

## Minutes

### LICENSING SUB-COMMITTEE

13 August 2018

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



	<p><b>Committee Members Present:</b> Councillors Roy Chamdal Lynne Allen Teji Barnes</p> <p><b>LBH Officers Present:</b> Glen Egan, Office Managing Partner - Legal Services Jhini Mukherjee, Licensing Officer Kiran Seyan, Senior Trading Standards Officer Luke Taylor, Democratic Services Officer</p> <p><b>Also Present:</b> Mr Kartar Singh Lamba, Licence Holder Mr Panchal, Licence Holder's Representative</p>
26.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
27.	<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>
28.	<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 were marked as Part I, and would therefore be considered in public.</p>
29.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>None.</p>
30.	<p><b>APPLICATION FOR A REVIEW OF A PREMISES LICENCE: EASTCOTE NEWS, 239 FIELD END ROAD, RUISLIP, HA4 9NJ</b> (<i>Agenda Item 5</i>)</p> <p><b><i>Introduction by the Licensing Officer:</i></b></p> <p>Ms Jhini Mukherjee, Licensing Officer at the London Borough of Hillingdon, introduced the report relating to an applicant for a review of a Premises Licence at Eastcote News, 239 Field End Road, Ruislip, HA4 9NJ.</p>

Ms Mukherjee confirmed that the premises had a history of selling illicit cigarettes, and a number of illicit tobacco products were seized during an operation in December 2015. The Personal Licence holder on this date, Mr Kuldip Singh Bedi, received a written warning and was advised that further non-compliance could result in a Licence Review or Prosecution. At this time, the premises traded as Eastcote Newsbox Ltd, and Mr Kartar Singh Lamba was a Director of the company alongside Mr Bedi.

This company was incorporated in 2011 and dissolved in February 2017. The current Premises Licence was in force since 18 July 2016 and is in the name of Mr Lamba, who is also the DPS of the premises.

The Committee were informed that on 26 April 2018, a multi-agency operation, led by the Council's Trading Standards team and accompanied by brand representatives from the Alcohol and Tobacco industry, carried out inspections at various off-licensed premises in Hillingdon identified as possibly selling counterfeit goods. One of these inspections took place at Eastcote News, and during this inspection, a total of 440 counterfeit cigarettes were seized.

A further unannounced visit by Ms Mukherjee in June 2018 found no further violations at the premises.

Responding to questioning from the Committee, Ms Mukherjee confirmed that Mr Lamba was not present during her visit, but the premises was compliant with the conditions of their licence and the member of staff present was aware of the licensing objectives.

***Representation by Applicant:***

Ms Kiran Seyan, Senior Trading Standards Officer, addressed the Committee and stated that Eastcote Newsbox was visited on 26 April 2018 by Trading Standards and brand representatives. Mr Narinder Lamba was present during this targeted visit, and called Mr Kartar Singh Lamba to inform him of the visit. Ms Seyan spoke to Mr Kartar Singh Lamba and asked whether there was any illicit alcohol or tobacco in the shop, to which Mr Kartar Singh Lamba responded that there were no illegal products.

An inspection of the premises discovered that 440 counterfeit standardised packaged cigarettes and two counterfeit SanDisk 16GB memory cards were found. The counterfeit cigarettes were discovered inside the tobacco gantry and were being passed off as genuine goods. Mr Kartar Singh Lamba arrived at the premises and stated that a man had visited the shop and sold him the tobacco from his car, but Mr Lamba was unable to provide any further information or a description of the man.

Members were informed that a previous visit to the premises on 17 December 2015 found a significant amount of illicit tobacco in a till, which was seized, and Mr Kartar Singh Lamba was director of the company at this time. The latest seizure of counterfeit tobacco is proof of a continued disregard of the law through the purchase of smuggled tobacco.

Responding to questioning from the Committee, Ms Seyan confirmed that the average price of counterfeit cigarettes was £3.50 per pack of 20 cigarettes, but the cigarettes were on sale at the premises for £8.99 per pack. The Chairman noted that the recommended retail price was the potential sale value of the cigarettes, and Ms Seyan commented that the counterfeit cigarettes in question were being passed off as genuine.

The Chairman asked if Mr Lamba was asked who sold him the goods, and how much was purchased, and Ms Seyan noted that the questions were put to Mr Lamba but no information was forthcoming.

***Representation by Responsible Authorities:***

No responsible authorities were present.

***Representation by License Holder:***

Mr Panchal, representing the License Holder, addressed the Committee and noted that Mr Lamba held a personal licence from 2011 and worked in partnership with Mr Kuldip Singh Bedi. In 2016, Mr Bedi left the partnership, and Mr Lamba took over the shop, becoming sole proprietor and DPS for the premises.

Mr Panchal confirmed that Mr Lamba has admitted he made a mistake by purchasing the counterfeit cigarettes, and has agreed to additional training, conditions of the licence and the suspension of the licence for one month. The Committee heard that Mr Lamba was presently undergoing training, there have been no further breaches of the licensing conditions since the incident, and this will not happen again in the future.

Mr Lamba stated that he did not know he was being sold counterfeit cigarettes, and, responding to questioning from the Committee, informed the Councillors that he purchased ten packs of counterfeit 20 Malboro Gold cigarettes, and two packs of counterfeit Lambert and Butler cigarettes, but it only happened once.

Members asked where Mr Lamba usually purchased tobacco and whether there was a VAT receipt or invoice for the counterfeit cigarettes, and were informed that the usual purchases were from a cash and carry and that he did not receive a receipt or invoice for the illicit cigarettes. Mr Lamba stated that he had been told a wholesaler would be coming to his premises and that he did not question the vendor who he purchased the cigarettes from. Responding to questioning from the Committee, Mr Lamba confirmed that the seller did not identify himself and that two or three wholesalers often visit the premises and he purchased the cigarettes from the wrong person.

The Committee noted that Mr Lamba was receiving further training on the licensing objectives and asked why he did not undertake this training following the previous incident in 2015 when illicit tobacco was seized from the premises. Mr Panchal stated that Mr Lamba was not fully involved in the shop at that point, as Mr Bedi was in charge, and Mr Lamba begun training in 2016 when the licence was transferred into his name.

Members asked Mr Lamba if he was aware of the previous seizure of illicit tobacco at the premises when he was a director, and Mr Lamba commented that he was unaware of this, and did not know of Trading Standard's visit in 2015.

Responding to Councillors' questioning, Mr Panchal confirmed that the training course being undertaken by Mr Lamba was accredited by BII and provided by Personal Licence Courses, a company run by Mr Panchal, which provided Level 1 and 2 training, and provide a certificate of accreditation on completion. Mr Panchal noted that if the Committee wished Mr Lamba to undertake Level 3 training, then that could be provided.

***Discussion:***

Members asked whether CCTV footage was offered to help search for the vendor of the counterfeit cigarettes, and Ms Mukherjee noted that this was not the case. The Committee were informed that CCTV was working and compliant when Ms Mukherjee visited the premises in June 2018, but it was not checked during the initial Trading Standards operation in April 2018 as that visit focussed on counterfeit goods.

Mr Panchal stated that Mr Lamba understood his mistake and was cooperating with the licensing authority by undergoing further training to ensure the Licensing objectives were met. Mr Panchal also confirmed that Mr Lamba had accepted further conditions and a one-month suspension of his licence, and that he would undertake more training during this time. Mr Lamba commented that he made a mistake on one occasion and it would not happen again.

Ms Seyan stated that Mr Lamba held a personal licence for a number of years, during which he was in business selling licensed products. The Committee heard that Mr Lamba was present for some of the Trading Standards visits when he was a director, and as he has been in this business for so long, Mr Lamba should have known that wholesalers come to shops in uniform with ID and provide receipts.

The Committee heard from Ms Seyan that even if an industry expert was not present at the premises when the illicit cigarettes were seized, the cigarettes were evidently fake with inconsistent packaging, and that Mr Lamba should have known better. Ms Seyan informed Members that she did not believe Mr Lamba's excuse, and despite the training he was undertaking, Ms Seyan was not convinced by the claim that this would not happen again.

***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, 11.26, and Chapter 10 of the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The Sub-Committee has taken into account its duty to take all steps necessary in order to determine the application in a manner which upholds the Licensing objectives.**

**The Sub-Committee hereby suspends the Premises Licence for 2 months. The Sub-Committee considered that a suspension of 1 month was insufficient and was concerned that Mr Lamba did not fully appreciate the seriousness of the situation. The Sub-Committee therefore considered suspending the Premises Licence for 3 months, but was reassured by the assurance given that Mr Lamba would undertake training to achieve DPS Level 3 Accreditation. The Sub-Committee therefore suspends the Premises Licence for 2 months in order to give Mr Lamba sufficient time to complete this training.**

**In addition the following conditions are to be added to the Premises Licence:**

- 1. 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.**
- 2. The Premises Licence Holder shall only purchase alcoholic products from a supplier who is registered with HMRC through the Alcohol Wholesaler Registration Scheme (AWRS).**
- 3. 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 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.**
- 4. If the person seeking entry is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.**
- 5. Challenge 25 posters and requests to patrons to leave the premises silently shall be displayed in prominent positions at the premises**
- 6. The CCTV on the premises 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.**
- 7. 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 31 days.**
- 8. 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.**
- 9. 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.**
- 10. 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 London North West 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 10.07 am, closed at 11.35 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Luke Taylor on ltaylor3@hillington.gov.uk. 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.**