

Minutes

LICENSING SUB-COMMITTEE

5 February 2020

Meeting held at Committee Room 6 - Civic Centre, High Street,
Uxbridge



HILLINGDON
LONDON

	<p>Committee Members Present: : Councillors Teji Barnes (Chairman) Allan Kauffman Lynne Allen</p> <p>LBH Officers Present: Chantelle McLeod – Legal Services Officer Anisha Teji – Democratic Services Officer Steven Dormer – Licensing Officer</p> <p>Applicant For The Review: Kiran Seyan – Trading Standards Service</p> <p>Responsible Authorities Present: PC Dave Butler – Metropolitan Police Lois King – Licensing Authority</p>
1.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
2.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
3.	<p>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 (<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>
4.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
5.	<p>APPLICATION TO REVIEW A PREMISES LICENCE: BEST FOOD & WINE, STATION ROAD, WEST DRAYTON (<i>Agenda Item 5</i>)</p> <p>Introduction by Licensing Officer</p> <p>Steven Dormer, Licensing Officer at the London Borough of Hillingdon, introduced the report and photographs relating to the review application of the premises licence for</p>

Best Food & Wine, 61 Station Road, UB7 7LR. A background and chronology of events was provided.

The Committee was informed that on 27 August 2019 a site visit was conducted at Best Food and Wine and illicit tobacco and medicinal products were seized by the Trading Standards Service. A second visit was undertaken by the Licensing Officer on 2 January 2020 and it was noted that the premises was struggling to comply with the current conditions of the licence, particularly in relation to CCTV.

The review was fully supported by two responsible authorities including the Metropolitan Police and Licensing Authority.

A recommendation was made to suspend the premises licence for a period not exceeding three months.

Representation by Applicant for the review

The Applicant for the review, Kiran Seyan from the Trading Standards Service, addressed the Committee.

The Committee was informed that on 27 August 2019, acting on intelligence received, the Trading Standards Service conducted inspections of premises suspected of selling illicit goods. The Trading Standards Service were accompanied by tobacco detection dogs during the visits. It was noted that illegal tobacco products and medicinal products were found in various locations on the Best Food and Wine premises and these goods were seized by officers. The agenda pack provided further details about the products seized and photographs of where the products were found. The estimated value of the goods seized was approximately £1500.

It was submitted that the Licence Holder's actions amounted to a breach of the Licensing Objective – The Prevention Of Crime And Disorder and the Licensing Act 2003 – Section 182 Guidance. It was further submitted that the licence ought to be suspended for three months to allow the Licence Holder to comply with the conditions of the licence.

Representations by Responsible Authorities

The Metropolitan Police

PC Dave Butler, on behalf of the Metropolitan Police Service, addressed the Committee. It was noted that the Metropolitan Police was in support of the representations made by Trading Standards.

Although West Drayton had undergone significant regeneration, it was highlighted that the area still suffered from anti-social behaviour, street drinking and drug misuse complaints. It was submitted that the Licence Holder had neglected to follow the Licensing Objectives under crime and disorder. The Committee was asked to impose a suspension order for a period of three months to enable the Licence Holder to bring the business into compliance with conditions and regulations and support was also given to the conditions proposed by the Trading Standards Service.

The Licensing Authority

Lois King, on behalf of the Licensing Authority addressed the Committee and noted that there had been serious concerns regarding the Prevention of Crime and Disorder

Licensing Objective. Illicit products had been found concealed in various locations on the premises.

A compliance check was conducted on 2 January 2020 and a number of areas of noncompliance were identified, as detailed in the agenda.

It was submitted that the recommendation for a three month suspension and imposition of further conditions would aid the Licence Holder to rectify the shortcomings identified.

Representation made by the Licence Holder and their representative

Mr Surendra Panchal, the Licence Holder's representative and Mr Harmeet Khaneja, Licence Holder, addressed the Committee.

It was noted that the Licence Holder's representative supported the representations made by the Trading Standards Service. The Committee was informed that steps had been taken by the Licence Holder to ensure that the Licensing Objectives had been met and a suspension order for a period of less than three months with conditions was requested.

The Licence Holder expressed remorse and told the Committee that this was their first mistake.

In response to Member's questions, it was noted that the Licence Holder had been a trader for three years, completed their DPS training within three months and had no medical training.

Discussion

- The Licence Holder apologised for their actions and confirmed that they understood the nature of the area they were operating in, particularly in relation to the crime and anti-social behaviour.
- The Licence Holder confirmed that they understood that their actions amounted to a criminal offence.
- The Licence Holder acknowledged that they had not been following the conditions of the licence but assured the Committee that they would in the future. It was reiterated that steps had been taken to address the CCTV issue, a door had now been put into place complying with relevant legislation and a refusal book and training manual were in use.
- The Committee emphasised that the conditions were rules which had to be followed in order to operate the licence properly.
- Although it was initially indicated that the Licence Holder had studied for three months to complete their course, following Member questions, it was noted that the Licence Holder had enrolled for the training three months prior to undertaking the course. The training for applying for a DPS was explained to the Committee and the process included studying a knowledge book, attendance at a day course and sitting an exam.
- By the time the Licence Holder had arrived on the premises, it was noted that the illicit products had already been found. The Licence Holder informed the Trading Standards Service that the medical products found were old and other traders in the street were also selling the same goods.
- The Licence Holder confirmed that all staff members were trained, recordings were now available from CCTV and they would be present on the premises for

at least one shift a day.

- It was noted that some products found on the premises failed to comply with new the Trading Standards Service packaging standards and this old stock should have been sold within a set period of time. The Licence Holder explained that these products had been inherited when they purchased the premises.

Closing remarks

The Licence Holder's representative submitted that there were no disputes about any of the representations made. The Committee was asked to impose a suspension order for a period of less than three months to allow the Licence Holder to engage and comply with legislation and the Licensing Objectives.

The Licensing Authority emphasised that a suspension order for a period of three months and any other appropriate conditions would address the areas of concern identified.

There were no further submissions from the Metropolitan Police, Licensing Officer and Applicant.

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 listened to all representations made in light of the responsible authority's recommendation to suspend the premises licence and impose further conditions.

The Sub-Committee considered all the relevant evidence made available to it and in doing so has taken into account the:

- Licensing Objectives, Licensing Act 2003;
- Hillingdon's Licensing Policy, Paragraph 7.4, 7.6, 9.6, 9.7, 9.8, 10.5 and 10.11 and;
- Guidance issued by the Secretary of State and in particular paragraphs 9.42 to 9.44, 10.8, 11.27 and 14.19.

The decision of the Sub-Committee is to:

- Suspend the licence for a period not exceeding three months
- Impose 16 conditions on the operating schedule

Conditions

In addition to the Mandatory Conditions, the Premises Licence Holder shall also comply with the following Conditions:

Crime and Disorder

1. There shall be a CCTV system consisting of at least 5 cameras. The areas covered by the CCTV shall be the till area, the area where alcohol is displayed for sale and the area around the front entrance door to capture a head and shoulders image of persons entering.
2. All images shall be retained for a period of at least 30 days and shall be produced to the Police or Local Authority on request. All staff shall be trained on how to download images when requested.
3. There shall be a monitor that displays the image of one or more of these cameras situated in the premises that can be readily seen by customers in the shop.
4. There shall be two adult staff members present in the premises after 18.00 hours (6 pm) each day until closing.
5. Products containing alcohol with an abv above 35% and champagne shall be displayed behind the counter or otherwise locked behind a display.
6. No alcohol shall be displayed less than 2 metres from the door.
7. The area behind the counter upon which the cashier stands shall be raised above the general shop floor level by a minimum of 10cm.
8. The counter in the premises shall be at a minimum height of 1 metre from the shop floor level and shall be a minimum of 60cm deep.
9. The area behind the counter shall be accessible via a door which can be fastened from behind the counter.
10. Alcoholic drinks shall only be displayed for sale in direct line of sight from the till operator.
11. All persons who appear under the age of 25 shall be asked for identification in the guise of a driving licence or Home Office approved PASS card and unless such is produced there shall not be a sale.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) any complaints received concerning crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.

Public Safety

13. All alcohol and tobacco products will be purchased from established and bonafide VAT registered traders, who provide invoices/receipts.

14. Invoices for all stock bought will be kept on file for a minimum of 12 months and will be made available to the Police, HMRC officers and Authorised Local Authorities officers (including Trading Standards) upon request.

Prevention of Public Nuisance

15. Notices shall be displayed for customers to have consideration for neighbours.

Protection of Children from Harm

16. Alcohol shall be kept away from confectionary shelves.

Right of Appeal

The relevant applicant for the premises licence or any other person who made relevant representations to the application may appeal against the Council's decision to the Justices Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

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 Sub-Committee advises as a comfort to residents and a warning to the licensee that the licence may be reviewed and could potentially be revoked if licence conditions are not adhered to and/or if the premises are managed in a manner which does not uphold the licensing objectives

The Licence Holder will be deemed to have received this decision letter, two days after the date on the accompanying letter, which will be posted by 1st class mail.

The meeting, which commenced at 2.00 pm, closed at 3.35 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Anisha Teji on 01895 277655. 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.