol and tobacco products seized. The key concern for the Metropolitan Police lay in the fact that 2 instances of non-compliance with regard to non duty paid alcohol had taken place within a month.

Mr Shabeg Nagra, representing the Licensing Authority, echoed the concerns of both Trading Standards and Metropolitan Police Services in recommending the revocation of the licence.

APPENDIX 3

The Licence Holder was then invited to address the Sub-Committee. He advised that it is a family run business and he holds the position of Premises Licence Holder and Designated Premises Supervisor. Mr Singh informed the Sub-Committee that he has held a personal licence for a number of years. He advised that In May 2015, he purchased alcohol from a "man in a van". He thought the discounted price was on account of a failure to pay VAT and that he did not realise that duty was not paid on the product. This was the only time that he had ever bought alcohol in this fashion. He further advised that the goods confiscated during the June inspection had not been restocked but rather had been missed by the Trading Standards officer during her inspection in May because they were not linked to the Brands relevant to the Brand expert. He expressed remorse for his actions requested that his licence not be revoked. In response to queries from the Sub-Committee, he advised that:

1. He could not remember the price he paid for the alcohol; the driver of the van entered the premises and offered the alcohol for sale.
2. He could not provide a cash and carry/wholesale price for the alcohol but was aware that the items were bought from the "man in the van" for a cheaper than wholesale price.
3. He stated at the interview under caution that he only bought 24 bottles from the man in the van and referred only to "Famous Grouse Whisky" which was seized in May. He had failed to declare to the Officers at any stage during the investigation that he was aware of further stocks of alcohol on the premises which were obtained through the 'man in a van' leading to the second seizure in June.
4. When asked why he did not alert officers to the presence of other non-duty paid alcohol bottles on his premises, he advised that he was unaware that duty was not paid. Additionally, he was under the impression that the questions related to the May inspection only.
5. In response to further questions, he was initially unable to advise exactly what items were purchased from the "man in the van". He eventually agreed with the Councillor's suggestion that he bought mixed spirits
6. After further questioning he advised that he bought 24 bottles of "Famous Grouse" and a few other bottles of mixed spirits. He was unable to respond when advised by Councillors that the "few other bottles" confiscated in June

APPENDIX 3

totalled 24 bottles - which was more than the 23 bottles found on the premises in May.

7. Tobacco products were bought from a separate man in the van.
8. With regard to the alcohol forfeited in 2014, he advised that this stock was not for sale had been stored on the premises since 2009 when he purchased the premises.
9. In response to further questions, he advised that he sold on average 12 bottles of Vodka per week, purchasing the products from cash and carry's, supermarkets or wholesalers on a weekly basis. He was unable to provide costing for his weekly spend on these purchases.

In summing up, Mr Singh repeated his request for conditions to be imposed rather than have the licence revoked.

In response to Mr Singh's statement regarding the second seizure and that a batch of bottles had been missed during the inspection in May, the Trading Standards Officer advised that an excess of 1 hour had been spent on the premises and all stock had been reviewed, with all items that appeared to be non-duty paid confiscated. It was therefore unlikely that a large quantity of bottles of mixed spirits of the same brand would have been neglected or overlooked.

CAUSES OF CONCERN

The Causes of Concern can be identified as follows:

1. The Premises Licence Holder has knowingly breached rules regarding the payment of VAT for alcohol products.
2. There were 2 inspections within a one month period which led to the seizure of non-duty paid alcohol from the premises on both occasions;
3. The responses of the Premises Licence Holder could be regarded as evasive and the information he provided at the interview under caution and at the hearing was incomplete and contradictory.
4. The Sub-Committee found it difficult to believe that a businessman buying similar goods on a weekly basis would not have realised that obtaining alcohol

APPENDIX 3

and cigarettes at a cheaper than wholesale price, would have been a clear indicator that the goods were illicit.

5. The Licence holder had failed to declare to the Officers at any stage during the investigation that he was aware of further stocks of alcohol on the premises which were obtained through the 'man in a van', thus misleading officers.
6. There is a demonstrable pattern of non-compliant behaviour by the licence holder over a number of years and also a disregard for the rules and regulations of a number of enforcing authorities.
7. The licence holder has failed to uphold the crime prevention licensing objective.

THE DECISION

The Sub-Committee has considered all the relevant representations made available to it and in doing so has taken into account the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of that Act, the Council's Statement of Licensing Policy and the Licensing objectives. The Sub-Committee has paid particular attention to S144 of the Licensing Act 2003 read together with Paragraph 11.27 of the S182 Guidance issued by the Secretary of State. The Licensing Sub-Committee has determined that it is necessary and appropriate to revoke the premises licence for Lotus Wines.

RIGHT OF APPEAL

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

The applicant for review, holder of the Premises Licence, or any other person who made relevant representations to the application may appeal against the Council's decision to the Justice Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision. A copy of the appeal should be sent to the Council's Licensing Service.

APPENDIX 3

You will be deemed to have received the Decision Notice, two days after the date on the accompanying letter, which will be posted by 1st class mail.



HILLINGDON

LONDON

Meeting:	Licensing Sub-Committee	
Date:	10th March 2016	Time: 2.30pm
Place:	Committee Room 5	

ADDENDUM SHEET

Item: 1 Page:	Location: In addendum, page 1-2
Amendments/Additional Information:	Officer Comments:
Additional report from Licensing Officer. This report being the findings of a licensing visit that occurred on the 2 nd March 2016.	Report by Licensing Officer Ian Meens : Attached
Item: 2 Page:	Location: In addendum, page 3-6
Amendments/Additional Information:	Officer Comments:
Management agreement between Mr A Aujla Mr Ulgeet Singh and Mr Aamir Lamba.	Submitted by applicant, via agent 7 th March 2016
Item: 3 Page:	Location: In addendum, page 7
Amendments/Additional Information:	Officer Comments:
Proposed conditions as submitted by the applicant on 7 th March 2016.	Submitted by applicant, via agent 7 th March 2016
Item: 4 Page:	Location: In addendum, page 8-32
Amendments/Additional Information:	Officer Comments:
Additional submission from Kiran Seyan Trading Standards Officer, consisting Letter address to Ian Meens dated 7 th March 2016 Statement from Anti Fraud officer Kiritharan Housing benefit/reduction Claim Exhibit VK01	Submitted by Trading Standards: attached.

APPENDIX 3

<p>Land Registry check Exhibit VK02 Land Registry check Exhibit VK03 *Please note that due to the low resolution of the land registry files, A3 hardcopies will be available at the meeting*</p>	
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Item: 5 Page:	Location: In addendum, page 33-43
Amendments/Additional Information:	Officer Comments:
Further letter from Stephanie Waterford with covering statement	Submitted by Licensing Authority, attached.

Item: 6 Page:	Location: In addendum, page 44-48
Amendments/Additional Information:	Officer Comments:
Further letter from APS Ian Wares with statement and proposed conditions	Submitted by Police Authority, attached.

Pre hearing licensing visit
Report by Licensing Officer Ian Meens

At 4pm on the 2nd March 2016 I conducted a Licensing visit at Lotus Wines 761 Uxbridge Road UB4 8HY. The visit was made in response to local instructions pending a New Premises Licence application hearing.

The inspection was made for the purpose of being able to inform the committee as to how the premises was operating in relation to the proposals as outlined on the operating schedule in the application. There is no duty on the applicant to carry out the proposals outlined in the operating schedule until such time as a licence is granted.

When attending the shop I spoke to Mr Ulgeet Singh ("Mr Singh") the current licence holder who was present with Mr Aamir Singh Lamba ("Mr Lamba"), the applicant. Mr Lamba was behind the counter and serving customers. There was a further person present who Mr Singh introduced as Mr Lamba's son, Mr Jasmeet Singh Lamba. Mr Jasmeet Lamba was standing behind the counter with his father but not undertaking any serving whilst was present.

At the time of the visit I spoke with all three generally, sometimes asking Mr Lamba to answer a question directly without the assistance of Mr Singh. The visit was made without any prior appointment.

In section 18 of the application it proposes that a number of steps will be taken to promote the licensing objectives, taking these as a guide I enquired of the applicant (sometimes with the assistance of the current licence holder) if these steps were already in place, being considered or being undertaken.

Taking these steps from the application I listed them as follows together with my findings.

Strict implementation of a Challenge 25 policy.

This question was put to Mr Aamir Singh Lamba. It appeared to me that he was unaware of what a Challenge 25 policy was and first answered that he would not serve under 18's. After some assistance from Mr Singh who repeated the phrase "Challenge 25", Mr Lamba was able to say 'challenge all 25's '

All staff to be trained in responsible alcohol retailing.

Mr Aamir was asked who he intended to employ should he receive a licence. He said his wife, a man called Amarjeet Singh who is currently the manager of the shop and some other part time staff.

Mr Lamba was, in my judgement, so poor at understanding me I didn't continue with asking about responsible alcohol retailing.

Effective CCTV recording for 31 days

I was told by Ulgeet Singh that there were 4 cameras; the outside camera was not working. The images of the cameras were showing on a small TV, which was in poor condition and the system was not recording. I was told by Ulgeet Singh that Mr Lamba was going to have a new updated system fitted.

All purchases from respectable retailers.

Mr Lamba said that he was yet to open accounts at any Cash and Carry outlets and when he does he proposes to use three different outlets.

Incident book to be kept at the premises.

I was shown a local Authority age restricted products booklet. This booklet contains a section for refusal of products including alcohol and other age restricted goods. There were two entries for refusals in 2013 recorded. There were no incident entries. Mr Ulgeet Singh explained that this was what Mr Lamba would be using.

Posters displayed requesting customers to leave quietly.

There were no posters of this nature currently on display.

Alcohol kept away from children's confectionary shelving.

I was assisted with this enquiry by Mr Ulgeet Singh who pointed out the children's confectionary area which was a low shelf on the aisle visible from the till and this area had alcohol products directly opposite on the other side of the aisle.

Challenge 25 Posters displayed across the premises.

No posters of this nature were displayed.

Refusals book to be kept at the premises

A refusals book was retained and available at the premises.

Signs displayed on the shelves: no id no sale

No such signs were evident.

DATED 3RD MARCH 2016

MANAGEMENT AGREEMENT

BETWEEN

**MR AJMER SINGH AUJLA
(FREEHOLDER)
OF
761/763 UXBRIDGE ROAD
HAYES**

&

**MR ULGEET SINGH
(LEASEHOLDER)**

OF



&

MR AAMIR SINGH LAMBA

OF



THIS AGREEMENT is dated 3rd Of March 2016

BETWEEN

- (1) **Mr. Ulgeet Singh** of [REDACTED]
(hereinafter called the 'Leaseholder')
- (2) **Mr Aamir Singh Lamba** of [REDACTED]
(hereinafter called the 'Manager')

BACKGROUND

The Premises of Lotus Wines, 761 Uxbridge Road, Hayes, Middlesex, UB4 8HY (hereinafter called the 'Premises') is let to the tenant, who has agreed to act as the Manager of the business being a retail grocery and Off Licence hereinafter called the 'Business' for a period of just over 10 years from 3rd March 2016 to 19th December 2016.

IT IS HEREBY AGREED AS FOLLOWS

1. Determination of the period beginning on the date hereof and continuing for a period of the date 19th December 2016 (hereinafter called the Management Period') unless by the mutual consent and agreement of both parties hereto on addition to a four weeks prior notice before the end of the Agreement in writing to be serves by the Management
2. During the Management period, the Manager will manage the business in a proper and business-like manner and will use its best endeavours to preserve the goodwill and assets thereof.
3. Without derogating from the generality of the foregoing provisions it shall be the duty of the Manager hereunder during the Management Period;
 - 3.1 To pay a rent of £3,000 per calendar month on the first day of the calendar month
 - 3.2 All outgoings assessed on or due and payable from the date hereof in respect of the Premises and Business (i.e. Water, Rates, electricity, gas and telephone accounts)
 - 3.3 To ensure the proper records and books of accounts relating to the Business are maintained at all times and that all rates, taxes, VAT, insurance premiums and other outgoings are discharged on the due dates.
 - 3.4 To deal with all enquiries, complaints, reports and correspondence relating to the Premises.

Management Agreement - Lotus Wines, 761 Uxbridge Road, Hayes, Middlesex, UB4 8HY

APPENDIX 3

- 3.5 To keep the Premises clean and Tidy and in good repair and will promptly make repairs at own expense.
4. For the avoidance of doubt, it is hereby agreed and declared that the Manager will have full managing powers over the Premises and the leaseholder herein shall cease to have any responsibility thereof or powers in connection therewith during the Management Period.
 5. It is also agreed that a stock taking takes place on the date thereof and that such sum is agreed to be the valuation of the stock as of that date shall be paid by the Manager to the Leaseholder.
 6. The Leaseholder hereby agrees that he will settle all payments of all outstanding accounts so that the Manager shall not have responsibility for creditors as to the date of such stock taking.
 7. As remuneration, for the Manager's service, hereunder the Manager shall be entitled to retain all profits of the business from the date of this agreement as are obtained from the operation of the Business pursuant to this Agreement and will be responsible for all (if any) losses incurred from the date thereof.
 8. The Leaseholder shall not be liable for any loss or damage that the Manager may suffer through the act default or negligence of any Broker Bank or other person which may arise otherwise than through the negligence or wilful on the part of the Leaseholder.
 9. The Manager will purchase in his own name all stock required in the Business and will be solely responsible for payment due in respect of the same and the Manager will not order any goods in the name of the Leaseholder or pledge and credit of the Leaseholder in any way whatsoever.
 10. The Manager will be responsible for the engagement and payment of all staff employment at the Business, if any.
 11. The management period shall forthwith terminate of either party having committed a serious breach of the agreement shall neglect or otherwise fail to remedy such breach within one month of being required in writing to do so by the other party and such other party thereafter serves upon the party in default a notice in writing summarily terminating the above Management Period.
 12. It is hereby agreed that after the Management period mentioned herein before the Manager will be able to negotiate new Terms and Conditions of the Business at that time.

APPENDIX 3

In witness whereof the parties hereto have executed this Agreement the day and year first before written

Signed as a Deed by the Said

Mr Ajmer Singh Aujla

The Freeholder

In the presence of

Signed as a Deed by the said

Mr Ulgeet Singh

Principle leaseholder 'The Leaseholder'

In the presence of

Signed as a Deed by the said

Mr Aamir Singh Lamba

The Manager

In the presence of

Management Agreement - Lotus Wines, 761 Uxbridge Road, Hayes, Middlesex, UB4 8HY

Proposed conditions for Lotus food & Wine

1. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from the Council upon request.
2. Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.
3. A "Challenge 25" policy shall be adopted and adhered to. A sign stating "No proof of age – No sale" shall be displayed at the point of sale.
4. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
5. The licensee will ensure that staff are trained regularly as appropriate in respect to the Licensing Act 2003 legislation.
6. An incident/refusal log shall be kept at the premises, and made available for inspection on request to an authorised officer of the council or the police which will record the following;
 - a) All crimes reported at the venue
 - b) Any complaints received, any faults in the CCTV system
 - c) Any refusal of the sale of alcohol, any visit by a relevant authority
 - d) CAD reference number where police are called
7. The store shall display a sign informing customers that staff will not serve alcohol to street drinkers.
8. All alcohol will be brought from cash and carries only and invoices will be available upon request
9. A minimum of one member of staff must be a personal licence holder
10. Mr Aamir Singh Lamba will be the licence holder and Mr Ulgeet Singh will not have any responsibilities or business connection with the premises during licensable activities.



HILLINGDON

LONDON

Mr Ian Meens
Licensing Service
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
UB8 1UW

Ref: GKS/EVU4380

7th March 2016

Dear Mr Meens

**Re: Lotus Wines, 761 Uxbridge Road, Hayes, Middlesex UB4 8HY
Application for a premises licence under the Licensing Act 2003**

Supporting letter

I write in support of my initial Representation regarding the above application for a premises licence by Mr Aamir Singh Lamba. The Trading Standards Service (this Service) has made a representation in support of the licensing objective; the prevention of crime and disorder.

In addressing the matters relating to this application, I will refer to meetings that have taken place in relation to the above mentioned premise for the current ownership and for the new applicant.

16th December 2015 Licensing Sub-Committee on current ownership

This Service asserted that the current licence holder of the premise Mr Ulgeet Singh and his manager Mr Amarjeet Singh Lamba had demonstrated a pattern of non-compliant behaviour as the governing minds of the business. This assertion was upheld by the Committee in light of the evidence presented, hence the decision to revoke the licence.

Trading Standards Service
Residents Services
T.01895 250164 F.01895 277443
kseyan@hillington.gov.uk www.hillingdon.gov.uk
London Borough of Hillingdon,
2E/07 Civic Centre High Street Uxbridge, UB8 1UW

In the course of investigating the case for review, I interviewed Mr Ulgeet Singh under caution (page 91-2). During the interview, he stated that he only employed two members of staff; Mr Amarjeet Singh Lamba, Manager and Mr Amar (correct spelling - Aamir) Lamba, till operator. Mr Amarjeet Singh Lamba in his capacity as Manager had purchased the illicit alcohol which was seized by this service.

9th February 2016 Applicant meeting requested by Responsible Authorities

Present: Applicant reps- Mr Aamir Singh Lamba and Mr Panchal

Responsible Authority reps- Stephanie Waterford, Ian Wares and Kiran Seyan

- Mr Lamba stated that he and his wife have worked part-time for three years at Lotus Wines for Mr Ulgeet Singh, shelf stacking and cleaning the shop (non-managerial capacity).
- Mr Lamba had completed his licensing course with Mr Panchal a few days prior to the meeting and stated he will be applying for a personal licence to the Licensing Team.
- Mr Lamba was questioned by Miss Waterford regarding his understanding of licensing activities; his responses were noted to be weak.
- On querying who else would work at the shop, Mr Lamba mentioned a Mr Patel who he asserted already works in the current business.

12th February 2016 Representation letter submitted by Kiran Seyan

Page 51-2 of Members Document Pack

23rd February 2016 Fraud Team requested to obtain information regarding Applicant

See attached witness statement and supporting documents from Visuvalingam Kiritharan, Corporate Anti Fraud Team:

VK01 - Housing Benefit and Council Tax Reduction Claim Form

VK02 - Land Registry document for property at [REDACTED]

VK03 - Land Registry document for property at [REDACTED]

7th March 2016 Applicant meeting requested by Applicant

Present: Applicant reps- Mr Aamir Singh Lamba, Mr Panchal and Mr Ulgeet Singh

Responsible Authority reps- Stephanie Waterford, Ian Wares and Kiran Seyan

This meeting was requested by Mr Panchal on behalf of Mr Lamba, via Mr Ian Meens. We were informed that the purpose of this meeting was to demonstrate that there is no familial relationship between Mr Singh and Mr Lamba. Mr Panchal was advised in advance by Miss Waterford that this would address one point raised by representations, but not all.

- Mr Panchal presented us with two documents:
 - (1) Proposed conditions, highlighting point 10. PS Wares commented on the wording.
 - (2) Management Agreement, draft format and unsigned.
 Mr Singh is the leaseholder of the shop and intends to remain so. Mr Panchal asserted that if Mr Singh decides to sell the shop, Mr Lamba has agreed to hand over the shop.
- We were shown photocopies of passports for Mr Singh and Mr Lamba.
- Mr Singh explained to PS Wares that there is no blood / family relationship with Mr Lamba, but by way of community relations he has on occasion referred to certain persons as his brother or father.
- Mr Lamba was questioned by Miss Waterford on Licensing conditions and the role of a designated premises supervisor. His responses were more comprehensive.
- I raised concerns regarding the independence of the business, following the documents VK01-03 received from the Fraud Team. Mr Singh is the leaseholder of the shop and

can enter the premise at any time. I also queried why Mr Singh's contact details were on document VK01 claim form, he responded that this is because he has helped Mr Lamba in getting settled into the UK.

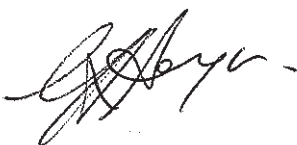
- On querying whether Mr Amarjeet Singh Lamba, current manager would continue to be involved in the proposed new business, Mr Aamir Lamba stated he would. I made it clear that from a Trading Standards viewpoint this would cause concern. Mr Panchal advised he would ensure Mr Lamba did not employ Amarjeet. Mr Lamba asserted he would be owner and Amarjeet would not be involved in any decision making.
- On querying whether Mr Patel (mentioned at the previous meeting) would be involved in the new business, Mr Singh stated that he was no longer available.

The content above highlights certain discrepancies in the information that has been supplied to the Responsible Authorities and continues to suggest that there is a close relationship between Mr Singh and Mr Lamba, and they are therefore not independent entities. It is doubtful whether Mr Lamba, with his lack of managerial experience in not having run a business before and having only retained a non-managerial role in the current premise would be able to manage without guidance from Mr Singh or Mr Amarjeet Singh Lamba. Mr Panchal has stated that he will provide this guidance, but this will come at a cost and will be short-term. Mr Lamba's reliance on Mr Singh in personal matters goes to demonstrate that he may also be equally reliant in business matters. This service maintains the concern that there will actually be no change in governing minds of the business.

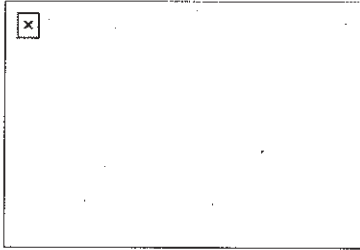
In the circumstances, this Service feels that it would be a necessary and proportionate response to request a refusal of the new premises licence application, and further that Mr Lamba should not be named DPS for the new premise.

Please accept this letter in support of my initial representation regarding this application in respect of the prevention of crime and disorder objective. I invite the Licensing Committee to consider this letter before making any decisions.

Yours sincerely



Kiran Seyan
Trading Standards Investigating Officer



Housing Benefit And Council Tax Reduction Claim Form

Office Use Only

Date of HB Claim 12 Dec 2013
 Date of CTR Claim
 Date of First Contact 01 Dec 2013
 Assessor Name Ms Pathak

Information about this form

Some parts of this claim form have been hidden because they are not relevant to your circumstances. See the Appendix at the end for further details.

Part 1 : About you and your partner

Do you have a partner who normally lives with you? No

We use *partner* to mean:

- a person you are married to or a person you live with as if you are married to them, or
- a civil partner or a person you live with as if you are civil partners.

Yes If you have a partner, you must answer all the questions about them, as well as yourself.

	You	Your partner
Surname or family name	LAMBA	LAMBA
Other names	AAMIR	PAL
Any other names you have used		
Title	MR	MRS
Address, including room number if you have one. Do not tell us your partner's address if it is the same as yours.	[REDACTED]	
Postcode	[REDACTED]	
What date did you move to this address?	01 Dec 2013	
Your daytime phone number	[REDACTED]	
What is this number?	mobile	
Email address	[REDACTED]	
Date of birth	[REDACTED]	[REDACTED]
National insurance number	[REDACTED]	[REDACTED]
Have you or your partner claimed Housing Benefit or Council Tax Reduction before?	[REDACTED]	[REDACTED]
When did you last claim?		
Which council did you claim from?		
What name did you use for the claim?		

APPENDIX 3

Part 1 : About you and your partner - continued

	You	Your partner
What was the previous Housing Benefit Reference?	<input type="text"/>	<input type="text"/>
What was the previous Council Tax Reduction Reference?	<input type="text"/>	<input type="text"/>
If you have moved from this address, have you told the council you claimed from?	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
If you or your partner have moved home in the last 12 months, tell us your last address if it is different from above.	<input type="text"/>	<input type="text"/>
Postcode	<input type="text"/>	<input type="text"/>
Status at previous address?	Lodger <input type="text"/>	<input type="text"/>
What is your nationality?	<input type="text"/>	<input type="text"/>
Date entered into the United Kingdom?	<input type="text"/>	
Do you or your partner get Contributory Employment and Support Allowance?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Have you or your partner had a work capability assessment?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Type of component	<input type="text"/>	<input type="text"/>
Has your or your partner's Contributory Employment and Support Allowance been reduced due to a sanction?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Do you or your partner have a Contributory Employment and Support Allowance appeal pending?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Are you or your partner in hospital at the moment?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
When did you go in?	<input type="text"/>	<input type="text"/>
Do you or your partner get Disability Living Allowance?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Care	<input type="text"/>	<input type="text"/>
Mobility	<input type="text"/>	<input type="text"/>
Do you or your partner get Attendance Allowance?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Have you or your partner been told that you are entitled to Carer's Allowance, even if you do not receive it, because you are getting another benefit instead?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Do you or your partner receive child tax credit which includes the higher family element?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>

Part 1 : About you and your partner - continued

	You	Your partner
Do you or your partner pay towards the upkeep of a student?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
How much do you pay?	<input type="text"/>	<input type="text"/>
How often?	<input type="text"/>	<input type="text"/>
Are you or your partner a student?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Are you or your partner full time?	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Are you or your partner in your final year?	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Are you or your partner in higher education?	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Are you or your partner on a sandwich course?	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Are you or your partner paying rent to the educational establishment?	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Attending a course	<input type="text"/>	<input type="text"/>
Place of Study	<input type="text"/>	<input type="text"/>
Are you or your partner:		
• an apprentice	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
• on youth training	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
• in legal custody	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
• severely mentally impaired	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
• registered blind	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
• long-term sick or disabled	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Do you or your partner have a vehicle from a Mobility scheme? (includes invalid carriage allowance)	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>

Does anyone get Carer's Allowance for looking after you or your partner? No Yes

Part 3 : About other people who live with you

Now tell us about all the people who usually live with you and your partner.

Exclude the following people: joint tenants or home owners, sub-tenants, boarders, resident landlords, care workers (if care is chargeable) and anyone absent for more than 52 weeks (unless exceptional circumstances).

Are there any other members of your household, not including you, your partner or your children? No
Yes

	Household Member	Household Member 2
Last name	LAMBA	
Other names	JASMEET	
Date of birth		
Their relationship to you or your partner.	son	
Do they get Income Support, income-based Jobseeker's Allowance or Pension Credit (Guarantee Credit)?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Are they registered blind?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Are they a full-time student, a student nurse, a care worker, an apprentice or on youth training?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Tell us which		
Are they severely mentally impaired?	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Are they in legal custody at the moment?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
When are they expected to come out?		
Are they in hospital at the moment?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
When did they go in?		
When are they due to come out?		
Do they normally work for 16 hours or more a week?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>
Do they have any weekly income?	No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Amount of weekly earned income		
Are they in a relationship with another household member?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Name of their partner		

APPENDIX 3

Part 4 : About Income Support, JSA(IB), ESA(IR) and Guarantee/Pension Credit

Are you or your partner getting Income Support, income-based
Jobseeker's Allowance, income-related Employment and
Support Allowance or Guarantee/Pension Credit? No
Yes

The remaining details in this part are not shown because they relate to Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance and Pension Credit. You have indicated that neither you nor your partner are receiving any of these.

Part 6 : About working for an employer

Do you or your partner work for an employer? No
 Yes

	You	Your partner
What kind of work do you do?	shop assistant	
Description	LOTUS WINES	
What is your employer's name and address?	Lotus Wines 761 Uxbridge Road Hayes	
Postcode	UB4 8HY	
When did you start this job?	01 Jan 2012	
What is your payroll, employee or staff number?	2	
Are you employed for a limited period?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
When will you finish?		
How often do you get paid?	weekly	
How much do you get paid before tax and National Insurance are taken off?		
How are you paid?	cash	
When was your last pay rise?		
When will your next pay rise be?		
How many hours a week do you usually work?	16	
Are you getting Statutory Sick Pay, Statutory Paternity Pay, Adoption Pay or Statutory Maternity Pay from your employer?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Do you pay into a private or company pension scheme?	No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
How much?	0.00	
How often?		

We must see evidence of any earnings before we can decide how much benefit you can get. Read the checklist to see what you can use as evidence. If you get tips or bonuses, tell us about these in Part 14.

Part 8 : About benefits and pensions

	You	Your partner
The name of the benefit or pension	WorkingTaxCredit	
Waiting to hear	<input type="checkbox"/>	<input type="checkbox"/>
Getting now	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Component award date		
How much?		
How often?	every 4.0 week(s)	
By what method?	bacs	

APPENDIX 3

Part 9 : About other money

Do you or your partner, or any other household member, have any money coming in (or expect to have some money coming in) that you have not already told us about on this form?

No

You do not need to tell us about payments from the Independent Living Fund, the Eileen Trust or the MacFarlane Trust.

Yes

	Other money 1	Other money 2
What is the money for?	ESAIR	DisabilityLivingAllowanceMiddleCare
Description	ESA-IR	DLA CARE MIDDLE
Who gets it?	[REDACTED]	[REDACTED]
How much do they get (gross)?	0.00	0.00
How much do they get (net)?	0.00	0.00
How often?	every 1.0 week(s)	every 1.0 week(s)
By what method?		
When did they start getting this income?		
When is the income likely to go up?		

	Other money 3	Other money 4
What is the money for?	DisabilityLivingAllowanceLowerMobility	
Description	DLA MOB LOW	
Who gets it?	[REDACTED]	
How much do they get (gross)?	[REDACTED]	
How much do they get (net)?	[REDACTED]	
How often?	every 1.0 week(s)	
By what method?		
When did they start getting this income?		
When is the income likely to go up?		

Part 9 : About other money

Does anyone owe money to you, your partner, or any children you are claiming for? No Yes

If yes, how much?

Are you expecting to get any money in the next 12 months? No Yes

We must see evidence of any money coming in before we can decide how much benefit you can get. Read the checklist to see what evidence you can use.

Part 10 : About where you live

Are you only making a claim for Council Tax Reduction?

No

Yes

Are you a council tenant?

No

Yes

What sort of building do you live in?

Does your home have central heating? No Yes

Does your home have a garden? No Yes

Does your home have a garage? No Yes

Does your home have a parking space? No Yes

How many floors are there?

Does your household occupy only part of the building you live in? No Yes

Where in the building do you live?

Which floors do you live on?
For example, ground floor, first floor.

How many rooms are there in the building?	In the whole building	Just for you and your household	That you share with other people
Living rooms	<input type="text" value="1"/>	<input type="text" value="1"/>	<input type="text" value="0"/>
Bedsitting rooms	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
Bedrooms	<input type="text" value="2"/>	<input type="text" value="2"/>	<input type="text" value="0"/>
Bathrooms or shower rooms	<input type="text" value="1"/>	<input type="text" value="1"/>	<input type="text" value="0"/>
Toilets	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>
Kitchens	<input type="text" value="1"/>	<input type="text" value="1"/>	<input type="text" value="0"/>
Other rooms	<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>

Do you have an additional LHA room for a carer? No Yes

Do you have a main home somewhere else? If your main home is somewhere else in the UK or abroad, tick Yes, even if you do not pay rent for it. No Yes

What is the address?

Postcode

Do you pay rent on this home? No Yes

How much?

Part 11 : About rent

Do you pay rent for your home?

Tick Yes if you would pay rent but already get Housing Benefit.

No

Yes

Consent to share information

Permission given to allow your local authority to share information about the progress of this benefit claim with your landlord or their representative.

No Yes

What is the landlord's full name and address?

By landlord we mean the person or organisation who owns the property you live in.

[Redacted]

Postcode

[Redacted]

If your landlord has an agent tell us their full name and address?

By agent we mean the person or organisation you actually pay your rent to.

[Redacted]

Postcode

[Redacted]

Are you, your partner, or any of your or your partner's children related to your landlord or agent, or to your landlord's partner or the agent's partner?

Related includes related through marriage, even if the marriage has ended. Some examples are ex-wife, ex-husband, aunt, brother, daughter, father, grandson, grandmother, son-in-law or stepdaughter.

No Yes

Name of related person

[Redacted]

What is the relationship?

[Redacted]

When did you start renting your home?

01 Dec 2013

When did you move to this address?

If you have not moved in yet, tell us when you expect to move in, then tell us when you have actually moved in.

01 Dec 2013

What sort of tenancy do you have?

For example, shorthold, assured, tied rent or something like this.

Assured

How long is the tenancy for?

01 Dec 2013

to

[Redacted]

What is the property let as?

Furnished, partly furnished, hardly furnished, unfurnished.

unfurnished

How much rent do you pay?

[Redacted]

How often?

monthly

Part 11 : About rent - continued

What is the Council Tax reference number?

[Empty text box for Council Tax reference number]

Does your rent include money for the following?

- Meals No Yes
- Heating No Yes
- Hot Water No Yes
- Lighting No Yes
- Cooking No Yes
- Laundry No Yes
- Leisure Items No Yes
- Cleaning Rooms and Windows No Yes
- Transport No Yes
- Acquisition of Furniture or Household Equipment No Yes
- Emergency Alarm System No Yes

Part 11 : About rent - continued

Do you have any weeks when you do not have to pay rent? No Yes

Was any relative who occupies the property able to afford the rent when the tenancy started? No Yes

Was a family member able to afford the rent when the tenancy started? No Yes

Were you or any relative (or your partner) able to afford the rent when the tenancy started? No Yes

Has a previous claim ended less than 52 weeks before the commencement of the current period? No Yes

APPENDIX 3

Part 12 : About bank accounts, savings, investments and property

Do you, your partner or any children you are claiming for, have any bank accounts, savings, investments or property in the UK or abroad. No

This includes cash, current accounts and savings accounts with a bank or building society, Post Office accounts, Premium bonds, National Savings Certificates, and stocks and shares. Yes

Items of capital that you or your partner hold:

Type	Description	Amount	Held by
BankAccount			Claimant
BankAccount			Partner

We must see evidence of any savings, investments or property before we can decide how much benefit you can get. Read the checklist to see what you can use as evidence.

Part 13 : How you will be paid and the choices you have

If you are a council tenant, your council will pay any Housing Benefit you are awarded into your rent account.

If you are not a council tenant and are awarded Housing Benefit, in most cases you can choose where to have your money paid.

Your council can arrange to pay your money:

- straight into a bank, building society, GIRO account or National Savings Bank account or by cheque
- to you, your landlord, your landlord's agent or a third party.

If you are awarded Council Tax Reduction, your council will pay this into your Council Tax account.

Payment direct into an account

We recommend that you get your money in this way because:

- it is safe and secure
- it is convenient - you decide when and how much you want to withdraw
- using an account may help you to save
- from some accounts you could have regular bills paid (this could save you money but you will need to make sure that there is enough money in your account to pay the bills - if not, you may be charged a fee), and
- you can get your money from many different places.

The account can be:

- in your name
- in the name of your partner
- in both the names of yourself and your partner
- in the name of the person acting on your behalf, or
- in both the names of yourself and the person acting on your behalf.

If we cannot pay you direct, we will pay you by cheque.

You must tick YES to at least one of these questions.

Would you like your Housing Benefit paid straight into an account? No Yes

Would you like to be paid by cheque? No Yes

Would you like your Housing Benefit to be paid to your landlord, your landlord's agent or a third party? No Yes

Payment direct into an account

What name or names is the account in?

Please tick one box only to say what type of account you want your money paid into. Then fill in the details of the account.

Bank or building society cheque account or bank deposit account - not a mortgage account

Name of bank or building society

Sort code

Account number

Type of account - for example, a deposit or current account

Building society savings account - not a cheque or mortgage account

Name of building society

Account number

Roll number

APPENDIX 3

Part 13 : How you will be paid and the choices you have - continued

GIRO account

Account number

National Savings Bank investment account - *not* an ordinary account

Account number

Part 14 : Anything else you need to tell us

Please use this space to tell us anything else you think we should know about.

CL would like to claim for CTR as well

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.2

Statement of : **Visuvalingam Kiritharan**

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Age : Over 18

Occupation: Team Leader

This statement (consisting of one page 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: 07 March 2016

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

I am employed as a Team Leader of Corporate Anti Fraud Team by Hillingdon Council. I currently work at the Civic Centre, Uxbridge UB8 1UW. In the normal course of my duties, I have responsibility for managing staff employed by Corporate Anti Fraud Team of Hillingdon Council and manage criminal investigations. On 23 February 2016, I received a request from Officer Kiran Seyan of Trading Standards Team to obtain information regarding Aamir Lamba (DOB-01/01/54). I obtained a scanned copy of the Housing and Council Tax Reduction online claim form dated 12/12/13 in the name of Aamir Lamba of 73 Cleave Avenue, Harlington, Hayes UB3 4HB. I exhibit the document as VK 01. I obtained an online Land Registry document for the property at 73 Cleave Avenue, Hayes UB3 4HB. I exhibit the document as VK 02. I have also obtained an online Land Registry document for the business address at Ground Floor Shop, 761 Uxbridge Road, Hayes UB4 8HY. I exhibit the document as VK 03.

Signature:



Signature witnessed by:

Land Registry



Register View - HTML

Register view information

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY, SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 8 MAR 2016 AT 16:04:19. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN THE REGISTRY.

FOR SEARCH PURPOSES, THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY LAND REGISTRY, WALES OFFICE

TITLE NO: NGL153887

REGISTER LAST UPDATED ON : 27 MAY 2014 AT 16:19:17

[New enquiry](#)

[Printer-Friendly Version](#)

Use current title number for:

[Title Plan View](#)

[QC Title Known](#)

[OS with Priority](#)

[OS w/o Priority](#)

[Home Rights](#)

Register View

A: Property Register

This register describes the land and estate comprised in the title.

HILLINGDON

1. The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 73 Cleave Avenue, Hayes and garage (UB3 4HB).
2. The land has the benefit of the rights granted by but is subject to the rights reserved by the Transfer dated 10 December 1970 referred to in the Charges Register.
3. The Transfer dated 10 December 1970 referred to above contains provisions as to light or air and boundary structures.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title Absolute

1. (07.12.2009) PROPRIETOR: %BALDIP BANGARD% and %BISHAM LAL BANGARD% of 10 Morgans Lane, *Hayes* UB3 2UB.
2. (07.12.2009) The price stated to have been paid on 13 November 2009 was £173,000.
3. (27.05.2014) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 12 May 2014 in favour of Godiva Mortgages Limited referred to in the Charges Register.
4. (27.05.2014) The proprietor's address for service has been changed.

C: Charges Register

This register contains any charges and other matters that affect the land.

1. A Transfer of the land in this title dated 10 December 1970 made between (1) Irkdale Properties Limited and (2) John Raymond Loughman and Vivienne Loughman contains restrictive covenants.

-NOTE: Original filed.

2. (27.05.2014) REGISTERED CHARGE dated 12 May 2014.

3. (27.05.2014) Proprietor: #GODIVA MORTGAGES LIMITED# (Co. Regn. No. 5830727) of Oakfield House, Binley Business Park, Harry Weston Road, Coventry CV3 2TQ.

End of register

NOTE 1: The date at the beginning of an entry is the date on which the entry was made in the Register.
NOTE 2: Symbols included in register entries do not form part of the register and are used by Land Registry for internal purposes only.

R12 Additional submission from Trading Standards/Housing Benefit/Land Registry

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Licensing Sub-Committee - 10 March 2016
Part II - NOT FOR PUBLICATIONS

APPENDIX 3

Land Registry



Register View - HTML

Register view information

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 8 MAR 2016 AT 16:12:12. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN THE REGISTRY.

[New enquiry](#)

[Printer-Friendly Version](#)

FOR SEARCH PURPOSES, THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

Use current title number for:

THIS TITLE IS DEALT WITH BY LAND REGISTRY, WALES OFFICE

[Title Plan View](#)

TITLE NO: AGL169373

[OC Title Known](#)

REGISTER LAST UPDATED ON : 22 JUN 2007 AT 16:12:35

[OS with Priority](#)

[OS w/o Priority](#)

[Home Rights](#)

Register View

A: Property Register
This register describes the land and estate comprised in the title.

HILLINGDON

1. (20.06.2007) The leasehold land shown edged with red on the plan of the above title filed at the Registry and being Ground Floor Shop, 761 Uxbridge Road, Hayes (UB4 8HY).

NOTE: As to the part tinted blue on the title plan only the ground floor is included in the title.

2. (20.06.2007) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
Date : 20 December 2006
Term : 20 years from 20 December 2006
Parties : (1) Ajmer Singh Aujla
(2) Ulgeet Singh

3. (20.06.2007) There are excepted from the effect of registration all estates, rights, interests, powers and remedies arising upon, or by reason of, any dealing made in breach of the prohibition or restriction against dealings therewith inter vivos contained in the Lease.

4. (20.06.2007) The land has the benefit of a right of way over the part of the passage at the back not included in the title.

5. (20.06.2007) The landlord's title is registered.

B: Proprietorship Register
This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title Absolute

- 1. (20.06.2007) PROPRIETOR: XULGEET SINGH% of 761 Uxbridge Road, Hayes, *Middlesex* UB4 8HY.
- 2. (20.06.2007) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the estate registered under title number MX182561 if appropriate signed on such proprietor's behalf by its legal representative.

C: Charges Register
This register contains any charges and other matters that affect the land.

- 1. (20.06.2007) The land is subject to the rights reserved by the registered lease.
- 2. (20.06.2007) The part of the passage at the back included in this title is subject to rights or way.
- 3. (20.06.2007) A Transfer dated 10 April 1952 made between (1) Emrys Llewellyn Price (Vendor) and (2) Wood Bros. Supply Limited (Purchaser) contains the following covenants:-
"The Purchaser for itself and its successors in title hereby covenants with the Vendor but not so as to bind the land after the Vendor his immediate family or personal representatives have parted with all interest in 5 New Parade, Uxbridge Road, Hayes and to benefit and protect

APPENDIX 3

the neighbouring property of the Vendor known as Number 5 New Parade, Uxbridge Road, Hayes aforesaid and every part thereof that it the Purchaser and its successors in title will not at any time hereafter carry on or permit to be carried on upon any part of the land hereby transferred or on any building for the time being erected thereon the trade or business of a Pharmacy or Drug Store or sell or permit the sale of any toilet soaps cosmetic drug medicine or photographic equipment."

End of register

NOTE 1: The date at the beginning of an entry is the date on which the entry was made in the Register.

NOTE 2: Symbols included in register entries do not form part of the register and are used by Land Registry for internal purposes only.



HILLINGDON

LONDON

Mr Ian Meens
Licensing Officer
Regulatory Services

Reference; SW/16/LA03

Your Reference;

Date; 8th March 2016


Dear Sir,

LOTUS WINES, 761 UXBRIDGE ROAD, HAYES, UB4 8HY
THE LICENSING ACT 2003

I write further to my letter of representation in respect of the new premises licence application submitted for the above named premises and submit the attached statement for circulation to all parties to the hearing taking place on Thursday 10th March 2016.

I intend to be present at the hearing to verbally deliver my representation and also to answer any queries from the Licensing Sub-Committee.

Yours faithfully



Stephanie Waterford
Senior Licensing Officer
Licensing Authority

Regulatory Services
T.01895 277232
swaterford@hillington.gov.uk
www.hillingdon.gov.uk

London Borough of Hillingdon,
Civic Centre, High Street, Uxbridge, UB8 1UW
Licensing Sub-Committee - 10 March 2016
Part II - NOT FOR PUBLICATIONS



INVESTOR IN PEOPLE

STATEMENT OF WITNESS APPENDIX 3

(Criminal Procedure Rules, r 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: Stephanie Waterford

Age of witness: (if over 18 enter "Over 18") Over 18

Occupation of witness: Senior Licensing Officer

This statement consisting of 2 pages 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 that I know to be false or do not believe to be true.

Dated the 7th day of March 2016 Signed: 

In my previous representation, I made reference to a meeting I had with the applicant, Mr Aamir Singh Lamba and his agent, Mr Panchal.

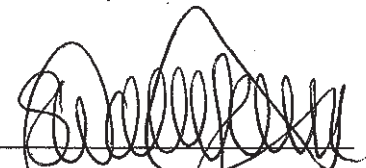
Today, I have had a further meeting, at Mr Panchal's request, to discuss matters raised in the responsible authority representations. Mr Aamir Singh Lamba was accompanied by Mr Ulgeet Singh, previous licence holder and Mr Panchal, licensing agent. Sgt Ian Wares and Ms Kiran Seyan were also present.

Mr Panchal presented information relating to the relationship between Mr Aamir Singh Lamba and Mr Ulgeet Singh, being the previous licence holder. A draft management agreement in respect of the leasing arrangements for the business and premises was presented, as well as a schedule of proposed conditions.

Mr Panchal also stated that a number of training manuals, refusals logs and compliance signage was ready, should Mr Lamba's premises licence be granted.

A discussion took place regarding the draft 'Management Agreement' provided by Mr Panchal at the meeting. I asked whether this document was signed and in place. Mr Panchal replied to the effect that the document will only be signed and notarised, should a premises licence be granted to Mr Lamba.

It was also noted that the draft "Management Agreement" was between Mr Ajmer Singh Aujla (Freeholder) and Mr Ulgeet Singh (Leaseholder) and Mr Aamir Singh Lamba (Manager). It is understood, that Mr Ulgeet Singh will remain the legal leaseholder but will assign management responsibilities to Mr Lamba, who will also be liable for the monthly rent.

Signed: 

Statement of:

Page 2
APPENDIX 3

Mr Panchal also stated that another clause will be added to the draft management agreement to say that, should Mr Ulgeet Singh wish to take back the premises at any stage, he may do so without the consent of Mr Lamba. Should Ulgeet Singh cancel the sub-letting arrangement, Mr Lamba will be required to surrender any premises licence granted to him in respect of the premises.

The introduction of a draft "Management Agreement" at this stage in the proceedings, still does not convince the Licensing Authority as responsible authority, that this is a legitimate business transfer for the following reasons:

- It is an unsigned draft document;
- The dates for the agreement are not clear
- It is not a sale agreement which will end Mr Ulgeet's Singh's involvement in the business and the business premises;
- Mr Ulgeet Singh remains the leaseholder and cannot be prevented from entering the property
- The property is sub-let by Ulgeet Singh to Mr Lamba. We do not know the conditions attached to this sub-letting arrangement - specifically the extent to which Mr Singh can cancel/repudiate the sub-letting arrangement.
- The Licensing Authority is unaware whether the Freeholder is aware of these sub-letting proposals and/or whether he has agreed/refused to sub-let the lease. His signed agreement to the sub-letting is required before any of these proposals can come into effect.
- The "Management Agreement" will include a condition which would allow Mr Ulgeet Singh take back control of the premises at any stage during the course of the agreement.
- At this stage the proposed change of ownership/sale of the business looks more like an agreement hiring of a business manager (Mr Lamba) to run the off-licence. The manager also accepts financial risk associated with the business.
- In return, the business manager (Mr Lamba) is going to pay Ulgeet Singh an unknown price on an unknown date an unknown amount of stock.
- If there is a surplus/profit remaining after operating costs are met and stock purchases made, it will be paid to the business manager
- After the premises licence is granted and "Management Agreement" comes into effect, the business manager (Mr Lamba) may lose his role as a manager and be forced by Ulgeet Singh to surrender the premises licence he is working so hard to obtain.

I asked Mr Lamba a number of questions relating to operating a licensed premises;

- What is the role of the DPS?
Mr Lamba replied, through interpretation, that this was the manager of the shop and also stated the four licensing objectives.
- Do you have a membership for a cash and carry premises?
Mr Lamba replied, through interpretation, that no memberships were in place at the moment, although he intended to secure memberships with Crown Cash and Carry and Dhamecha Cash and Carry, should a licence be granted.

- Will you be employing Mr Amarjeet Singh at the premises?
Mr Lamba stated, through interpretation, that Mr Amarjeet Singh will be employed to stay on for a while to assist with the transition of the business.

At this point, Kiran Seyan raised concerns about the suitability of retaining Mr Amarjeet Singh, given that he was implicated in the activities leading to the revocation of the premises licence held by Mr Ulgeet Singh.

Without speaking to Mr Lamba, Mr Panchal, offered to include a condition on any premises licence granted to exclude Mr Amarjeet Singh. I suggested that he may wish to think about this and take advice from Mr Lamba as there were wider implications to consider with making Mr Singh unemployed. Mr Panchal agreed to discuss this with Mr Lamba and take further instructions.

I continued to ask Mr Lamba who will work in the shop, should a licence be granted. Mr Lamba explained that he will work in the shop with his wife and that a further member of staff would be employed.

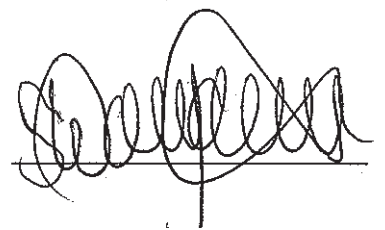
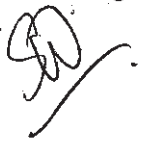
Mr Panchal states that he will be Mr Lamba's 'guiding force' in official matters and is expecting to assist Mr Lamba over the next year or so.

Overall, I was trying to gather an impression from Mr Lamba as to how he would operate the business and uphold the licensing objectives. I am also aware that he has recently obtained a Personal Licence from this Licensing Authority. A copy of the relevant paperwork is attached to this statement marked "SW1". From Mr Lamba's answers on this occasion and from the previous meeting, I would still have concerns about his abilities to understand and uphold the licensing objectives.

I am still concerned that Mr Lamba has worked in the premises for more than three years and did not demonstrate any diligence when illicit alcohol was being stored and sold on the premises.

I am concerned that Mr Lamba has become heavily reliant on Mr Ulgeet Singh's guidance and assistance with formal processes. Whilst Mr Panchal may offer services relating to responsible retailing and good practice etc, these are optional paid-for services which Mr Lamba could decide to cancel at any point - particularly if he lacks the funds to pay or wants to generate a larger surplus for the business (the surplus being his only form of security/income).

In conclusion, I confirm that my representation stands and invite the Licensing Sub-Committee to consider the additional information from all parties.



Application for a personal licence

APPENDIX 3

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

1. Your personal details			
TITLE Please tick			
Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)			
Surname	LAMBA		
Forenames	AAMIR SINGH		
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.			
TITLE Please tick			
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)			
Surname			
Forenames			
I am 18 years old or over. Please tick			Yes <input checked="" type="checkbox"/>
			No <input type="checkbox"/>
ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below).			
[REDACTED]			
Post town		Post code	
[REDACTED]		[REDACTED]	
TELEPHONE NUMBERS			
Daytime	[REDACTED]		
Evening			
Mobile			
FAX NUMBER			
E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)			

Address for correspondence associated with this application (if different to the address above)



Post town



Post code



TELEPHONE NUMBERS

Daytime



Evening

Mobile

E-MAIL ADDRESS (if you would prefer us to correspond with you by e-mail)



2. Your licensing qualifications

Read Note 1

Please tick yes

Please indicate below which one of these statements applies to you

- 1. I hold an accredited licensing qualification
- 2. I hold a certified qualification
- 3. I hold an equivalent qualification
- 4. I am a person of prescribed description

If you have ticked either of statements 1, 2 or 3 please provide details of your qualification in the box below (name of qualification, date of issue, issuing body) and please enclose your qualification with your application.

If you have ticked statement 4, please provide evidence that you are a person of prescribed description.

APLH LEVEL 2
05-02-2016
NCFE

3. Previous or outstanding applications for a licence

Note: You may only hold one personal licence at a time.

Do you currently hold a personal licence?

Please


Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Do you currently have any outstanding applications for a personal licence with this or any other licensing authority?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Has any personal licence held by you been forfeited in the last 5 years?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Licensing Authority		
Licence number		
Date of issue		
Date of expiry		
Any further details		

4. CHECKLIST:	
I have	Please tick yes
<ul style="list-style-type: none"> enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a solicitor or notary, a person of standing in the community or any individual with a professional qualification 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> enclosed any licensing qualification I hold or proof that I am a person of prescribed description 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> enclosed a criminal conviction certificate or a criminal record certificate or the results of a subject access search of the police national computer by the National Identification Service 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> enclosed a completed disclosure of criminal convictions and declaration form (Schedule 3) 	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> made or enclosed payment of the fee for the application 	<input checked="" type="checkbox"/>

5. Declaration	
<p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant or renewal of a personal licence. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.</p>	
SIGNATURE	DATE
	17/2/16

NOTES

Information on the Licensing Act 2003 is available on the website of the Department for Culture, Media and Sport

http://www.culture.gov.uk/alcohol_and_entertainment/default.htm

or from your local licensing authority.

1. Licensing qualifications

Licensing qualifications are dealt with in section 120(8) and (9) of the Licensing Act 2003.

18 FEB 2016 APPENDIX 3

Disclosure of convictions and declaration


Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

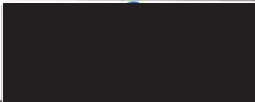
You may wish to keep a copy of the completed form for your records.

1. Your personal details	
TITLE Please tick	
Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)	
Surname	LAMBA
Forenames	AAMIR SINGH
PREVIOUS NAMES (if relevant) please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary.	
TITLE Please tick	
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)	
Surname	
Forenames	

2. Forfeiture of a personal licence in the last 5 years		
Do not answer this question if you are applying under regulation 8 of the Licensing Act (Personal licences) Regulations 2005		
		Please tick
Has any personal licence held by you been forfeited in the last 5 years? If yes, please provide details below:		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Name of court		
Address of court		
Date of forfeiture		
Offence which resulted in the forfeiture		
Any additional details		

3. Relevant or foreign offences		
Read Note 1		Please tick
Have you been convicted of any relevant offence or foreign offence?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If you have been convicted of any relevant offences you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:		
If you have been convicted of any foreign offences you must provide details for each conviction of the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:		

4. Declaration			
I declare that I have not been convicted of any relevant offence or any foreign offence			
SIGNATURE		DATE	17/2/16

5. Declaration			
The information contained in this form is correct to the best of my knowledge and belief.			
It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant or renewal of a personal licence. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.			
SIGNATURE		DATE	17/2/16



Qualification Certificate

AAMIR LAMBA

has achieved the

NCFE LEVEL 2 AWARD FOR PERSONAL LICENCE HOLDERS

The credit and unit(s) are listed on the accompanying Credit and Unit Summary Certificate

QUALIFICATION NUMBER:	600/1323/0
DATE AWARDED:	05/02/2016
LEARNER NUMBER:	103084405
CERTIFICATE NUMBER:	3606281
CENTRE NUMBER:	8462836
SESSION:	2015/2016
CREDIT VALUE:	1

David Grailey
Chief Executive
NCFE

Terry Hodgkinson CBE
Chair
NCFE



congratulations from



HILLINGDON
LONDON

Personal Licence issued under Section 117 of the Licensing Act 2003

Name: Aamir Singh Lamba

Address: [Redacted]
[Redacted]
[Redacted]

Post Code: [Redacted]

Licence Number: [Redacted]

Relevant/Foreign offences:

*** Non applicable ***

This Personal Licence has been issued in accordance with Section 117 of the Licensing Act 2003 and has been issued by Claire Freeman, Regulatory Services Manager on behalf of the Licensing Authority, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW:

Signature:

Date issued: 18th February 2016



**METROPOLITAN
POLICE**

TOTAL POLICING

APPENDIX 3

8th March 2016.

Mr Ian Meens
Licensing Services
Civic Centre
Uxbridge
UB8 1UW.

Hillingdon Borough
Licensing Office
Uxbridge Police Station
1 Warwick Place
Uxbridge
UB8 1PG.
Telephone: 020 8246 1933
Mobile: 07500 578106
Email: Licensing - xh@met.police.uk

Your Ref

Dear Sir,

**Re; Premises licence application;
Lotus Wines 761 Uxbridge Road, Hayes, UB4 8HY**

I write further to my letter of representation in respect of the new licence application submitted for the above named premises and submit the attached statement for circulation to all parties to the hearing taking place on Thursday 10th March 2016.

Yours Sincerely

**A/Police Sergeant IAN C.R.WARES.
Police Licensing Enforcement Officer
Hillingdon Borough**

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 **IAN C.R.WARES Wt No; P193105** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Licensing Enforcement Officer**

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:  A/P3310x- Date: 9th March 2016

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

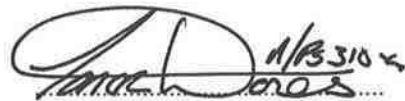
In my previous statement, I made reference to a meeting that was held on Tuesday 9th February 2016 at Uxbridge Civic Centre with the applicant Mr Aamir Singh Lamba and his agent Mr Panchal.

On Monday 7th March 2016, I attended another meeting at Mr Panchal's request to discuss matters raised in the responsible authorities' representations. Mr Panchal was accompanied by the applicant Mr Aamir Singh Lamba and the current licence holder Mr Ulgeet Singh, also attending this meeting was Ms Stephanie Waterford from the Licensing Services and Ms Kiran Seyan from Trading Standards.

During this meeting Mr Panchal stated that he wanted to discuss the concerns that the Police have about a possible family connection between the applicant and the current licence holder. Mr Panchal stated that there was no family relationship between the two parties. I asked Mr Singh why was it that when the police were called to the shop after Mr Lamba's son Mr Jasmeet Singh Lamba was causing a disturbance, He informed the officers that Jasmeet was his brother, and why were the officers led to believe that this was a family run business by both. Mr Singh stated that there is no family connection between them but it is an Afghan custom to call someone your brother when you are close to them.

A discussion then took place regarding the matter about the lease of the premises and any possible contracts that have been drawn up, Mr Panchal then produced a draft copy of a Management Agreement between Mr Ajmer Singh Aujla (Freeholder) and Mr Ulgeet Singh (Leaseholder) and Aamir Singh Lamba (applicant). We were advised that this was a draft copy and that it would be completed and signed if Mr Lamba was granted a premises licence.

Mr Panchal also stated that a number of training manuals, refusal logs and signage was now ready and will be put into place should the premises licence be granted. He also stated that his company would be assisting Mr

Signature:  A/P3310x- Signature witnessed by:

Lamba further training for as long as Mr Lamba wanted it. Mr Panchal then produced a list of proposed conditions;

1. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised officers from the Council upon request.
2. Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.
3. A "Challenge 25" policy shall be adopted and adhered to. A sign stating "No proof of age - No sale" shall be displayed at the point of sale.
4. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
5. The Licensee will ensure that staff are trained regularly as appropriate in respect to the Licensing Act 2003 legislation.
6. An incident/refusal log shall be kept at the premises, and made available for inspection on request to an authorised officer of the Council or the Police which will record the following;
 - a) All crimes reported at the venue
 - b) Any complaints received, any faults in the CCTV system
 - c) Any refusals of the sale of alcohol, any visit by a relevant authority
 - d) Cad reference number where police are called
7. The store shall display a sign informing customers that staff will not serve alcohol to street drinkers
8. All alcohol will be bought from Cash & Carries only and invoices will be available upon request
9. A minimum of one member of staff must be a personal licence holder
10. Mr Aamir Singh Lamba will be the licence holder and Mr Ulgeet Singh will not have any responsibilities or business connection with the premises during licensable activities.

I informed Mr Panchal that the police licensing office would like to recommend some other conditions that they would like to see on the premises licence should it be granted. (A copy of proposed conditions from the Metropolitan Police Service have been attached to this statement).

[Handwritten signature] A/P3310x
Doe

[Handwritten signature] A/P3310x
Doe

Signature:

Signature witnessed by:

1. No Alcoholic drinks or tobacco will be purchased by the premises: from unannounced sellers calling at the premises.
2. All alcohol and tobacco products will be purchased from established and bona fide VAT registered traders, who provide invoices or receipts.
3. Invoices for all stock bought will be kept on file for a minimum of 12 months and will be made available to the Police, HMRC Officers and Authorised Local Authorities Officers upon request.
4. The counter shall be a minimum distance of one metre from the floor and at least 60 cm wide. Access behind the counter shall be via a door bolted from the inside. The floor behind the counter shall be raised 10cm above normal floor level.
5. All products with an abv above 35% shall be stored behind the above counter.
6. All alcohol products shall be stored in direct line of sight from the cashier's position and not obscured by other displays or shelving.
7. The till shall be placed under the counter or if on the counter it shall be fixed into position so that it cannot be easily moved.
8. No alcohol products shall be displayed within 2 metres of the door
9. The CCTV system shall be kept in good working order. One camera should be in a position to record all transactions at the counter, another covering the area where the alcohol is displayed and a third to record all head and shoulders of persons entering the store. A fourth in the area immediately outside the entrance door to the premises.
10. Images from the CCTV system shall be capable of retention for 31 days, and be made available to Police and Authorised Local Authority Officers on request as soon as practicable.
11. If the CCTV system should at any stage fail to operate and record properly then the police licensing officer and the local authority should be notified and the defect should be rectified as soon as possible.
12. A monitor showing one or more of the CCTV images shall be positioned so that it is visible by customers and staff at the till area.
13. There shall be two adult staff members on the premises between 7pm and up until the close of business each day.
14. Notices asking customers to leave quietly shall be displayed in a prominent place at the exit of the premises.

IAN C.R.WARES
Police Licensing Enforcement Officer
Hillingdon Police



HILLINGDON
LONDON

Licensing Sub-Committee

Decision Notice

Application for a Premises Licence for Lotus Food
and Wines, 761 Uxbridge Road, UB4 8HY

Hearing: Thursday, 10 March 2016

Sub-Committee: Cllr David Yarrow (Chairman)
Cllr Carol Melvin
Cllr Lynne Allen

Legal Adviser: Beejal Soni

Licensing Officer: Ian Meens

Committee Clerk: Nikki O'Halloran

Chairman.....*D.A. Yarrow*.....
Cllr David Yarrow

This notice confirms the decision of the Licensing Sub-Committee made at a public hearing on 10 March 2016.

THE APPLICATION

This application was submitted by Manpreet Kapoor, a licensing agent, on behalf of Aamir Singh Lamba. The application sought the grant of a new premises licence for Lotus Food and Wines for the off sales of alcohol.

ATTENDANCE

The Applicant was present at the hearing and was represented by Mr S Panchal (licensing agent) and Philip Somarakis (legal advisor).

Kiran Seyan attended the hearing and submitted representations on behalf of Trading Standards. Stephanie Waterford and Acting Sergeant Ian Wares attended the hearing and submitted representations on behalf of the Licensing Authority and Metropolitan Police Services respectively. Ian Meens presented the report to the Sub-Committee.

The meeting began 12 minutes later than scheduled as a result of discussions between the Applicant and Responsible Authorities.

THE HEARING

The report was introduced by Ian Meens, the Licensing Officer. He confirmed that an addendum document had been provided to all parties in advance of the hearing. There were no objections to the late provision of information and the addendum was accepted for the purposes of the hearing.

The addendum document contained the following items submitted by the Applicant, via his agent, on 07 March 2016:

1. An unsigned draft management agreement;
2. Proposed conditions to be attached to the premises licence.

APPENDIX 3

The Addendum also contained a report of a compliance visit from Mr Meens and the responses of the various Responsible Authorities to a meeting with the Applicant and his agent on 07 March 2016.

Mr Meens advised that there were two meetings that took place between the Applicant, his agent and Responsible Authorities. The first was on 9 February 2016 at the request of the Responsible Authorities. The second was on 07 March 2016 at the request of the Applicant.

The Applicant was then invited to address the Sub-Committee. Mr Somarakis began by introducing two new documents to the Sub-Committee. These were copies of licences from the London Borough of Hounslow and Ealing Council. He explained that the purpose of these documents was to demonstrate suggested conditions that could be included on the premises licence in the event that the application was successful. Responsible Authorities did not object to the late submission of this information and the documents were accepted by the Sub-Committee.

Mr Somarakis went on to explain that the conditions he specifically would like the Sub-Committee to take into account were Condition 8 of the Hounslow document and Condition 10 of the Ealing document. These conditions related to a series of inspection visits/compliance checks to be carried out by the Licensing Agent in order to promote and uphold the licensing objectives. The conditions also included template documents of matters to be inspected by the agent during these checks.

He pointed out that the relevant representations from Responsible Authorities revealed 2 main concerns with the application:

1. The relationship between the Applicant and the current licence holder;
2. Whether the Applicant has sufficient experience/ability to deal with licensing objectives.

On the first issue, at a meeting on 07 March 2016 the Applicant presented evidence to and satisfied the Responsible Authorities there is no "blood relation" between himself and the current licence holder. This was confirmed by Responsible

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Authorities who also advised that they will expand on this issue in their representations.

Mr Somarakis emphasised that the Sub-Committee was dealing with a new licence application which was separate to the revocation of the previous licence and the ongoing appeal related to the revocation. He advised that the Applicant has worked at Lotus Food and Wines for 3 years. He referred to the Management Agreement contained within the addendum, advising that the Applicant would pay the current licence holder [REDACTED] for stock and [REDACTED] monthly rental for the premises and business in the event that a licence was granted. The Sub-Committee and Legal advisor pointed out that the value of stock was not contained in the documents provided. Mr Somarakis advised that the value had recently been agreed.

Mr Somarakis went on to explain that it was normal practice for the Leaseholder to sub-let the lease rather than go through the formal process of assigning the lease to a new person. Under the proposed arrangement, all profits and losses from the business would be borne Applicant. The only involvement of the current licence holder would be his entitlement to receive a monthly rental. In the event that the Sub-Committee is concerned about the continuing role of the current licence holder in the licensed business, they could impose a condition on the licence that would prevent the current licence holder being involved in licensable activity on the premises. Breach of this condition would lead to a review and/or criminal sanctions. Mr Somarakis advised that the imposition of such a condition could be regarded as fair and proportionate.

Mr Somarakis advised that the Applicant is now the holder of a personal licence. His spoken English is not perfect but he is able to communicate in English. He is more fluent in his native language. The Applicant is willing to enrol and undertake an advanced Designated Premises Supervisor(DPS) course run by Mr Panchal. Mr Somarakis then advised that Mr Panchal would discuss the advanced DPS course, compliance checks and training provided to the Applicant.

Councillor Yarrow advised that there were some questions for Mr Somarakis and the Applicant before Mr Panchal made his submissions.

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Councillor Yarrow queried whether the £25,000.00 stock would be paid by means of a loan or gifted from the current licence holder. The Applicant replied that he has savings. Councillor Yarrow referred to documents in the addendum indicating that the Applicant and his wife's bank account showed savings of approximately [REDACTED]. Mr Somarakis queried where the information was located. The legal advisor advised that Cllr Yarrow was referring to the Housing Benefit and Council Tax Reduction Claim Form contained within the addendum which showed the bank account balances and gross weekly earnings of [REDACTED] per week. Mr Panchal advised that the Applicant has close links with the Afghan community so it would not be difficult for him to "get the money together from friends and family". Councillor Yarrow queried again whether it would be a gift or would have to be paid back. Mr Panchal advised that the monies would be "paid back by business done in the shop".

Councillor Yarrow then queried what will happen to the proposed sale of business if the current licence holder was successful in his appeal on 03 May 2016. Mr Somarakis advised that if the Applicant was successful today, his instruction was to withdraw the appeal.

As there were no further questions, Mr Panchal addressed the Sub-Committee. He advised that he provides licensing consulting and training services. He confirmed that the Applicant undertook his personal licence training and examinations through his institution. He advised that the personal licence training was a 1 day course; whilst the additional DPS training proposed by Mr Somarakis was a two day course and therefore more effective.

He displayed the training manual, refusals book, incident log and posters that he will provide to the Applicant in the event that the Applicant is successful in his application. He also displayed the checklist and criteria that will be applied to the compliance visits that his employees will undertake at the premises. He stated his belief that the compliance visits uphold the licensing objectives and are effective. He pointed out that in the documentation provided at the start of the hearing, Ealing Council had conditioned these compliance visits to be carried out by his company for a period of 3 years. In this instance, they were suggesting compliance visits for a period of 1 year - but this could be increased if the Sub-Committee preferred. He

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confirmed that his employees are sent to the premises anonymously and unannounced in order to carry out the checks. They only reveal their presence after all the checks are carried out. He advised that it is a strenuous inspection and the results are forwarded to the Metropolitan Police and Licensing Authority.

Councillor Allen queried whether Mr Panchal was proposing acting as a secret shopper and trainer on behalf of the Applicant. Mr Panchal replied that the compliance visits were paid for by the licence holder and it was in the licence holder's interest to ensure that the visits were done properly. Mr Panchal confirmed that he hired independent persons to carry out the checks.

Councillor Yarrow commented that the Applicant was getting into significant debt to purchase the shop: [REDACTED] for stock, a further CCTV upgrade, personal licence course costs, licensing consultant costs, further training and compliance visit costs as well as the monthly costs associated with running the business. He queried the monthly turnover of the shop. The Applicant replied that weekly takings totalled £7,000.00. In response to further questions, he advised that:

1. There was a 25% profit margin;
2. He would be paying [REDACTED] rent to the current licence holder - Ulgeet Singh;
3. He would be paying back Ulgeet Singh between [REDACTED] to [REDACTED] per month for the stock;
4. He would also make monthly payments to repay all loans from friends and family.

Councillor Yarrow commented that the payments would take the Applicant into deficit every month. He queried why the Applicant would accept this situation when Mr Panchal had previously advised that the current licence holder could unilaterally cancel the sub-letting/sale arrangements at any time. Mr Somarakis advised that he the Applicant will not part with any money until he is satisfied that "he is secured". Councillor Yarrow commented that it would have been helpful to have a business plan or clear idea of the terms of the sale/sub-letting before the Sub-Committee determined the application.

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The Legal Advisor requested permission to query staffing matters. She also requested that during all translation discussions between the Applicant and his agent, microphones switched on. She queried who will work in the shop. The Applicant advised that it would be himself, his wife and staff. Ms Soni queried whether the staff included Amarjeet Singh (the existing manager) and Mr Patel. Mr Somarakis advised that Mr Patel would not be working at the shop. He also advised that a condition could be placed on the licence excluding Mr Amarjeet Singh from the business. Ms Soni asked Applicant directly in English whom he would hire/retain as staff. Ms Soni advised that during the discussion with Mr Panchal in Hindi and Applicant speaking Punjabi, which was audible on the microphone, the Applicant continued to state that Amarjeet Singh would be a staff member until Mr Panchal stated "Usko chod do" - which translates in English as "leave him out".

A further discussion followed between the Applicant and agent which was audible on the microphone. Mr Panchal then advised the Sub-Committee that Applicant would hire staff with personal licences. Ms Soni commented that Applicant had not mentioned anything about hiring persons with licences. Mr Panchal advised that he was interpreting what Applicant said. Ms Soni pointed out that Mr Panchal had been asked to translate what was said - he was not asked to interpret it. Ms Soni placed on record that Mr Panchal had not translated correctly. She advised that the Applicant had said was that he would hire someone. The Applicant had not mentioned hiring staff with personal licences.

Ms Soni asked the Applicant how he would recruit staff. The Applicant responded in Punjabi that he would find staff with a licence. Ms Soni translated this for the benefit of the hearing and Mr Panchal confirmed the translation was correct.

Ms Soni asked the Applicant how he would carry out his duties as a DPS, for example, who would he sell alcohol to. The Applicant advised that he wished to reply in Punjabi. Cllr Allen raised a concern that this was a licence application with an Applicant unable to communicate in English so as to be understood by the Sub-Committee. Councillor Yarrow agreed with her concerns and advised that a translator could be requested but that this may delay decision-making. It was agreed by all parties to proceed with the hearing with Ms Soni translating if required.

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Councillor Yarrow then requested Trading Standards to submit representations. Ms Seyan summarised the representations that had been provided initially and then on 7 March 2016. She confirmed that she was satisfied that there was no "blood link" between the parties.

However, she stated that the Applicant had over the years demonstrated a strong reliance on the current licence holder which was indicative of the closeness of their relationship. She advised that the current licence holder had helped the Applicant settle into the country, had provided him and his family with accommodation and employment and had even tolerated theft from the Applicant's son. The closeness of the relationship was demonstrated by the fact that the current licence holder's email address was included as a contact on the Applicant's housing benefit form.

She stated that she was concerned that the Applicant would be a sub-letting Leaseholder to the current licence holder. Up until a short while earlier, the Applicant was also intending to hire the existing manager of the premises to manage the shop when he took over. This indicated that very little had changed with regard to the running of the business. She was concerned that the two persons previously associated with crime and disorder on the premises would continue to play a role in the business.

She pointed out that it was impossible to prevent current licence holder from coming into the shop as he wished or saw fit because he was ultimately responsible for complying with the Lease.

The Management Agreement was in draft form, unsigned with the key terms yet to be agreed. She questioned whether there was any security provided to the Applicant by the terms of this agreement. Mr Panchal had advised all Responsible Authorities on 07 March 2016 that the current licence holder would retain the right to unilaterally cancel the Management Agreement whenever he so desired. The Applicant did not even have the comfort of having the lease assigned to him - and there was no indication whether the freeholder would consent to the sub-letting arrangement.

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She pointed out that by continuing to link the premises lease to the Management Agreement, the current licence holder retained his interest in both the business and the premises. There was no outright sale or clear relinquishing of an interest in the business. There was simply the appointment of a Manager to run the business and provide the current licence holder with an income. There was no indication of how Applicant would protect himself and his assets if the current licence holder cancelled the management agreement. There were significant matters to be addressed before any sale/sub let/management agreement could be signed or even demonstrated.

Accredited wholesalers required a VAT registration before alcohol could be purchased. She advised that the Applicant is not registered for VAT. The accredited wholesalers whom his agent had advised he would purchase his stock from all required a VAT registration before a sale could be made. As matters stood, the Applicant would be reliant on the current licence holder to purchase stock from cash and carry wholesalers until such time as he was registered for VAT and had opened his bank accounts and accounts with the wholesalers.

She commented that the Applicant had offered up a condition that the current licence holder would have no business connections to the premises. She queried whether such a condition would be enforceable if the current licence holder remained the leaseholder for the premises on which the business operated.

She pointed out that police reports indicated the Applicant had been assaulted in the shop by his son. The son had also stolen money. She stated a concern about whether the Applicant could prevent theft from his son and members of the public.

She also raised concerns about his knowledge of licensing matters and whether he was capable of upholding the licensing objectives. She pointed out that his knowledge had been found to be weak initially, and slightly improved at the most recent meeting. With regard to the compliance visits by the agent, she advised that whilst she could not comment on its effectiveness, she was concerned about the independence and objectivity of the company who would be paid by the Applicant to carry out the tests.

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Mr Somarakis was offered an opportunity to ask any questions of the officer. He queried whether Trading Standards was averring that the Applicant was involved in the incidents which led to a review and revocation of the existing licence. Ms Seyan advised that whilst the Applicant may have been present in the shop, there was no indication that he was involved in the wrong-doing. He then queried whether Trading Standards would support the Applicant undergoing further DPS training. Ms Seyan replied that any training was a step in the right direction.

With no further questions from the Applicant, the Metropolitan Police Services were then invited to make representations. Acting Sgt Wares advised that all his comments were included in the paper submissions. The Metropolitan Police were concerned about how the premises would be run and whether the Applicant had the knowledge to run the premises in a manner that upheld the licensing objectives. He pointed out that the Applicant had been powerless to prevent assault and theft in the shop by his son. There were concerns that this pattern could be repeated with groups intimidating/assaulting him and force him to make sales and/or steal stock from the shop.

Mr Somarakis was offered an opportunity to ask any questions of the officer. He then queried whether the Metropolitan Police Services would support the Applicant undergoing further DPS training. Acting Sgt Wares replied that any action, if it increases knowledge, would be good.

The Licensing Authority was then offered the opportunity to make representations. Ms Waterford advised that the Licensing Authority was most concerned whether the Applicant and his business model were capable of upholding the licensing objectives. She advised that at the first meeting with the Applicant, she was told that he worked part time for the current premises licence holder as a till operator. The first meeting was held because the Responsible Authorities wished to flesh out the application and raise concerns with the Applicant before determining what course of action to take.

At both meetings the Applicants knowledge of licensing matters and how to apply knowledge was found to be weak. She pointed out that the first meeting took place a

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few days after the Applicant passed his Personal Licence Course. It would therefore be expected that his knowledge would be fair and that he would be able to answer basic questions. This was not the case. The Applicant's knowledge was improved at the second meeting but was still regarded as weak. His lack of experience in running licensed premises was apparent in both meetings and was borne out by the limited range of responses he was able to provide in response to queries.

With regard to the draft management agreement, she pointed out that the Applicant would be:

1. Required to pay a monthly rental of [REDACTED] to the current premises licence holder;
2. Required to pay taxes, bills, insurances, staff costs and operating costs and loans from friends and family;
3. Pay an unknown amount for an unspecified amount of stock on an undetermined date/period - although today the amount has been stated as being [REDACTED]. There was no payment for goodwill, fixtures and fittings etc.
4. Entitled to any monies that remained after the above costs were paid;
5. Required to surrender the shop to the current licence holder whenever the current licence holder chose to cancel the arrangements;

Despite agreeing to such onerous terms, there is no indication in submissions and documentation that the Freeholder has consented to the sub-letting. There is no indication or documentation that the current licence holder, in his capacity as Leaseholder and employer of a manager, has agreed to be excluded from the premises and business should such a condition be included in the licence. There is no security of lease offered to the Applicant and not even a minimum term for the proposed arrangements to exist.

She commented that the proposals presented to the hearing amount to little more than a staffing restructure. The current licence holder would continue to receive an income from the business operating on the premises; the till operator was promoted to a manager who would hold all the business liability for staff, insurances, loans, stocks, bills and operating costs. The existing manager implicated in previous wrong

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doing appears today to have been fired/excluded - but there is no indication when he stops working and who will pay the costs/final payments associated with the termination of his employment.

She commented that the Applicant was seeking a licence in order to take over/buy/sub-let a business. She queried why, if the current licence holder intended to end his connection with the business, a licence was required first before the details of the sale/lease/sub-letting arrangements were agreed. She also commented that the current licence holder's decision to agree to a sub-letting arrangement which he could cancel at any time with no apparent financial penalty did not indicate that the current licence holder intended to end his involvement in the business.

There is no indication of what would happen if the Applicant is unable to make the required payments to the current licence holder. With regard to the compliance visits, she believes Mr Panchal may be conflicted from carrying out the tests. Additionally there is a concern about the enforceability and reasonableness of the condition if it later transpired that the Applicant could not afford to pay for the compliance visits and/or failed to pay for the compliance visits.

Mr Somarakis was invited to ask questions of Ms Waterford. He asked whether the Licensing Authority would support the proposal that the Applicant undertake additional DPS training. Ms Waterford confirmed that she would welcome any additional training undertaken by the Applicant.

With no further questions, Cllr Yarrow suggested that a general discussion take place. He began the general discussion by stating he would like Applicant to demonstrate how he would discharge his duties within the four parameters that govern licensing. Mr Somarakis queried whether Cllr Yarrow was referring to the four licensing objectives. Cllr Yarrow confirmed that that was correct. The Applicant advised that he wished to reply in Punjabi and Ms Soni was asked to translate. The Applicant replied and Ms Soni translated his reply as follows:

"I will ask for ID; I will not sell to anyone between 18 and 24; CCTV has to be recording; CCTV must be given to police"

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Mr Panchal confirmed that the translation was correct and that his client had answered the question.

Cllr Yarrow then queried how the Applicant would deal with a difficult customer to whom he did not wish to sell alcohol or who was stealing alcohol. The question was translated to the Applicant by Ms Soni who also translated the reply as follows: "I will not sell to under 18s. I will ask them to put the alcohol back. I will say don't steal and call the police."

Cllr Allen queried whether he would call the police if his brother stole again. Acting Sgt Wares corrected her to state that it was his son and he was previously arrested. The Applicant repeated that he would call the police to report theft.

All Parties were then invited to make closing comments before Councillors deliberated. Mr Somarakis advised that this was an application by a person of good character who is entitled to apply for the licence, has an interest in the premises and a recognised licensing qualification. He suggested imposing conditions for additional training and excluding the current licence holder from carrying out licensable activity on the licensed premises. He referred to the case of Sharanjeet Lalli v Newham as a demonstration that the condition was seen as reasonable. Ms Soni queried its relevance because this case also took into account numerous other factors relating to crime and disorder in reaching its decision. Mr Somarakis advised that the case involved a husband and wife who shared a closer relationship than the one suggested at this hearing. If the condition could be applied to a husband and wife, it could also be applied in this instance.

All Responsible Authorities had nothing further to add. Ms Seyan did comment that although trained in enforcement, she always takes an independent person with her when carrying out inspections in order to maintain objectivity.

All parties left the meeting room and the Sub-Committee deliberated. The parties to the hearing were recalled to the meeting after approximately 21 minutes of deliberation. The Sub-Committee advised that they had further questions they would like to put to Applicant, who would be free to answer in the language of his choice.

These questions were:

1. There are currently 4 persons working in the shop. The Applicant proposes reducing that number to 3. How will he cope with a staff complement of 3, when 2 persons are pensioners.
2. Where are you going to stock the alcohol and how far will it be from the exit?
3. What does a DPS do?

The Applicant preferred to reply in Punjabi and the questions were translated by Ms Soni. The answers provided by the Applicant were translated as:

1. "We will manage"
2. Wines will be stocked on shelves 1 meter from the entrance/exit door. Mr Somarakis requested him to state where spirits were to be stocked. He replied that spirits would be stocked on an open shelf behind the counter. It will not be in a lockable storage unit.
3. The DPS would buy stock from accredited cash and carries, would keep the shop clean, would not purchase alcohol from unknown persons or the back of a van and would co-operate with the police.

The Sub-Committee then retired to continue deliberations.

CAUSES OF CONCERN

During deliberations, the Sub-Committee identified the following causes of concern:

1. Whether the business proposals put forward by the Applicant meet the requirements of S16(1)(a) of the Licensing Act 2003;
2. Whether the Applicant has demonstrated that the current licence holder will play no part in the running of the business after he hands management responsibility of/sells/leases the business to the Applicant.
3. Whether the Applicant in his role as owner and DPS is capable of upholding the licensing objectives.

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With regard to the first concern, the Sub-Committee notes the significant lack of detail in the business that the Applicant proposes to carry out on the premises.

These include:

1. Lack of any document/statement/correspondence to confirm that, in accordance with the title restriction on the existing lease, the freeholder has been approached and/or has consented to the sub-letting arrangement. By implication, as matters stand, it is not clear whether the Applicant will be entitled to carry on a business on the premises which is the subject of this premises licence application;
2. The Applicant's lack of security of tenure. The Applicant, his solicitor and his agent have not contested or rejected that the final agreement will include a clause that will allow the current licence holder to unilaterally repudiate all arrangements upon which the Applicant's proposed business is founded. The only comment on this issue is Mr Somarakis' statement that the Applicant will not sign anything unless he is secured. The Sub-Committee is aware that such security can only come from the current licence holder agreeing to a minimum lease period and/or agreeing to remove the repudiation clause. There is no indication at the hearing today that any of these are matters for consideration.
3. The lack of clarity on key business aspects such as whether the Applicant is able to pay for the sale/sub-let or management arrangement, set up costs and the proposed ongoing business expenses. Asking for loans is very different to obtaining loans regardless of whether a bank or friends or family are approached. The consequences for failure to comply with the terms of the Management Agreement, the consequences if the current licence holder fails to obtain the necessary permission to sub let the premises have yet to be addressed.

For these reasons the Sub-Committee is not convinced that the Applicant is in a position to propose to carry on a business which involves the use of the premises for the licensable activities to which the application relates.

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The second cause of concern is perhaps the easiest to consider. The continued involvement of the current licence holder in the premises and business is evidenced by the fact that nothing has happened which will point to him agreeing to irrevocably relinquish control of any aspect of his business and property. The Management Agreement is unsigned and even when signed, he may unilaterally cancel it when and as he so chooses. The current licence holder will continue to derive an income from the business and premises after the sale/lease/management agreement comes into place. His continued involvement in the business, as a Landlord/owner employing a business manager is concerning because he has previously been found by a separate Sub-Committee to have failed to uphold the licensing objectives.

The Sub-Committee notes that in the Sharanjit Lalli case referred to by the Applicant's solicitor, the Judge approved a condition preventing a spouse being on the licensed premises except as a customer. This is not the condition offered by the Applicant - ostensibly because as leaseholder and creditor to the business the current licence holder's involvement is more than that of a customer.

A further factor which must be taken into account is the fact that there was a DPS and 3 personal licence holders working at the licensed premises. It was therefore reasonable to exclude one of these persons totally. The proposal before the Sub-Committee today provides for 1 person who will hold a personal licence and act as DPS. Mr Panchal has alluded to the difficulty in obtaining personal licence holders from within the Applicant's community. It is therefore debateable whether there will actually be a second person on the premises who could authorise the sale of alcohol. In such a circumstance, the Sub-Committee is not satisfied that the imposition of the condition is proportionate or reasonable.

Bearing in mind the sparseness of finalised arrangements for the sale/lease/management agreement before the Sub-Committee, it boils down to a question of judgement. Very little was presented to the Sub-Committee with regard to the proposed business to be carried out by the Applicant which would indicate on a balance of probability, that the current licence holder is irrevocably relinquishing his interest in the premises and business.

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The efficacy of barring him from carrying out licensable activity on the premises is also questionable. The current licence holder does not need to carry out the licensable activity - as landlord and employer, he simply needs to direct how the business is to be run. If he is not satisfied with how it is run or if he decides for whatever reason to end the arrangements, he retains the unilateral right to do so. The Sub-Committee has noted that the draft Management Agreement describes the Applicant as a manager and not an owner. The Licensing Authority finds on a balance of probability, that the Management Agreement in its current form and with the conditions proposed to be included will not prevent the current licence holder from exercising control over the premises and business. As the Licensing Authority pointed out, what is being presented to the Sub-Committee is actually a staffing restructure dressed up to look like a sale/sub-let/Management Agreement.

The final concern identified is the key consideration that the Sub-Committee took into account when determining this application. If the Applicant were found to have met the requirements of S16(1)(a) of the Licensing Act 2003 and if the current licence holder irrevocably ended his association with the business and premises; the Applicant has failed to demonstrate he is able to appreciate and manage the responsibilities associated with a premises licence holder and DPS.

The Sub-Committee accepts that Applicants will be nervous when appearing before a Sub-Committee. For this reason, the Sub-Committee was not expecting a textbook perfect response to its queries. The Sub-Committee asked no trick questions and asked the same basic questions that the Responsible Authorities had previously asked. The answers provided by the Applicant were weak - even though on this occasion the Applicant was afforded an opportunity to speak in his preferred language. Apart from being unable to identify the 4 licensing objectives, the only knowledge the Applicant displayed was his ability to state, in no particular order, phrases that had been included by his agent in the operating schedule.

The Applicant's fundamental lack of knowledge of licensing matters raises serious concerns about his ability to manage the premises in a manner which upholds the licensing objectives - especially in light of the continued involvement of the current licence holder in the premises. His limited experience is regarded as a factor which

further limits his ability to act and run the business in a manner which upholds the licensing objectives.

As the Responsible Authorities have stated, any course will be welcome if it increases knowledge and practice. However, today at this hearing, the Sub-Committee is not at all convinced that the Applicant has the knowledge or practical experience to assume the responsibilities of premises licence holder and DPS in a manner envisaged in the Licensing Act 2003 and its statutory guidance.

Based on the proposals made available to the Sub-Committee today, the Applicant is currently the only person who is in a position to authorise the sale of alcohol because he is the only person who holds a personal licence who will be working in the shop. The Sub-Committee therefore looked at whether it was reasonable and proportionate to refuse to specify a DPS. The information provided by the Applicant and his representatives at the hearing shows that the business would be carrying substantial debts. Additionally, any staff hired would need to be able to communicate with the Applicant and be free to carry out his/her responsibilities - regardless of whether these responsibilities conflicted with the instructions of both the employer (the Applicant) and the Landlord (the Applicant's employer). In view of the austere finances, shortage of staff within the community the Applicant seeks to recruit and convoluted business arrangements, it is arguable whether forcing him to hire a separate DPS would be viewed as effective, proportionate, reasonable and appropriate.

On a balance of probability, the Sub-Committee finds that an independent DPS is likely to be hampered in carrying out his/her duties by the fact that either the Applicant and Current Licence Holder will retain operational and management control of the premises.

The Sub Committee confirms that in reaching its determination, it has considered Home Office guidance issued under S182 of the Licensing Act 2003 in March 2015, along with the cases of *Sharanjeet Lalli v Commissioner of Police for the Metropolis and LB Newham [2015] EWHC 14 (Admin)* as well as the case of *Extreme Oyster & Anor v Guildford Borough Council [2013] EWHC 2174 (Admin)*

THE DECISION

The Sub-Committee has considered all the relevant evidence made available to it and in doing so has taken into account the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of the Act, the Council's Statement of Licensing Policy and Licensing objectives and caselaw. The Sub-Committee has carefully considered its decision taking into account the demands of the legislation.

The Sub-Committee is most concerned about the Applicant's ability to uphold the licensing objectives. The decision of the Sub-Committee is therefore to reject the application

RIGHT OF APPEAL

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

The Applicant for the premises licence or any other person who made relevant representations to the application may appeal against the Council's decision to the Justice Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

You will be deemed to have received the Decision Notice, two days after the date on the accompanying letter, which will be posted by 1st class mail.



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dawerandco@gmail.com

Our ref: DAWER/TA/ASA
Date: 25 April 2016

TO WHOM IT MAY CONCERN

Dear Sirs

Ref: MR AAMIR SINGH LAMBA

This is with regards to the above named individual who is seeking to commence to trade his new business from the property ground Floor Shop 761 Uxbridge Road, Hayes.

Mr A S Lamba Intends to start trading soon and is actively managing initial affairs to ensure the smooth commencement of his new business. We have also evidenced the capital available to Mr A S Lamba to support purchase of the business and initial working capital, which will be provided to him by his family and friends on loan basis at prevailing market rate.

We have initiated the necessary tasks in relation to this client to ensure his accounting and taxation affairs are dealt with in real time but further actions such as VAT and PAYE registrations along with availability of capital will only be actioned subject to grant of premises licence to him.

You are therefore requested to issue him with necessary premises licence to allow him to operate his business smoothly.

Should you require any further information on the above then please feel free to contact us.

Yours sincerely

For and on behalf of
Dawer & Co

ACCOUNTS * PERSONAL TAX * CORPORATION TAX * VAT * BUSINESS PLANS * COMPANY FORMATION * PAYROLL BUREAU

Dawer & Co. is the trading name of Dawer & Co. Limited. Company registered in England & Wales - Number : 07712476

CATEGORY	MARG	RETAIL	Fac	COST	APPENDIX 3
GROCERY	25	£1,362.92	75	£1,037.19	Z
DAIRY & PROVISIONS	25	£12.93	75	£9.70	Z
CONFECTIONARY	30	£1,284.92	70	£749.54	SD
CRISPS & SNACKS	35	£503.82	65	£272.90	SD
ICE CREAM	30	£156.72	70	£91.42	SD
PET FOODS	20	£349.89	80	£233.26	SD
BEER- CIDER- ALCO POPS	25	£1,970.92	75	£1,231.83	SD
WINE	30	£4,223.98	70	£2,463.99	SD
SPIRITS & LIQUEURS	15	£5,394.73	85	£3,821.27	SD
SOFT DRINKS	30	£903.91	70	£527.28	SD
ELECTRONIC CIGARETTES	40	£540.87	60	£270.44	SD
CIGARETTES	5	£3,434.38	95	£2,718.88	SD
CIGARS	15	£160.99	85	£114.03	SD
TOBACCO	8	£256.87	92	£196.93	SD
TOBACCO SUNDRIES	45	£320.67	55	£146.97	SD
STATIONARY	33	£174.09	67	£97.20	SD
GREETING CARDS	50	£19.98	50	£8.33	SD
CHEMIST-HEALTH-BEAUTY	33	£401.67	67	£224.27	SD
SANITARY PROTECTION	33	£176.34	67	£112.52	R
CONTRACEPTION	33	£40.93	67	£26.12	R
NAPPIES	20	£84.32	80	£67.46	Z
HOUSEHOLD	25	£848.93	75	£530.58	SD
LAUNDRY	30	£147.87	70	£86.26	SD
ELECTRICAL & BATTERIES	40	£132.30	60	£66.15	SD
DOMESTIC FUEL	25	£30.45	75	£21.75	R
PHONE CARDS	5	£250.00	95	£197.92	SD
COST ITEMS	0	£0.00	100	£0.00	Z
TOTAL:		£23,205.40		£15,324.17	
Standard VAT		£14,049.44	20	£2,809.89	
Reduced VAT		£160.39	5	£8.02	
Zero VAT		£1,114.34	0	£0.00	
Name: Lotus Food and Wine		£15,324.17			
Date: 16/05/16		VAT Total:		£2,817.91	

Conditions**Sales to be authorised by personal licence holder:**

1. 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.
2. Any person managing or supervising staff in the sale of alcohol or other licensable activity in the absence of the DPS shall be the holder of a personal licence obtained from a nationally recognised body.
3. The Designated Premises Supervisor shall ensure that a written log providing notice of authority to act as DPS is kept at the premises for all staff who sell alcohol. The DPS log shall be made available for inspection upon request of the police or an authorised officer of the licensing authority all staff selling alcohol must be in possession of formal identification to verify their identity against the DPS Log.

Suitable training to staff

1. All members of staff will be trained by an external training provider before they are allowed to make any sale of alcohol. The qualification will be of the standard of the BII Award in Responsible Alcohol Retailing qualification or equivalent.
2. Training shall be recorded in documentary form that will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 12 months.
3. The training shall be under constant review having regard to newly employed staff and/or changes in legislation

Lease to completed and a copy to be provided to Licensing Authority within a specified time period

The premises licence holder shall provide a copy of the completed lease agreement between himself and the freeholder of the premises on or before 25 August 2016.

Incident Logs

1. An incident log (which may be electronically recorded) shall be kept at the premises for at least 12 months, and made available on request to the police or an authorised officer of the

APPENDIX 3

licensing authority, which will record the following incidents including the name of the Member of Staff involved in the incident, dates and times of:

- (a) all crimes reported by the venue to the police
- (b) any incidents of disorder
- (c) any faults in the CCTV system and the date upon which such fault was remedied
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service

No involvement of specified persons

The Premises Licence Holder shall ensure exclude Mr Ulgeet Singh and his spouse of (insert address), Mr Jasmeet Singh and his spouse of (insert address) and Mr Amarjeet Singh and his spouse of (insert address) from the premises of Lotus Wines and all of its business and operational activities including all licensable activity at all times.

Reputable Purchasing

1. All future purchases of stock must be from reputable and proper wholesale businesses. The purchases of stock made by the Premises Licence Holder or any persons authorised by him in writing to purchase stock for sale at the premises
2. All receipts/invoices relating to all purchases for goods at the premises must be kept in accordance with the statutory terms and made available for inspection at the request of the Metropolitan Police or an authorised officer

Minimum staffing

A minimum of 2 staff members of staff, including the Designated Premises Supervisor , shall be present on the premises from 16h00 until the close of business.

Age verification scheme

1. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age.
2. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.
3. The premises shall display prominent signage indicating at any point of sale, and in all areas where alcohol is located that the Challenge 25 scheme is in operation

A suggested voluntary condition is:

No super-strength beer, lagers or ciders (including perries) of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.



HILLINGDON
LONDON

Licensing Sub-Committee

Decision Notice

Application for a Premises Licence for Lotus Food
and Wines, 761 Uxbridge Road, UB4 8HY

Hearing: Wednesday, 25 May 2016

Sub-Committee: Cllr Dominic Gilha, (Chairman)
Cllr Roy Chamdal
Cllr Jazz Dhillon

Legal Adviser: Beejal Soni

Licensing Officer: Ian Meens

Committee Clerk: Charles Francis

Chairman.....
Cllr Dominic Gilham

This notice confirms the decision of the Licensing Sub-Committee made at a public hearing on 25 May 2016.

THE APPLICATION

This application was submitted by Manpreet Kapoor, a licensing agent, on behalf of Aamir Singh Lamba. The application sought the grant of a new premises licence for Lotus Food and Wines for the off sales of alcohol.

ATTENDANCE

The applicant attended the hearing and was represented by Surendra Panchal (Licensing Agent) and Philip Somarakis (Legal Representative). As the Applicant was more fluent in Punjabi, Someen Ali was appointed by the Licensing Authority to provide translation services at the hearing.

Ian Meens of the Regulatory Services team presented the report in his capacity as Licensing Officer.

The Metropolitan Police Services were represented by Ian Wares. The Licensing Authority was represented by Stephanie Waterford. Kiran Seyan represented Trading Standards.

THE HEARING

Ian Meens presented the report. He advised that the application was originally heard on 10 March 2016 which resulted in a decision to refuse the application. The original decision of the Licensing Sub-Committee was appealed to the Uxbridge Magistrates Court. On 16 May 2016 the Uxbridge Magistrates Court remitted the application back to the Licensing Authority for reconsideration in light of further developments with regard to the original application. These developments could be summarised as the Applicant taking the following actions:

- 1 Completing a BIIAB qualification. Proof of this was provided on 23 May 2016 and circulated in the addendum document in advance of the hearing.
- 2 Instructing solicitors to transfer the lease into his name (in the event that a premises licence was granted). This information was provided on 23 May 2016 and circulated in the addendum document in advance of the hearing.
- 3 Obtaining a licence to occupy the premises (in the event that a premises licence was granted) pending the completion of the lease agreement. This information was provided on 23 May and circulated in the addendum document in advance of the hearing.
- 4 Carrying out a stock take and registering with wholesalers and for VAT returns pursuant to the purchase of the business.
- 5 Suggesting conditions which would address the concerns of the Responsible Authorities. These conditions are located at Page 229 of the Agenda pack.

Mr Meens advised that a Temporary Event Notice had been granted to Mr Lamba to enable him to begin trading pending the determination of his Premises Licence Application. Mr Meens confirmed that he had visited the premises prior to the Hearing. However the Applicant was not present at the premises. Mr Ulgeet Singh and his manager, Amarjeet Singh were present at the premises. Mr Meens confirmed that Ulgeet Singh had withdrawn the appeal related to the decision to revoke his premises licence. As matters stood, there was no premises licence in place for Lotus Wines.

Mr Somarakis addressed the Sub-Committee on behalf of the Applicant. He advised the Sub-Committee that the appeal was concluded when the Magistrates Court remitted the Application back the Licensing Authority for reconsideration. The Applicant retained a right of appeal with regard to the decision taken at this hearing. He confirmed that the Applicant had taken the steps outlined by Mr Meens in order to address the concerns identified at the previous hearing on 10 March 2016. He confirmed that the conditions proposed by the Applicant were reasonable, proportionate and agreed with the Responsible Authorities.

Stephanie Waterford confirmed that she would address the Sub-Committee on behalf of all the Responsible Authorities. She advised that in light of the further developments outlined by Mr Meens, the Licensing Authority, Trading Standards and Metropolitan Police Services were withdrawing their recommendation to refuse the Application for a Premises Licence. It was now the recommendation of the Responsible Authorities to grant the Application subject to conditions agreed with the Applicant. Mrs Waterford advised that the conditions as listed on Page 229 had been considered by the Responsible Authorities and amended to ensure that the conditions were consistent with the Operating Schedule and were enforceable. She confirmed that the Applicant had accepted the amended conditions. The amended conditions were circulated to the Sub-Committee for consideration.

Mrs Waterford advised that the documentation provided indicated a genuine sale of the business. She was also satisfied with the increased level of knowledge by Mr Lamba. In response to queries from Councillors, she advised that her statement regarding Mr Lamba's knowledge was based on discussions she had with Ian Meens when he advised that he was satisfied with Mr Lamba's improved knowledge. Mr Meens confirmed that this assessment was based on Mr Lamba passing the BIIAB exam – which was the most advanced examination that a Designated Premises Supervisor (DPS) could undertake.

Kiran Seyan advised that a meeting was held with Responsible Authorities and the Applicant on 22 April 2016. She confirmed that on this occasion, the Applicant had demonstrated a better knowledge and understanding of the Licensing Act 2003.

Cllr Dhillon queried whether the Applicant had the competence to fulfil his role as DPS. Ms Seyan advised that in answers to questions put to him on 22 April 2016, the Applicant had demonstrated that he is aware of the parameters of what is permissible under the Act and can take corrective action to ensure the premises operates within these parameters.

In response to further queries, the Applicant confirmed that he had registered for VAT. Additionally, he had registered with "Dhamecha, Bestway and Crown" and would be making purchases of alcohol from these premises only.

The Sub-Committee then retired to consider the Application. The parties to the hearing were recalled to answer further queries specifically with regard to the conditions proposed by the Responsible Authorities at the hearing.

Cllr Dhillon queried whether a CCTV had been installed and whether it was of good standard. Ian Wares advised that when he previously visited the premises the CCTV system was not of a good standard. The Applicant had advised that a new system had been ordered. Mr Meens advised that when he last visited the premises, it appeared a new CCTV system was being installed. The Applicant confirmed that a CCTV system had been installed. He was able to provide recordings from the CCTV system for the last 4 days of trading.

Cllr Chamdal asked the Applicant how he would tell the difference between duty paid and non-duty paid alcohol. The Applicant responded that he would not buy from a van. He went on to add that the stamp on a bottle would indicate whether or not duty had been paid.

Cllr Gilham queried the number of personal licence holders on the premises. The Applicant advised that he, his wife and 2 members of staff would work at the premises. Currently he, along with an employee called Rashpal Singh hold personal licences. The remaining employee is going to take the exam for a personal licence.

Cllr Dhillon queried how the condition relating to the written authorisation for a personal licence holder would operate. Mr Somarakis advised that it was a standard condition in the licensing industry requiring the DPS to authorise persons to act as DPS whenever the DPS was not present at the premises. The authorisation would be given annually rather than on a daily basis.

Cllr Chamdal queried how the Applicant intended to comply with the condition requiring him to exclude from the business his son, Ulgeet and Amarjeet Singh as well as their spouses. Mr Lamba advised initially that he will be in control of the premises if he is granted a premises licence. Upon further prompting from Cllr

Chandal related to the practical application of this condition, he replied that he will call the police if the named persons enter the premises.

When asked who was at the premises whilst the he was at the hearing, the Applicant replied that his wife and staff were running the shop.

THE DECISION

The Sub-Committee has considered all the relevant evidence made available to it and in doing so has taken into account the Licensing Act 2003, the Guidance issued by the Secretary of State under Section 182 of the Act, the Council's Statement of Licensing Policy and Licensing objectives. The Sub-Committee has carefully considered its decision taking into account the demands of the legislation.

The Sub-Committee's decision is to grant the licence subject to the following conditions:

The conditions put forward by the Licensing Authority are accepted subject to the following conditions:

- 1. The premises will undertake the implementation of a Challenge 25 policy, and a poster or posters to this effect will be displayed stating what IDs are accepted;**
- 2. The CCTV system shall be installed to the satisfaction of the Metropolitan Police Services to record images both internally and externally for 24 hours each day and shall retain those recordings for 31 days;**
- 3. The CCTV system shall be maintained in effective working order and any recording shall be made available to the Police and any Authorised Officer of the Council on request;**
- 4. Condition 4 of the conditions on P73 of the Agenda is deleted**
- 5. If the Premises Licence Holder becomes aware that any alcohol or tobacco goods at the premises may or appear to be non duty paid then the Premises Licence Holder shall inform the police immediately;**
- 6. Posters will be displayed requesting customers to leave the premises quietly, when required the staff shall ask a customer/s to leave quietly;**
- 7. Alcoholic products shall be offered for sale in an area distinctly separate to non-alcoholic products;**
- 8. Spirits and cigarettes will be kept behind the counter;**
- 9. There shall be a personal licence holder on duty at the premises at all times during opening hours;**

10. The DPS shall provide all staff members with a written authorisation for selling alcohol. Records and copies of authorisations shall be available to authorised officers on request;
11. All staff members shall attend a recognised training course (ie BII Level 1 Award in responsible alcohol retailing) prior to making alcohol sales;
12. No member of staff shall make sales of alcohol until such time as the member of staff completes a recognised training course (i.e. BII Level 1 Award in responsible alcohol retailing). Training will be reviewed regularly and updated training shall be provided in accordance with changes in legislation and staffing;
13. An incident log shall be kept at the premises and shall be made available to police and Authorised Officers of the Council on request. The incident log shall be used to record any incidents, dates and times and the name of the staff member involved. Incidents can include but not limited to:
 - a. All crimes reported by the premises to the Police;
 - b. Any incidents of disorder/anti-social behaviour;
 - c. Any faults with the CCTV system and details about remedial action/repair
 - d. Any refusal of age restricted products;
 - e. Any visit by an authorised officer or the emergency services
14. All future purchases of stock must be from reputable and proper wholesale businesses. The purchase of such stock shall be made by the Premises Licence Holder or persons authorised by him;
15. All receipts/invoices relating to all purchases for goods at the premises must be kept in accordance with the statutory terms and made available for inspection at the request of the Metropolitan Police Services or an Authorised Officer of the Council;
16. A minimum of 2 staff shall be on duty at the premises each day from 16:00 hours until the close of business;
17. The Premises Licence Holder shall provide a copy of the completed lease agreement between himself and the freeholder of the premises on or before 25 August 2016;
18. The Premises Licence Holder shall exclude Mr Ulgeet Singh and his spouse of (insert address), Mr Jasmeet Singh and his spouse of (insert address) and Mr Amarjeet Singh and his spouse of (insert address) from the premises and all of its business and operational activities including all licensable activity at all times.

RIGHT OF APPEAL

No decision made by the Council will have effect during the time period within which an appeal may be brought and until such time that any appeal has been determined or abandoned.

The relevant applicant for the premises licence or any other person who made relevant representations to the application may appeal against the Council's decision to the Justice Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

You will be deemed to have received the Decision Notice, two days after the date on the accompanying letter, which will be posted by 1st class mail.



HILLINGDON

LONDON

Mr Ian Meens
Licensing Service
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
UB8 1UW

Ref: GKS/EVU004503

20th December 2016

Dear Mr Meens

**Re: Lotus Wines, 761 Uxbridge Road, Hayes, Middlesex UB4 8HY
License Review under the Licensing Act 2003**

Representation

I write further to the License Review submission by the Metropolitan Police for the above mentioned premise. The Trading Standards Service (the service) is making a representation in support of the licensing objective; the prevention of crime and disorder.

The premise was jointly inspected by the Service and the Metropolitan Police on 12th October 2016. During the course of this inspection, various issues were noted:

- Mr Amarjeet Singh was the sole individual behind the till and in charge of the shop at the time of our entry 11:46. He remained present despite being informed that his being there meant Mr Lamba was acting outside of his conditions. Mr Lamba and Mr Singh continued to question officers as to why Mr Singh was not allowed to be present. I informed them both that this was a condition that was added at the time of the license being granted and Mr Lamba had agreed to this condition. Mr Singh eventually left at 12:20.

Trading Standards Service
Residents Services
T.01895 250164 F.01895 277443
tradingstandards@hillington.gov.uk www.hillingdon.gov.uk
London Borough of Hillingdon,
2E/07, Civic Centre, High Street, Uxbridge, UB8 1UW

- On Mr Lambas arrival to the premises he appeared intoxicated which he attributed to the previous evenings drinking. He was questioned as to how he had arrived at the shop to which he responded that he had taken public transport. It was noted that Mr Lamba arrived at the premises at 11.55 within 10 minutes of his being called by Mr Singh.
- Mr Lamba was asked for sight of his CCTV record, to which he responded that it was not working and that he was awaiting someone to repair it that afternoon.
- Mr Lamba was asked for sight of his refusals log, in which there had been no entries made.
- A brand representative present at the time of visit identified 17 bottles of Jack Daniels as potentially counterfeit. They were seized by me as suspected counterfeit goods contrary to the Trade Marks Act 1994. Mr Lamba was unable to produce any invoices relating to the bottles. Please note following further examination by the brand holder, all bottles were confirmed to be genuine and returned to Mr Lamba on 1st November 2016.
- A videographer arrived stating he wanted to take shots for a film he was doing for Mr Panchal, Licensing representative for Mr Lamba. He was advised we were mid-inspection and the timing inappropriate.
- On exiting the premises Mr Lamba was issued notices by the Police and advised regarding a closure notice, on it becoming apparent that he was not understanding Mr Panchal was called to explain. Mr Lamba queried whether his son Mr Jasmeet Singh Lamba could work at the shop, again he was told that would be contrary to his license.

The premise Lotus Wines and the current license holder Mr Lamba are known to the Service, due to previous License Sub-Committee hearings. These hearings took place on the 10th March 2016 and 25th May 2016. At the first hearing Mr Lambas application was rejected following the representations from all concerned authorities finding his knowledge of licensing to be weak.

By the second hearing on 25th May, Mr Lamba had taken steps to develop his knowledge and so authorities recommended he be given a reasonable opportunity to become a license holder. It is to be noted that at this hearing, Mr Lamba had with him his licensing representative Mr Panchal, legal representative Mr Somarakis and a independent translator. During this hearing, conditions were presented and agreed to by both the representatives and the authorities. On the basis of Mr Lamba complying with said conditions the license was granted.

Since then, Mr Lambas conduct has demonstrated a lack of competence with regards to his obligations as a license holder. Also a lack of regard for authority in that he has continued to act contrary to the conditions of his license. A license that was granted to him following a review where conditions were suggested by his legal representation and agreed to by him. The council has acted reasonably in allowing the license to be granted

and Mr Lamba has demonstrated a flagrant disregard for the law which raises questions as to whether the business is managed in accordance with licensing objectives.

In the circumstances, the Service feels that it would be a necessary and proportionate response to request a revocation of the premises licence.

I invite the Licensing Committee to consider this representation before making any decisions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kiran Seyan', written in a cursive style.

Kiran Seyan
Trading Standards Investigating Officer

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LICENSING ACT 2003
Section 24



HILLINGDON
LONDON

PREMISES LICENCE

Ref:

MAU/18989/IM

Premises Licence Number:

18909

This Premises Licence has been issued by Claire Freeman on behalf of the Licensing Authority, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW

Signature:

Date: 2nd June 2016

Part 1 – Premises Details

Postal Address of Premises or, if none, Ordnance Survey map reference or description -

Lotus Wines
761 Uxbridge Road

Post Town - Hayes

Postcode – UB4 8HY

Telephone number – 0208 8484040

Where the licence is time limited, the dates -
N/A

Licensable activities authorised by the licence -

Sale by retail of alcohol

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

Monday to Sunday 08.00 hours to 23.00 hours



PREMISES LICENCE

The opening hours of the premises -

Monday to Sunday 08.00 hours to 23.00 hours

Where the licence authorises supplies of alcohol whether these are on and/or off supplies -

Off supplies only

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence -

Mr Aamir Singh Lamba



Registered number of holder, for example company number, charity number (where applicable) -

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol -

Mr Aamir Singh Lamba



Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol –

██████████ - London Borough of Hillingdon

Annex 1 – Mandatory Conditions

Mandatory Conditions - Alcohol

1. No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the premises licence
2. No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended.
3. Every sale/supply of alcohol under the premises licence shall be made, or authorised, by a person who holds a Personal Licence
4. (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.

Mandatory Condition - Permitted Price

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 purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (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;

(d) “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

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

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

General

Annex 3 – Conditions attached after a hearing by the licensing authority

1. The premises will undertake the implementation of a Challenge 25 policy, and a poster or posters to this effect will be displayed stating what IDs are accepted;
2. The CCTV system shall be installed to the satisfaction of the Metropolitan Police Services to record images both internally and externally for 24 hours each day and shall retain those recordings for 31 days;
3. The CCTV system shall be maintained in effective working order and any recording shall be made available to the Police and any Authorised Officer of the Council on request;
4. If the Premises Licence Holder becomes aware that any alcohol or tobacco goods at the premises may or appear to be non duty paid then the Premises Licence Holder shall inform the police immediately;
5. Posters will be displayed requesting customers to leave the premises quietly, when required the staff shall ask a customer/s to leave quietly;
6. Alcoholic products shall be offered for sale in an area distinctly separate to non-alcoholic products;
7. Spirits and cigarettes will be kept behind the counter;
8. There shall be a personal licence holder on duty at the premises at all times during opening hours;
9. The DPS shall provide all staff members with a written authorisation for selling alcohol. Records and copies of authorisations shall be available to authorised officers on request;
10. All staff members shall attend a recognised training course (ie BII Level 1 Award in responsible alcohol retailing) prior to making alcohol sales;
11. No member of staff shall make sales of alcohol until such time as the member of staff completes a recognised training course (i.e. BII Level 1 Award in responsible alcohol retailing). Training will be reviewed regularly and updated training shall be provided in accordance with changes in legislation and staffing;
12. An incident log shall be kept at the premises and shall be made available to police and Authorised Officers of the Council on request. The incident log shall be used to record any incidents, dates and times and the name of the staff member involved. Incidents can include but not limited to:
 - a. All crimes reported by the premises to the Police;
 - b. Any incidents of disorder/anti-social behaviour;
 - c. Any faults with the CCTV system and details about remedial action/repair
 - d. Any refusal of age restricted products;
 - e. Any visit by an authorised officer or the emergency services
13. All future purchases of stock must be from reputable and proper wholesale businesses. The purchase of such stock shall be made by the Premises Licence Holder or persons authorised by him;
14. All receipts/invoices relating to all purchases for goods at the premises must be kept in accordance with the statutory terms and made available for inspection at the request of the Metropolitan Police Services or an Authorised Officer of the Council;
15. A minimum of 2 staff shall be on duty at the premises each day from 16:00 hours until the close of business;
16. The Premises Licence Holder shall provide a copy of the completed lease agreement between himself and the freeholder of the premises on or before 25 August 2016;

17. The Premises Licence Holder shall exclude Mr Ulgeet Singh and his spouse of (insert address), Mr Jasmeet Singh and his spouse of (insert address) and Mr Amarjeet Singh and his spouse of (insert address) from the premises and all of its business and operational activities including all licensable activity at all times.

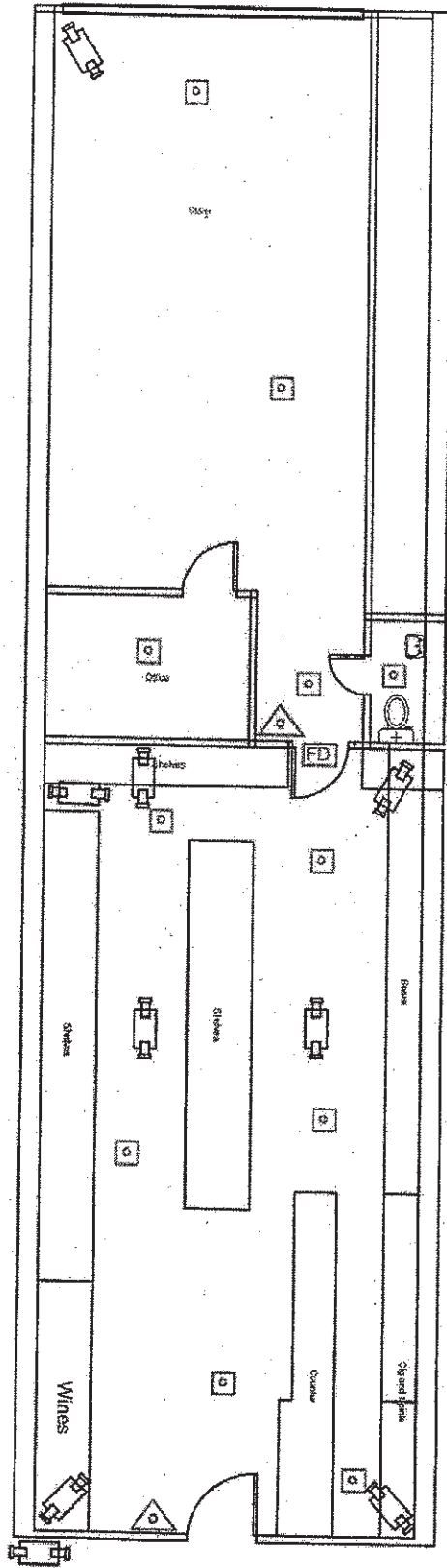
Annex 4 – Plans

Location Lotus Wines

Licensing Services Registered Number [REDACTED]

Drawing Number [REDACTED]

PROPOSED LICENSING PLAN



Property Address:
761 Uxbridge Road
Hayes
UB4 8HY

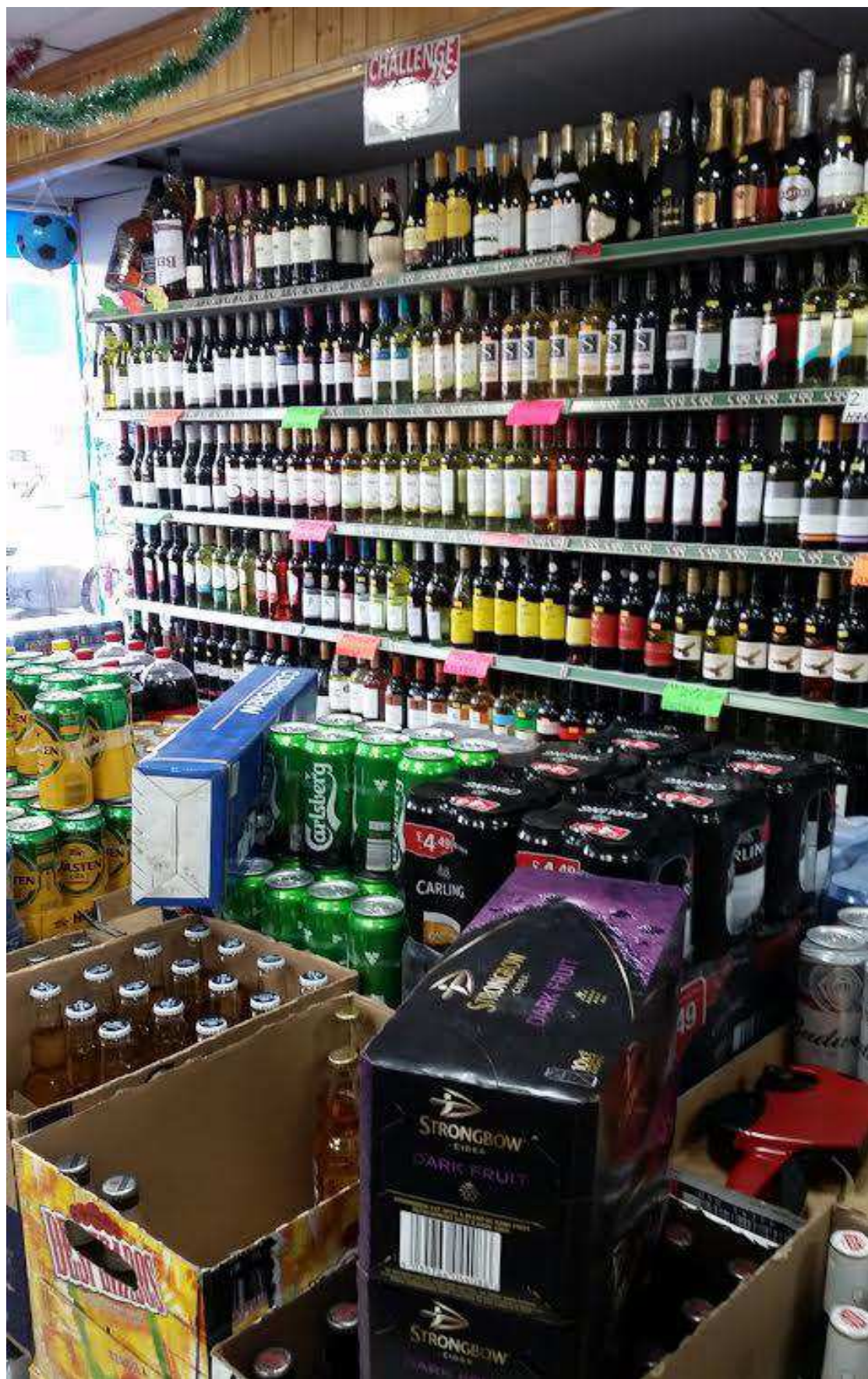
Drawing no: P/HBS/45		Date: 13th Jan 2015	
Key	Scale: 1:100	Paper: A4	
	FIRE EXTINGUISHER		
	FIRE EXIT SIGNS		
	EMERGENCY LIGHTING		
	Fire Check Door		
	CCTV CAMERAS		
CCTV RECORDING 31 DAYS			
SHUTTERS PROVIDED			
ALARM SYSTEM TO AOISPEC OR SIMILAR FITTED			

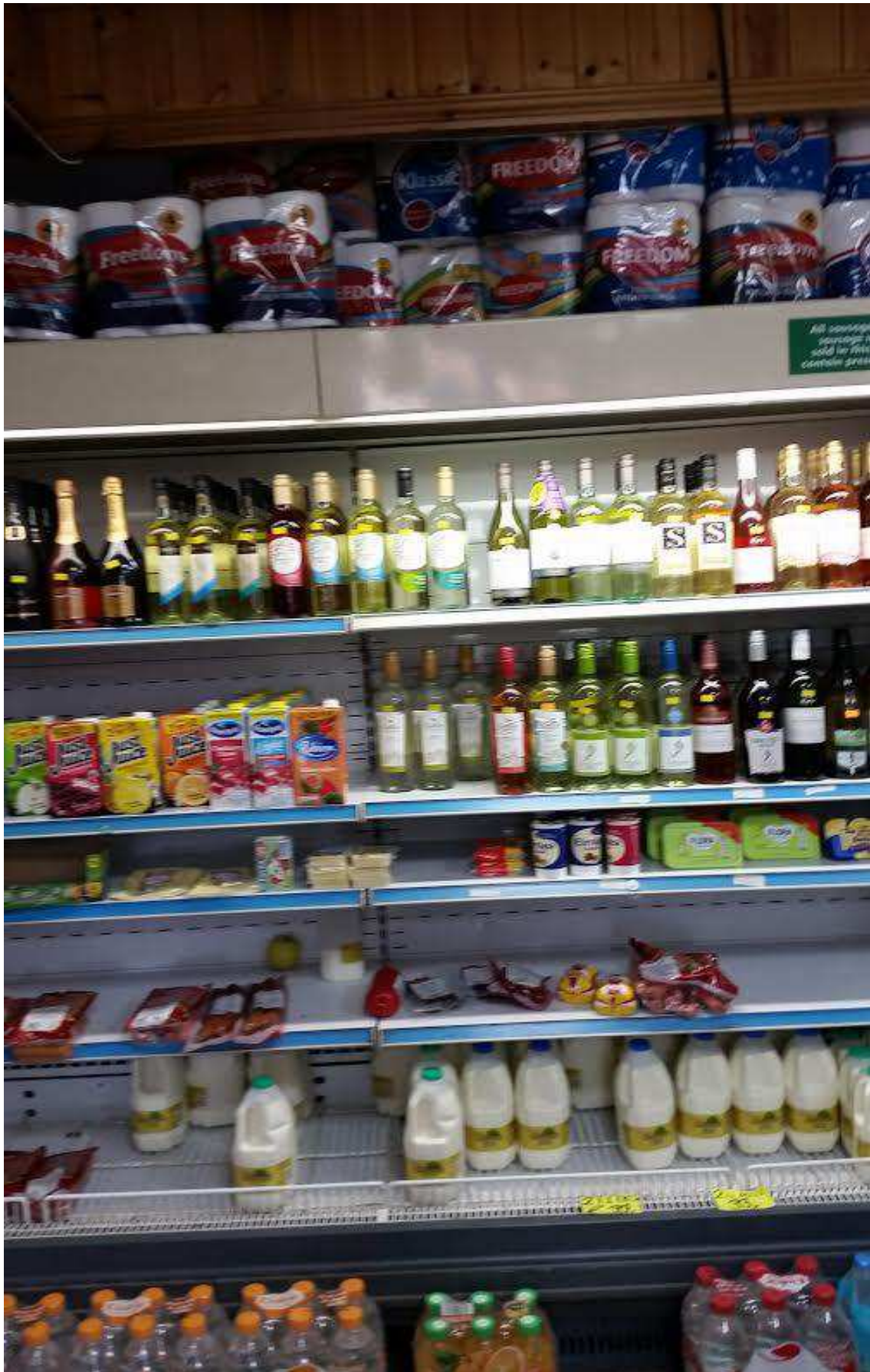
PLAN 1795/16

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Report of the licensing visit of the 22nd December 2016 at approx 11.00am.
Below are the current licensing conditions and findings of the Licensing Officer in italic.

1. The premises will undertake the implementation of a Challenge 25 policy, and a poster or posters to this effect will be displayed stating what IDs are accepted;

Numerous posters detailing a Challenge 25 scheme evident as per photographs in Appendix 7.

2. The CCTV system shall be installed to the satisfaction of the Metropolitan Police Services to record images both internally and externally for 24 hours each day and shall retain those recordings for 31 days;

Mr Lamba was unable to retrieve any images but stated that if any were required he could get someone in to do this. The system appeared to be working well with 8 camera shots showing on the multi screen. Retention not known.

3. The CCTV system shall be maintained in effective working order and any recording shall be made available to the Police and any Authorised Officer of the Council on request;

Recordings not requested

4. If the Premises Licence Holder becomes aware that any alcohol or tobacco goods at the premises may or appear to be non duty paid then the Premises Licence Holder shall inform the police immediately;

Not tested at time of visit.

5. Posters will be displayed requesting customers to leave the premises quietly, when required the staff shall ask a customer/s to leave quietly;

Posters were present.

6. Alcoholic products shall be offered for sale in an area distinctly separate to non-alcoholic products;

There are separate shelving units present for alcohol products which are separate from the shelving units used to store general groceries. The chiller units are used to display both alcoholic and non-alcoholic products with no clear separation.

7. Spirits and cigarettes will be kept behind the counter;

Not entirely all spirits were behind the counter a couple of bottles here and there elsewhere in the shop.

8. There shall be a personal licence holder on duty at the premises at all times during opening hours;

Mr Lamba has a personal licence and was present at the time of the visit.

9. The DPS shall provide all staff members with a written authorisation for selling alcohol. Records and copies of authorisations shall be available to authorised officers on request;

See appendix 7 authorisations book photographed at the shop it does not contain the name of the only member of staff, Manmeet Singh. Manmeet Singh being a personal licence holder.

10. All staff members shall attend a recognised training course (ie BII Level 1 Award in responsible alcohol retailing) prior to making alcohol sales;

It was not established if Mr Manmeet Singh the employee has this level of training. No record of training could be provided. He does hold a Personal Licence.

11. No member of staff shall make sales of alcohol until such time as the member of staff completes a recognised training course (i.e. BII Level 1 Award in responsible alcohol retailing). Training will be reviewed regularly and updated training shall be provided in accordance with changes in legislation and staffing;

Answer as above

12. An incident log shall be kept at the premises and shall be made available to police and Authorised Officers of the Council on request. The incident log shall be used to record any incidents, dates and times and the name of the staff member involved. Incidents can include but not limited to:
- a. All crimes reported by the premises to the Police;
 - b. Any incidents of disorder/anti-social behaviour;
 - c. Any faults with the CCTV system and details about remedial action/repair
 - d. Any refusal of age restricted products;
 - e. Any visit by an authorised officer or the emergency services

The incident log was checked and photographed and did not have any entries.

13. All future purchases of stock must be from reputable and proper wholesale businesses. The purchase of such stock shall be made by the Premises Licence Holder or persons authorised by him;

Mr Lamba produced a pile of loose invoices which were not in any particular order. These were not checked in close detail.

14. All receipts/invoices relating to all purchases for goods at the premises must be kept in accordance with the statutory terms and made available for inspection at the request of the Metropolitan Police Services or an Authorised Officer of the Council;

As previous answer.

15. A minimum of 2 staff shall be on duty at the premises each day from 16:00 hours until the close of business;

Not applicable at the time of the visit.

16. The Premises Licence Holder shall provide a copy of the completed lease agreement between himself and the freeholder of the premises on or before 25 August 2016;

No copy of the lease agreement has been provided to the Council. Mr Lamba stated that it was with Mr Panchal, his agent.

17. The Premises Licence Holder shall exclude Mr Ulgeet Singh and his spouse of (insert address), Mr Jasmeet Singh and his spouse of (insert address) and Mr Amarjeet Singh and his spouse of (insert address) from the premises and all of its business and operational activities including all licensable activity at all times.

At time of visit Mr Lamba was lone working.

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