

Minutes

LICENSING SUB-COMMITTEE

26 August 2020

Meeting held at VIRTUAL - Live on the Council's YouTube channel: Hillingdon London



	<p>Committee Members Present: Councillors Martin Goddard (Chairman) Lynne Allen Carol Melvin</p> <p>LBH Officers Present: King-Yip Cheung, Senior Trading Standards Officer Daniel Ferrer, Licensing Team Manager Neil Fraser, Democratic Services Officer Lois King, Licensing Officer Kerrie Munro, Legal Officer</p> <p>Also Present: Mr Surendra Panchal, License Holder's Representative Mrs Taranjit Kaur Tal, License Holder Mr Dalmeet Tal, License Holder's son and employee at premises</p>
21.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
22.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
23.	<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 Part I and would be considered in public.</p>
24.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
25.	<p>APPLICATION FOR A REVIEW OF A PREMISES LICENCE: COSTCUTTER, 24 HIGH STREET, HAREFIELD, UB9 6BU (<i>Agenda Item 5</i>)</p> <p>Introduction by the Licensing Officer:</p> <p>Ms Lois King, Licensing Officer at the London Borough of Hillingdon, introduced the report relation to an application for a review of a premises licence at Costcutter, 24 High Street, Harefield, UB9 6BU.</p>

The Sub-Committee was informed that on 27 August 2019, Trading Standards inspected the premises. Illicit tobacco was found concealed under the till and in the stock room, and non-duty paid bottles of vodka and whiskey were found on the shelving display and in the rear stock room. A total of 50 packets of cigarettes and 35 bottles of non-duty paid spirits were found during the visit.

The premises was subject to another visit from the Licensing Authority on 8 July 2020, and several breaches were noted, with a remedial letter subsequently sent to the premises license holder, Mrs Taranjit Kaur Tal, on 20 July 2020. In a further email, dated 14 August 2020, Mrs Tal advised that all matters in the letter had been attended to, and submitted photographs in support of this statement. Ms King noted that further steps are still required to satisfy licensing legislation.

The Sub-Committee were informed that the premises licence holder had submitted several letters and a petition in support of the local business.

Ms King noted that it was recommended that the premises license be suspended for a period not exceeding three months and that additional conditions were imposed upon the premises license in order that shortcomings can be rectified and that, going forward, Mrs Tal operates at the standards expected of her as the premises license holder.

Representation by the Applicant:

Mr King-Yip Cheung, Senior Trading Standards Officer, noted that a complaint was received from a resident regarding illegal tobacco being sold at the premises, and on 27 August, officers from London Borough of Hillingdon's Trading Standards Service, accompanied by a tobacco detection dog and handler, inspected the premises. During the inspection, illicit tobacco and alcohol was found on the premises and seized.

The goods seized consisted both of counterfeit tobacco and tobacco in non-plain packaging. These illicit cigarettes were concealed in a bag underneath the counter by the cash till, and further products were found concealed in a bag in the back store room. Mr Cheung confirmed on the shelf display, 20 bottles of non-duty paid alcohol were found with false duty-paid labels fixed to them. 14 of the same products were also found in the rear store room of the shop. Samples of the seized products were examined by the brand representatives who confirmed the products were illegal, with the exception of Marlboro and L&M, who noted receipt of the products on 29 July 2020. Although there was not confirmation from Marlboro that the products were illegal, all the Marlboro cigarettes had the same serial number on the packets which showed they were counterfeit. The L&M cigarettes were also in non-standardised packets, so did not need to be analysed to be confirmed as counterfeit.

In total, 50 packs of cigarettes and 34 bottles of alcohol were seized. Mr Cheung noted that there may be safety concerns regarding the counterfeit cigarettes, which may concern toxic ingredients.

The Sub-Committee heard that these contraventions showed the business displayed a complete disregard for the law and to trade legally, which is why Trading Standards requested a license review and recommended a suspension of the premises license for up to three months. Mr Cheung also requested additional conditions be added to the premises license to state all alcohol and tobacco be purchased from established and bona fide VAT registered traders who provide receipts and invoices, and that invoices and receipts be kept on file for a minimum of 12 months and be made available to the

Police, HMRC and authorised officers of the Local Authority, including Trading Standards.

The Sub-Committee questioned why there was a delay between the original premises inspection on 27 August 2019 and the Licensing Authority visit on 8 July 2020. Mr Cheung noted that this delay was due to resourcing capacity, slow responses from brand representatives to confirm the authenticity of the products, and the COVID-19 pandemic.

Responding to Councillors, Mr Cheung confirmed the review was submitted in June 2020 while Trading Standards were still waiting to hear from brand representatives at Marlboro and considering whether to prosecute the company, which would be dependent on a witness statement from brand representatives at Marlboro. Mr Cheung noted that a prosecution could not be progressed without a formal statement, and Trading Standards could not hold back the case any longer, which is why it was then submitted to the Licensing Authority in June 2020.

The Sub-Committee questioned the retail value of the products, and were informed by Mr Cheung that, based upon supermarket pricing of £11.50 per pack of cigarette, the value of the seized cigarettes was £550, while the value of the seized alcohol equated roughly £595 based on supermarket pricing.

In response to questioning from the Sub-Committee, Mr Cheung stated it was possible that the products could have been purchased in either one sale or different times, but there was no conclusive evidence of this. Mr Cheung noted that the brand representative from Smirnoff noted that it was an unusual case due to the new labelling on the bottles, which meant it could have been possible that they were purchased on different occasions.

Representation by Interested Parties:

PC David Butler, representing the Metropolitan Police Licensing Team, noted the Police's support for Trading Standards in line with the licensing objections, particularly the prevention of crime and disorder, and support the suspension of the license and additional conditions to be added to the license.

Responding to questioning, PC Butler confirmed that there had been reasons to attend these premises in the last two years that were related to the Licensing Act 2003, only calls regarding anti-social behaviour outside the premises.

Mr Daniel Ferrer, Licensing Team Manager at London Borough of Hillingdon, noted that the prevention of crime and disorder had been neglected by the premises license holder. Mr Ferrer stated that there were great concerns regarding the seizures of the concealed illicit products, and would support the recommendation to prevent further crimes.

Mr Ferrer noted that during his visit on 8 July, he spoke to Mr Pau Singh Tal, brother of the DPS and license holder. Mr Ferrer noted he detected a number of basic offenses, in addition to concerns regarding a lack of an incident log and two CCTV not operating. The Sub-Committee heard that there were currently no specific conditions attached to the premises license regarding CCTV, but these should be added.

The Sub-Committee was informed that Mr Ferrer's visit was followed by a letter which detailed the findings of the visit, and this was sent to the license holder and DPS at the premises and home address. A response was received on 14 August 2020 which

stated that the issues in the letter had been rectified, which was welcomed. Mr Ferrer noted that the incident log was more suited to an accident / injury report, whereas it should be reporting crimes, complaints, refused sales, faults in CCTV or visits from authorised officers or the Police.

Mr Ferrer stated that the four proposed conditions would be appropriate and proportionate in this case.

Representation by the License Holder:

Mr Surendra Panchal, representative for the license holder, stated that the premises is a family run business and the licence holder, Mrs Tal, built up a rapport with the local community, which was evident by a number of letters submitted in support of the premises by the local community.

Mr Panchal noted the business expanded in July 2019 in Wales, and during this time there was an employee in Costcutter, Harefield, named Mr Roshan.

The Sub-Committee heard that all the supplies were ordered from Costcutters, as the store is part of the Costcutter franchise, with some that were purchased from the cash and carry.

Mr Panchal noted the incident in August 2019, was a one-off purchase, and Mr Roshan had been purchasing goods without the knowledge of Mrs Tal and the family while the license holder was busy dealing with the two shops being purchased in Wales.

Mr Panchal stated that there was a breach, but this was carried out by a staff member and not the license holder and the matter was immediately rectified, Mr Roshan was sacked from the premises, and the premises is back to normal.

The Sub-Committee heard that the License Holder was happy to accept the recommendation of a three month suspension and additional conditions, and planned to undertake further training.

Mr Panchal requested that the suspension be reduced to one month, and noted that the License Holder was very sorry for what has happened at the premises and promised that it would not happen again.

The Chairman asked whether Mr Roshan had been buying stock and selling it on for personal profit, and Mr Panchal confirmed that this was the case. The Chairman questioned whether the CCTV system that operated would have spotted that takings were not being put through the till. Mr Dalmeet Tal, the License Holder's son, addressed the Sub-Committee alongside Mrs Tal, and noted that the CCTV was checked weekly, but this was missed completely. Mr Tal noted the family was shocked when this happened.

Responding to questioning from the Sub-Committee, Mr Tal noted that Mr Roshan was employed for 18 months before the incident and was dismissed at the start of September 2019, after the incident following the family's investigation into how the goods were acquired.

Mr Tal confirmed that the License Holders could not confirm how many times illicit goods were purchased and sold by Mr Roshan, as he was in charge of the stock that was not delivered by Costcutter.

The Chairman asked who ordered stock for the premises now, and was informed that the family makes a monthly order, with staff ordering further stock where necessary. Mr Tal noted that the License Holders trained any staff members using the training they were given by Costcutter; this ensured that staff were trained for at least three to six months before any role was handed over to them.

Responding to questioning from the Sub-Committee, Mr Tal confirmed that the License Holder would spend between 30 and 40 hours at the store each week, and the other hours would be made up by the License Holder's brother-in-law, who was also a staff member, Mr Dalmeet Singh and additional staff members.

The Sub-Committee noted that there were issues with signage and CCTV, and it did not appear that staff were trained in the license holder's absence. Mr Tal noted that all family members were now fully trained, as well as two staff members, and all sixteen CCTV cameras were now working and operating within the store. The Sub-Committee heard that the premises license was now moved to a prominent position where it can be seen and produced for inspection, and the age verification ("Challenge 25") signage was also now prominent. An incident log book has also been produced and will be improved following Mr Ferrer's earlier comments.

The Sub-Committee sought clarification on the training that the License Holder had received, and heard that Mrs Tal undertook full BII Training and trained Mr Roshan to the standard necessary. The Sub-Committee noted that, as License Holder, Mrs Tal was responsible for all stock in and out of the premises, and heard that Mrs Tal put her faith in a staff member and this was a mistake for which she apologised. Mr Tal noted that the family have been spending a lot more time at the store in Harefield to ensure that this did not happen again.

Responding to questioning, Mr Panchal noted that payslips for Mr Roshan could be produced if required. The Sub-Committee was informed that the license holder did not have a PACE interview and was not asked about Mr Roshan throughout the process.

The Discussion:

The Sub-Committee was informed that Mr Jasbit Singh Tal was the director of the business, but went to run the businesses in Wales. As such, it was decided that Mrs Tal become the new DPS, and Mr Roshan was put in charge of the store. Mr Dalmeet Tal also noted that three members of the family held personal licenses, as well as one staff member.

The Chairman noted concerns that there were not enough people who understand the responsibilities of the Licensing Act running the business, and questioned why an employee would be left in charge of a business without any checks on his actions. Mr Tal noted that there were checks in place but they did not catch Mr Roshan with illicit stock in the store. The Chairman noted a further level of control was required to ensure the business complied with the Licensing Act and basic business controls were operating properly, and Mr Tal noted that the family was spending more time at the store, and Mr Tal would also be applying for a personal license going forward so these mistakes did not take place again.

Responding to questioning from the Sub-Committee, Mr Panchal confirmed that he was not asked for advice prior to the decision to put Mr Roshan in charge of the business. The Sub-Committee asked whether, when running personal license training, Mr Panchal informed clients of their legal duties regarding the running of a store, and Mr Panchal noted that it was their legal duty to do this, and to teach clients of the

licensing objectives and where they should, and should not, purchase stock from. Mr Panchal noted he was only made aware of this issue after it has taken place, and confirmed that he did not train the License Holder.

Mr Cheung sought clarification regarding the training for Mr Roshan, and was informed by Mr Tal that his training was not documented. The Sub-Committee heard that the License Holder intended to get Mr Roshan a personal license, however, before they were able to do this, these issues arose and he was fired. Mr Tal confirmed that during the time Mr Roshan was running the store, there were four other staff members in the store who worked on the shop floor, and, when necessary Mrs Tal, Mr Jasbit Singh Tal and Mr Pau Singh Tal would work behind the counter. Mr Cheung noted that the counterfeit cigarettes were found in a bag next to the till behind the counter, and stated that he would have expected that anybody who worked behind the counter would have noticed that illicit goods were stored here, and that the License Holder and family should have been aware of this before Trading Standards visited the premises.

Mr Cheung asked what residents were told when they signed the petition in support of the store, and Mr Tal stated that they were told what happened at the store. The Sub-Committee heard that some customers were shocked as they had known the family in the community for years and knew that they would not carry out this act. Mr Tal confirmed that customers were told Trading Standards seized stock, and it was during the time that the family and License Holder were not as present at the store, and somebody else caused the issue for the license to be reviewed.

Responding to questioning from Mr Ferrer, Mr Tal confirmed that the License Holder and family discussed another staff member becoming DPS at the store, but ultimately this did not happen, and instead Mr Roshan was left in charge. Mr Tal noted that, going forward, he would be taking on DPS training and taking over at the property to ensure that this would not happen again. Mr Panchal confirmed that Mrs Tal received her license in 2012 under the BII system, but he was working with the License Holder and Licensing Authority to correct the issues raised.

Mrs Tal noted that she was very sorry for the mistakes and lapses that took place when she was not present at the store. The Sub-Committee was informed that Mrs Tal did not act in the way that she was expected to.

Closing Remarks:

Mr Panchal stated that his client was apologetic for the lapse that took place, and noted that there were no breaches prior to this issue. The Sub-Committee heard that the matter was immediately dealt with and the License Holder cooperated with Trading Standards and the Licensing Authority. Mr Panchal confirmed his client was happy with a suspension of three months, but would prefer a suspension of one month, and also agreed to the additional conditions proposed for the license. Mr Panchal also suggested that a change in DPS at the premises should also take place. Mrs Tal and Mr Tal had nothing further to add to these comments.

Mr Ferrer noted his support for the trading standards review and proposed conditions. The Sub-Committee heard that following the discussion, there were still concerns regarding accountability and the role of the DPS, and confirmed that he was happy to hear from Mr Panchal that there may be a change in DPS at the premises.

PC Butler had no further comments to add.

Mr Cheung stated his agreement with Mr Ferrer, and confirmed that he supported the

recommendations in the report.

Committee Deliberation:

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

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

THE DECISION

The Sub-Committee has considered all the relevant evidence made available to it and in doing so has taken into account the Licensing Objectives, Licensing Act 2003, Hillingdon's Licensing Policy - paragraph 7.8, 7.9, and 17.2, and has had due regard to s.149 Equality Act 2010, and the revised Guidance issued by the Secretary of State under Section 182 of the Act.

The Sub-Committee has determined that the licencing objectives were best upheld by suspending the licence for 3 months and that the current Designed Premises Supervisor, Mrs Tarenjit Tal should step down and be replaced with immediate effect, and that the following additional conditions are incorporated on to the Premise Licence:

- 1. The Designated Premises Supervisor or a Personal Licence Holder must be on the premises during all the business operating hours;**
- 2. There is a time record-keeping log held at the Premises to record the times at which all staff including personal licence holders enter and leave the premises;**
- 3. All alcohol and tobacco products will be purchased from established and bona fide VAT registered traders who provide receipts and invoices;**
- 4. Invoices for all stock will be kept on file for a minimum of 12 months and will be made available to Police Officers, HMRC Officers and authorised local authority officers (including Trading Standards Officers) upon request;**
- 5. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period covering 24 hours per day;**
- 6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested;**

7. The CCTV cameras must be in a position to promote the licensing objective and monitor the licensable activities. The Premise Licence Holder, ASBET or Environmental Health Officer or equivalent and Licensing Officer from the London Borough of Hillingdon must agree on the position of the CCTV camera at the premises within 4 weeks from the date of the written decision being published. Any changes to change of location of any of the cameras must be consulted with ASBET or Environmental Health Officer or equivalent and Licensing Officer from the London Borough of Hillingdon to be agreed;
8. 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 will record the following:
 - (a) All crimes reported to the venue;
 - (b) Any complaints received relating to crime and disorder;
 - (c) Any incidents of disorder;
 - (d) Any faults of the CCTV system;
 - (e) Any refusal of the sale of alcohol;
 - (f) Any visit by a relevant authority or emergency service The Protection of Children from Harm.
9. All staff will receive accredited training regarding appropriate steps to uphold the licensing objectives, and the business licensable activities within 2 months of beginning employment. Records will be kept of such training, which must be signed and dated by the members of staff who have provided and received that training.
10. A challenge 25 policy will be in force, whereby any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises.
11. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. The form of identification shall contain their photograph, date of birth and a holographic mark.

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 Justice Clerk at the Uxbridge Magistrates Court. Such an appeal may be brought within 21 days of receipt of this Notice of Decision.

The meeting, which commenced at 10.00 am, closed at 11.47 am.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Luke Taylor on . 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.