



HILLINGDON
LONDON



NOTICE OF HEARING

Licensing Sub-Committee

Date: WEDNESDAY 5 FEBRUARY 2020

Time: 2.00 PM

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 or you can use a smart phone camera and scan the code below:



Councillors on the Sub-Committee:

Teji Barnes, Chairman
Lynne Allen
Allan Kauffman

IMPORTANT INFORMATION

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

Friday 31 January 2020

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: Friday 17 January 2020

Contact: Anisha Teji
Tel: 01895 277655
Email: ateji@hillingdon.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

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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.

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Agenda

CHAIRMAN'S ANNOUNCEMENTS

Hearing Protocol

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

Part I - Members, Public and Press

	Title of Report / Address of application	Ward	Time	Page
5	Application To Review A Premises Licence: Best Food & Wine, Station Road, West Drayton	West Drayton	2pm	3 - 40

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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 TO REVIEW A PREMISES LICENCE: BEST FOOD & WINE, STATION ROAD, WEST DRAYTON

Committee	Licensing Sub-Committee
Officer Contact	Steven Dormer - Licensing Officer - 01895 277409
Papers with report	Appendix 1 - Application to Review a Premises Licence Appendix 2 - Representations from Responsible Authorities Appendix 3 - Current Premises Appendix 4 - Map & Photos
Ward name	West Drayton

1.0 SUMMARY

To determine an application for a review of premises licence in respect of Best Food & Wine, 61 Station Road, West Drayton, UB7 7LR. **Appendix 1**

2.0 RECOMMENDATION

The Licensing Sub-Committee suspend the premises licence for a period not exceeding three months. Supporting reasons for this can be found under section 11.27 of section 182 states matters relating to smuggled goods should be treated seriously by licensing authorities.

3.0 APPLICATION

The London Borough of Hillingdon Trading Standards Service review application to the Premises Licence for Best Food & Wine, 61 Station Road, UB7 7LR. Trading Standards officers seized illicit tobacco items. Trading Standards officers also seized a quantity of prescribed medication intended for public sale.

4.0 CONSULTATION

4.1 The review application has been consulted with all the responsible authorities in accordance with current legislative guidelines. There has been a notice displayed at the Civic Centre offices. A blue notice has also been displayed at the premises for the 28 day period.

4.2 Closing date for representations

10 January 2020.

5.0 REPRESENTATIONS

5.1 Responsible Authorities

Responsible Authority	Ground for Representation	Appendix
Metropolitan Police	Prevention of Crime & Disorder	Appendix 2
Licensing Authority	Prevention of Crime & Disorder	Appendix 2

Two representation's from Responsible Authorities as **Appendix 2**.

5.2 Representation received from PC Butler of the Metropolitan Police service highlights the impact Best Food & Wine have by selling illicit tobacco and medicinal products to the general public. PC Butler expands by stating that ongoing anti-social behaviour issues of West Drayton could potentially be exacerbated by Best Food & Wine engaging in such practices. Legitimate businesses in the area deserve to be protected from businesses such as Best Food & Wine from selling types of illicit tobacco and medicines that are likely to cause harm. West Drayton's ideology is to provide a safe and prosperous area to the community. This ideology is being dragged down by businesses selling cheap poor quality products to discerning members of the community.

Representation received from Lois King - Principal Licensing Officer further supports the Trading Standards application to review the licence of Best Food & Wine. Mrs King references that a three month suspension is sufficient time for measures to be in place to comply with the Licensing Objectives.

6.0 BACKGROUND INFORMATION

6.1 Premises licence

The shop is currently trading under the authority of a Premises Licence for premises known as Best Food & Wine. The records show Mr Harmeet Khaneja as being the premises licence holder and designated premises supervisor since March 2017. **Appendix 3**

6.2 Description of the Premises

The premise is a newsagents, off-licence and convenience store situated on the main thoroughfare to West Drayton train station. The licence holder is also trusted to sell other items such as tobacco, lottery tickets and other age related products.

6.4 Licensable Activities currently authorised at the premises

<u>Activity</u>		<u>Premises licence</u>
Sale of alcohol	Consumption off the premises	✓

6.5 Licensable activity and opening hours currently authorised at the premises

	Hours for the sale of alcohol	Opening hours
Monday	08:00 - 00:00	08:00 - 00:00
Tuesday	08:00 - 00:00	08:00 - 00:00
Wednesday	08:00 - 00:00	08:00 - 00:00
Thursday	08:00 - 00:00	08:00 - 00:00
Friday	08:00 - 00:00	08:00 - 00:00
Saturday	08:00 - 00:00	08:00 - 00:00
Sunday	08:00 - 00:00	08:00 - 00:00

6.6 Other relevant premises nearby

Premises	Activities Authorised	Times Authorised
Positano, 39 Station Road, West Drayton, UB7 7LN	Sale by retail of alcohol	Monday to Saturday 12:00 - 23:00 Sunday 08:00 - 23.30
West Drayton Local, 36 Station Road, West Drayton, UB7 7DD	Sale by retail alcohol	Monday to Sunday 08:00 - 00:00
West Drayton Convenience Store, 18 Station Road, West Drayton, UB7 7BY	Sale by retail alcohol	Monday to Sunday 08:00 - 00:00

West Drayton Food & Wine, 19 Station Road, West Drayton	Sale by retail alcohol	Monday to Sunday 08:00 - 00:00
Go Sing 22 -24 Station Road, West Drayton, UB7 7BY	Sale by retail alcohol	On weekdays, other than Christmas Day, Good Friday or New Year's Eve, between 10.00 and 24.00 hours. On Sundays, Christmas Day and on Good Friday, between 12.00 and 23.30 hours. From the start of licensed hours on New Year's Eve to the start of licensed hours on New Year's Day.
	Provision of Late Night Refreshment	From 23.00 until 30 minutes after the terminal time for the sale of alcohol.
	Recorded Music	No time restrictions.
Ezee 2 shop, 25 Station Road, West Drayton, UB7 7BT	Sale by retail alcohol	Monday to Sunday 08:00 - 23:00

6.7 Map & Photos

Appendix 4

7.0 OFFICER'S OBSERVATIONS

Observations

Hillingdon Council's Trading Standards officers carried out intelligence led operation on Best Food & Wine West Drayton. During the visit, officers seized a combination of counterfeit, non-standardised and non-duty paid tobacco products.

A total of 59 Viagra tablets intended for sale to the public was seized on the 27th August 2019. The total sale value of all products seized was £1,562.

The products seized from Best Food & Wine were intended to be sold to members of the public. This is despite the products not being manufactured to the legal standard or having any duty paid whatsoever.

7.1 Visits made by Local Authority Officers

2nd January 2020

A visit was made to check compliance with the conditions of the licence. During the visit the following observations were made; Mr Balbir Singh was present at the premises working behind the till and replenishing stock. Mr Singh was asked if he was competent to use the CCTV system. He informed us that only Mr Khaneja had the code and can work the system. CCTV systems are a major prevention of crime and disorder. There appeared to be no security door to access the till area. Stacks of alcohol stock were positioned near confectionery products. No notice was displayed to ask customers to have consideration for neighbours. These simple conditions of the premises licence appear not to be adhered to.

8.0 Relevant sections of S.182 Guidance

8.1 **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.

8.2 **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.

8.3 **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.**

8.4 **Paragraph 11.27** There is certain criminal activity that may arise in connection with licensed premises which should be treated There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- 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;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs; 94 | Revised Guidance issued under section 182 of the Licensing Act 2003
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- **for the sale or storage of smuggled tobacco**

8.5 **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.

9.0 Relevant sections of the Licensing Policy

9.1 **Paragraph 7.9:** "When making decisions about an application the Licensing Sub-Committee will have regard to the Borough's Crime Prevention Strategy and any conditions attached to licences or certificates will so far as possible reflect local crime prevention strategies."

10.0 Legal Considerations

10.1 When considering an application for review of a Premises Licence, the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

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

Members should note that each objective is of equal importance.

- 10.2 An application for review of a premises licence may be made pursuant to s.51 of the Licensing Act 2003 and is essentially governed by [Licensing Act 2003, reg.29 of the Licensing Act 2003 \(Premises licences and club premises certificates\) Regulations 2005/42](#), [Licensing Act 2003 \(Hearings\) Regulations 2005/44](#) and s.182 Secretary Code of Guidance.
- 10.3 A responsible authority, or any other person, may apply to the relevant Licensing Authority for a review of a premises licence. The applicant responsible authority may be part of the same local authority as the Licensing Authority s.53 Licensing Act 2003.
- 10.4 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

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

- 10.5 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.
- 10.6 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.
- 10.7 Following receipt of a review application the Licensing Authority must hold a hearing to consider it and any relevant representations. Those who have made representations in respect of an application may choose to rely upon their written representations or they may attend the hearing and can be represented by any person whether that person is legally qualified or not ([reg.15 of the Licensing Act 2003 \(Hearings\) Regulations 2005/44](#)).
- 10.8 The Licensing Authority can determine its own procedure to be followed at a hearing, which should be the procedure contained within its Statement of Licensing Policy, which is made publicly available ([s.9](#) and [s.183](#); [reg.21 of the Licensing Act 2003 \(Hearings\) Regulations 2005/44](#)).
- 10.9 At the beginning of the hearing, the Licensing Authority will explain its procedure and the hearing takes the form of a discussion led by the Licensing Authority with its members being able to ask any question of any party or other person appearing at the hearing ([regs 17, 22 and 23 of the Licensing Act 2003 \(Hearings\) Regulations 2005/44](#)). Cross-

examination is not permitted unless the Licensing Authority considers that the case is such that it is required ([reg.23](#)). All parties must be allowed an equal maximum period of time to make their representations and address the Licensing Authority ([reg.24](#)).

- 10.10 In considering representations, the Licensing Authority may take into account documentary or other information produced by a party in support of their position, either before the hearing or, with the consent of all other parties, at the hearing ([reg.18](#)). The Licensing Authority may exclude the public from all or part of a hearing where it considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public ([reg.14](#)).
- 10.11 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 by case basis.
- 10.12 Relevant representations are those that relate to the effect of the granting of the application on the promotion of the licensing objectives made by an interested party or responsible authority that have not been withdrawn and are not, in the opinion of the relevant licensing authority, frivolous, vexatious or repetitious s.51(4)(b)(i) and (ii).
- 10.13 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.
- 10.14 In deciding which of their powers to invoke, it is expected that Licensing Authorities should seek as far as is possible to identify the cause/s of the concerns the representations have identified. Any remedial action should be directed at these causes and should be no more than an appropriate and proportionate response ([s.182 of the Guidance at 11.20](#)).
- 10.15 The provisions of the Act should not be used for punishment. A decision should be made in order to protect the licensing objectives.
- 10.16 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.
- 10.17 Conditions should also 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.

- 10.18 Breach of a condition in a licence carries criminal sanctions. Conditions must therefore be clear and precise in their terms, not just clear to those having specialised knowledge of licensing, such as the local authority or the manager of the premises, but also to the independent bystander who may have no knowledge of licensing at all - [Crawley BC v Attenborough \[2006\] EWHC 1278 \(Admin\); \(2006\)](#).
- 10.19 The Sub-Committee must ensure that all licensing decisions have:
- A direct relationship to the promotion of one or more of the four licensing objectives
 - regard to the Council's statement of licensing policy
 - regard to the Secretary of State guidance
 - there must not be a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded.
- 10.20 Where a decision is made that is contrary to or a departure from the statement of licensing policy and the guidance, that decision must clearly state on what basis a decision was made to depart from the policy or guidance.
- 10.21 The Sub-Committee must consider the application on its own individual merits and take into account all relevant matters then determine the application by taking the steps it considers appropriate and proportionate to promote the licensing objectives.
- 10.22 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems.
- 10.23 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. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings.
- 10.24 Where the Sub-Committee determines an application for review it must provide written notice and reasons for its decision.

- 10.25 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions have due regard to the need to:
- i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - iii. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.26 Section 149(7) of the Equality Act 2010 defines nine relevant protected characteristics examples are; race, sex, age, disability and religious beliefs.
- 10.27 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.
- 10.28 An appeal against the final review decision may be made to a magistrates' court within 21 days of the appellant being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 10.29 A record of the proceedings must be kept by the Licensing Authority for a period of six years from the date of the determination or, where an appeal is brought, six years from the disposal of the appeal (reg.30 of the Licensing Act 2003 (Hearings) Regulations 2005/44).
- 10.30 Depending on the type of application, the Licensing Authority must make its determination at the conclusion of the hearing or within five working days of the conclusion of the hearing (reg.26).



HILLINGDON
LONDON

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

I Kiran Seyan, Senior Trading Standards Officer

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Best Food & Wine 61 Station Road	
Post town West Drayton	Post code (if known) UB7 7LR

Name of premises licence holder or club holding club premises certificate (if known) Mr Harmeet Khaneja

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

Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

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

Licensing Act 2003
Sections 51 and 87

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

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

Licensing Act 2003
Sections 51 and 87

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

Please state the grounds for review

This application to review by the Trading Standards Service (TSS), relates to the business trading as Best Food & Wine at 61 Station Road, West Drayton UB7 7LT.

It has been submitted under the **Licensing objective; the prevention of crime and disorder.**

And for consideration under the **Licensing Act 2003 - Section 183 Guidance**, which states that:

'There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of licensed premises....

- *For the sale or storage of smuggled tobacco and alcohol'*

And under the **Trading Standards** legislation:
[relating to the seized goods]

- **The Trade Marks Act 1994**
Section 92 - unauthorized used of trade mark in relation to goods
This applies to counterfeit tobacco, which is smuggled tobacco.
- **The Consumer Protection from Unfair Trading Regulations 2008**
Regulation 3 - prohibition of unfair commercial practices - stating or otherwise creating the impression that a product can legally be sold when it cannot.
This applies to non-duty paid tobacco, which is smuggled tobacco.
- **The Standardised Packaging of Tobacco Products Regulations 2015**
Regulation 15 - Offences
This applied to non-standardised tobacco products
- **The Tobacco and Related Products Regulations 2016**
Part 2 - Labelling / General and Health Warnings
This applies to the incorrect labelling / warnings on tobacco products.

The premise currently trades under the licence number MAU014130, granted by the London Borough of Hillingdon to permit the sale of alcohol since 20th February 2017. Mr Harmeet Khaneja is the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) for Best Food & Wine. Mr Khaneja also holds a personal licence, obtained from the London Borough of Hillingdon no.

On 27th August 2019 acting on intelligence received, the Trading Standards Service accompanied by tobacco detection dogs conducted inspections of premises suspected of selling illicit goods. Illegal tobacco products and medicinal products were found concealed on the premises, and were seized by officers. Full details of the seized items are listed in the additional information. As a result of this visit breaches of the above mentioned legislation have been recorded.

The Service believes that this indicates a disregard of the legislation which raises questions as to how the business is managed. Also it is noted that Mr Khaneja is also the owner of another off-licence premises located in the Borough.

In the circumstances, the London Borough of Hillingdon Trading Standards Service feel that it would be a proportionate response to request the review of the premises licence with a view to suspend the licence for a 3 month period to allow the owner to bring his business into compliance.

Also to consider the addition of conditions to the licence:

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

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

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

Please provide as much information as possible to support the application

On 27th August 2019, an inspection and seizure visit was carried out by officers from Trading Standards. They were accompanied by tobacco detection dogs to identify concealments of tobacco.

This was an intelligence led visit following receipt of a recent complaint from a concerned parent who had found non-standardised Amber Leaf product on their child. The trader was visited by an officer earlier in the year who provided advice with regards to age restricted goods. A tobacco test purchase was also conducted on 30th August 2019 and they did not sell to the underage volunteer.

Seized by Trading Standards were the following:

(* = Further status info pending)

Cigarettes	number	status
Marlboro Gold	1560	* Non-standardised Incorrect Warning
Benson & Hedges	400	Non-Duty Paid Non-standardised
KENT Core	320	Non-Duty Paid Non-standardised Incorrect Warning
Lambert & Butler	140	Counterfeit
L&M Link Blue	120	* Non-standardised Incorrect Warning
Marlboro Ice Blast	80	* Non-standardised
Royals Filter	19	Non-standardised
Richmond Superkings	10	Non-standardised
Superkings	10	Non-standardised
TOTAL	2659	

[They were found in:- a box on top shelf of left side of shop, and under the tobacco gantry in amongst genuine stock]

Handrolling Tobacco	g	status
Amber Leaf	500	Counterfeit Non-standardised Incorrect Warning
Golden Virginia	250	Counterfeit Non-standardised Incorrect Warning
Clan Aromatic	225	Non-standardised
Ashford Bright	100	Non-standardised
TOTAL	1075g	

[They were found in:- a box on top shelf of left side of shop, and under the tobacco gantry in amongst genuine stock]

Oral Tobacco	g	status
Tulsi	32	Non-Duty Paid Incorrect Warning
TOTAL	32g	

[They were found in:- shelf under shop counter]

Medicinal Products	number	status
Sildenafil citrate (Viagra)	59	Trader is not registered to sell this product
TOTAL	59 tablets	

[They were found in:- in draw under counter and in cash till]

Status of seized products:

Samples of seized products were sent to their respective brand representatives to confirm whether they were legal for sale. Those already received are noted above. Where marked with an asterix, we are still awaiting confirmation on certain status information.

Medicinal products have been raised with the Medicines and Healthcare products Regulatory Agency (MHRA). Sildenafil citrate (Viagra) is a medicinal product that is available without prescription but only at pharmacies.

Estimated pricing of products:

An average 20 pack of cigarettes is sold for approximately £10, on this basis the estimated profit for the cigarette packets would be **£1320**.

An average 50g pouch of handrolling tobacco is sold for approximately £10, on this basis the estimated profit for the pouches would be **£210**.

Oral tobacco packets sell for an average of 50p per 10g pack, on this basis the estimated profit would be **£1.60**

Viagra is sold by traders under the counter for approximately 50p per tablet, on this basis the estimated profit would be **£30**.

The total amount is therefore = **£1562**

Other supporting evidence:

Photos taken on the day of inspection and seizure

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

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

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures

Signature of applicant or applicant's solicitor or other duly authorised agent

Signature **K Seyan**

.....

Date **12th December 2019**

.....

Capacity **Senior Trading Standards Officer**

.....

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

Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Best food & wine
OFF LICENCE
OPEN 7 DAYS A WEEK

BEST food & wine

Tel:
01895 442141

BEST FOOD & WINE

61

ROMANIAN
BULGARIAN
POLISH



NATIONAL LOTTERY
PLAY NOW

OTTO
RUBLE
RIZE
VENT

40GB

PULSNE
PRODUKTY

pop in
for a look
around



Lycamobile
JAS INTERNET
CAFE LTD

am
Call

CA66 VKR



12 x 68g e PACKS
Pickled Onion
ICE MARKED PACKS INSIDE
Recommended retail price.

65P PRICE MARKED PACKS INSIDE
32 X 32.5g e
CHEESE & ONION
WALKERS
32.5g e
STANDARD

98976 12 x 80g e PACKS
SHARING BAG
DONITOS
80g
TANGY CHEESE
£1 PRICE MARKED PACKS INSIDE
*Recommended Retail Price. Price Marked Packs Inside.

BIG BAG
BOBBY'S
£1
Spirals
Prawn Cocktail
FLAVOUR STACKS
12 PACKS

BOBBY'S
Spirals
TEAR OUT TO DISPLAY
SALT & VINEGAR

pride
tropical

£1
Sun exotic
£1
Sun exotic

AYRAN

Yogurt

£1
Elmlea
DOUBLE
£1
Elmlea
DOUBLE
£1
Elmlea
DOUBLE

PASTINICA
SMIETANA
18%

PASTINICA
SMIETANA
18%

Jogobella





Appendix 1









The Licensing Officer
Licensing services
Civic Centre
Uxbridge
UB8 1UW

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

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

Date: 07/01/2020

You're Ref: **'Best Food and Wine' 61
Station Road, West Drayton. UB7 7LR**

Re: 'Review of a Premises License'

The Police Licensing Team would like to make the following representations in support of the Trading Standard Services for Hillingdon Borough. The review of the Premises License of 'Best Food and Wine, Station Road, West Drayton. UB4 8JF.

The Metropolitan Police Service is supporting this review in line with the Licensing objectives and in particular The Prevention of Crime and Disorder.

On the 27th August 2019 The London Borough of Hillingdon Trading Standards Services, accompanied by a tobacco detection dog unit attended Best Food and Wine' 61 Station Road, West Drayton. This was an intelligence led inspection following information received from a concerned parent. At the venue illicit tobacco and medicinal products were detected and seized by Trading Standards Officers.

The Station Road area of West Drayton has undergone significant re-generation in the past few years however the area still suffers from anti-social behavior, street drinking and drug misuse complaints.

The premises Licence Holder and Designated Premises Supervisor, Mr. Hameet KHANEJA has neglected to observe the Licensing Objectives under crime and disorder. When a local business flouts the law in a challenging area by selling non duty paid products and tobacco and medicines, that have not been quality tested prior to sale then as a responsible authority we must do all we can to protect the public and the livelihood of legitimate traders.

The Police Licensing Team would like to support Trading Standards in their review of the premises licence with the view of suspending the Licence for a period of three months in order to allow the owner to bring the business into compliance. In addition, The Police Licensing Team fully support the proposed conditions set out by Trading Standards.

***PC Dave Butler
Police Licensing Officer
Hillingdon Borough.***



HILLINGDON
LONDON

Mr Steven Dormer
Licensing Officer
The Licensing Service
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
UB8 1UW

Reference: LBH/LAK/014130
E-MAIL ONLY

Date: 9th January 2020

Dear Mr Dormer,

LICENSING ACT 2003
BEST FOOD & WINE, 61 STATION ROAD, WEST DRAYTON

I am writing to you as the Officer duly authorised to make representations on behalf of the Licensing Authority, with regards to the review of a premises licence application submitted by the Trading Standards Service on 13th December 2019 for the above named premises.

Having read the review application and supporting information provided by Ms Kiran Seyan, Senior Trading Standards Officer I fully support the Trading Standards Service application for review on the grounds of the "Prevention of Crime and Disorder" licensing objective and the recommendations contained therein. I believe that a three month suspension of the premises licence and the imposition of further conditions will aid the licence holder to rectify the shortcomings that have led to this review.

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

If you have any queries regarding this matter then please feel free to contact me.

Yours sincerely

Lois King

Licensing Service
Residents Services
T.01895 277232

lking@hillington.gov.uk
London Borough of Hillingdon,
3S/08, Civic Centre, High Street, Uxbridge, UB8

www.hillingdon.gov.uk

Principal Licensing Officer
Licensing Authority Representative

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LICENSING ACT 2003
Section 24



HILLINGDON
 LONDON

PREMISES LICENCE

Ref: MAU014130

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: 20th February 2017

Part 1 – Premises Details

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

Best Food & Wine
 61 Station Road

Post Town – West Drayton

Postcode – UB7 7LR

Telephone number

Where the licence is time limited, the dates -

N/A

Licensable activities authorised by the licence -

The sale of alcohol by retail

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

From 08.00 hours to 00.00 hours

The opening hours of the premises -

From 08.00 hours to 00.00 hours

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

OFF SALES ONLY

Part 2

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

Harmeet Khaneja
61 Station Road
West Drayton
UB7 7LR

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 –

Harmeet Khaneja

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

London Borough of Hillingdon

Annex 1 – Mandatory Conditions**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 shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

Annex 2– Conditions consistent with the operating Schedule

The premises licence holder shall ensure that the following conditions are fully complied with:-

Prevention of crime and disorder

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.

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.

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.

There shall be two adult staff members present in the premises after 18.00 hours (6 pm) each day until closing.

Products containing alcohol with an abv above 35% and champagne shall be displayed behind the counter or otherwise locked behind a display.

No alcohol shall be displayed less than 2 metres from the door.

The area behind the counter upon which the cashier stands shall be raised above the general shop floor level by a minimum of 10cm.

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.

The area behind the counter shall be accessible via a door which can be fastened from behind the counter.

Alcoholic drinks shall only be displayed for sale in direct line of sight from the till operator.

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.

Public Safety

All purchases shall be made from Wholesalers/Cash and Carry only.

Prevention of Public Nuisance

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

Protection of Children from Harm

Alcohol shall be kept away from confectionary shelves.

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

N/A

Annex 4 – Plans

**Bahal Associates drawing YKB/1
Licensing Service registered drawing 1445/11**



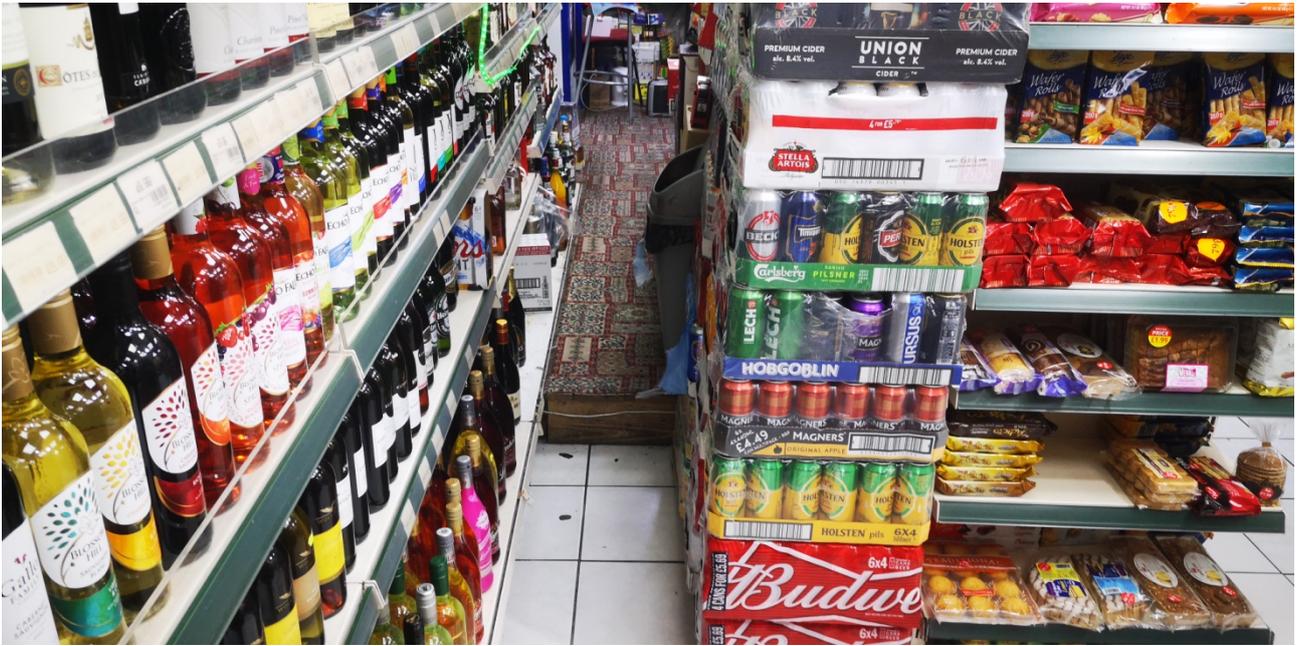


Photo 1 - No security door to the service counter.

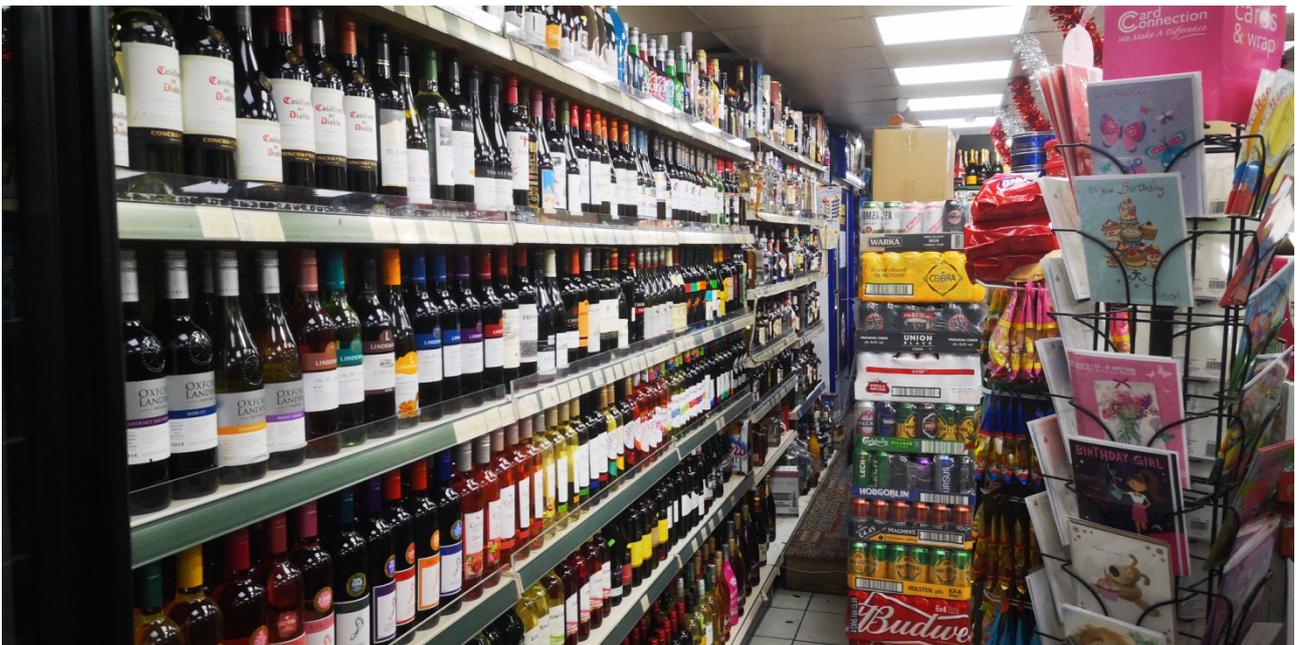


Photo 2 - Alcohol displayed next to bags of confectionery

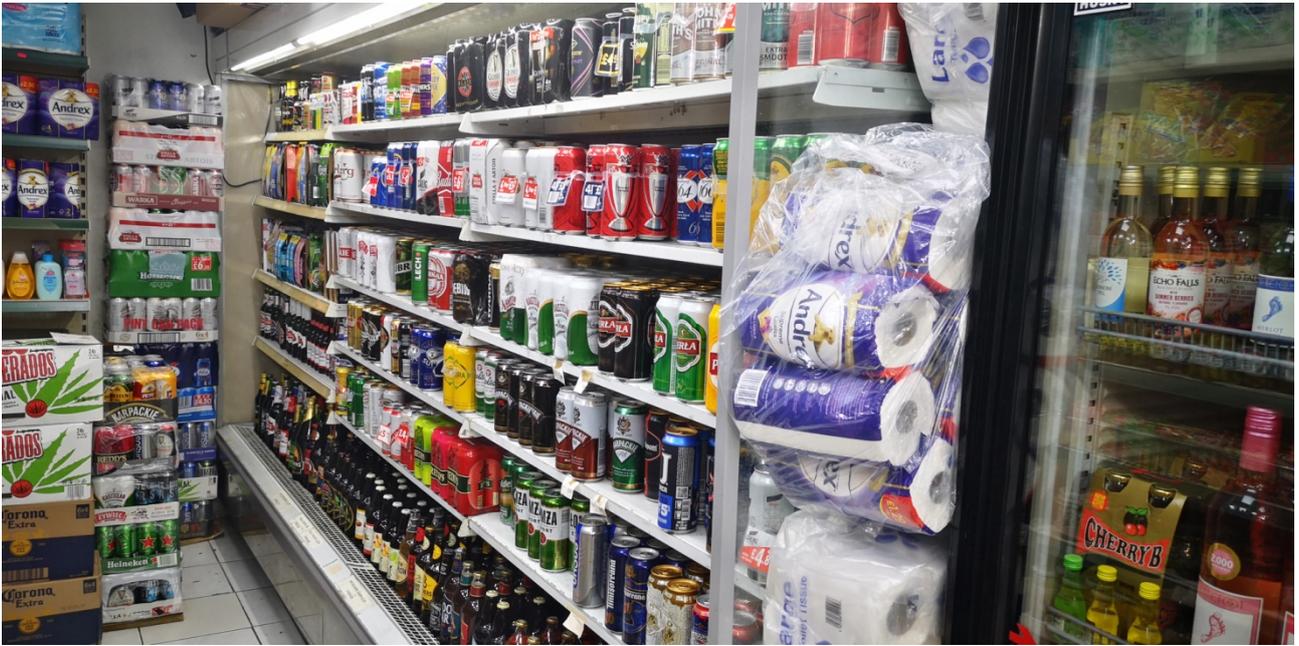


Photo 3 - Alcohol displayed out of sight of the cashier

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