



HILLINGDON
LONDON



NOTICE OF HEARING

Licensing Sub-Committee

Date: MONDAY, 23 NOVEMBER 2020

Time: 10.00 AM

Venue: VIRTUAL - LIVE ON THE COUNCIL'S YOUTUBE CHANNEL: HILLINGDON LONDON

Meeting Details: This meeting will 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:

Martin Goddard, (Chairman)

Lynne Allen

Nick Denys

IMPORTANT INFORMATION

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

Wednesday 18 November 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 the virtual hearing 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

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Putting our residents first

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

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 for a Review of a Premises Licence: Northwood Food and Wine, 13 Joel Street, Northwood, HA6 1NU	Northwood Hills	10:00am	1 - 34

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Application for a Review of a Premises Licence: Northwood Food and Wine

Committee	Licensing Sub-Committee
Officer Contact	Mark McDermott, Licensing Officer
Papers with report	<i>Appendix 1 - Review Application</i> <i>Appendix 2 - Representation from the Metropolitan Police</i> <i>Appendix 3 - Representation from the Licensing Authority acting as Responsible Authority</i> <i>Appendix 4 - Copy of the current Premises Licence</i> <i>Appendix 5 - Map of the area plus photo of premises</i> <i>Appendix 6 - Remedial Letter following visit of 13 October 2020</i> <i>Appendix 7 - Proposed conditions</i>
Ward name	Northwood Hills

1.0 SUMMARY

To determine an Application for a Review of a Premises Licence in respect of Northwood Food and Wine, 13 Joel Street, Northwood, HA6 1NU, pursuant to Section 51 of the Licensing Act 2003. The application to review the licence has been submitted by the London Borough of Hillingdon's Trading Standards Service. This follows the seizure of a quantity of illegal tobacco at the premises. A copy of the application can be found in **Appendix 1**.

2.0 OPTIONS AVAILABLE TO THE SUB COMMITTEE

2.1 Under paragraph 11.19 of the Revised guidance issued under section 182 of the Licensing Act 2003, the options available to the Licensing Sub Committee in Review Application are as follows:

- 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 times;
- Exclude a licensable activity from the scope of the licence,
- 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.

3.0 RECOMMENDATION

It is recommended that the Licensing Sub Committee suspends the Premises Licence for a period not exceeding 3 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.

In line with the review application and representations received, it is also recommended that the conditions detailed in **Appendix 6** are imposed upon the Premises Licence. This will enable the concerns of the Statutory Authorities to be undertaken by the licence holder. Officers believe that the imposition of further conditions and a period of suspension will assist the licence holder to rectify the shortcomings that have led to this review being instigated. Further conditions on the licence will help to set parameters going forward, within which the premises can operate legitimately.

4.0 INFORMATION

- 4.1 On 20 November 2019, following information received regarding the sale of individual cigarettes to underage children and subsequent visit, officers from the London Borough of Hillingdon's Trading Standards Service, accompanied by a tobacco detection dog and handler, inspected Northwood Food and Wine, 13 Joel Street, Northwood, HA6 1NU.
- 4.2 Illicit tobacco was found on the premises; namely oral tobacco concealed in M & M containers behind the counter till. Cigarettes and hand rolling tobacco were also found in a blue metal cabinet located in the storeroom.
- 4.3 The suspected illicit tobacco was seized by the Trading Standards Service.
- 4.4 A total of 77 packets of illicit cigarettes (1540 cigarettes), 1500g of hand rolling tobacco and 1519g of oral tobacco were found at the premises at the time of the visit.
- 4.5 On 3 September 2020, the Licensing Authority received an Application to Review the Premises Licence for Northwood Food and Wine on the grounds of the prevention of crime and disorder.

5.0 CONSULTATION

- 5.1 The Responsible Authorities have been consulted on the review application in accordance with current legislation and associated guidance. A legal notice of the review was displayed at the premises for the 28 day period. A copy of the legal notice was also displayed at the Civic Centre and was placed on Hillingdon Council's website.

5.2 Closing date for representations

28 October 2020

6.0 REPRESENTATIONS

6.1

Responsible Authority	Ground for Representation	Appendix Number
Metropolitan Police	Prevention of Crime and Disorder	Appendix 2
Licensing Authority	Prevention of Crime and Disorder	Appendix 3

- 6.2 The Metropolitan Police Service and the Licensing Authority have both submitted representations in support of the review submitted by the Trading Standards Service.

The Representation received from PC Butler of the Metropolitan Police service highlights issues reported by members of the public and matters arising from a Police Licensing Inspection that are a real concern regarding the general management (or lack of it) of the premises and criminal activity. PC Butler also states, *‘when a local business flouts the law in a challenging area by selling illicit products, then as a responsible authority we must do all we can to protect the public and the livelihood of legitimate traders.’*

A representation received from Daniel Ferrer, Licensing Team Manager at Hillingdon Council, further supports the Trading Standards application to review the licence and for measures to be in place to fully promote the Licensing Objectives, with the addition of further conditions to be added to the existing premises licence.

7.0 BACKGROUND INFORMATION

7.1 Current Premises Licence

Records show Ramandeep Singh as being the Premises Licence Holder for Northwood Food and Wine, 13 Joel Street, Northwood, and the Designated Premises Supervisor since 22 November 2012. The Premises Licence is attached as **Appendix 4**. As mentioned in the review application, officers can confirm that he is the Sole Director of Mansheen Enterprises Limited.

7.2 Description of the Premises

The premises are located on a parade of shops at 13 Joel Street in Northwood. The business operates as a newsagents, off-licence and convenience store.

7.3 Licensable Activities currently authorised at the premises

<u>Activity</u>		<u>Permitted</u>
Sale of Alcohol:	Consumption off the premises	✓

7.4 Licensable activity and opening hours currently authorised

	Licensable Activities	Opening Hours
Monday	08:00-24:00	08:00-24:00
Tuesday	08:00-24:00	08:00-24:00
Wednesday	08:00-24:00	08:00-24:00
Thursday	08:00-24:00	08:00-24:00

Friday	08:00-24:00	08:00-24:00
Saturday	08:00-24:00	08:00-24:00
Sunday	08:00-24:00	08:00-24:00

7.5 Other relevant licensed premises nearby

Name of premises	Activities Authorised	Times Authorised
Space Supermarket 27 Joel Street Northwood Hills Middlesex HA6 1NU	Off Sale by retail of alcohol Provision of Late-night refreshment	Monday to Sunday 0600 to 2400 hours Monday to Sunday 2300 to 2400 hours
Northwood Local 84 Joel Street Northwood Hills Middlesex HA6 1LL (not on map, out of range)	Off Sale by retail of alcohol	Monday to Saturday 08.00 to 23.00 hours Sunday 10.00 to 22.30 hours Good Friday 08.00 to 22.30 hours Christmas Day 12.00 to 15.00 hours and 19.00 hours to 22.30 hours

7.6 Map and Photos of the outside of the premises

A site map of the local area and a photograph of the premises are attached as **Appendix 5**.

8.0 **OFFICER'S OBSERVATIONS**

8.1 On 13 October 2020 Mr Ferrer, representing the Licensing Authority, visited the premises in order to establish the level of compliance with the Licensing Act 2003 and the premises licence conditions. Several breaches were noted by Mr Ferrer at the time of the visit and a remedial letter was subsequently sent to the Premises Licence Holder. The letter can be found at **Appendix 6**. It should be noted that some issues raised were also identified by the Police back on the 8 March 2019 and it is disappointing that these issues have not been remedied at the time of this inspection.

9.0 **RELEVANT SECTIONS OF THE S182 GUIDANCE**

9.1 **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.

9.2 **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.

9.3 **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.

9.4 **Paragraph 11.24** A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. 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.

9.5 **Paragraph 11.26** 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. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

9.6 **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 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;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- **for the sale or storage of smuggled tobacco and alcohol.**

9.7 **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.

9.8 **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.

9.9 Chapter 10 of the S.182 Guidance contains information on the imposition of conditions on the Premises Licence.

10.0 RELEVANT SECTIONS OF THE COUNCIL'S LICENSING POLICY

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

- At paragraph 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."
- At 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."

- At paragraph 17.2: "Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity, as well as patrons of the licensed premises. They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity."
- At paragraph 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."

11.0 LEGAL COMMENTS

11.1 When consideration is given for 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.

11.2 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.

11.3 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.

11.4 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.

- 11.5 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.
- 11.6 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.
- 11.7 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](#)).
- 11.8 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](#)).
- 11.9 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](#)).
- 11.10 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](#)).
- 11.11 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.
- 11.12 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 repetitive s.51(4)(b)(i) and (ii).
- 11.13 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.

- 11.14 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](#)).
- 11.15 The provisions of the Act should not be used for punishment. A decision should be made in order to protect the licensing objectives.
- 11.16 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.
- 11.17 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.
- 11.18 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 \(Admin\); \(2006\)](#).
- 11.19 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.
- 11.20 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.
- 11.21 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.

11.22 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.

11.23 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.

11.24 Where the Sub-Committee determines an application for review it must provide written notice and reasons for its decision.

11.25 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.

11.26 Section 149(7) of the Equality Act 2010 defines nine relevant protected characteristics examples are; race, sex, age, disability and religious beliefs.

11.27 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.

11.28 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.

11.29 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](#)).

11.30 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](#)).

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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 Northwood Food & Wine 13 The Broadway Joel Street	
Post town Northwood	Post code (if known) HA6 1NU

Name of premises licence holder or club holding club premises certificate (if known) Mr Ramandeep Singh

Number of premises licence or club premises certificate (if known) LBHIL 628/06

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)

(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)

(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 ground(s) for review:

This application to review by the Trading Standards Service relates to the licensing objective; *the prevention of crime and disorder*. It concerns the business Mansheen Enterprises Limited trading as Northwood Food & Wine at 13 The Broadway, Joel Street, Northwood HA6 1NU.

Mr Ramandeep Singh is the sole Director of Mansheen Enterprises Limited. He is the Designated Premises Supervisor (DPS) and Premises Licence Holder for the retail premises. Mr Singh holds a personal licence issued to him by the London Borough of Ealing, no. 03640. Mr Singh currently trades under licence number LBHIL 628/06, granted by the London Borough of Hillingdon to permit the sale of alcohol at the premises Northwood Food & Wine at 13 The Broadway, Joel Street, Northwood HA6 1NU since 10th December 2012.

On 20th November 2019, the Trading Standards Service accompanied by a representative from the Alcohol Spirit industry and tobacco detection dogs plus handler conducted inspection visits at premises suspected to be selling illicit goods. Northwood Food & Wine was inspected on this day and concealments of tobacco products were found and seized by Trading Standards; full details of the seized items are listed in the additional information.

As a result of this visit the following breaches of Trading Standards legislation have been reported:

- Having in possession in the course of a business, tobacco products bearing a registered trademark contrary to *The Trade Marks Act 1994*. (This applies to counterfeit tobacco.)
- Engaging in a commercial practice; creating the impression that a product can legally be sold when it cannot contrary to *The Consumer Protection from Unfair Trading Regulations 2008*. (This applies to the non-duty paid tobacco)

The Service find this to indicate a disregard of the law which raises concerns as to whether the business is managed in accordance with licensing objectives. Therefore, we must consider the Section 182 Guidance, which states *'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'*.

In the circumstances, the London Borough of Hillingdon Trading Standards Service feel that it would be a necessary and proportionate response to request the Committee to consider a suspension of up to 3 months with the following conditions to be added to their licence:

- All alcohol and tobacco products be purchased from established 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 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 measures 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 (please read guidance note 3)

Trading Standards referral:

1st October 2019 - Complaint alleging the sale of individual cigarettes to underage children from Northwood Food & Wine.

13th October 2019 - Trading Standards visit conducted to provide underage sales advice. Met with the store manager, Mr Amit Patel. Owner not present at time of visit. Officer reported that they felt that potential illegal activity may be taking place at the premises.

Inspection visit:

20th November 2019 – Inspection and seizure visit carried out by Trading Standards officers and tobacco detection dog unit. This was an intelligence led visit following receipt of recent referral and advice visit, mentioned above.

Owner, Mr Ramandeep Singh not present at the time of visit but arrived before we left. Spoke with the Manager Mr Amit Patel. Oral tobacco found in M&M containers behind the counter till. Cigarettes and hand rolling tobacco found inside a blue metal cabinet located in the storeroom.

Seized by Trading Standards were the following:

Cigarettes	Quantity (no.)	Status
Marlboro Gold	720	Counterfeit
Marlboro (Red)	400	Counterfeit
Marlboro Icons edition	100	Non-Duty (Poland)
Richmond	200	Counterfeit
Rothmans	120	Non-Standardised
Total	1,540	

Hand Rolling Tobacco	Quantity (g)	Status
Amber Leaf	1,500	Counterfeit
Total	1,500g	

Oral Tobacco	Quantity (g)	Status
Mirage	320	Non-Duty
Udta Panche	240	Non-Duty
Tulsi	170	Non-Duty
Kuber	525	Non-Duty
RMD Gutka	264	Non-Duty
Total	1,519g	

Confirmation of tobacco status:

Samples of seized tobacco were sent to their respective brand representatives to confirm whether they were legal for sale. Due to the CoVID Lockdown period, there was a delay in obtaining results for Marlboro products, only received on 28th August 2020. Hence why the review application has been submitted in September.

Estimated value of seized goods:

The cigarettes seized were 1540 in total; with 1320 confirmed counterfeit, 100 non-duty paid. None were in the required standardised packaging and are likely to have sold for approximately £5 per 20 cigarette pack. These would be valued at 77 packets x £5 = **£385.00**

The hand rolling tobacco was in foreign labelled, non-standardised packaging and confirmed counterfeit. It would be sold on average for £5-7 per 50g pouch. There were 30 pouches of 50g seized. These would be valued at 30 x £6 = **£180.00**

The oral tobacco, all non-duty paid was labelled with selling prices noted on the M&M box in which they were contained: -

Priced at	Quantity		Total
Mirage £1.20	16 packs of 20g	16 x £1.20 =	£19.20
Udta Panche £1	16 packs of 15g	16 x £1 =	£16
Tulsi £0.40	85 packs of 2g	85 x £0.40 =	£34
Kuber £1	35 packs of 15g	35 x £1 =	£35
RMD Gutka £0.60	66 packs of 4g	66 x £0.60 =	£39.60
TOTAL			£143.80

Therefore, I estimate the total value of the goods seized to be =
£385.00 + £180.00 + £143.80 = **£708.80**

Interview under caution:

Due to the CoVID Lockdown, Mr Singh was interviewed under caution by letter. In his responses to the question posed regarding his possession of illicit tobacco he stated that the cigarettes were from duty free purchases made during his visits abroad. That they were not meant for retail purposes or to be part of business sales. These were for gifts and personal consumption of friends.

The oral tobacco was purchased from a private vendor who did not provide a receipt for the sale. He was not aware that these are not legal for sale.

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

Please tick ✓ **yes**

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
(please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature K Seyan

Date 2nd September 2020

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.



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: 17/09/2020

**You're Ref: Northwood Food and Wine' 13
Joel Street, Northwood Hills. HA6 1NU**

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 'Northwood Food and Wine' 13 Joel Street, Northwood Hills. HA6 1NU

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 20th November 2019 The London Borough of Hillingdon Trading Standards Services, accompanied by a representative from the Alcohol Spirit Industry and a tobacco detection dog unit attended Northwood Food and Wine, 13 Joel Street, Northwood Hills. HA6 1NU. This venue was suspected of selling illicit goods. Following a search, concealments of tobacco products were detected and seized by the Trading Standard Team and have been evidenced accordingly.

The Joel Street area of Northwood Hills still suffers from anti-social behavior by youths who hang around the shopping precinct and surrounding streets drinking alcohol, smoking cigarettes and causing Anti-Social Behavior in large groups.

The Police Licensing Team have received numerous Crimestoppers reports regarding the alleged sale of alcohol, cigarettes and drugs from Northwood Food and Wine since early 2018.

On Friday the 3rd August 2018, at approx. 13:30 hours the informant was in NORTHWOOD FOOD AND WINE 13 JOEL STREET when he saw a MALE enter the shop and speak to the cashier saying "can I get a bag of the usual" the cashier reached under the front counter and took out a small clear bag containing what looked like a fine white powder and handed it to the customer in exchange for a sum of money, the customer promptly left with the bag.

On the 16th February 2019 further Crimestoppers information was passed to the Police Licensing Team stating that Two Indian males at the venue are selling cigarettes and cannabis to 13 year olds.

On the 8th of March 2019, as a result of the Crimestoppers Information the Police Licensing Team attended Northwood Food and Wine to conduct a licensing inspection.

The person in charge was a Mr Amit PATEL 17/05/1977 and he was the only person in the store at the time of the inspection. A short while after we had entered the venue a voice came over the personal address system identifying himself as Mr. Ramandeep Singh. It transpired that Mr. Singh could see and hear us through the CCTV camera's via a smart device from his home address.

A full licensing visit and inspection was carried out in accordance with the Licensing Act 2003

The following offences were detected at the venue.

The Person in charge was asked to produce the Full Premises Licence on police request. He was unable and contacted the Designated Premises Supervisor Mr Ramandeep SINGH who was also unable to provide the Premises Licence.

I informed Mr PATEL and Mr SINGH that I was reporting them under S57 of The Licensing Act 2003 for failure to produce a premises Licence or certified copy on police request.

I issued a form 694, Notice of alleged offences under the Licensing Act which was signed by Mr PATEL and venue cope issued.

While I inspected the premises in relation to the licence conditions set out in Annex 2 I also detected the follow breaches of the licence.

- 1 The till had no till guard.
- 2 The till was not bolted to the counter
- 3 There was no challenge 25 or over 18 poster or notifications displayed on the premises in relation to proof of age scheme.

Behind the counter was a hockey stick and when asked, Mr PATEL and Mr SINGH said that it was for their protection as people come in with knives.

While outside the premises a PCSO was approached by a member of the public who informed him that the staff sell single cigarettes and alcohol to under 18s

There have been other reports from the local Policing Team, and concerned parents stating that their children have been buying alcohol and cigarettes from the said store.

The premises Licence Holder and Designated Premises Supervisor, Mr. Ramandeep Singh has neglected to observe the Licensing Objectives under crime and disorder. When a local business flouts the law in a challenging area by selling illicit products, then as a responsible authority we must do all we can to protect the public and the livelihood of legitimate traders.

*PC Dave Butler
Police Licensing Officer
Hillingdon Borough.*



HILLINGDON

LONDON

Mr. Mark McDemott
Licensing Officer
The Licensing Service
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
UB8 1UW

Our reference: LBH/DF/628/06

E-MAIL ONLY

Date: 26th October 2020

Dear Mr. McDemott,

LICENSING ACT 2003
NORTHWOOD FOOD & WINE, 13 JOEL STREET, NORTHWOOD HA6 1NU

I am writing to you as the Officer duly authorised to make representations on behalf of the Licensing Authority. This representation relates to the application for a Review of the above premises licence submitted by the Trading Standards Service.

The Licensing Authority support the Trading Standards application for the Review on the grounds of the 'Prevention of Crime and Disorder' licensing objective.

I carried out a licensing inspection at the premises on Tuesday 13th October at 12:10 hours. I met with the Duty Manager, Mr. Amit Patel. A number of issues were detected in relation to the Licensing Act 2003 and the promotion of the licensing objectives. I have detailed these below:

1. The full premises licence could not be produced.
2. There was no Section 57 Custody Notice displayed at the premises.
3. Mr. Patel advised me that he was authorised to sell alcohol by verbal authorisation.
4. There was alcohol with an abv of more than 35% on display which was not displayed behind the counter contrary to a condition of the premises licence.
5. Mr. Patel stated that CCTV recordings were kept for "12 or 15 days" contrary to a condition of the premises licence.
6. Mr Patel was unfamiliar with the workings of the CCTV system.
7. Although a refusals log was produced by Mr. Patel, he stated that the premises did not have an incident log book at the premises.
8. Although there were measures at the premises to check identification for customers under 18, this was not a challenge 21 or Challenge 25 scheme.

Licensing Service

Residents Services

T.01895 277 753 F.01895 250011

dferrer@hillington.gov.uk

London Borough of Hillingdon,

3S/08, Civic Centre, High Street, Uxbridge, UB8 1UW

www.hillingdon.gov.uk

It should be noted that issues 6 to 8, listed above, are not requirements set out as specific conditions of the current premises licence. However, we would expect a responsible operator to have these measures in place to fully promote the licensing objectives. The premises licence, LBHIL 628/06, is silent on these matters. Following the Trading Standards inspection and my visit I would advise that it would be appropriate for relevant conditions dealing with matters 6 to 8 to be attached to the premises licence. For example, the following conditions may wish to be considered:

1. 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.
2. 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 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.
3. A challenge 25 policy will be in force, where 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.

I have included my letter dated 19th October 2020 which was sent to the premises licence holder and Designated Premises Supervisor, Mr. Ramandeep Singh.

If required, I am happy to be present at a 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,

Daniel Ferrer
Licensing Team Manager

LICENSING ACT 2003
Section 24



HILLINGDON
 LONDON

PREMISES LICENCE

Ref:

IM

Premises Licence Number:

LBHIL 628/06

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: 10th December 2012

Part 1 – Premises Details

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

Northwood Food & Wine
 13 Joel Street

Post Town - Northwood

Postcode – HA6 1NU

Telephone number – 01923 824622

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 –

Between 08.00 and 24.00 each day

The opening hours of the premises -

Between 08.00 and 24.00 each day

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 -

Ramandeep SINGH
13 Joel Street
Northwood
HA6 1NU

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 –

Ramandeep SINGH

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

London Borough of Ealing No 03640

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 licence conditions are fully complied with:

The prevention of crime and disorder

The Premises Licence Holder shall ensure that an approved system of closed circuit television (CCTV) consisting of at least 1 camera is installed and maintained within the premises.

The premises should be well lit inside and out in order to support the CCTV

The CCTV shall be placed in a suitable location upon the premises in order to capture a head and shoulders image of all persons entering and leaving the premises

All recordings and images should be retained for a period of not less than 30 days and made available for inspection by authorised officers of the Council and officers of the Metropolitan Police Service upon request

There should be two members of staff present in the premises after 18:00 hours each day until closing

No alcohol should be displayed less than 2 metres from the entrance of the premises

Products containing alcohol with an abv of 35% and above including champagne should be displayed behind the counter or otherwise locked in a display cabinet

The counter within the premises shall be at a minimum height of 1 metre from the shop level and shall be a minimum of 600cm deep. In addition to this the till should be fitted with a till guard and bolted to the counter top as well as the area behind the counter where staff are present being raised above the general floor level by a minimum of 10cm

A proof of age scheme shall be in operation while the premises are open for the purpose of the licence

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

N/A

Annex 4 – Plans

Licensing Service registered number 707/06

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HILLINGDON

LONDON

Ramandeep Singh
Northwood Food & Wine
13 Joel Street
Northwood
HA6 1NU

Our reference: LBHIL 628/06

Date: 19th October 2020

Dear Mr. Singh,

LICENSING ACT 2003
NORTHWOOD FOOD & WINE, 13 JOEL STREET, NORTHWOOD HA6 1NU

I write to you in relation to my licensing inspection that was carried out at the above premises on Tuesday 13th October at 12:10 hours. I met with your Duty Manager, Mr. Amit Patel.

A number of issues were detected in relation to the Licensing Act 2003 and I have detailed these below:

1. The full premises licence could not be produced.
2. There was no Section 57 Custody Notice displayed at the premises.
3. Mr. Patel advised me that he was authorised to sell alcohol on your behalf verbally.
4. There was alcohol with an abv of more than 35% on display which was not displayed behind the counter.
5. Mr. Patel stated that CCTV recordings were kept for "12 or 15 days".
6. Mr Patel was unfamiliar with the workings of the CCTV system.
7. Although a refusals log was produced by Mr. Patel, he stated that the premises did not have an incident log book at the premises.
8. Although there were measures at the premises to check identification for customers under 18, this was not a challenge 21 or Challenge 25 scheme.

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In relation to issue 1 and 2, above, these matters have been brought to your attention so that you can fully comply with the requirements set out in Section 57 of the Licensing Act 2003. Please ensure that the full premises licence is kept at the premises so it can be produced to an authorised officer for examination. In addition, a Custody Notice must be displayed stating who is in custody and control of the premises licence.

In regards to Issue 3, Section 10.33 of the Section 182 Government Guidance states; "It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period."

Issue 4, above, it is contrary to a condition of your premises licence that states;

"Products containing alcohol with an abv of 35% and above including champagne should be displayed behind the counter or otherwise locked in a display cabinet."

The following bottles of alcohol were found on shelves not behind the counter nor in a locked display cabinet:

- Tequila Silver Saturn, 40% abv
- Sierra Tequila, 38%
- Luxado Sambuca 38%
- Champagne, Bollinger, 75%

Issue 5 is contrary to a condition of your premises licence that states;

"All recording and images should be retained for a period of not less than 30 days..."

In regards to issues 6 to 8, you do not have specific conditions attached to your premises licence that make these issues legal obligations, however, I would advise you to address these concerns so as to fully promote the relevant licensing objective of the 'Prevention of Crime & Disorder' and "The Protection From Children From Harm,

Therefore, could you please make the necessary arrangements to comply with the requirements of the Licensing Act 2003 and to take appropriate steps to fully promote the licensing objectives. Further licensing visits may follow to ensure compliance.

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

Yours sincerely,

Daniel Ferrer
Licensing Team Manager

Appendix 7 - Proposed conditions

Prevention of Crime and Disorder

1. All alcohol and tobacco products will be purchased from established and bona fide VAT registered traders who provide receipts and invoices.
2. 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.
3. 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.
4. A staff member from the premises who is conversant with the operation of the CCTV system shall always be on the premises 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.
5. 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

1. A challenge 25 policy will be in force, where 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.

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