

## Minutes

### LICENSING SUB-COMMITTEE

20 June 2018

Meeting held at Committee Room 5 - Civic Centre, High Street,  
Uxbridge



HILLINGDON  
LONDON

	<p><b>Committee Members Present:</b> Councillors Roy Chamdal John Oswell Brian Stead</p> <p><b>LBH Officers Present:</b> Ian Meens Beejal Soni, Licensing and Contracts Lawyer Luke Taylor, Democratic Services Officer</p> <p><b>Also Present:</b> PC Dave Butler, Metropolitan Police</p> <p><b>Respondents Present</b> Mr Diljan Singh Malhotra, Licence Holder Mr Panchal, Licence Holder's Representative</p> <p><b>Responsible Authorities:</b> Martin King, Trading Standards Manager</p>
32.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
33.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest,</p>
34.	<p><b>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</b> (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all items would be considered in public.</p>
35.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>None.</p>
36.	<p><b>APPLICATION FOR A REVIEW OF A PREMISES LICENCE: COST CUT EXPRESS, HAYES</b> (<i>Agenda Item 5</i>)</p> <p><b><i>Introduction by Licensing Officer:</i></b></p>

The Licensing Officer, Mr Ian Meens, introduced the review and informed the Sub-Committee that this was an application for the review of a Premises Licence at Cost Cut Express, 1278 Uxbridge Road, Hayes, UB4 8JF, initiated by Trading Standards. A further representation in support of the applicant was received from the Metropolitan Police.

Mr Meens detailed a multi-agency operation to the premises on 10 October 2017, during which a quantity of illicit tobacco was seized.

The Sub-Committee heard that an effort has been made by the applicant to find a resolution with the applicant and responsible authorities, and highlighted an addendum which included a number of proposed conditions, in addition to those proposed in the agenda pack, that were to be imposed upon the licence holder. Members were informed that the licence holder had agreed to these conditions and a one-month suspension of the premises licence.

Mr Meens confirmed that all parties felt that the proposed conditions were sufficient to ensure that the licence holder would adhere to the licensing objectives at the premises in the future.

***Representation by the Applicant:***

Mr Martin King, Trading Standards Manager, addressed the Sub-Committee, noting that the application for a premises licence review supported the licensing objective of the prevention of crime and disorder.

The Sub-Committee heard that the multi-agency operation on 10 October 2017 involved the Metropolitan Police, London Borough of Hillingdon officers, brand representatives from the tobacco and alcohol industry, as well as a tobacco detection dog and dog handler.

Two members of staff were present at the premises during the operation, but neither were the owner. A call was made to Mr Jasbir Singh Kapoor, one of the two directors associated with the premises, who spoke with Trading Standards and informed them that no illicit goods were on the premises.

Concealed tobacco was then found behind the counter and in the rear store room. 2,278 cigarettes were seized, of which 160 were counterfeit, 1,200 non-duty paid, and 918 had non-standardised packaging. In addition, 600g of counterfeit hand-rolling tobacco was found, along with 2,377g of non-duty paid tobacco, which was largely chewing tobacco and lacked the required health warnings. The estimated value of the goods seized was £515.

The Sub-Committee heard that DH Enterprises were associated with the premises but neither director was present during the operation. Members were informed that there was no other adverse history on the trader, but the conduct of the owners amounted to a disregard of the law. Mr King confirmed that Trading Standards requested the premises licence be suspended for a period of one month, and a number of conditions be imposed on the licence thereafter.

***Representation by the Interested Parties:***

PC Dave Butler of the Metropolitan Police addressed the Sub-Committee and noted his support for the review of the premises licence. PC Butler confirmed that the Police

were present at the multi-agency operation at the premises, and noted that the premises licence holder had not followed the law, and it was vital that the Licensing Authority protect both residents of the Borough, and those traders who operate lawfully.

PC Butler noted that the licence holder should be subject to a number of wide-ranging conditions and the suspension of the premises licence for a period of one month.

Responding to questioning from the Chairman, PC Butler noted that the seized tobacco was found in a box behind the counter which was used as a stool to be sat upon. PC Butler also noted that further goods were found in the rear store room, but he was not present in the room when this occurred.

***Representation by the Licence Holder:***

Mr Panchal, representing the licence holder, noted that Mr Malhotra was the DPS and had run the premises for six years with no previous history of issues. The Sub-Committee heard that Mr Malhotra had apologised for the incident and taken immediate steps to address the issue by agreeing to a one month suspension of the premises licence and the proposed conditions. Mr Panchal also noted that an incident log would be used to record incidents of refusals, showed the Sub-Committee copies of the "Challenge 25" posters that would be displayed on the premises, confirmed that CCTV was now installed on the site and proposed conditions regarding the installation of CCTV at the premises.

Responding to questioning from the Chairman, Mr Panchal confirmed that Mr Kapoor was not able to attend the meeting as he was abroad and provided proof of flights.

Following questioning from the Sub-Committee, Mr Malhotra noted that Mr Kapoor had purchased the illicit tobacco two or three days before the multi-agency operation, and that this had not happened before. Mr Malhotra noted that he was aware that this was illegal, and stated that when Mr Kapoor purchased the goods he was informed that the supplier provided goods to other shops and that he would pay for the tobacco when he received an invoice. Mr Malhotra noted that the Police were not informed about the supplier, but confirmed that they would be in the future.

The Sub-Committee heard that Mr Malhotra and Mr Kapoor would usually purchase their goods at a Cash-and-Carry, and that both owners were in the shop a similar amount.

***Discussion:***

The Chairman noted that it was a shame that Mr Kapoor was unable to attend the meeting to answer questions personally, and asked the licence holder who would usually purchase goods for the store. Mr Malhotra responded that sometimes they would purchase goods roughly twice a week, sometimes together, but on other occasions, Mr Kapoor would purchase them alone.

Mr Panchal noted that the licence holder had no prior history of incidents, and that he had apologised and taken steps to ensure that this did not happen again. The Sub-Committee heard that Mr Malhotra had agreed to a suspension of the licence, and during that time he would ensure that any relevant training or actions relating to new conditions were put into place.

Both Mr King and PC Butler confirmed that they were happy with the proposed conditions and suspension of the premises licence.

### ***Committee Deliberation:***

All parties were asked to leave the room while the Sub-Committee considered its decision.

All parties were invited back into the room for the Chairman to announce the decision of the Sub-Committee.

### **The Decision:**

The Sub-Committee has considered all the relevant representations made available to it and in doing so has taken into account paragraphs 11.24 and 11.26, 11.27, 11.28 of the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, as well as Paragraphs 7.9 and 17.2 of the Council's Statement of Licensing Policy. The Sub-Committee has taken into account its duty to determine the application in a manner which upholds the Licensing objectives. The Licensing Sub-Committee has determined that the Premises Licence will be suspended for a period of 1 month

Additionally, the following conditions are to be added to the Premises Licence:

1. The mandatory conditions contained in the addendum document
2. Invoices for all stock bought will be kept on file for a minimum of 12 months and will be made available to the Metropolitan Police Services, HMRC officers and authorised officers of the London Borough of Hillingdon upon request.
3. The Premises Licence Holder shall only purchase alcoholic products from a supplier who is registered with HMRC through the Alcohol Wholesaler Registration Scheme (AWRS).
4. Alcohol with an ABV of 35% or above shall be stored behind the counter.
5. All alcohol products shall be stored in direct line of sight from the cashier's position and not obscured by other displays or shelving.
6. There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol (or tobacco - if the request to prevent sale of tobacco is rejected) at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. The form of identification shall contain their photograph, date of birth and a holographic mark.
7. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.
8. Challenge 25 posters shall be displayed in prominent positions at the premises
9. Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18 the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the members of staff who has provided and received that training.
10. All staff will receive refresher training every year as a minimum and records are to be kept of this refresher training which should be signed and dated by the members of staff who has provided and received that training

11. All training records will be made immediately available for inspection by the Metropolitan Police Services and any responsible Authority upon request.
12. Training records will be kept for a minimum of two years. Training records will be held on the licensed premises to which they relate to.
13. A written log shall be kept of all refusals of tobacco and alcohol. The Premises Licence Holder shall ensure that the refusals logs is checked, signed and dated on a weekly basis by himself or an authorised employee acting in place of the Designated Premises Supervisor.
14. The refusals log will be held and maintained at the premises and will be available for immediate inspection immediately upon request of the Metropolitan Police Services and/or any Responsible Authority.
15. The record of refusals will be retained for a minimum of two years.
16. The premises shall install a CCTV system on or before 22 July 2018.
17. The CCTV system shall be maintained in good working order, covering all public areas of the licensed premises, including all public entry and exit points, the street environment, the till area and any area where alcohol is stored. The CCTV will enable facial identification of all persons whose image is captured in any light condition.
18. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of 30 days.
19. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/burn CCTV images upon request by a police officer or any authorised officer of the London Borough of Hillingdon. . Any footage must be in a format that can be played back on a standard personal computer or standard DVD player.
20. An incident log shall be maintained to record all instances when the CCTV is not fully in good working order. The log will record the date the malfunction was noted, the date repair work was requested and the date that the repair work was carried out.
21. No sale of alcohol shall take place when the CCTV system is not fully in good working order.

#### 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 must be lodged and paid for within 21 days of receipt of this Notice of Decision. A copy of the appeal and receipt of payment should be sent to the Council's Regulatory Service.

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

The meeting, which commenced at 10.00 am, closed at 11.38 am.

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These are the minutes of the above meeting. For more information on any of the resolutions please contact Luke Taylor on 01895 250 693. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

**The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.**