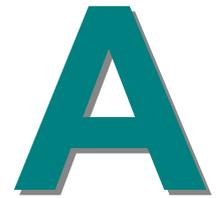




HILLINGDON  
LONDON



# NOTICE OF HEARING

## Licensing Sub-Committee

**Date:** MONDAY 4 MARCH 2019

**Time:** 10.00 AM

**Venue:** COMMITTEE ROOM 6 -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE

**Meeting Details:** Members of the Public and Media are welcome to attend. This meeting may also be broadcast live.

If this is a public hearing, the agenda is available online at [www.hillingdon.gov.uk](http://www.hillingdon.gov.uk) or you can use a smart phone camera and scan the code below:



### Councillors on the Sub-Committee:

Teji Barnes (Chairman)

Lynne Allen

Brian Stead

### IMPORTANT INFORMATION

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

**Thursday 28 February 2019**

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 14 February 2019

**Contact:** Anisha Teji

**Tel:** 01895 277655

**Email:** [ateji@hillington.gov.uk](mailto:ateji@hillington.gov.uk)

**Putting our residents first**

Lloyd White  
Head of Democratic Services  
London Borough of Hillingdon,  
Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW

# Useful information for residents and visitors

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If this meeting is to be held in Public (Part 1) you can watch it on the Council's YouTube channel, live or archived after the meeting. Residents and the media are also welcome to attend in person, and if they wish, report on the public part of the meeting. Any individual or organisation may record or film proceedings as long as it does not disrupt proceedings.

It is recommended to give advance notice of filming to ensure any particular requirements can be met. The Council will provide seating areas for residents/public, high speed WiFi access to all attending and an area for the media to report. The officer shown on the front of this agenda should be contacted for further information and will be available to assist.

When present in the room, silent mode should be enabled for all mobile devices.

## *Travel and parking*

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## *Accessibility*

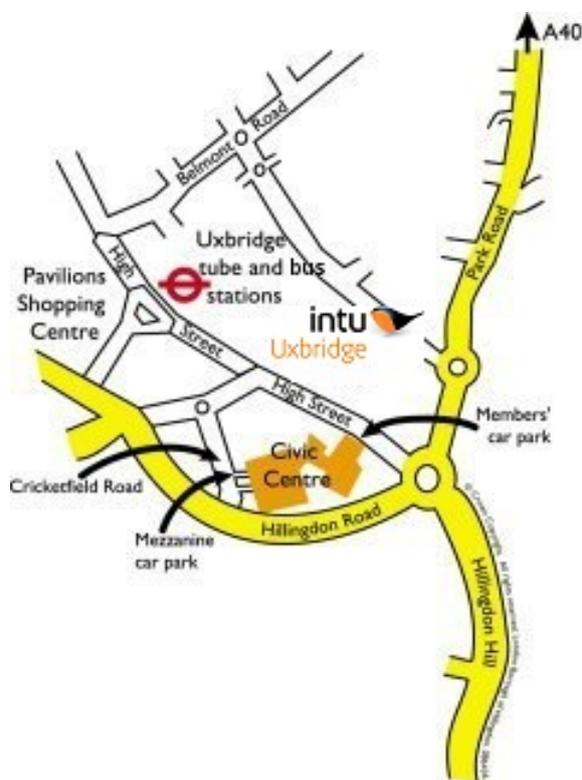
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## *Emergency procedures*

If there is a FIRE, you will hear a continuous alarm EXIT and assemble on the Civic Centre forecourt. Fire Marshal or Security Officer. In the event of a SECURITY INCIDENT, follow instructions issued via the tannoy, a Fire Marshal or a Security Officer. Those unable to evacuate using the stairs, should make their way to the signed refuge locations.

Watch a **LIVE** broadcast of this meeting on the Council's YouTube Channel: *Hillingdon London*

Those attending should be aware that the Council will film and record proceedings for both official record and resident digital engagement in democracy.



# 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

	<b>Title of Report / Address of application</b>	<b>Ward</b>	<b>Time</b>	<b>Page</b>
<b>5</b>	Application for a Review of a Premises Licence : The Wine Cellar Company 36 Station Road, West Drayton, UB7 7DD	West Drayton	10:00am	3 – 56

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## Order of proceedings – review under the Licensing Act 2003

The Chairman of the Sub-Committee will open the hearing by introducing the Councillors, explaining the purpose of the proceedings and the general procedure. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing.

**Introduction by the Council's  
Regulatory Services /  
Licensing Officer**

The licensing officer will introduce the report and will outline impartially the matter before the sub-committee, giving any relevant background information.

**The Applicant for the  
Review**

The Chairman calls on the Applicant to present their case giving factual information about their grounds for the review application, and calls any supporters or witnesses.

**Responsible Authorities  
and/or Other Parties**

Responsible Authorities who have submitted relevant representations will be invited to address the Sub-Committee. Thereafter Other Parties (e.g. Residents, Ward Councillors) who have submitted relevant representations will be invited to address the Sub-Committee

**The Licence Holder**

The Licence/Certificate Holder presents their case and calls any supporters or witnesses.

### DISCUSSION LED BY THE SUB-COMMITTEE

The Chairman will lead the discussion. This will be a chance for all parties to provide comments on any submissions that have been made to the Sub-Committee

**Closing remarks from  
each party**

The Licence Holder makes brief closing remarks on the application under question, followed by Responsible Authorities and Other Parties. The Applicant(s) makes the final closing remarks.

**Sub-committee  
deliberates**

The sub-committee will remain in the room to deliberate and make their decision, with only the Legal Advisor and Clerk to the Committee remaining. All other present will be asked to leave the room. If the meeting is being broadcast, any filming will be stopped for this part.

**Chairman announces the  
decision**

Parties may return to the room when asked and the Chairman announces the decision. The Chairman reminds the Licence/Certificate Holder that the decision will be sent to them in writing. There can be no further questions or statements.

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## Application for a Review of a Premises Licence : The Wine Cellar Company

<b>Committee</b>	Licensing Sub-Committee
<b>Officer Contact</b>	Lois King, Licensing Officer 01895 277067
<b>Papers with report</b>	<b>Appendix 1</b> - Review Application <b>Appendix 2</b> - Officer's recommendation <b>Appendix 3</b> - Responsible Authority Representation <b>Appendix 4</b> - Copy of the Premises Licence <b>Appendix 5</b> - Map of the area plus photos
<b>Ward name</b>	West Drayton

### 1.0 SUMMARY

To determine an application for a review of a Premises Licence in respect of The Wine Cellar Company, 36 Station Road, West Drayton, UB7 7DD. The application to review the licence has been submitted by the Metropolitan Police. This follows two failed test purchases for under age sales of alcohol. **Appendix 1**

### 2.0 RECOMMENDATION

It is recommended that the Premises Licence is suspended for a period not exceeding 3 months. This will enable the short comings that have led to this review being instigated to be rectified by the licence holder.

In line with the review application and representations received, it is also recommended that the conditions detailed in **Appendix 2** are imposed upon the Premises Licence.

### 3.0 INFORMATION

- 3.1 Operation Nebula was set up by the Metropolitan Police Safer Schools Service following a series of incidents in the Borough where children were being supplied with alcohol.
- 3.2 On the 30<sup>th</sup> July 2018, plain clothes police officers with under age cadets visited The Wine Cellar Company, 36 Station Road, West Drayton as part of Operation Nebula. The cadets purchased four cans of Carling lager and left the premises. At no stage were the children challenged regarding their age nor were they asked for any identification. The employee who had sold the alcohol to the cadets, Mr Pagat Nagpar, was subsequently approached by a police officer and was issued with a £90 fixed penalty notice for the offence. He admitted that he had not challenged the children.

- 3.3 On the 22<sup>nd</sup> October 2018, a second visit under Operation Nebula was carried out at 36 Station Road, West Drayton. Officers from Trading Standards were also present during this visit. On this occasion the cadets purchased a bottle of Bluehill Valley Chardonnay. Once again the children were not challenged and proof of age identification was not requested. Police identified themselves to the member of staff who sold the alcohol to the children, Mr Pritpal Singh. The Designated Premises Supervisor, Mr Sandeep Singh Nangpal, was also present at the site.
- 3.4 On 6<sup>th</sup> December 2018, Police and Hillingdon Council licensing officers undertook a joint compliance visit at the premises. During this visit it was noted that the Designated Premises Supervisor, Mr Sandeep Singh Nangpal, had a lack of understanding of the licensing objectives and legislation regarding the sale of alcohol. He had no knowledge of his licence conditions and was surprised to learn that he needed two adults on the premises from 18:00 hours. He did not have a copy of the Premises Licence to provide to the responsible authorities and he did not have an up to date Summary Licence on the wall. The visit was followed up with a letter on 7<sup>th</sup> December 2018.
- 3.5 On 24<sup>th</sup> January 2019, Mr Nangpal attended a formal interview with officers from the Council's Trading Standards Service as part of their investigation into offences that may have been committed by Mr Nangpal under Section 146 of the Licensing Act 2003 in relation to the sale of alcohol to a person under 18 at his premises on 22<sup>nd</sup> October 2018. The Trading Standards Service are considering appropriate penalties/sanctions.

#### 4.0 CONSULTATION

- 4.1 As required by legislation, a legal notice of the review was displayed at the premises. A copy of the legal notice was also displayed at the Civic Centre and was placed on Hillingdon Council's website.
- 4.2 Closing date for representations

**12<sup>th</sup> February 2019**

#### 5.0 REPRESENTATIONS

5.1

Responsible Authority	Ground for Representation	Appendix Number
Stephanie Waterford - Licensing Authority	Protection of Children from Harm Crime and Disorder	<b>Appendix 3</b>
King-Yip Cheung - Trading Standards Service	Protection of Children from Harm	<b>Appendix 3</b>

- 5.2 The Licensing Authority detail the shortcomings in the knowledge and awareness of the Premises Licence Holder, who is also the Designated Premises Supervisor

(DPS), in relation to the licensing objectives, the conditions on his licence and what constitutes responsible alcohol retailing. On two separate occasions in a three month period the same offence of selling alcohol to a minor has been committed. In addition the representation highlights the lack of written authorisation authorising members of staff to sell alcohol in the absence of the DPS and that there was a delay in applying for a transfer of the premises licence. This resulted in the premises operating under an old licence with incorrect details from 1<sup>st</sup> May 2018 - 14<sup>th</sup> August 2018.

The representation from the licensing authority echoes the concerns from the Metropolitan Police and supports the recommendation to suspend the premises licence and impose further conditions.

The Trading Standards Service has expressed serious concerns that Mr Nangpal is unable to exercise his responsibilities to avoid sales of alcohol and other age restricted goods to persons under 18 and supports the application for review in respect of the protection of children from harm objective.

## 6.0 BACKGROUND INFORMATION

### 6.1 Current Licence held

Records show that the premises has been licensed under the Licensing Act 2003 since 2005. Mr Sandeep Singh Nangpal took over ownership of the premises on 1<sup>st</sup> May 2018, however, he only became the premises licence holder in August 2018 through a transfer application. The premises licence is attached as **Appendix 4**.

### 6.2 Current Designated Premises Supervisor

In January 2018 Mr Sandeep Singh Nangpal became the Designated Premises Supervisor.

### 6.3 Description of the Premises

The premises are located on the corner of Station Road and Ferrers Avenue, West Drayton and are part of a small parade of shops. The Wine Cellar Company operates as an off licence selling alcohol, soft drinks, groceries e.g. biscuits, crisps, sweets and tinned goods and cleaning products.

### 6.4 Other licensed premises nearby

Name of premises	Alcohol	Regulated Entertainment	Late night Refreshment	Opening Hours
Positano Restaurant, 39 Station Road, West Drayton	✓			08:00 - 23:30 Monday to Sunday
Best Food & Wine, 61 Station Road, West Drayton	✓			08:00 - 00:00 Monday to Sunday
Ezee 2 Shop, 25 Station Road,				06:00 - 23:00 Monday to Sunday

West Drayton	✓			
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6.5 Map and Photos of the outside of the premises

A site map of the local area and photographs of the premises are attached as **Appendix 5**

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

	<b>Licensable Activities</b>	<b>Opening Hours</b>
<b>Monday</b>	06:00-00:00	06:00-00:00
<b>Tuesday</b>	06:00-00:00	06:00-00:00
<b>Wednesday</b>	06:00-00:00	06:00-00:00
<b>Thursday</b>	06:00-00:00	06:00-00:00
<b>Friday</b>	06:00-00:00	06:00-00:00
<b>Saturday</b>	06:00-00:00	06:00-00:00
<b>Sunday</b>	06:00-23:30	06:00-00:00

6.8 Visits made by Local Authority Licensing Officers

On the 15<sup>th</sup> January 2019 review papers were served on Mr Nangpal at the premises. On 7<sup>th</sup> February 2019 a visit was undertaken at the premises in order to establish the level of compliance with the Premises Licence conditions.

**7.0 OFFICER'S OBSERVATIONS**

7.1 At the time of the visit on 15<sup>th</sup> January 2019, it was observed that there were cans of Stella Artois and Budweiser stacked up against the entrance door. This was in contravention of a licence condition which states that "no alcohol shall be stored within 2 meters of the door."

During the compliance visit undertaken at 18:30 hours on 7<sup>th</sup> February 2019, Mr Nangpal was able to provide his Personal Licence, an up to date copy of the Premises Licence and the Summary Licence which were on display behind the counter.

In addition it was noted that there was a CCTV system installed at the premises. The system consisted of 14 cameras covering the till, persons entering and leaving the premises at the main entrance/exit door, the internal parts of the shop and the area outside the front of the store. The monitor was positioned within sight of staff and customers and displayed several images. However, Mr Nangpal advised that the CCTV system only recorded for a period of 14 days rather than the 30 days as stated in his licence conditions.

On this occasion there was no alcohol being stored against the entrance door. It was also noted that there was a sign on the door requesting customers to leave the premises quietly.

Although not a licence condition, Mr Nangpal was unable to produce his refusals log, advising that it had been taken home the previous night by a member of staff in order to enter a refusal that was made immediately prior to closing the shop that same evening. Mr Nangpal had also been unable to produce his refusals log on 22<sup>nd</sup> October 2018 when requested by Trading Standards.

Mr Nangpal advised that he was working on his own in the shop that evening. When he was informed that his licence conditions specify that there shall be 2 adults on the premises from 18:00 hours until closing each day he advised that his other member of staff was on a day off. This particular licence condition had previously been raised with Mr Nangpal during a joint compliance visit made by the Police and Hillingdon Licensing teams on 6<sup>th</sup> December 2018.

## **8.0 RELEVANT SECTIONS of the S182 GUIDANCE and LICENSING POLICY**

### **8.1 S182 guidance**

**Paragraph 2.22** *The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.*

**Paragraph 11.2** *At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.*

**Paragraph 11.19** *Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*

- *modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- *exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)*

- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

**Paragraph 11.23** Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. **But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.**

**Paragraph 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 illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;

**Paragraph 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.

**Paragraph 13.10** It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority's statement of policy and this Guidance. Reasons should be promulgated to all the parties of any process which might give rise to an appeal under the terms of the 2003 Act.

## 9.2 Relevant Sections of the Hillingdon Licensing Policy

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

- 7.8 Following the grant of a premises licence, the Metropolitan Police Service, Elected Members and/or interested parties such as local residents and Ward

*Councillors can apply to the Licensing Authority for a review of the licence if they consider that the Prevention of Crime and Disorder objective has not been met and are relevant.*

- *19.1 At any stage following the grant of a premises licence or a club premises certificate, an application for a review application can be submitted to the Licensing Authority by a Responsible Authority, any Elected Member or an Interested Party in connection with any of the four licensing objectives.*

## **10.0 LEGAL COMMENTS**

10.1 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:

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

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

10.2 The Sub-Committee must also have regard to the London Borough of Hillingdon's Statement of Licensing and the Secretary of State's Guidance issued under the Licensing Act 2003 when deciding what action, if any, to instigate. The terms of the Statement of Licensing Policy and Guidance are highly persuasive, but are 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 justifiable reasons to do so. Full reasons must be given if this is the case.

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

10.4 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 or concerns and should always ensure that any response is necessary and proportionate.

10.5 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.

- 10.6 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.
- 10.7 Where the Sub-Committee determines an application for review it must provide written notice and reasons for its decision.
- 10.8 The licence holder, applicant for review 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 in writing by the Licensing Authority of its decision.

## PROTECTIVE MARKING


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

Form 691

## 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 E. Mitchell 2372WA**

 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:**

The Wine Cellar Company, 36 Station Road, West Drayton,

<b>Post town:</b>	Hillingdon	<b>Post code:</b> (if known)	UB7 7DD
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**Name of premises licence holder or club holding club premises certificate (if known):**

Mr Sandeep Singh Nangpal

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

### Part 2 – Applicant details

**I am:**

Please tick Yes

<b>1</b>	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"/>
<b>2</b>	a responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
<b>3</b>	a member of the club to which this application relates (please complete section (A) below)	<input type="checkbox"/>

**PROTECTIVE MARKING**

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

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

<b>(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT</b> (fill in as applicable)	
<b>Name and Address:</b>	
Hillingdon Police Licensing Team	
<b>Telephone Number (if any):</b>	0208 2461933
<b>Email address:</b> (optional)	Licensing-Hillingdon@met.pnn.police.uk

<b>This application to review relates to the following licensing objective(s)</b>		
Please tick one or more boxes		
<b>1</b>	<b>The prevention of crime and disorder</b>	<input type="checkbox"/>
<b>2</b>	<b>Public safety</b>	<input type="checkbox"/>
<b>3</b>	<b>The prevention of public nuisance</b>	<input type="checkbox"/>
<b>4</b>	<b>The protection of children from harm</b>	<input checked="" type="checkbox"/>
<b>Please state the ground(s) for review:</b> (please read guidance note 2)		
<p>The above Premises of 36 Station Road, West Drayton UB7 7DD was visited on 30<sup>th</sup> July 2018 and the 22<sup>nd</sup> October 2018. On the two visits staff at the venue sold alcohol to underage cadets. The premises is an off licence.</p> <p>These illegal underage sales occurred within the specified three month period contrary to Sec 147A of the Licensing Act 2003. The Home Office Guidance under section 182 of the Licensing Act states that under 11.29 however, where persistent sales of alcohol to children have occurred at premises and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps that a review of the licence is the norm in these circumstances.</p> <p>The application for this review is brought for the consideration of the licensing committee under the Licensing Objective - protection of children from harm.</p>		

## PROTECTIVE MARKING

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

In 2018 Hillingdon Police school team had conducted a series of test purchase visits with CADETS (Children under 16 years of age) to go around Hillingdon borough and see if any venues would sell alcohol to the cadets. This operation was called NEBULA and was set up following a series of incidents on the borough where it had come to notice that children were being supplied alcohol. This resulted in crimes across the borough, vulnerable children at risk of child sexual exploitation, along with health issues all related to the ripple effects of selling alcohol to children.

On 30th July 2018 at 1150 hours the plain clothes officers with the under age cadets entered the premises of 36 Station Road West Drayton (The officers attending knew the name of the venue to be 'West Drayton Local' - on the licence it is shown as 'The Wine Cellar'.)

Cadets entered the store, selected four cans of Carling Lager retail value of £4.40 and went up to the till. The alcohol was rung through the till and placed into a black bag. The children at no stage were challenged regarding their age or were requested for any identification. They paid the employee the £4.40 by handing over £10.00 and the change was provided. The Cadets left the store and handed the alcohol to a police officer. The employee who had sold the alcohol to the CADETS was then approached by the police officer and he was issued a penalty notice for the offence. The Cashier on this occasion was Mr Pagat Nagpar. The penalty notice was issued to him for the sum of £90.00 fine and he admitted that he had not challenged the children.

On 22<sup>nd</sup> October 2018 at 1048 hours a second visit under Operation Nebula was conducted at the same premises of 36 Station Road, West Drayton UB7 7DD. Trading Standards were also present during this visit. The Cadets entered the premises, selected a bottle of wine (Bluehill Valley Chardonnay) to the value of £6.99. The children walked up to the till with the bottle of wine and asked the member of staff how much it cost. The staff member then rang it through a till and placed it into a bag, taking the payment without any challenge or request for identification for proof of age.

Police then identified themselves to the staff member who sold the alcohol to the children and this was a Mr Pritpal Singh. Another member of staff present at the premises at the time was the Designated Premises Supervisor Mr Sandeep Singh Nangpal.

On the 6<sup>th</sup> December 2018 Police and Hillingdon council licencing teams conducted a joint compliance visit on the venue. The visit was done at 1003 hours. The Designated Premises Supervisor Mr Sandeep Singh Nangpal was in the premises and it was shockingly apparent that he had no understanding of the licensing objectives, the law or legislation regarding selling alcohol. The shop had several different items of drug paraphernalia such as snap bags, cannabis grinders, smoking pipes and more, all of which when Mr Nangpal was spoken to admitted only one kind of client would be purchasing these items.

We discussed his premises licence, he had no knowledge of his conditions and was surprised that he needed two adults on the premises from 18:00 hours. He did say sometimes he has a 16 year old working for him. He did not have a copy of the premises licence to provide to the responsible authorities, he did not have an up to date Summary Licence up on the wall.

Mr Nangpal was emailed by myself on 07<sup>th</sup> December 2018 following the visit, I highlighted to him our findings from the visit. Mr Nangpal emailed me back with his changes.

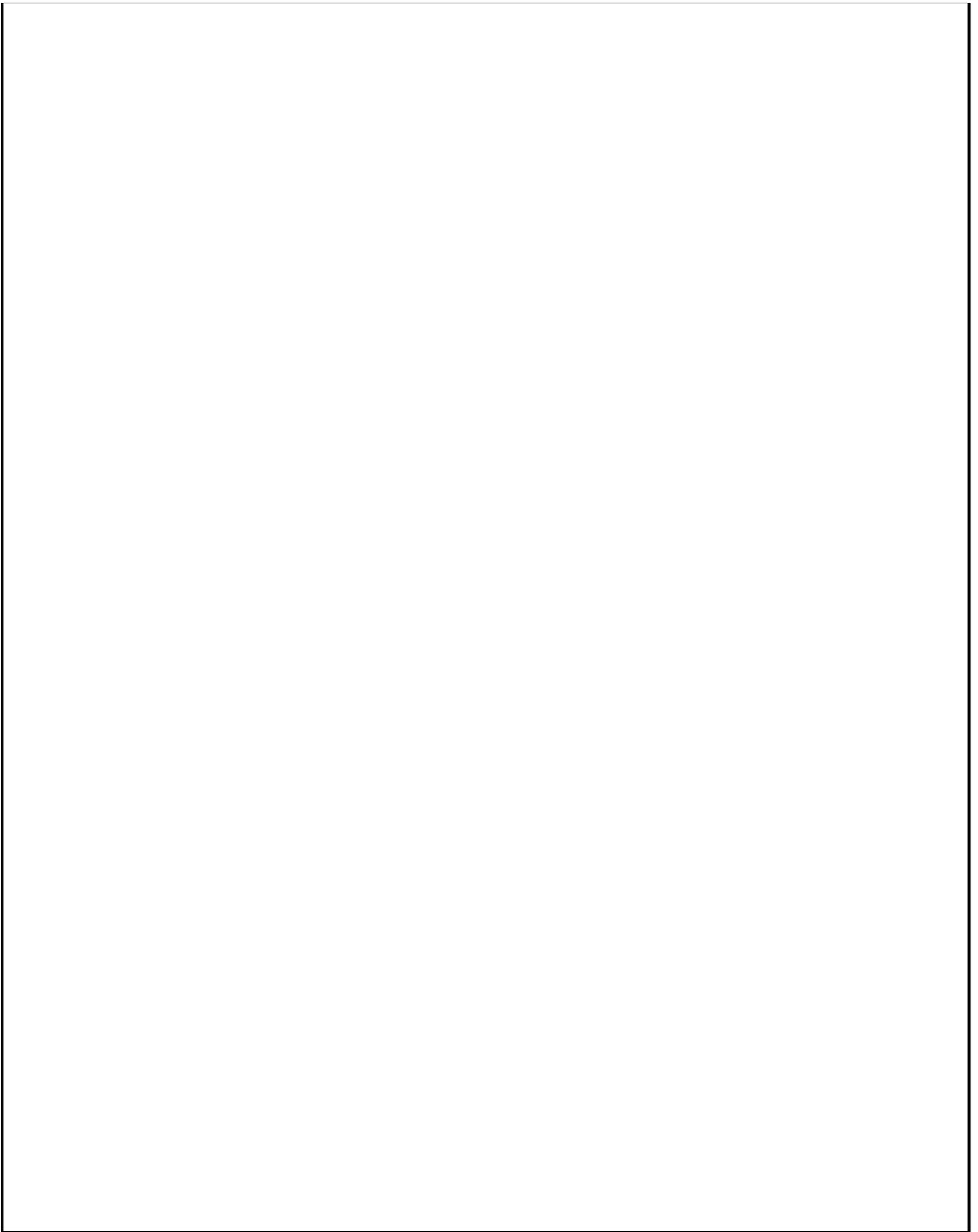
Police will be requesting a three month suspension of sales of alcohol and other stringent conditions added onto the Premises Licence. The rationale for this is that Mr Sandeep Singh Nangpal took over the premises on the 01<sup>st</sup> May 2018. Mr Nangpal did not show himself as the premises licence holder officially until the 14<sup>th</sup> August 2018. Mr Nangpal signed a document to the effect that during both visits he was responsible for the premises (held by Hillingdon Council Licensing Team).

Further to the conditions already shown on the premises licence please consider the following:

- 1) Products with above 35% volume shall be stored behind the counter.
- 2) The tills should be fixed to the counter.
- 3) There will be an Incident Log Book kept on the premises which will record any incidents, refusals to children or drunks, any incidents that police have been called and any defects to the CCTV system.
- 4) The counter should be protected by a lockable door.
- 5) No drugs paraphernalia should be sold on the premises, these include but are not limited to; Cannabis grinders, snap bags, electric scales and pipes which can be used for smoking crack or cannabis.

I have submitted a witness statement with all supporting documents exhibited and listed. Exhibits one to seven.

**PROTECTIVE MARKING**



**Have you made an application for review relating to this premises before?**

(Please tick yes)

**PROTECTIVE MARKING**

	Day	Month	Year
<b>If yes, please state the date of that application:</b>			

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

**PROTECTIVE MARKING**

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

<b>Signature:</b>		<b>Date:</b>	
<b>Capacity:</b>			

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

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

**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

### WITNESS STATEMENT

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

URN

Statement of: E. Mitchell PC 2373 WA

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

This statement (consisting of ① 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 ..... Date: 10/01/2019

I am PC Mitchell 2373 WA. I am a Police Licensing Officer for Hillingdon Borough. This statement is in relation to a Premises Review application I am submitting for the premises of 36 Station Road West Drayton UB7 7DD.

The application review relates to the Protection of Children from Harm Licensing Objective.

The premises of 36 Station Road West Drayton sold alcohol to minors during a test purchase operation in 2018. The operation was called 'Nebula' and Hillingdon School officers conducted this with the support of the CADETS.

The supporting evidence relating to this review is as follows:

EM/1 Witness statement from PC Goddard-Lane providing information on the first test purchase and sale of alcohol. This took place on the 30<sup>th</sup> July 2018.

EM/2 PND 61508080 relating to the sale of alcohol on the 30<sup>th</sup> July, this was served on the cashier Mr Pagat Nagpar.

EM/3 Witness statement from PC Chopra providing information relating to the second sale of alcohol. This took place on the 22<sup>nd</sup> October 2018.

EM/4 Letter to the Designated Premises Supervisor and manager of the shop Mr. Sandeep Singh Nangpal. Dated 07<sup>th</sup> December 2018.

EM/5 Copy of email correspondence between myself and Mr Nangpal discussing the findings of the running of 36 Station Road, West Drayton UB7 7DD

EM/6 7 photos from the premises of 36 Station Road relating to drugs paraphernalia that was sold within the premises. This is relevant as I would like a condition for drugs paraphernalia not to be sold within the premises should conditions be considered.

EM/7 Photo of the Designated Premises Supervisor Mr Nangpal on his phone behind the counter. Above his head shows 2 x challenge 25 posters. This was not complied with during the test purchase visits.

Witness Signature .....

Signature Witnessed by Signature:.....

am 11

### WITNESS STATEMENT

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

URN

Statement of: Damian Goddard-Lane Pc 2910WA

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable

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

Witness Signature: ..... Date: 12/12/2018

On the 30<sup>th</sup> July 2018 I was on duty in plain clothes taking part in Operation Nebula, a test purchase operation of Licensed Premises on the Hillingdon Borough. I was in Company with Pc 2108WA Smith and two (2) female volunteer Police Cadets, both of which were under the age of 16 ½ and neither was wearing excessive makeup, nor dressed any differently to the average teenage girl (they were no attempting to look older than they are). During the operation at approximately 1150 hours we attended West Drayton Local, 36 Station Road, West Drayton.

Having parked away from the premises, myself and the two (2) Volunteer Police Cadets got and separately headed towards the venue, so that we did not look like we were together. I entered the premises 1<sup>st</sup> and a few seconds later the two (2) cadets entered. I positioned myself where I had a clear and unobstructed view of the Cadets and also the point of sale and the cashier.

The Cadets having entered the store made their way to the fridge area where all of the alcoholic drinks were contained. They selected four (4) Cans of Carling at a value of £4.40 and made their way to the till together.

Having presented themselves at the till and to the IC4 male attendant, the cans of Carling were placed onto the counter.

The alcohol was rung through the till and placed into a black plastic bag without any challenge over their age or requesting any identification. £4.40 was requested and a £10 not was handed over, and change given.

The plastic bag was collected by the Cadets with the cans of Carling in it and they proceeded to leave the store, followed a few second later by myself.

Having re grouped outside, the Carling and change was handed to myself, and myself and Pc 2108WA returned to the store.

Upon entering the same IC4 male I had witnessed sell the cans of carling without challenge to the cadets was standing behind the till. I approached him and identified myself as a Police Officer and showed him my warrant card. I then fully explained to him what I had just witnessed and that he was to be issued with a penalty notice for the sale of alcohol to those under age, and that it falls under Section 146(1) Licensing Act 2003.

The cashier I had witnessed sell to the cadets identified himself as Pagat Nagpar, of (A check on the police national computer on these details revealed no previous convictions).

A penalty notice for £90 was completed and issued to Mr Nagpar after he admitted in questions and answers the sale and the fact he had not challenged the young females for

Witness Signature: .....

Signature Witnessed by Signature: .....

Continuation of Statement of:  
 identification. The full payment procedure / court hearing request was explained to Mr Nagpar and I made sure he understood by getting him to repeat it back to me, which he did. He was subsequently handed a copy of the penalty notice and explanatory notes and educated on challenging persons over the sale of alcohol. He accepted the Penalty Notice and the advice given and we left the store. Penalty Notice 001803 61508080 18 was issued to Mr Nagpar.

Witness Signature: .....

Signature Witnessed by Signature:.....

Em/2

**METROPOLITAN POLICE SERVICE  
PENALTY NOTICE FOR DISORDER - PART 4 CTO COPY**

001803	61508080	118
£ 90	VICTIM SURCHARGE (Tick if applicable) <input type="checkbox"/>	
TITLE MR	SURNAME NOSPARE	
FORENAMES PASAT		
DATE OF BIRTH (ddmmvvv)		ADDRESS

POST CODE \_\_\_\_\_ GENDER M  F

OFFENCE TIME \_\_\_\_\_ HRS. OFFENCE DATE \_\_\_\_\_

ISSUE TIME \_\_\_\_\_ HRS. ISSUE DATE \_\_\_\_\_

AT (LOCATION)  
WEST DEANTON LOCAL  
STATION ROAD

OFFENCE CODE DAIB

YOU (offence particulars) *Sold park  
cars of value parked at home  
in a private drive area  
without ID or challenge*

CONTRARY TO (Act containing offence)  
*S.146(1) Licensing Act 2003*

PLACE OF ISSUE: Street  Custody

I acknowledge receipt of this Penalty Notice

Signature \_\_\_\_\_

ISSUED BY:

Warrant/  
Pay No. 207095 OCU 01144

Rank PC DATE OF  
ISSUE 30072018

**MUST BE COMPLETED**

**ADDITIONAL DETAILS OF RECIPIENT**

IC Code 4 SD Code A1 Local Authority Code 76

Occupation *Store assistant*

**I/D CHECKS MADE [e.g. documents seen]**

Drivers' Licence  Passport  Bank/Credit Card  National Insurance

Travel/Photo Card  IND Card  PNC  Radio  Other (specify)

Specify Other: *18/311826P*

Record Details (e.g. driver/card/passport no) \_\_\_\_\_

Fingerprints taken  Photograph taken  DNA taken

CRIS No. \_\_\_\_\_

A/S No. 18/000000/809684W

Custody (Pic) No. \_\_\_\_\_

EM/3



RESTRICTED (when complete)

MG11C

WITNESS STATEMENT

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

URN

Statement of: PC CHOPRA 2169WA

Age if under 18: over (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

Witness Signature: .....

..... Date: 24/10/2018

This statement relates to an incident where I witnessed a Shop keeper selling a bottle of Wine to an underage cadet without checking any Identification.

These are my original notes, made as soon as practicable after the event and whilst the details of the event are still clear in my mind. Notes started at 1000 HOURS in the writing room at Hayes police station.

On Monday the 22nd October 2018 I was on duty in plain clothes in company with PC 2910WA and PS 293WA taking part in operation Nebula a test purchase operation with the volunteer Police cadets. We were in Company with two (2) Volunteer Police Cadets whom I will refer to as Cadet A and Cadet B, we also had two (2) members of Hillingdon Council Trading Standards with us.

At 10:48 hours (Time by the Police Carrier ending LCA Clock) we attended West Drayton Local, 36 Station Road, West Drayton where on the 30th July 2018 a previous sale of Alcohol had taken place and a Penalty Notice / Warning had been issued.

I along with Cadet A and Cadet B entered West Drayton Local 36 STATION ROAD, Cadet A and Cadet B entered first and I entered few seconds later. I positioned myself in the shop away from Cadet A and Cadet B so as not to be deemed as being with them, but so that I had a clear and unobstructed view of the Cadets, the alcohol section and the sales counter, I was also close enough to be able to hear any conversations that took place.

Cadet A and Cadet B walked into the store and passed the sales counter which at this stage was un manned, but there was a member of staff to the left hand side of the store, an IC4 male heavy build in dark clothing. They walked to the aisle on the right hand side of the store at the rear where the alcohol was located. They selected a bottle of wine, which I now know to be a bottle of Bluehill Valley Chardonnay Wine valued at £6.99.

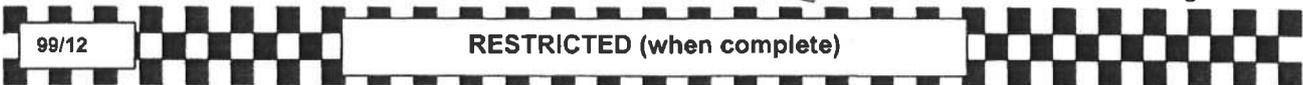
Cadet A was holding the bottle of wine and Cadet B was stood next to them, they walked up to the sales counter which was still un manned and stood there for a brief second before a member of staff came from the rear of the shop to serve them. The sales assistant was an IC4 male, F505, Medium Build who was wearing a white hooded sweatshirt, blue jeans, and white shoes. He got behind the counter, and held the bottle of wine up and asked the large IC4 male how much it cost. He then subsequently rang the bottle of wine through the till, placed it into a black plastic bag and took payment from Cadet A without any challenge over age at all.

The bottle of wine in the black plastic bag was then handed over to Cadet A and they were allowed to leave the store, followed a few seconds later by myself. We returned to our Police vehicle and informed our colleagues and trading standards of what had occurred. Myself and PC 2910WA and the two (2) members of trading standards then returned to the premises to speak with the male who had conducted the sale and also the designated licence holder if they were present.

Upon entering the store PC 2910WA switched on his body worn video camera and informed the two (2) members of staff that they were being recorded, PC 2910WA identified himself as a Police Officer by showing his warrant card to the two (2) members of staff and introduced myself and trading standards to them.

Witness Signature: ..... PC 2169WA

Signature Witnessed by Signature: .....



99/12

RESTRICTED (when complete)

Continuation of Statement of:

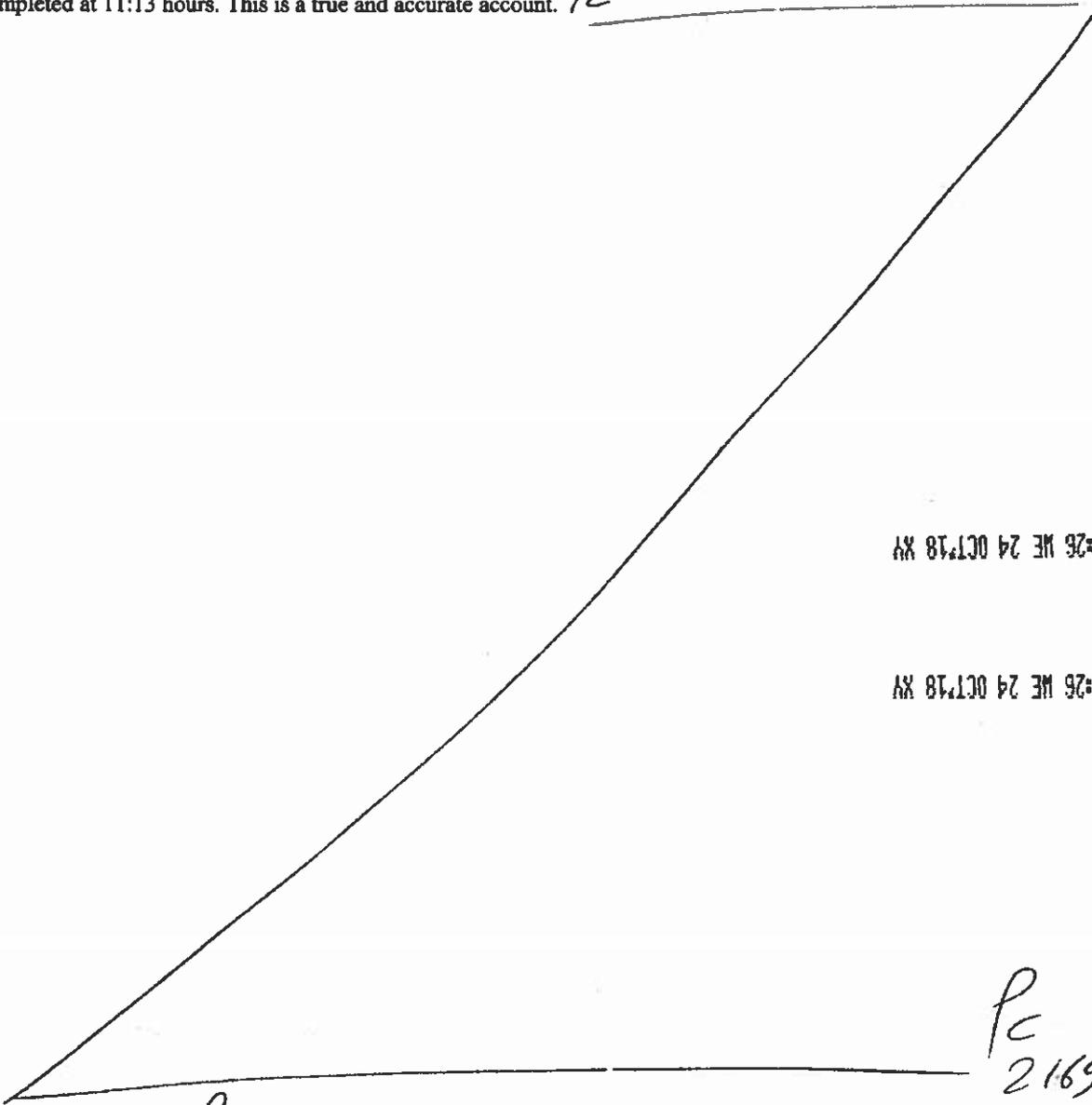
He then handed me the Body Worn Video Camera whilst he explained to the two (2) members of staff that they had just sold to two (2) Volunteer Police Cadets, both of which were under 18 years old and that they had not challenged them, the conversation was then handed over to Trading Standards and I filmed the layout of the store.

The IC4 male who had conducted the sale (White hoodie and blue jeans) identified himself as Pritpal SINGH, of 36 Station Road, West Drayton, UB7 7DD

The other male present at the point of the sale turned out to be the Designated Licence holder and owner, and identified himself as Sandeep Singh NANGPAL, also of 36 Station Road, West Drayton, UB7 7DD, personal licence number 17LIC53071PERS.

During the conversation with Trading Standards the store owner Mr Nangpal stated that he had not been present at the previous test purchase but had been made aware of it a few weeks later by his staff. He was also unable to produce the "Refusals" book stating that it was locked in a cabinet that he did not have the key for with him.

Notes Completed at 11:13 hours. This is a true and accurate account. PC



11:26 ME 24 OCT 18 XY

11:26 ME 24 OCT 18 XY

PC  
2169WA

Witness Signature: PC 2169WA

Signature Witnessed by Signature: P/A

**Witness contact details**

URN

Name of witness: PC CHOPRA  
 Home Address: 755 UXBRIDGE ROAD Postcode: UB4 8HU  
 E-mail address: \_\_\_\_\_ Mobile: \_\_\_\_\_  
 Home Telephone Number: \_\_\_\_\_ Work Telephone Number: \_\_\_\_\_  
 Preferred means of contact (specify details for vulnerable/intimidated victims and witnesses only): \_\_\_\_\_  
 Gender: Male Date and place of birth: 7/1/74  
 Former name: PA Ethnicity Code (16 + 1): \_\_\_\_\_

**DATES OF WITNESS NON-AVAILABILITY:**

**Witness care**

- a) Is the witness willing to attend court? Yes If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance? \_\_\_\_\_
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case) If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? If 'Yes' what are they? (Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?).

**Witness Consent (for witness completion)**

- a) The 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 the police..." 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, or other proceedings if applicable, e.g. child care proceedings, CICA Yes  No  N/A

*'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.'*

Signature of witness: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_

Signature of parent/guardian/appropriate adult: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_

Address and telephone number (of parent etc.), if different from above: \_\_\_\_\_

Statement taken by: \_\_\_\_\_

Station: X4

Time and place statement taken: \_\_\_\_\_

4.45 Police Station

Em/4

Sandeep Singh Nangpal  
The Wine Cellar  
36 Station Road  
West Drayton  
UB7 7DD

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

Telephone: 020 8246 1933  
Mobile: 07500 578106  
Email: Licensing - xh@met.police.uk

07/12/2018

Your Ref: Joint Police and Local Authority  
Inspection 06/12/2018  
The Wine Cellar, 36 Station Road, West  
Drayton

Dear Mr. Nangpal,

I write to you following the joint inspection which the Licensing team from Metropolitan Police and London Borough of Hillingdon conducted at your premises, The Wine Cellar, 36 Station Road, West Drayton, UB7 7DD, at 10:00 hours on 06 December 2018. At the time of the visit, you were found to be working behind the counter.

The reason for our visit was to conduct a licensing inspection of your premises following the two recently failed test purchase visits where underage buyers were successfully able to purchase alcohol from your premises.

This is contrary to Section 146 (1), Section 147 and Section 147(A) of the Licensing Act 2003. Both breaches occurred, by your own admission, whilst you had been in full ownership/management of the place since 01 May 2018. However, the Council was informed about the transfer in ownership of the premises licence only in August 2018.

On 06 December 2018 you further failed the inspection on the following grounds:

1. Contrary to Section 57 of the Licensing Act 2003, you have failed to secure and prominently display the full premises licence, the summary licence, a notice confirming the position held by the person nominated to keep the premises licence under their control or a certified copy of any of these at the premises.
2. Being the Designated Premises Supervisor of the premises you have not adhered to your premises licence condition under Annex 2 requiring you to have two adults working at the premises after 18:00 until close of business everyday.
3. Though not a condition on your licence, it is good practice to have a written authorisation whereby you authorise other members of staff to sell alcohol in your absence. You did not have any written authorisation at the premises at the time of the visit and knowing that you were out of the country from 16 September 2018 to 02 December 2018 when the premises was open and fully trading and other members of staff were selling alcohol without any written authorisation in place is a matter of concern for us. This is a failure under Section 136 (1) whereby carrying on or attempting to carry on a licensing activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on amounts to an offence.
4. It was also noted that your Refusals Book has not been updated since 2017. As explained yesterday, it is important that you log every refused sale in this book. It is important because it shows that you are complying with the law for age-restricted products and it also acts as evidence should you need to prove that you are actively ID-ing customers.
5. You were also found to be selling drugs paraphernalia such as snap bags, cannabis grinder and pipes, all of which aid in the smoking of drugs. You have been advised to stop selling these so as not to attract the wrong kind of people into the shop.
6. It was further noted that you were not particularly aware of the four licensing objectives which are the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. Neither were you aware of the conditions attached to your premises licence.

I do not therefore feel confident as it currently stands, that you are suitably running the venue and promoting yourself as a responsible retailer.

In such circumstances, please be aware that the Police Licensing Team will be considering an application to review the status of your premises licence.

Yours faithfully,

**Emly Mitchell**  
**Police Licensing Officer**  
**Hillingdon Borough**

Emly

## Mitchell Emly - WA-CU

---

**From:**  
**Sent:** 07 December 2018 14:36  
**To:** Mitchell Emly - WA-CU  
**Subject:** Re: Rep Letter - The Wine Cellar

Hi Emily

The changes I've made already are that we have printed the license summary and it's on display in the shop and also have a hard copy of it also which is to be shown at any given point. Also a letter of declaration has been signed which authorise staff other than me to serve alcohol. We are trying to get rid of all drug related products such as snappy bags and grinders etc. I have revised the 4 objectives which are imperative in this retailing business and are going to be running this business as smoothly as possible.

Kind regards  
Sandeep Nangpal

Sent from my iPhone

On 7 Dec 2018, at 13:23, "Emly.Mitchell@met.police.uk" <Emly.Mitchell@met.police.uk> wrote:

<image002.png> **Emly Mitchell**  
**Partnership & Prevention**  
**Licensing Officer Hillingdon Borough**  
**West Area BCU (WA)**  
Tel: 0208 2461933  
Address: 1 Warwick Place, Uxbridge UB8 1PG  
[Emly.Mitchell@met.pnn.police.uk](mailto:Emly.Mitchell@met.pnn.police.uk)  
<image003.gif><image004.gif>

---

**From:** Mitchell Emly - WA-CU  
**Sent:** 07 December 2018 13:20  
**To:**  
**Cc:** 'Jhini Mukherjee' <[jmukherjee@hillingdon.gov.uk](mailto:jmukherjee@hillingdon.gov.uk)>; Licensing - XH ([Licensing-XH@met.pnn.police.uk](mailto:Licensing-XH@met.pnn.police.uk)) <[Licensing-XH@met.pnn.police.uk](mailto:Licensing-XH@met.pnn.police.uk)>  
**Subject:** Rep Letter - The Wine Cellar

Mr. Nangpal,

Please see attached a letter following our inspection yesterday. Please respond by letting me know what, if any changes and improvements you intend to make to the running of your shop.

Regards

Hillingdon Police Licensing Officer

Consider our environment - please do not print this email unless absolutely necessary.

NOTICE - This email and any attachments may be confidential, subject to copyright and/or legal privilege and are intended solely for the use of the intended recipient. If you have received this email in error, please notify the sender and delete it from your system. To avoid incurring legal liabilities, you must not distribute or copy the information in this email without the permission of the sender. MPS communication systems are monitored to the extent permitted by law. Consequently, any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude any binding agreement on behalf of the MPS by email. The MPS accepts no responsibility for unauthorised agreements reached with other employees or agents. The security of this email and any attachments cannot be guaranteed. Email messages are routinely scanned but malicious software infection and corruption of content can still occur during transmission over the Internet. Any views or opinions expressed in this communication are solely those of the author and do not necessarily represent those of the Metropolitan Police Service (MPS).

**Find us at:**

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**Twitter:** @metpoliceuk

<Rep Letter - The Wine Cellar.doc>









32 x 45 g

**XNT**  
**White**

XW012-009









## **Appendix 2 - Recommended conditions**

### Officer's recommendation:

The following recommended conditions are consistent with those suggested by the Metropolitan Police and the information contained in the representations received from the Licensing Authority and the Trading Standards Service.

### The Protection of Children from Harm

1. A Challenge 25 scheme shall be operated at the premises – the only form of valid identification being passport, photo driving licence, pass hologram ID card or Her Majesty's forces warrant card - failure to supply such ID will result in a no sale or supply of alcohol to that person
2. Staff will be trained on induction and undergo 3 monthly refresher training in respect of the sale of all age restricted goods (including awareness/prevention of proxy sales, signs and systems of intoxication, dealing with refusals of sales and any other confrontational behaviour from customers) such training sessions to be documented and records made available to authorised persons from Responsible Authorities and kept on site for a minimum of 2 years.
3. An incident/refusal log book shall be kept at the premises, and made available for inspection on request to an authorised officer of the council or the police.

### The Prevention of Crime and Disorder

4. There shall be at least 2 adult members of staff on the premises from 18:00 hours (6.00pm) to closing each day.
5. Products with above 35% volume shall be stored behind the counter.
6. The tills shall be fixed to the counter.
7. The counter shall be protected by a lockable door.
8. No drugs paraphernalia shall be sold on the premises, these include but are not limited to; cannabis grinders, snap bags, electric scales and pipes which can be used for smoking crack or cannabis.

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# HILLINGDON

LONDON

Mrs Lois King  
Principle Licensing Officer  
Licensing Service

Reference; SW/19/LA03

Your Reference;

Date; 8<sup>th</sup> February 2019

Dear Madam,

**THE WINE CELLAR, 36 STATION ROAD, WEST DRAYTON  
THE LICENSING ACT 2003**

With reference to the Premises Licence Review application submitted by the Metropolitan Police Service 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.

I make this representation under the following Licensing Objectives;

- Prevention of Crime & Disorder
- Protection of Children from Harm

Having read the review application and supporting information supplied by PC Emly Mitchell and also consideration of information given by Licensing Officer Jhini Mukherjee, I concur with the recommendation contained within. I believe that the imposition of further conditions and a period of suspension will aid the licence holder to rectify the shortcomings that have led to this review being instigated.

I have attached a supporting statement from Jhini Mukherjee giving an account of her dealings with the premises and licence holder.

Both myself and Mrs Mukherjee intend to deliver this representation in person at the Licensing Sub-Committee hearing.

Yours faithfully

Stephanie Waterford  
Licensing Service Manager  
Licensing Authority Representative

# STATEMENT OF WITNESS

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

STATEMENT OF: Jhini Mukherjee

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

Occupation of witness: Licensing Officer

This statement consisting of 3 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 08 day of February 2019 Signed: Jhini Mukherjee

On the back of a joint test purchase operation to target underage alcohol sales across the borough, called Operation Nebula, carried out by Metropolitan Police - Safer Schools Service and the Council's Trading Standards Service, I was informed of the failures and management incompetency of this particular premises, namely, The Wine Cellar Company (also known as West Drayton Local) at 36, Station Road, West Drayton, UB7 7DD.

The premises was visited twice over a three months' period by officers from Metropolitan Police Service and Trading Standards Service and it failed the test purchase operation both times. These two failures in a three months' period between 30 July 2018 and 22 October 2018, is classed as 'Persistently selling alcohol to children', which is an offence under S. 147A of Licensing Act, 2003.

Following this, I visited the premises with PC Emly Mitchell on 06 December 2018 to carry out a compliance check at the premises and what was very noticeable at the time was the Premises Licence Holder who is also the Designated Premises Supervisor (DPS), Mr Sundeep Singh Nangpal's, lack in

Signed: Jhini Mukherjee

awareness of the licensing objectives under the Act or of the conditions on his licence.

I must mention here that there are spelling variations of Mr Sundeep Singh Nangpal's full name in different documents but they refer to the one and same person.

Though not a condition on their premises licence, it is good practice for better and more effective management of every licensed premises to maintain a Refusals Book where all members of staff can record every refused sale of alcohol. On the day of my visit, there were no Refusals Book on site which I expected the premises to maintain, especially after it failed two test purchase operations in three consecutive months.

Mr Sundeep Singh Nangpal's inexperience and incognizance about his duties as a Premises Licence Holder and a DPS, under the Act, shone through the whole time I spoke to him about the persistent failings on his part from a licensing perspective. His lack of knowledge of what constitutes as responsible alcohol retailing was a matter of concern for me. My advice to him was to refresh his licensing training which he had gained when he obtained a Personal Licence with London Borough of Ealing. I also advised him to train up all his staff who are involved with the daily running of the shop and record their training on a Staff Training Log as a due diligence measure and revisit this every six months. This is so that they understand and implement the requirements of the Licensing Act, 2003, in their workplace and work towards upholding the four licensing objectives at all times.

During my visit, it was also revealed that though the transfer of the premises licence was submitted to the Licensing Authority on 14 August 2018, the premises actually changed hands on 01 May 2018. Mr Nangpal has signed a letter to this effect on the day I visited the premises and this is submitted as JM1. This further indicates that not only were the two test purchase failures committed while Mr Nangpal was in ownership of the premises but also that due to the delay in applying for a transfer of the premises licence, between

the period of 01 May 2018 and 14 August 2018, the premises continued to operate under an old licence with incorrect details.

I furthermore came to know that after taking over the premises, Mr Nangpal was on holiday when the first test purchase failure happened. This would mean that staff at his premises were selling alcohol to people without any written authorisation from the DPS who is also the Premises Licence Holder here. I advised Mr Nangpal to maintain a Written Authorisation document which can be a one page document with the names of the persons listed which should be updated with every change in staff and signed by him. An authorisation like this in writing, will be useful for him in establishing due diligence in the event of enforcement, as well as a good training opportunity for the staff.

I fully support the Review Application and stand by the recommendations submitted by the Metropolitan Police Service, the Trading Standards Service and the Licensing Service. I also strongly recommend that the premises licence be suspended for three months which will give Mr Nangpal and his staff, time to improve on their skills and knowledge in responsible alcohol retailing to prevent such gross failures in the future.

## Details of Witness

<p>Name:</p> <p>Address:</p> <p>Telephone N<sup>os.</sup>:</p>
--

**Dates to be avoided. Delete dates of non-availability of witness;**

Month of:							Month of:							Month of:						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				
Month of:							Month of:							Month of:						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

**Contact point, if different from above:**

<p>Address: .....</p> <p>Telephone N<sup>os.</sup>: ..... Daytime: Evening:</p> <p>e-mail address: .....</p>
--

to whom it may concern

I, Sundeeep Singh Nangpal, premises  
 license holder of West Drayton  
 Local (company name - The Wine  
 Cellar Company) at 36 Station Road,  
 West Drayton, UB7 7DD, hereby  
 confirm that I took over the  
 ownership of this premises on  
 01 May 2018. I also confirm that it  
 was during my ownership that  
 this premises failed two test-purchase  
 operations.

Sincerely yours,  
 Sundeeep Singh Nangpal

Michelle PC  
 2372XH  
 Licensing officer  
 10:33  
 6/12/2018.

S. Nangpal  
 6/12/2018

Thini Nubherje

06/12/2018



# HILLINGDON

LONDON

Lois King  
Regulatory Services  
London Borough of Hillingdon  
Civic Centre  
High Street  
Uxbridge  
UB8 1UW

Ref: KYC/005131

11 February 2019

Dear Mrs King

***RE. THE WINE CELLAR, 36 STATION ROAD, WEST DRAYTON, UB7 7DD  
APPLICATION FOR A REVIEW OF A LICENCE  
REPRESENTATION***

I write in support of the above application for a premises licence review submitted by PC Emly Mitchell from the Metropolitan Police.

The Trading Standards Service (the Service) is making a representation in relation to the licensing objective; the protection of children from harm.

In addressing the matters relating to this application, I will refer to the test purchase operation conducted by the Metropolitan Police and Trading Standards at the premises of The Wine Cellar, 36 Station Road, West Drayton on 22 October 2018, and the subsequent interview with Mr Nangpal following the test purchase, and sale of alcohol to a person under 18.

During the test purchase operation a bottle of Bluehill Valley Chardonnay wine was sold to a 14 year old police cadet volunteer by a Mr Pritpal Singh. Mr Sandeep Singh Nangpal who is the director of the business, premises licence holder and designated premises supervisor was present in the shop when the alcohol was sold to the child.

Trading Standards Service  
Residents Services

T. 01895 250163 F.01895 277443

kcheung@hillingsdon.gov.uk [www.hillingdon.gov.uk/tradingstandards](http://www.hillingdon.gov.uk/tradingstandards)

London Borough of Hillingdon,

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2E/07, Civic Centre, High Street, Uxbridge, UB8 1UW

After the sale took place Mr Nangpal was questioned about the sale and asked if he had a Sales Refusals Book. He said he had a refusals book but was unable to produce it. He said it was locked in a cupboard and he did not have the key on him to open it.

On 24 January 2019, Mr Nangpal, attended a formal interview with officers of the Trading Standards Service. The interview was conducted as part of the Service investigation in relation to offences that may have been committed by Mr Nangpal under Section 146 of the Licensing Act 2003 for selling alcohol to a person under 18 at his premises on 22 October 2018.

At interview Mr Nangpal admitted he authorised Mr Pritpal Singh, to sell alcohol to the child. Mr Nangpal stated he had only met Mr Singh that day at Gurdwara, a Sikh Temple and had invited him to see his shop.

Mr Nangpal was in the shop attending to a customer when he saw the child holding a bottle of wine and asked if Mr Singh could go over to the counter and put it in a bag for her. Mr Singh asked him how much it cost? He told Mr Singh the price and the sale took place without Mr Nangpal or Mr Singh asking the child their age or ask to see proof of age identification.

Mr Nangpal stated he only saw the back of the child and did not look at her face. He only observed her height and as she looked taller than him he believed she was over 18. The child was 5 feet 5 inches tall. He admitted he did not look at the child's face to check her age before authorising Mr Singh to carry out the sale.

At interview Mr Nangpal was asked if he had a refusals book? He stated he did have one. When asked why he did not produce it to Trading Standards on 22 October after the sale took place, he said he did not know where it was. This is contrary to what he indicated in the shop when he said the refusals book was in the cupboard and he did not have the key on him to open it.

Mr Nangpal said the refusals book was given to him by Mr Panchal of Personal Licence Courses Limited around May 2018 when he took over the shop from the previous owner. He admitted the book had not been used and refusals were not recorded into the book. He stated he only started using the book and recording entries into it after LB Hillingdon Licensing department visited him in December 2018.

He also mentioned he did not know where the book was kept and only found it whilst cleaning the shop during December last year.

I refer to PC Mitchell letter to Mr Nangpal dated 07.12.18 (document EM/4) point 2. States:

*'Being the Designated Premises Supervisor of the premises you have not adhered to your premises licence condition under Annex 2 requiring you to have two adults working at the premises after 18:00 until close of business everyday.'*

During the interview on 24 January 2019, Mr Nangpal stated at the moment only he works at the shop and he does not have any staff working for him. He also said on 22 October 2018 when the underage sale occurred he was the only person working in the shop.

Given the above and the admission by Mr Nangpal that he authorised the sale without checking the age of the child, and not using a sales refusals book until approached by the police and the LB Hillingdon Licensing department visit on 6 December 2018. This is over 4 months after the first sale took place on 30 July 2018 and 6 weeks after the second sale on 22 October 2018.

The Trading Standards Service have serious concerns Mr Nangpal is unable to exercise his responsibilities to avoid sales of alcohol and other age restricted goods to persons under 18.

I wish to make a formal representation supporting this application for review in respect of the protection of children from harm objective. I invite the Licensing Committee to consider this representation before making any decisions.

Yours Sincerely

A handwritten signature in black ink that reads "K. Y. Cheung". The signature is written in a cursive, slightly slanted style.

King-Yip Cheung

**SENIOR TRADING STANDARDS OFFICER**

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**LICENSING ACT 2003**  
**Section 24**



**HILLINGDON**  
 LONDON

**PREMISES LICENCE**

Ref:

MAU/7347/MMD

Premises Licence Number:

LBH151/05

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

Signature:

Date: 14 August 2018

**Part 1 – Premises Details**

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

The Wine Cellar Company  
 36 Station Road

Post Town – West Drayton

Postcode – UB7 7DD

Telephone number – 01895 445678

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 –

From 06.00 hours until 00.00 hours everyday

The opening hours of the premises -

From 06.00 hours until 00.00 hours everyday

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 -

Sandeep Singh Nangpal

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 –

Sandeep Singh Nangpal

Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol –

17LIC53071PERS - London Borough of Ealing

## Annex 1 – 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.

### 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**

The premises licence holder shall ensure that alcohol shall not be sold in an open container or be consumed in the licensed premises.

The CCTV system shall be a 4 camera system with the cameras positioned to cover the following points:

- One camera to record transactions at the till
- One camera to record the head and shoulders of persons entering and leaving the premises at the main entrance/exit door
- One camera to cover the rest of the internal parts of the shop
- One camera to record the area immediately outside the front of the store

A monitor that is capable of showing the images of one or more of the images shall be positioned within sight of staff and customers using the premises.

All the CCTV systems shall be recorded for a period of 30 days and the images shall be available to the police and local authority without charge.

The images shall be capable of being downloaded by the staff in the shop on request.

There shall be at least 2 adults on the premises from 18.00 hours (6.00 pm) to closing each day.

All alcohol shall be in direct line of sight of the staff at the till and no alcohol shall be stored within 2 metres of the door.

Deliveries and collections associated with the premises, except for newspaper deliveries,

shall only be made between the hours of 08.00 and 19.00, Monday to Saturday including bank holidays and at no time on Sundays, so as to minimise disturbance caused to neighbouring residential properties.

Notices shall be displayed asking patrons to leave quietly.

**Annex 3 – Conditions attached after a hearing by the licensing authority**

**N/A**

**Annex 4 – Plans**

**The Wine Cellar Company**

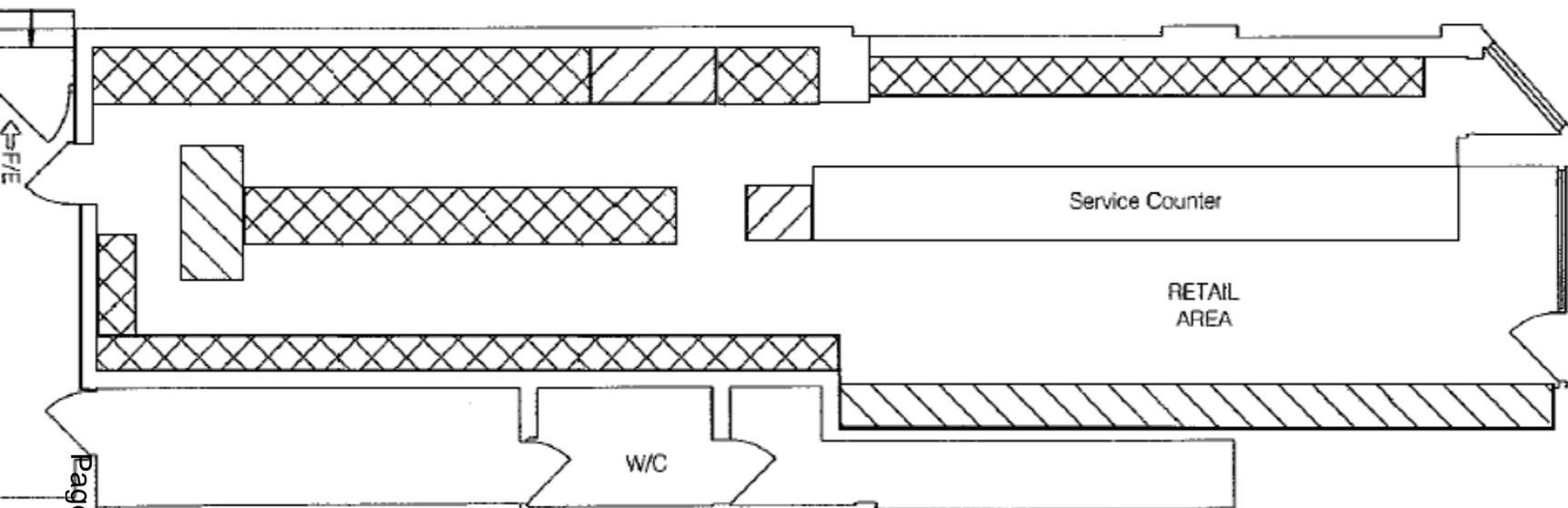
Licensing Service Registered Number 1824/16

FERRERS AVENUE

# Licensing Plan

Branch: 2240  
36 Station Road,  
Middlesex, UB7

Ground Floor



STATION ROAD

### LEGEND

[F/B] FIRE BLANKET

◐ BREAK GLASS

↔ F/E FIRE EXIT

⊙ FIRE EXTINGUISHER

▧ AMBIENT STORAGE

▨ CHILLED STORAGE



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Photo 1

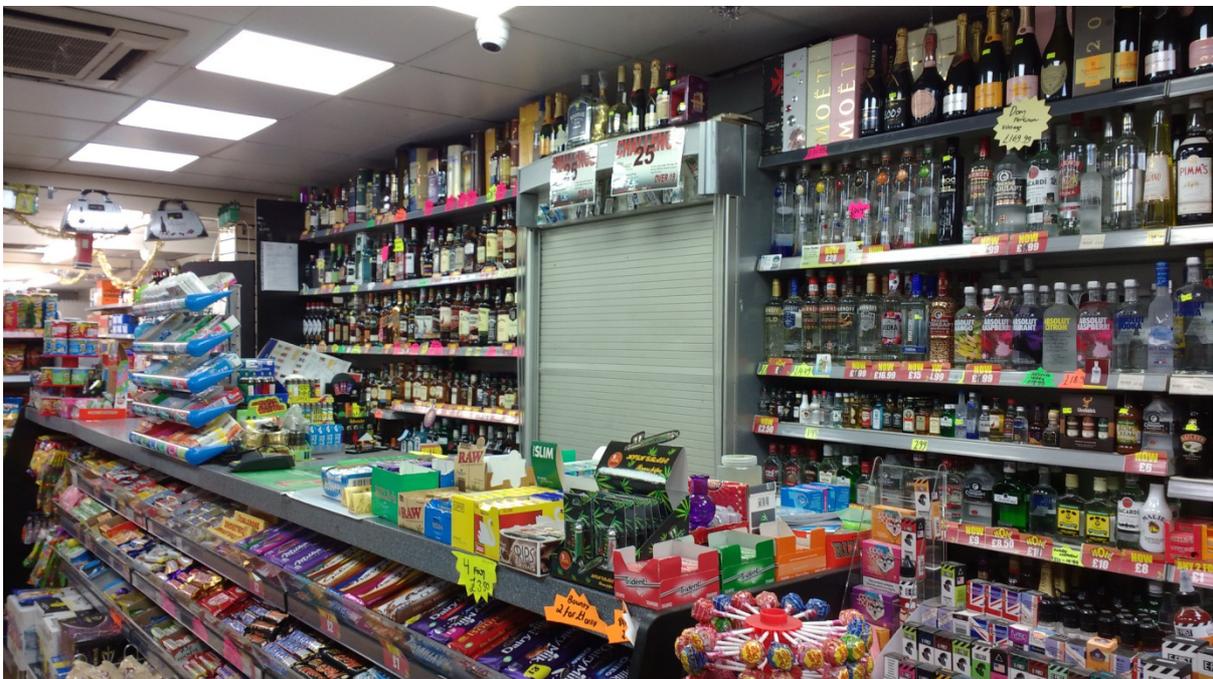


Photo 2

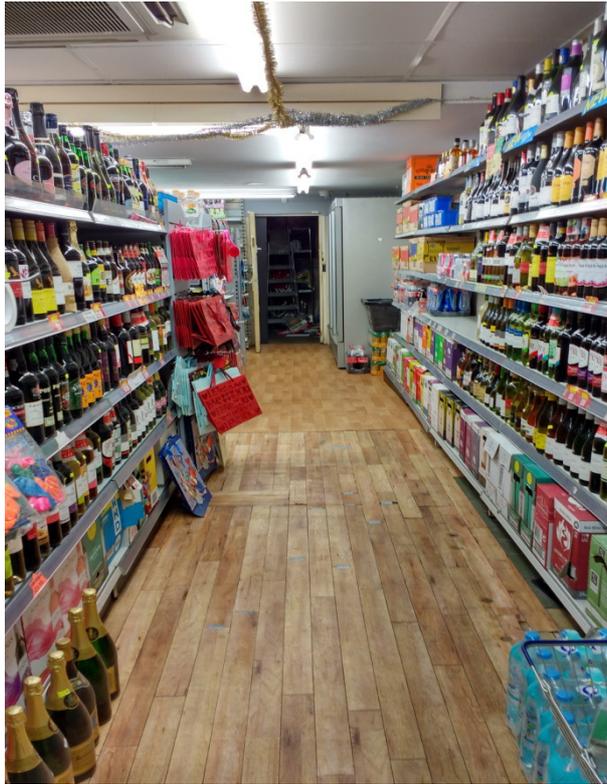


Photo 3



Photo 4

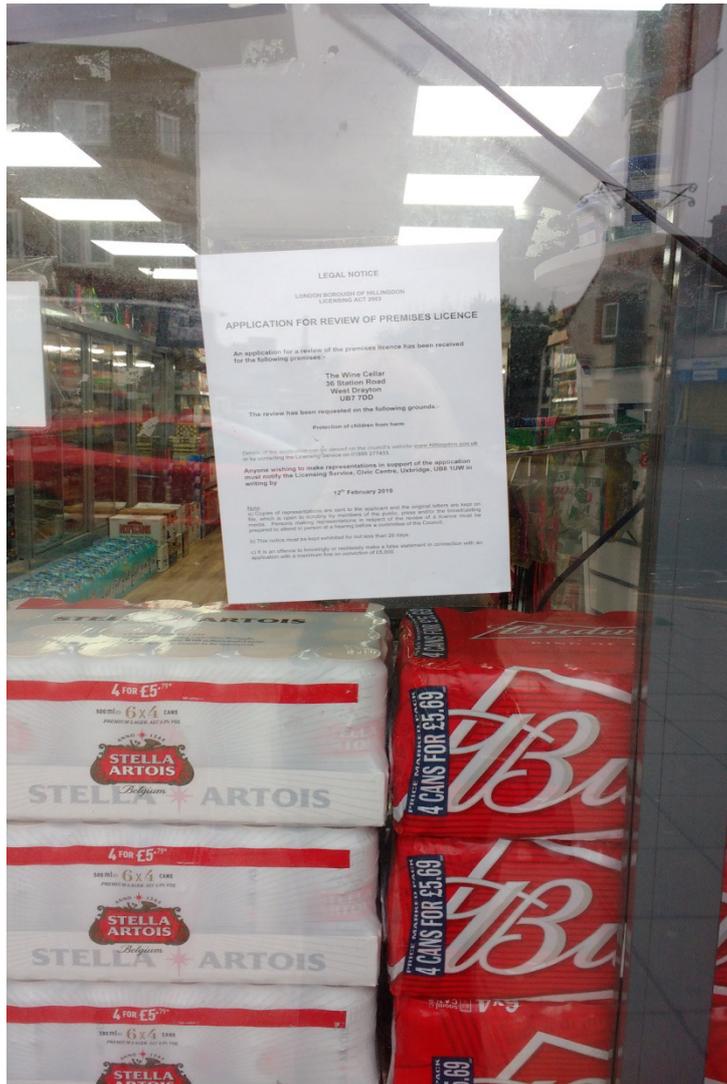


Photo 5