



HILLINGDON
LONDON



Notice of Hearing Licensing Sub-Committee B

Date: WEDNESDAY,
19 JANUARY 2011

Time: 10.00 AM

Venue: COMMITTEE ROOM 6
CIVIC CENTRE,
HIGH STREET,
UXBRIDGE
UB8 1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

This agenda and associated reports can be made available in other languages, in Braille, large print or on audio tape on request. Please contact us for further information.

Councillors on the Sub-Committee:

Mike Bull (Chairman)
Judy Kelly
David Allam

Important Information

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

Monday 17 January 2011

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: Tuesday, 4 January 2011

Contact: Gill Brice
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This Agenda is available online at:

<http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?CId=259&Year=2011>

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk



INVESTOR IN PEOPLE

Useful information

Bus routes 427, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away. Limited parking is available at the Civic Centre. For details on availability and how to book a parking space, please contact Democratic Services

Please enter from the Council's main reception where you will be directed to the Committee Room. An Induction Loop System is available for use in the various meeting rooms. Please contact us for further information.

Please switch off any mobile telephones and BlackBerries™ before the meeting. Any recording of the meeting is not allowed, either using electronic, mobile or visual devices.

If there is a FIRE in the building the alarm will sound continuously. If there is a BOMB ALERT the alarm sounds intermittently. Please make your way to the nearest FIRE EXIT.



Agenda

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 To confirm that items marked Part 1 will be considered in Public and items marked Part 2 will be considered in Private
- 4 Consideration of reports from the Council's Licensing Officer

Hearing Protocol - Reviews - Premises Licences & Certificates

Part 1 Members, Public and Press

Applications for the Review of the Premises Licence for the following:-

	Title of Report / Address of Application	Ward	Time	Page
5.	Six Bells Public House, Ducks Hill Road, Ruislip	West Ruislip	9.50 am Briefing 10 am Start of Hearing	11 – 32
6.	Hayes Superstore, 75 Station Road, Hayes	Botwell	9.50 am Briefing 10 am Start of Hearing	33 – 110

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HILLINGDON
LONDON

Licensing Act 2003

Sub-Committee Hearings Protocol for determining applications for Reviews of Premises Licences or Club Premises Certificates

This protocol outlines the procedures that will apply:

Full details of the regulations surrounding sub-committee hearings are available for download on the Department of Culture, Media and Sport's website by [clicking here](#).

It is important that you carefully read these procedures if you wish to attend and be heard at a Licensing sub-committee hearing

1. On receiving the Notice of Hearing

What is the Notice of Hearing?

Hillingdon Democratic Services will give appropriate notice of the hearing, which depends upon the type of application to be considered. Exact timings are shown on the front page of the Agenda (attached to the front of the Notice of Hearing).

A Notice of the Hearing will be sent to all parties accompanied by:

- Date, time and location of the actual hearing and a procedural briefing to be held beforehand;
- This procedure note, the report from the Council's Licensing Officer with relevant requests attached;
- Confirmation that a party may be assisted / represented by a person who does not have to be legally qualified;
- Confirmation that a party to the hearing may address the authority, give further information on a point on which the authority requires clarification and, if considered by the authority to be required, question another party to the hearing;
- The consequences of not attending or being represented at a hearing (which normally will be that the hearing will proceed in the party's absence); and
- A note of any particular points on which the Hillingdon Licensing Service wants clarification.

Contact Information:

To give notice or any queries relating to the hearing please contact:

Clerk to the Committee

Tel: 01895 277655

Email: nwilliams@hillington.gov.uk

Write to: Clerk to the Committee, Cabinet Office, 3E/05, Civic Centre, Uxbridge, UB8 1UW

What do I do when I receive the Notice of Hearing?

On receipt of the Notice of Hearing, all parties must inform the Clerk to the Committee – **normally no later than 2 working days before the hearing*** – whether they:

- Intend to attend or to be represented at the hearing;
- Consider a hearing to be unnecessary; and
- Wish to request that another person appear at the hearing (other than their representative) as a witness. If such a request is made, it should be accompanied by details of the name of that person and a full description of the points about which that person may be able to assist the hearing.

*Full details are given in the front of the Notice of Hearing of the deadline by which you should give your notice. All those who have made a request and the premises licence holder are also reminded of their right to have a legal representative at the hearing.

If a party does not notify the above to the Clerk to the Committee before the relevant deadline they will not be entitled to speaking rights at the hearing.

IT IS IMPORTANT THAT YOU REPLY TO THE NOTICE

If I want to withdraw my request - how do I do this?

Any party may withdraw their request by contacting the Clerk to the Committee by telephone, letter or email, providing they give notice no later than 24 hours before the hearing. If, during the hearing, any party wishes to withdraw their request they may do so orally by informing the Chairman.

What happens if I cannot attend the sub-committee hearing?

When a party informs the authority that he/she cannot attend the hearing or, without prior notice, fails to attend or be represented at the hearing, the sub-committee may either adjourn the hearing to a specified date, but **only** where it considers this to be necessary in the public interest or necessary for its consideration of any representations. Alternatively, the sub-committee may hold the hearing in the party's absence.

Where the sub-committee adjourns the hearing it shall notify the parties of the new date, time and place to which the hearing has been adjourned. Where the hearing is held in the absence of a party the sub-committee will still consider the application or any representations submitted by that party.

Can the date of the hearing be changed?

Only if the Licensing sub-committee scheduled to hear the review considers it to be necessary in the public interest or necessary for its consideration of any representations made by a party. In all other circumstances, the licensing authority cannot be flexible in the dates for hearings as the Licensing Act 2003 sets a strict legal deadline by which hearings must be heard.

Can you accommodate any special needs I may have?

Yes, if any person, who intends to be present at the hearing, has any special needs, (for example in connection with access, hearing, language or vision) this should be brought to the attention of the Clerk to the Committee prior to the hearing in order that appropriate provision may be made.

2. Before the Hearing

You will have been notified of the date and time of the Licensing Sub-committee hearing. The hearings will normally take place at the Civic Centre, High Street, Uxbridge in one of the Committee Rooms.

How do I get to the Civic Centre?

Parking may be available via the entrance to the Civic Centre in the High Street by contacting the Clerk to the Committee in advance. Parking is also available in the nearby Chimes Shopping Centre Car Park. Bus routes 607, 427, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away.

Please enter from the main reception where you will be directed to the relevant Committee Room. Please switch off your mobile phone when entering the room and note that Hillingdon Council operates a no-smoking policy in its offices.

Will the hearing be in public?

There may be other members of the public and press that attend the hearing to observe the proceedings, but they will not be allowed to speak. At any hearing, the person who has requested the review may attend in person or, if the review is made by an organisation or corporate body, a duly authorised representative may be present, who is able to speak on their behalf can do so.

The hearing will take place in public. However, in exceptional circumstances, when the sub-committee considers that it is in the public interest, it may exclude the public from all or any part of a hearing. Hearings will normally take place during the day.

I have some new evidence - may I present it?

The sub-committee **will not** normally allow the production of new written evidence not previously submitted by any party. In the case where the sub-committee does allow new evidence, all other parties must give their consent before it is heard.

If new material is permitted, the hearing may need to be adjourned to allow time to consider it and for other parties to respond to it. Accordingly, any application to have new material considered should demonstrate exceptional reasons for its admission. It is, therefore important for parties to ensure that all evidence is submitted in writing as soon as possible and in accordance with the relevant timescales.

Will I be briefed on procedure before the hearing?

Yes, in the notice of hearing, you will have been asked to attend a procedural briefing before the hearing starts. All parties will be asked to attend this briefing so that the Council's Legal Advisor can outline the procedures to be followed at the hearing.

What if there is more than one Applicant or a number of different Parties to the review attend the hearing?

At the briefing, the Legal Advisor may ask that a spokesman is agreed amongst those present who have similar requests for a review or representations in support.

Who are the people on the Licensing sub-committee?

Three elected councillors of the London Borough of Hillingdon sit on a Licensing sub-committee and it is only they who can determine the application. Its minimum membership is two. Councillors who sit on the sub-committees have been trained in the new Licensing regulations and have experience of determining applications of various kinds.

One of the Councillors will be the Chairman of the hearing and it will be he/she who will call interested parties and responsible authorities to speak and ensure time limits are adhered to as set out in the procedures.

Other people who will be present along with the Councillors include:

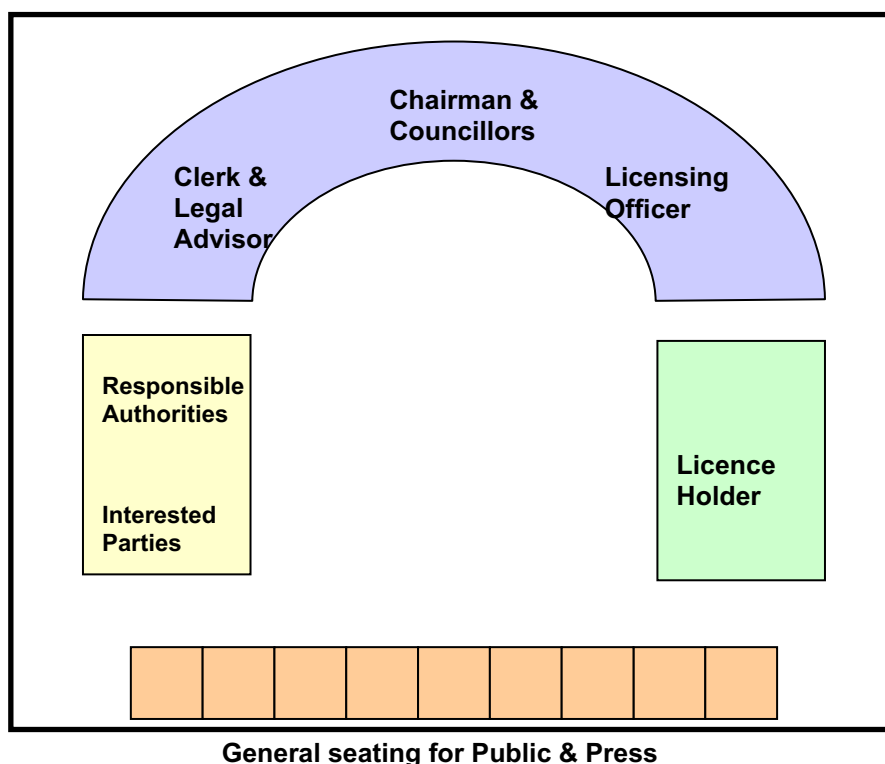
- The **Council's Licensing Officer** who will introduce the Officer report and outline his/her role.
- A **Legal Advisor** whose role is to assist the Committee with legal advice and to ensure that a fair and balanced hearing takes place.
- A **Clerk to the Committee** whose role is to summarise and record decisions on individual matters and to provide help and assistance to members of the public attending such meetings.

3. During the Hearing

The procedure at the sub-committee hearing will, in general, be based on those used in a court of law. Although the strict rules of evidence will not apply, they will be observed to a great extent, because this is the best way of hearing the evidence from all parties. The hearing will take the form of a discussion led by the sub-committee councillors. The sub-committee will seek clarification on the issues from the parties as it considers appropriate.

Where shall I sit at the hearing?

The hearing will begin immediately after the procedural briefing and the set up of the room for those involved will generally be as shown below:



In general, how will the hearing be conducted?

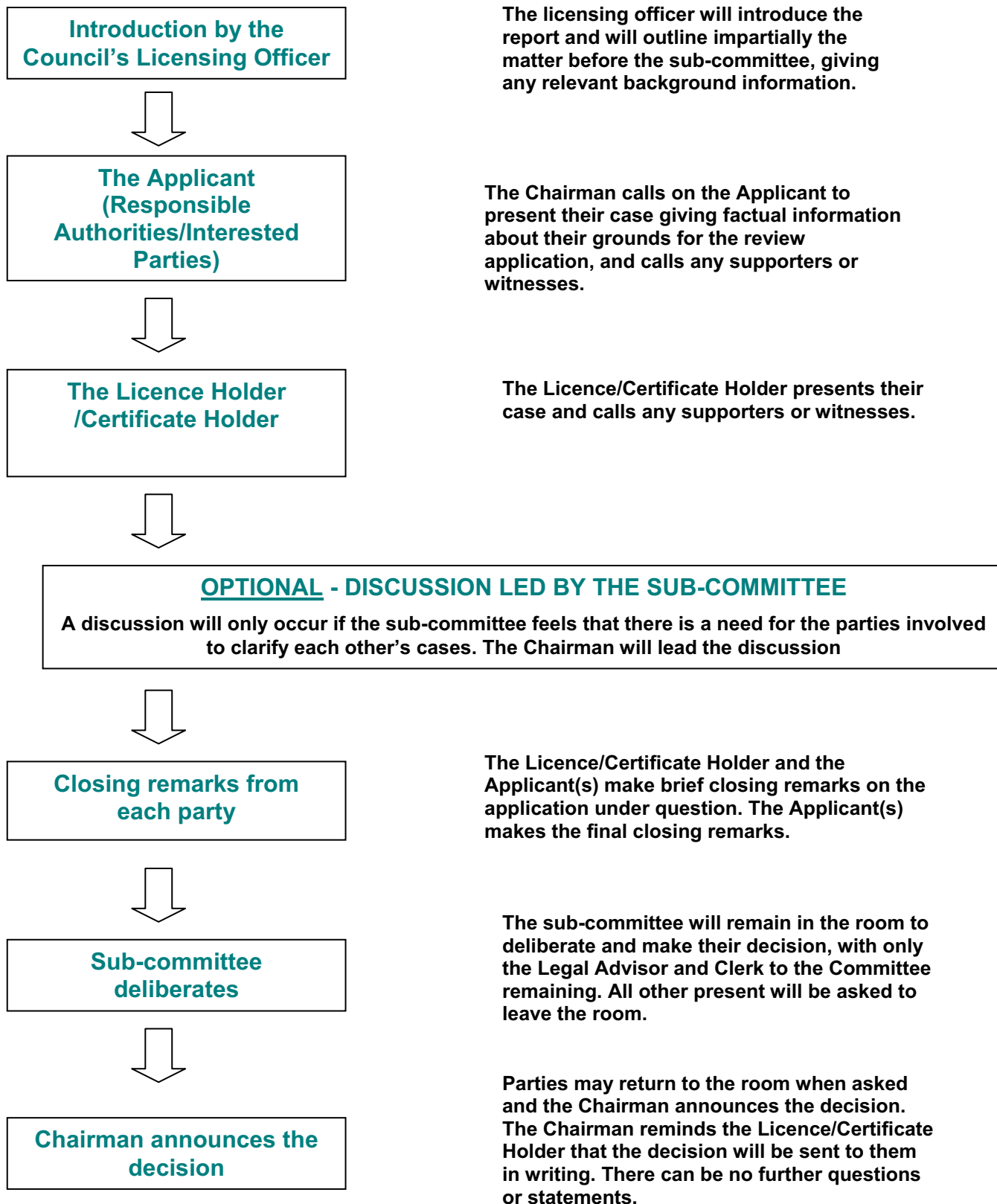
The procedure to be followed at the hearing will normally be as shown in the flow chart below, although all procedural matters will be subject to the discretion of the Chairman. All persons present will be requested to identify themselves and to give the reason for their presence. The sub-committee may consider any request from a party for another person to appear at the hearing as their representative.

It is important to note that cross-examination will not normally be permitted. Evidence, discussion and address must be relevant to the four licensing objectives. Repetition should also be avoided. The sub-committee will seek to prevent irrelevant and repetitive matters.

If, during its deliberations, the sub-committee considers that it is necessary for any person present at the hearing to provide further information or clarification on a particular point the hearing may be reconvened to deal with that issue. The sub-committee can also ask for procedural, technical or legal matter from officers present at any time during the proceedings.

What is the order of proceedings?

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, which will have been prepared in advance by the Clerk to the Committee and will then outline the procedure that will be followed for the remainder of the hearing. The procedure is as follows:



Can a councillor sit on a sub-committee if the application is in their ward?

Councillors who sit on a sub-committee are advised to take steps to minimise their involvement in any application prior to its consideration by the sub-committee so that decisions are seen to be reached at the hearing impartially and with an open mind. Councillors should not appear to be acting both as an advocate on behalf of their residents and as an adjudicator on an application.

If a Councillor on the sub-committee has already taken a view on an application in advance of the hearing, they should not be present for the hearing of the application and should leave the meeting room for that item. They should also not visit any premises under consideration prior to the hearing. In any cases of doubt, the Councillor should not sit on the sub-committee for a particular application. In this instance, a substitute Councillor may need to be found from the main Licensing committee of the Council or the hearing may continue as long as two of the three Councillors are still present.

The agenda papers will show which ward each Councillor sits for and the reports from the Council's Licensing Officer will detail which ward the application is in.

Can a ward Councillor make a representation and or speak at a hearing?

If a ward Councillor, who does not sit on the sub-committee, wishes to make a formal objection to an application they may only do so if they make a written relevant representation as would apply to an Interested Party and in the same way as any other member of the public using the procedures outlined in this protocol. If the ward Councillor believes they have a personal or prejudicial interest in the application, they may still submit a relevant representation.

Ward Councillors, who do not sit on the sub-committee, may also speak at a sub-committee hearing in support or against an application, for example on behalf of their constituents without notice. They may also speak as an advocate or witness on behalf of the applicant or an Interested Party, even if they believe they have a personal or prejudicial interest. However, for the purposes of transparency, at the hearing, the ward Councillor should disclose what their personal or prejudicial interest is and whether they have been in contact with the applicant, agent, Interested Party or responsible authority beforehand or have visited the premises concerned.

Ward Councillors making either a written relevant representation or wish to speak at a hearing should not communicate about the application before the hearing with any Councillors who sit on the sub-committee. This is so the sub-committee makes their decision with an open mind.

What power does the Chairman have to control the meeting?

Under the Licensing act 2003, the Chairman may require any person attending the hearing who is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return or may permit the person to return only on such conditions as he or she may specify.

How will the sub-committee make its final decision?

Once the sub-committee has heard from officers and the parties to the hearing and has had answers to its questions, the sub-committee will usually withdraw to make its decision on the application. The sub-committee must disregard any information given or evidence produced by a party or witness, which is not relevant to the application, representations or notice or the promotion of the licensing objectives.

Members of the sub-committee have a duty to behave impartially, not to predetermine the issue and not to discuss matters with press or residents. In making its decision the sub-committee must state the reasons for that decision, taking into account the evidence presented by all parties during the hearing.

4. After the Hearing

When will we get formal notice of the decision?

The Chairman will normally announce the Sub-committee's decision in public at the end of the hearing and the reasons for the sub-committee's decision. This decision will then be communicated in writing to the parties as soon as possible after the hearing.

The Council's Legal Advisor will send the premises licence holder a decision letter shortly after the meeting outlining the decision and any conditions that are attached to the licence. In addition, a copy of the decision letter will be sent to all those who made an application for a review in connection with the premises. This will confirm the decision made; any conditions attached to a review application or the reasons for revocation. Details of the respective appeal rights will also be sent with this notice.

The minutes of the meeting will be made available on the Council's website at: www.hillingdon.gov.uk

Can we appeal against the decision?

Following the decision, the premises licence holder or any person who has made an application for a review can appeal to the Magistrates Court.

How can I find out about other applications in my area?

The council's Licensing Service is required to arrange for a poster to be displayed at, or near, the premises in question when applications for Reviews of premises licences or club premises certificates are received. A poster is also displayed at the Civic Centre.

All applications once they are lodged will be available for viewing on Hillingdon Council's website at www.hillingdon.gov.uk and in the Civic Centre Offices by appointment with the Licensing Service during working hours.

APPLICATION FOR REVIEW OF PREMISES LICENCE

Committee	Licensing Sub Committee
Officer Contact	Sharon Garner, Licensing Officer Tel: 01895 277230
Papers with report	<ul style="list-style-type: none">• Copy of Review application from Cllr Philip Corthorne• Copy of premises licence• List of responsible authorities• Map of the area
Ward(s) affected	West Ruislip

SUMMARY

To consider an application for a Review of a premises licence under Part 3 Section 51 of the Licensing Act 2003 made by Councillor Philip Corthorne in respect of **Six Bells, Ducks Hill Road, Ruislip**.

RECOMMENDATION

That the Licensing Sub Committee determine the application.

INFORMATION

- 1.1 An application for a Review of the premises licence for Six Bells made by Councillor Philip Corthorne, being the ward councillor, was received on 22nd November 2010 on the grounds of:-

Prevention of public nuisance

The premises is a public house set in a large garden area.

- 1.2 Councillor Corthorne sent copies of the application to all the Responsible Authorities as required by the Licensing Act 2003. A copy of the application is annexed to this report as appendix 1.
- 1.3 In accordance with the legislation, a poster giving details of the application was displayed at the premises for 28 days and checks were made by the council's Licensing Officers to ensure that the poster was still correctly displayed.
- 1.4 As required by the legislation, a poster was also displayed on the Civic Centre notice board for 28 days and the details were listed on the council's website.
- 1.5 The legislation provides for any Responsible Authority and/or interested parties such as residents to support the Review application. The period for Responsible Authorities and local residents to support the application expired on 20th December 2010. No Responsible Authorities wrote in support of the application.

2.0 LEGAL IMPLICATIONS

The licensing authority must review the premises licence where it is alleged in an application for review by a Responsible Authority or an Interested Party that any of the licensing objectives are being undermined.

2.1 "Relevant representations" are those which :-

- Are relevant to one or more of the licensing objectives;
- Are made by a responsible authority or an interested party within the prescribed period;
- Are made by the holder of the premises licence in response to an application for a review of the said premises
- Have not been withdrawn; and
- If made by an interested party, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

The four licensing objectives are –

- The prevention of crime and disorder;
- Public safety;
- The prevention of nuisance; and
- The protection of children from harm

Each objective must be considered to be of equal importance.

2.2 The Licensing Sub-Committee must also consider the London Borough of Hillingdon's licensing policy when what action, if any, to institute. The terms of the Statement of Licensing Policy are highly persuasive, but not binding, on the Licensing Sub-Committee. The Licensing Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy if it considers there are clear and convincing reasons to do so.

Where there is a conflict between the Licensing Act 2003 and the Statement of Licensing Policy, the Licensing Act must prevail.

2.3 Members are required to have regard to the DCMS Guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

2.4 The sub-committee may decide to: –

- Take no action
- Modify the conditions of the licence by altering, omitting or adding any condition;
- Issue a formal warning, recommending an improvement within a specified time frame;

- Exclude a licensable activities from the scope of the licence;
- Remove the designated premises supervisor;
- Suspend the licence for a period not exceeding three months; or
- Revoke the licence.
-

For this purpose the conditions of a premises licence are modified if any of them are altered or omitted or any new condition is added. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.

2.5 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 it's mind to the causes or concerns which the representations identify. The remedial action should generally be directed at these causes and should always be no more than a necessary and proportionate response.

It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

2.6 **Conditions**

Conditions will not be necessary if they duplicate a current statutory requirement..

Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

The Statutory Guidance states that only necessary, proportionate and enforceable conditions, which promote one or more of the licensing objectives, should be attached to the licence.

The Licensing Authority may therefore only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the Review application (paragraph 10.11), and should avoid straying into undisputed areas (paragraph 9.24). Statutory Guidance also states that the pool of conditions that are supplied by the Secretary of State should not be applied universally irrespective of particular circumstances, but may be used as examples that can be tailored to suit individual premises and particular situations.

2.6 **Notification of Determination**

Where the authority determines an application for review it must notify the determination and reasons for making it to: –

- The holder of the licence;
- Any person who made relevant representations;
- The chief officer of police for the area (or each police area) in which the premises are situated

2.8 The Role of the Licensing Sub-Committee

Sub-Committee members will note that, in relation to this application, the Council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the Council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.

Members should note that the Licensing Sub-Committee is meeting on this occasion solely to **perform the role of licensing authority**. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the Licensing Law, Guidance and the Council's Statement of Licensing Policy.

As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts. The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.

The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.

Under the Human Rights Act 1998, the Sub Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. 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.

Interested Parties, Responsible Authorities and the applicant have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

3.0 FINANCIAL IMPLICATIONS

Members should be aware that the Environment and Consumer Protection does not have a budget provision for costs, should the applicant be successful in appealing to the Court(s) against a decision of the Council. In the event that a Court was to uphold an appeal, officers would need to identify how the costs would be funded before action could be taken in order to comply with Council financial policy.

RELEVANT DOCUMENTS

- Copy of Review application from Cllr Philip Corthorne (appendix 1)
- Copy of premises licence (appendix 2)
- List of responsible authorities (appendix 3)
- Map of the area (appendix 4)

BACKGROUND DOCUMENTS:

The Licensing Act 2003
Guidance under Section 182 of the Licensing Act
Statement of Licensing Policy

List of Representations

	Prevention of Public Nuisance
Cllr Philip Corthorne	x

LICENSING ACT 2003
Sections 51 and 87



HILLINGDON
COUNCIL

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

RECEIVED
NOV 15 2010
Licensing Service

Reference number:

(1)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records

(2) I/We

apply for the review of a [premises licence under section 51]
[club premises certificate under section 87] of the Licensing Act 2003 for the premises
described in Part 1 below

Part 1 - Premises or club premises details

Postal address of premises or club premises, or if none, Ordnance Survey map reference or description THE SIX BELLS DUCKS HILL ROAD	
Post town RUISLIP COMMON	Postcode (if known) HA4 7TP
Telephone number (if any) 01895 639466	

Name of premises licence holder or club holding club premises certificate (if known) MARK COOPER,
Number of premises licence or club premises certificate (if known) 03752646

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an interested party (please complete section (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

Delete any words in square brackets which do not apply

- (1) Insert name and address of relevant licensing authority and its reference number (optional)
- (2) Insert name(s) of applicant(s)

Please tick ✓ yes

- 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)

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

Surname First names

I am 18 years old or over Please tick ✓ yes Date of birth Day Month Year

Current address

Post town Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Post town Postcode

Date of birth Day Month Year

Telephone number (if any)

E-mail address (optional)

Please provide as much information as possible to support the application

(please read guidance note 2)

WORDS FOR WORD THE DJ AND THE MUSIC THROUGH BLOCK WALLS AND DOUBLE GLAZING IN DWELLINGS SOME DISTANCE FROM THE SIX BEARS.

THERE ARE SUGGESTIONS THAT THE PERFORMANCE TOOK PLACE IN A WOODEN STRUCTURE IN THE GROUNDS OF THE SIX BEARS, WITHOUT ANY EVIDENT MEASURES TO LIMIT DECIBELS OR PROVIDE SOUNDPROOFING.

WHILST THERE ARE NO COMPLAINTS ABOUT THE BEHAVIOUR OF PATRONS - RESIDENTS STILL HAD TO CONTEND WITH NOISE ASSOCIATED WITH VEHICLES LEAVING THE PREMISES FOR UP TO HALF AN HOUR AFTER 1.15 AM.

I WELCOME THE FACT THAT THE SIX BEARS IS UNDER NEW OWNERSHIP, AND THE FACT THAT THEY HAVE ENDEAVOURED TO BUILD A GOOD RELATIONSHIP WITH LOCAL RESIDENTS. A SUCCESSFUL BUSINESS, WELL RUN AND LOOKING TO BE A GOOD NEIGHBOUR IS GOOD FOR THE AREA - AND THE RESIDENTS I HAVE SPOKEN TO AGREE WITH THIS.

WHILST NOT SEEKING TO DAMAGE THE BUSINESS - RESIDENTS WOULD LIKE TO SEE A LICENCE REVIEW - TO ENSURE THAT SUCH ADDITIONAL MEASURES/CONDITIONS AS ARE NECESSARY TO PREVENT ANY REPETITION OF THE INCIDENT ON 25TH SEPTEMBER ARE IMPLEMENTED AT THE SIX BEARS, FOR THE FUTURE. KNOWING THIS IS AROUND ENSURING ADEQUATE SOUNDPROOFING MEASURES AND REINFORCING THE DETAIL OF THE CONDITIONS IN WHICH SUCH PERFORMANCES SHOULD TAKE PLACE.

BOTH MYSELF, AND RESIDENTS LOOK TO THE OFFICERS AND THE LICENSING COMMITTEE TO APPLY THEIR OWN EXPERT KNOWLEDGE IN TERMS OF WHAT EXACTLY IS NEEDED.

Please tick ✓ yes

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

If yes, please state the date of that application

Day	Month	Year

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

N/A.

Please tick ✓ yes

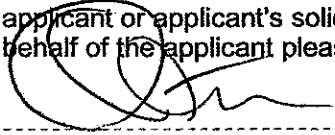
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4)
If signing on behalf of the applicant please state in what capacity.

Signature



Date

31.10.10

Capacity

Ward Councillor

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Postcode

Telephone number (if any)

If you would prefer us to correspond with you using an email address your e-mail address (optional)

Notes for Guidance

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

A Testimony

The music system that was used was too powerful and was obviously running at high output, to such an extent that we could hear the vocals of the music in our house despite having double glazing. Coupled with this was the base output from the venue that was literally vibrating our windows.

My main concern is that the pub used what is in effect a large wooden shed to house the event; a building that has pretty much no noise limiting properties. There is no way that the venue could have been using a decibel limiter to govern the output of the PA. I believe this is still one of the licence conditions for licensed music venues situated in residential areas. The accommodation that has been created in the gardens of the pub is not suitable for music performance at volumes above acoustic outputs and will even disturb when a band uses a standard drum kit.

The event was due to finish at 1.00 and once the sound system has been switched off at 1.15am we had another half hour of "leaving" noise to contend with.

(This resident also referred to inconsiderate parking from pub users preventing access/egress to and from his home).

There are two further accounts from different residents

Referring to the Rose Royce Concert on the 25th September, one resident states that although they are not opposed to bands performing locally per se, they are extremely concerned about the level of noise and public nuisance that was caused, and the impact it had on the local area. They say they were disturbed until the music finished at 1.10am. In the view of this resident, no venue should be allowed a licence beyond midnight on a Saturday night because of the impact on the local community. They were able to clearly distinguish the words of the DJ, and songs being played after the "concert" finished which would indicate that either the venue is not soundproofed or, if it was, then the venue had doors and/or windows open (which would immediately negate any soundproofing).

This resident spoke to the Out of Hours Noise Service that evening, and they said there had been at least one other complaint raised about the situation and the reference for the complaint mailed to them is GE165961.

Another resident said It was impossible to go to bed before 1.15 am because they had never heard a drum noise like it and it penetrated double glazing throughout our house, and over 100 yards distance. At about 1.00am this resident took a sleeping pill and thankfully the noise stopped a quarter of an hour later.

LICENSING ACT 2003
Section 24



HILLINGDON
LONDON

PREMISES LICENCE

Ref: SG/58/LBH

Premises Licence Number: 128/05

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

Signature: Date: 3rd September 2009

Part 1 – Premises Details

Postal Address of Premises or, if none, Ordnance Survey map reference or description -
Six Bells
Ducks Hill Road

Post Town – Ruislip Common Postcode – HA4 7TP

Telephone number – 01895 639466

Where the licence is time limited, the dates -
N/A

Licensable activities authorised by the licence –
Provision of regulated entertainment for live music and recorded music (indoors only)
Sale by retail of alcohol

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

The sale of alcohol and the provision of recorded music:-

- a) Monday to Wednesday from 10.00 hours until 23.00 hours
- b) Thursday from 10.00 hours until 24.00 hours
- c) Friday and Saturday 10.00 hours until 01.00 hours the following day
- d) Sunday from 12.00 hours until 22.30 hours

An additional hour following those detailed above on the following days:-

On Fridays, Saturdays, Sundays and Mondays for each May Bank Holiday, Spring Bank Holiday and August Bank Holiday.

On Thursdays, Fridays, Saturdays, Sundays and Mondays for the Easter Bank Holiday weekend

On Christmas Eve and Boxing Day

From the start of trading hours on New Year's Eve to the start of trading hours on New Year's Day

The provision of live music (limited to 2 performers):

- e) Monday to Wednesday, 10.00 to 23.00 hours
- f) Thursday, 10.00 to 24.00 hours
- g) Friday and Saturday, 10.00 hours to 01.00 hours the following day
- h) Sunday, 12.00 hours until 22.30 hours

An additional hour following those detailed above on the following days:-

On Fridays, Saturdays, Sundays and Mondays for each May Bank Holiday, Spring Bank Holiday and August Bank Holiday.

On Thursdays, Fridays, Saturdays, Sundays and Mondays for each Easter Bank Holiday weekend

On Christmas Eve and Boxing Day

From the start of trading hours on New Year's Eve to the start of trading hours on New Year's Day

The opening hours of the premises –

Monday to Wednesday from 10.00 hours until 23.30 hours

Thursday, from 10.00 hours until 00.30 hours the following day

Friday and Saturday, from 10.00 hours until 01.30 hours the following day

Sunday, from 12.00 hours until 23.00 hours

From the start of trading hours on New Year's Eve to the start of trading hours on New Year's Day

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

On and Off supplies

Part 2

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

Punch Taverns Plc

Jubilee House

Second Avenue

Burton Upon Trent

Staffordshire

DE14 2WF

01283 501600

Registered number of holder, for example company number, charity number (where applicable) -

03752645

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol –

Mark Cooper

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

LN000013489 – Three Rivers District Council

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

Applicable from 6th April 2010

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to

drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Applicable from 1st October 2010

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.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Annex 2– Conditions consistent with the operating Schedule

Prevention of crime and disorder

All external areas of the premises shall be adequately illuminated with routine checks made on the exterior of the premises during trading hours.

The designated premises supervisor shall monitor customer behaviour at all times and when regulated entertainment is provided.

Prevention of public nuisance

The designated premises supervisor shall ensure that noise is kept to a minimum and is monitored on a constant basis.

Customers shall be encouraged to leave the premises quietly.

Live music shall only be played inside the building.

Amplified and/or unamplified live music shall be performed by no more than 2 entertainers.

Protection of Children from Harm

One AWP machine and one cigarette machine in the bar shall be located in close proximity to the bar counter.

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

- 1. Prominent, clear and legible notices shall be displayed at all exits to the premises requesting patrons to respect the needs of local residents and to leave the premises quietly.**
- 2. Prominent, clear and legible notices shall be displayed in appropriate positions at the premises requesting patrons to park considerately when using the premises in order not to cause inconvenience to local residents.**
- 3. When live music is being played at the premises, all of the doors to the premises shall be closed.**

Annex 4 – Plans

Six Bells

The licensed areas of the premises as detailed on the drawing annexed hereto:-

Plan number LBH 1289/09

Romans Surveyors drawing number 511838 REV A

APPENDIX 3

RESPONSIBLE AUTHORITIES FOR GRANT, VARIATION OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE WITHIN THE LONDON BOROUGH OF HILLINGDON

The applicant must send the original application to the Licensing Service and a complete copy of the application including the form, operating schedule and plan in the prescribed form to each responsible authority as follows:-

<p>The Licensing Service London Borough of Hillingdon Civic Centre 3S/09 High Street Uxbridge UB8 1UW licensing@hillington.gov.uk <i>Licensing Authority</i></p>	<p>Chief Officer of Police c/o Northwood Police Station Murray Road Northwood HA6 2YW Attn Sgt I Meens licensing-xh@met.pnn.police.uk <i>Hillingdon Police Enforcement</i> *for all areas except Heathrow</p>
<p>Chief Officer of Police c/o Inspector Robert Harrison ACIT Heathrow Police Station East Ramp Hounslow TW6 2DJ <i>Heathrow Police Enforcement</i> *for Heathrow area only</p>	<p>Fire Safety Regulation: North West Area 1 London Fire Brigade 169 Union Street London SE1 0LL Attn: North West Area Team hillingtongroup@london-fire.gov.uk <i>Hillingdon Fire Authority</i></p>
<p>Service Manager- Safeguarding Children and Quality Assurance 4S/07 Social Services London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW <i>A body involved in the Protection of Children from Harm</i></p>	<p>Food, Health and Safety Team London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW environmentalhealthcp@hillington.gov.uk <i>Enforcing Authority for the Health and Safety at Work Act 1974</i></p>
<p>Trading Standards Service London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW Attn Divisional Trading Standards Officer tradingstandards@hillington.gov.uk Enforcing Authority under the Weights and Measures Act 1985</p>	<p>Environmental Protection Unit London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW environmentalhealthepu@hillington.gov.uk Enforcing Authority for matters relating to Environmental Pollution and Public Nuisance</p>
<p>Head of Planning London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW planning@hillington.gov.uk <i>The Planning Authority</i></p>	

Six Beus P.H.

APPENDIX 4



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APPLICATION FOR REVIEW OF PREMISES LICENCE

Committee	Licensing Sub-Committee B
Officer Contact	Sharon Garner, Licensing Officer Tel: 01895 277230
Papers with report	<ul style="list-style-type: none">• Appendix 1 - Review application and relevant documents from Trading Standards Service• Appendix 2 - Letter and evidence in support of the Review from the Metropolitan Police Service• Appendix 3 - Premises Licence• Appendix 4 - List of Responsible Authorities• Appendix 5 - Map of the area
Ward(s) affected	Botwell

SUMMARY

To consider an application for a Review of a premises licence under Part 3 Section 51 of the Licensing Act 2003 made by Martin King on behalf of the Council's Trading Standards Service in respect of **Hayes Superstore, 75 Station Road, Hayes UB3 4BG**.

RECOMMENDATION

That the Licensing Sub-Committee determine the application.

INFORMATION

- 1.1 An application for a Review of the premises licence for Hayes Superstore made by Martin King on behalf of the Council's Trading Standards Service, was received on 3rd December 2010 on the grounds of:-

Prevention of crime and disorder

Protection of children from harm

- 1.2 The premises is a double unit shop selling groceries and alcohol. The premises licence was issued to Mr Harcharan Singh and Mr Manmohan Singh following a hearing by the Licensing Sub-Committee on 17th January 2006.
- 1.3 Martin King sent copies of the application to all the Responsible Authorities as required by the Licensing Act 2003. A copy of the application is annexed to this report as **Appendix 1**.
- 1.4 In accordance with the legislation, a poster giving details of the application was displayed at the premises for 28 days and checks were made by the Council's Licensing Officers to ensure that the poster was still correctly displayed.
- 1.5 As required by the legislation, a poster was also displayed on the Civic Centre

notice board for 28 days and the details were listed on the Council's website.

- 1.6 The legislation provides for other Responsible Authorities (the full list is attached as **Appendix 4**) and/or interested parties such as residents to support the Review application. The period for Responsible Authorities and local residents to support the application expired on 30th December 2010. One letter in support (attached as **Appendix 2**) of the review was received from the Metropolitan Police Service.

LEGAL IMPLICATIONS

- 2.1 The licensing authority must review the premises licence where it is alleged in an application for review by a Responsible Authority or an Interested Party that any of the licensing objectives are being undermined.
- 2.2 "Relevant representations" are those which :-
- Are relevant to one or more of the licensing objectives;
 - Are made by a responsible authority or an interested party within the prescribed period;
 - Are made by the holder of the premises licence in response to an application for a review of the said premises
 - Have not been withdrawn; and
 - If made by an interested party, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

The four licensing objectives are –

- The prevention of crime and disorder;
- Public safety;
- The prevention of nuisance; and
- The protection of children from harm

Each objective must be considered to be of equal importance

- 2.3 The Licensing Sub-Committee must also consider the London Borough of Hillingdon's Licensing Policy when deciding what action, if any, to institute. The terms of the Statement of Licensing Policy are highly persuasive, but not binding, on the Licensing Sub-Committee. The Licensing Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy if it considers there are clear and convincing reasons to do so.

Where there is a conflict between the Licensing Act 2003 and the Statement of Licensing Policy, the Licensing Act must prevail.

- 2.4 Members are required to have regard to the DCMS Guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

- 2.5 The sub-committee may decide to: –
- Take no action
 - Modify the conditions of the licence by altering, omitting or adding any condition;
 - Issue a formal warning, recommending an improvement within a specified time frame;
 - Exclude a licensable activities from the scope of the licence;
 - Remove the designated premises supervisor;
 - Suspend the licence for a period not exceeding three months; or
 - Revoke the licence.

For this purpose the conditions of a premises licence are modified if any of them are altered or omitted or any new condition is added. Modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months.

- 2.6 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 representations identify. The remedial action should generally be directed at these causes and should always be no more than a necessary and proportionate response.

It is of particular importance that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives in the circumstances that gave rise to the application for review.

Conditions

- 2.7 Conditions will not be necessary if they duplicate a current statutory requirement...

Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

The Statutory Guidance states that only necessary, proportionate and enforceable conditions, which promote one or more of the licensing objectives, should be attached to the licence.

The Licensing Authority may therefore only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the Review application (paragraph 10.11), and should avoid straying into undisputed areas (paragraph 9.24). Statutory Guidance also states that the pool of conditions that are supplied by the Secretary of State should not be applied universally irrespective of particular circumstances, but may be used as examples that can be tailored to suit individual premises and particular situations.

Notification of Determination

2.8 Where the authority determines an application for review it must notify the determination and reasons for making it to: –

- The holder of the licence;
- Any person who made relevant representations;
- The chief officer of police for the area (or each police area) in which the premises are situated

The Role of the Licensing Sub-Committee

2.9 Sub-Committee members will note that, in relation to this application, the Council has multiple roles. Council officers from various departments have been asked to consider the application from the perspective of the Council as authority responsible respectively for environmental health, trading standards, health and safety and as the planning authority.

Members should note that the Licensing Sub-Committee is meeting on this occasion solely to **perform the role of licensing authority**. The Sub-Committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the Licensing Law, Guidance and the Council's Statement of Licensing Policy.

As a quasi-judicial body the Licensing Sub-Committee is required to consider the application on its merits. The Sub-Committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts. The Licensing Sub-Committee must give fair consideration to the contentions of all persons entitled to make representations to them.

The Licensing Sub-Committee is entitled to consider events outside of the premises if they are relevant, i.e. are properly attributable to the premises being open. The proprietors do not have to be personally responsible for the incidents for the same to be relevant. However, if such events are not properly attributable to the premises being open, then the evidence is not relevant and should be excluded. Guidance is that the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activity in the area concerned.

The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.

Under the Human Rights Act 1998, the Sub Committee needs to consider the balance between the rights of the applicant and those making representations to the application when making their decision. 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.

Interested Parties, Responsible Authorities and the applicant have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.

FINANCIAL IMPLICATIONS

- 3.1 Members should be aware that the Planning, Environment and Community Services does not have a budget provision for costs, should the applicant be successful in appealing to the Court(s) against a decision of the Council. In the event that a Court was to uphold an appeal, officers would need to identify how the costs would be funded before action could be taken in order to comply with Council financial policy.

RELEVANT DOCUMENTS

- Appendix 1 - Review application and relevant documents from Trading Standards Service
- Appendix 2 - Letter and evidence from the Metropolitan Police in support of the Review
- Appendix 3 - The Premises Licence
- Appendix 4 - List of Responsible Authorities
- Appendix 5 - Map of the Area

BACKGROUND DOCUMENTS

The Licensing Act 2003
Guidance under Section 182 of the Licensing Act
Statement of Licensing Policy

APPENDIX 1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Martin King, Team Leader - Trading Standards Service

(Insert name of applicant)

apply for the review of a premises licence under section 51 ~~apply for the review of a club premises certificate under section 87~~ of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Hayes Superstore 75 Station Road	
Post town Hayes	Post code (if known) UB3 4BG

Name of premises licence holder or club holding club premises certificate (if known) Harcharan SINGH & Manmohan SINGH

Number of premises licence or club premises certificate (if known) LBHIL 586/05

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 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

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 Martin King Trading Standards Service London Borough of Hillingdon Civic Centre High Street Uxbridge UB8 1UW
Telephone number (if any) 01895 277424
E-mail address (optional) mking@hillington.gov.uk

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

This application to review relates to the objective to prevent crime and disorder. It concerns alleged offences committed at 75 Station Road under the Licensing Act 2003, the Consumer Protection Act 1987 and the Alcoholic Liquor Duties Act 1979.

Mr Harcharan Singh (the Designated Premises Supervisor & Premises Licence Holder) has owned and operated the business since 2005 through his company Hayes Superstore Limited. Mr Harcharan Singh and Mr Manmohan Singh have been granted licence number LBHIL586/05 by the London Borough of Hillingdon to permit the sale of alcohol at their premises Hayes Superstore, 75 Station Road, Hayes.

It is alleged that between October 2006 and April 2010, officers from the Trading Standards Service regularly reported breaches of the above legislation, namely:

- supplying alcohol to a person under the age of 18 contrary to the Licensing Act 2003;
- offering for sale tobacco products which did not bear the required statutory health warnings contrary to the Consumer Protection Act 1987 and the Tobacco Products (Manufacture, Presentation and Sale)(Safety) Regulations 2002;
- offering for sale alcoholic beverages which did not bear the required statutory HM Revenue & Customs Duty Paid labels contrary to the Alcoholic Liquor Duties Act 1979 and the Duty Stamps Regulations 2006.

I believe this indicates a general disregard of the law which raises questions as to whether the business is managed in accordance with licensing objectives. On most occasions, Trading Standards Officers have dealt with Harcharan Singh.

In the circumstances, the London Borough of Hillingdon Trading Standards Service feel that it would be a necessary and proportionate response to request a review of the premises licence with a view to either:

1. Revoking the premises licence allowing the sale of alcohol
2. Suspending the premises licence allowing the sale of alcohol for a period of up to 3 months
3. Removing of the Designated Premises Supervisor
4. Modifying the conditions of the licence.

RESPONSIBLE AUTHORITY: Section 13(4) of the Licensing Act 2003 and Regulation 7 of the Licensing Act 2003 (Premises Licences 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 2)

10 October 2006: Routine Inspection carried out by Trading Standards Officers. Tobacco blunts found on sale which did not bear the required statutory health warnings. Advice given in the form of a Trading Standards Notice.

17 October 2006: Re-visit carried out by Trading Standards Officers. Ghutka (chewing tobacco) found on sale which did not bear the required statutory health warnings. Items seized.

5 February 2008: Sale of alcohol to a person under the age of 18. The premises were targeted as part of a test purchasing operation as information had been received at the Trading Standards Office alleging that the premises were selling alcohol to under-age persons. A PND was issued. The statement of Richard Nowacki (Trading Standards Investigating Officer) is attached.

14 October 2008: As a result of a complaint received at the Trading Standards Office, Officers inspected the premises. Non compliant alcohol and tobacco products were found which were seized. Advice given in the form of a Trading Standards Notice. The statement of Richard Nowacki (Trading Standards Investigating Officer) is attached.

6 April 2010: As a result of a complaint received at the Trading Standards Office, Trading Standards Officers again inspected the premises. Packs of Bidi cigarettes and Ghutka were seized as they did not bear the required statutory health warnings. 47 bottles of spirits were also seized as they did not bear the HMRC Duty Paid label. 10 designer watches were also seized on suspicion of being counterfeit. Harcharan Singh was formally interviewed in connection with this matter and a transcript of the interview is attached. Also attached is a report and witness statement from Surinder Sanghera (Trading Standards Investigating Officer), a statement from Martin King (Trading Standards Team Leader), a statement from Ron Smart (Technical Assistant) and photographs of the seized product.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

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

Not applicable

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 (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Martin King

Date

2/12/2010

Capacity Team Leader - Trading Standards Service

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Martin King Trading Standards Service London Borough of Hillingdon Civic Centre High Street	
Post town Uxbridge	Post Code UB8 1UW
Telephone number (if any) 01895 277424	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) mking@hillingdon.gov.uk	

Notes for Guidance

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

STATEMENT OF WITNESS

Criminal Justice Act 1967 – Section 9

Magistrates Courts Act 1980 – Sections 5A(3)a and 5B; Criminal Procedure Rules 2005 – Rule 27.1

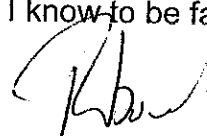
COPY

STATEMENT OF:- Richard Nowacki

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

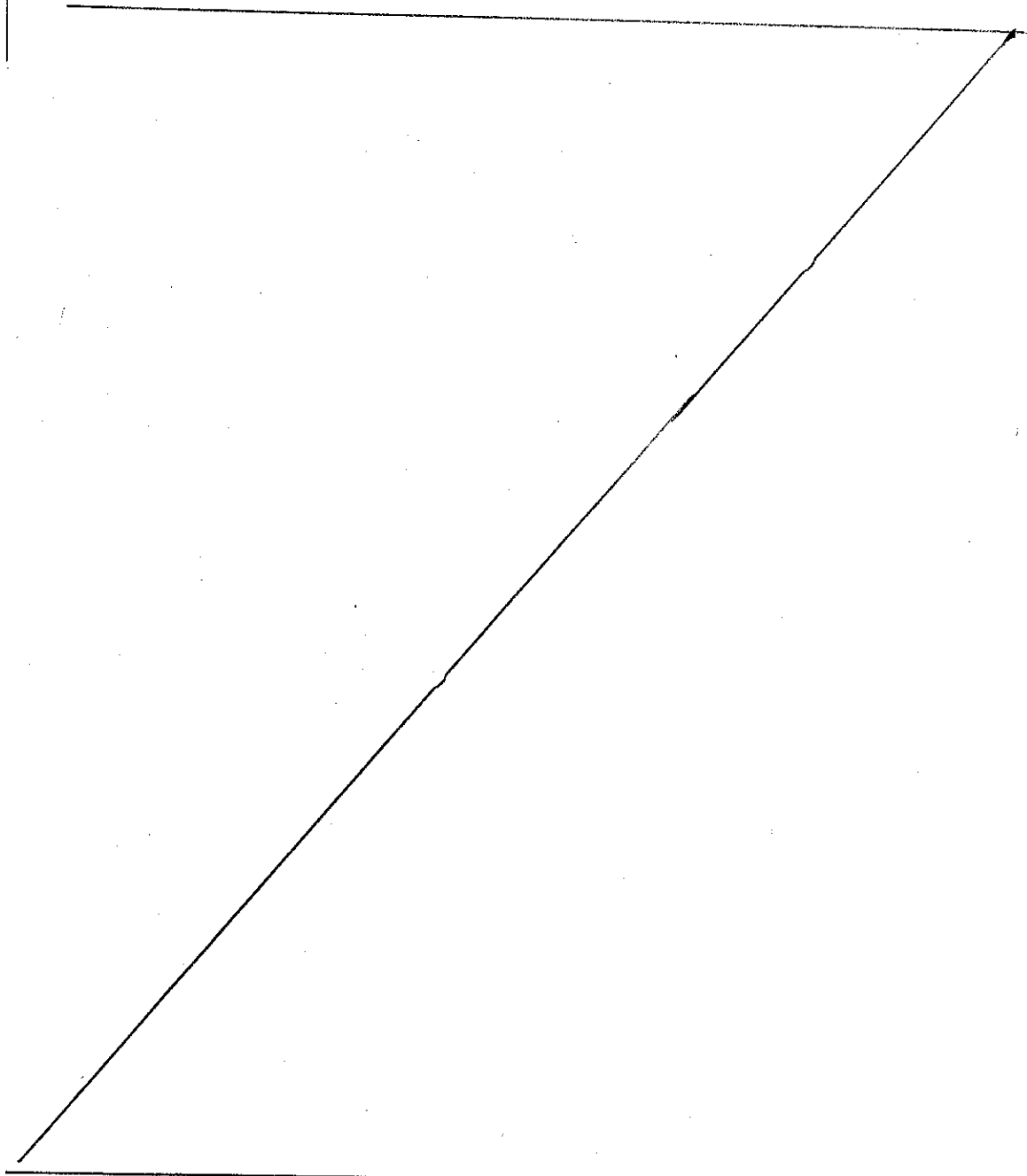
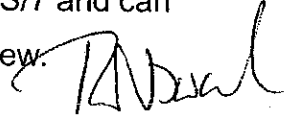
Occupation of witness:- Investigating Officer

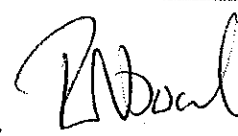
This statement consisting of 3 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.

Dated the 16 day of November 2010 Signed: 

I am employed as an Investigating Officer by the London Borough of Hillingdon Trading Standards Service. On the 2 February 2008 as part of a Hillingdon Borough Metropolitan Police operation, I visited Hayes Superstore 75 Station Road Hayes, UB3 4BG where I witnessed the sale of alcohol to an underage volunteer. Sergeant Ian Meens gave the shop assistant, who sold the alcohol, a Fixed Penalty Notice. On the 14 October 2008 I had cause to visit Hayes Superstore, once more, after a complaint was received by this Service that counterfeit cigarettes were being sold in the store. On this occasion I seized 17 assorted packets of cigarettes with East European labelling, from under the counter, on the suspicion that they were not duty paid and / or were counterfeit. I also seized 2 miniature bottles of Smirnoff Vodka along with a 70cl bottle of Smirnoff Vodka, as I believed the bottles may be counterfeit, as the labelling did not match that which was normally associated with Smirnoff Vodka. At this time I dealt with Jasbir Singh who told me he was a partner in the business. I gave Jasbir Singh a Notice, No. 2802, which detailed the items I had seized. **In this notice I advised that the shop should only sell cigarettes and spirits with Duty Paid labels.** I produce this Notice as Exhibit RN1. On the 12 December 2008 I returned to Hayes Superstore 75 Station Road Hayes, UB3 4BG and spoke with Mr Harcharan Singh. He told me he was the owner of the shop. I requested that he sign over the goods that I had seized on 14 October 2008. He agreed to this and he signed a 'Proforma Disclaimer For Goods' which recorded the 17 packets of cigarettes, the one 70cl bottle of Smirnoff Vodka and two miniature bottles of

Smirnoff Vodka. I produce the 'Proforma Disclaimer For Goods', dated 12 December 2008, as Exhibit RN2. On 26 August 2010 I assisted my colleague Surinder Sanghera when he interviewed Mr Harcharan Singh, under the provisions of the Police and Criminal Evidence Act 1984, in the Civic Centre. The interview was tape recorded and Mr Harcharan Singh was questioned, under caution, about the possession and supply of spirits that did not bear duty paid labels, the possession of counterfeit sunglasses and non-compliant labelling of tobacco products. I have been shown Exhibit SS/7 and can confirm it is an accurate record of the tape recorded interview.



Signed: 

HILLINGDON
TRADING STANDARDS SERVICE
 IDENTIFY THIS AS EXHIBIT No:

DESCRIPTION OF EXHIBIT: RNI
Notice No. 2802
to Hayes Superstore

SIGNATURE: [Signature]



Nº 2802

Office Copy

HILLINGDON
 LONDON

To: Mr. Slobodkin
Hayes Superstore
35 Station Rd
Hayes

Business Names Act	
Consumer Credit Act	
Consumer Protection Act	
Explosives Act(s)	
Hallmarking Act	
Prices Act	
Trade Descriptions Act	
Weights and Measures Act	
(Specify)	
<u>Trade Marks Act</u>	
No infringements	

Dear Sir / Madam

Re: Non Duty Paid / alleged counterfeit
cigarettes / spirits

Comments: 17 assorted packets of cigarettes (no duty paid) (best evidence photo)
total 100425
2 miniature bottles of spirit
1 bottle of spirit } 100125427
taken for further checks
Only sell cigarette / spirits with Duty Paid labels
1 litre bottles of spirit

TAKE NOTICE that it is alleged that you have contravened the provisions of the legislation indicated above. This notice is to inform you that the matters above need your attention and an officer of this Service may revisit this premises in days to ensure effective action has been taken. (Failure to take corrective action may result in prosecution). If you wish to discuss these, or any other Trading Standards matters, please telephone 01895 250164.


Handed to: Mr. Slobodkin Officer: [Signature]
 Position: Partner Title: Investigating officer
 Signed: [Signature] Signed: RICHARD NEWARK Date: 10/10/08

Complied with:



INVESTOR IN PEOPLE



 HILLINGDON	TRADING STANDARDS SERVICE I IDENTIFY THIS AS EXHIBIT No:
DESCRIPTION OF EXHIBIT: <u>RN2</u> <u>Proforma Disclaimer</u> <u>for Goods - Hayes Superstore</u>	
SIGNATURE: <u>[Signature]</u>	

Trading Standards Service

Tel: 01895 250164
 Fax: 01895 277443
 email: tradstad@hillington.gov.uk

PROFORMA DISCLAIMER FOR GOODS

I	Mr S. Jasbir <u>Mr Marwan Singh</u>
trading as	Hayes Premier Superstore
at	75 Station Road, Hayes, Middlesex UB3 4BG

hereby now, and for all time in the future, renounce completely all claims, rights and ownership in the goods described in the attached signed schedule(s) in favour of the London Borough of Hillingdon Trading Standards Department. The goods were **seized* / suspended* / detained*** (*delete as required)

at	As above
on	16 October 2008

In furtherance to this disclaimer, I also indemnify the London Borough of Hillingdon Trading Standards Department from all claims and demands that may be made in respect thereof, and all proceedings, actions and costs as between solicitor and his client that may arise in connection therewith.

Dated this 12th day of December 2008

Signed: [Signature]

Name: Mr S. Jasbir / Mr M Singh (BLOCK CAPITALS)

(Page 1 of 2 pages)

Making a difference

Trading Standards Service, Environmental Services Group, London Borough of Hillingdon
 3S/01, Civic Centre, High Street, Uxbridge, UB8 1UW

www.hillingdon.gov.uk

SCHEDULE OF GOODS

Description of Goods:

- 17 Assorted packets of cigarettes
- 1 70cl bottle of Smirnoff Vodka
- 2 Miniature bottles of Smirnoff Vodka

Location of Goods:

London Borough of Hillingdon, Trading Standards Department (3S/01), Civic Centre, High Street, Uxbridge, Middlesex, UB8 1UW.

The London Borough of Hillingdon reserves the right to dispose of the said goods in any manner it deems fitting.

(This next section to be completed by an Authorised Officer of the London Borough of Hillingdon)

Dated this 12 day of December 2008

Signed: 

Name: Mr RICHARD NOWACKI (BLOCK CAPITALS)

Status: INVESTIGATING OFFICER (Page 2 of 2 pages)

Mini Report

Hayes Superstore Ltd. trading as Hayes Superstore
Director - Harcharan Singh

Surinder Sanghera

On 6 April 2010 I visited Hayes Superstore, 75 Station Road, Hayes, following an allegation that the retailer was selling bidi cigarettes (Indian tobacco leaf rolled cigarettes) which were incorrectly labelled, with no health warnings and no EU name and address. The complainant had given us an example of the bidi cigarettes.

A comprehensive search was carried out for bidi cigarettes by Martin King, Ron Smart and I. Only 3 packets of bidis were found. These were in a drawer located behind the counter, hidden from public view. Then we found bottles of alcohol /spirits on sale that did not have duty paid stamps. The offending alcohol was seized and sealed in 6 bags. During a further search behind the counter we found a number of fake designer watches (Omega, Franck Muller, Rolex) in a card board box these were also seized. We also found, on sale, Asian oral tobacco products e.g. Gutka, with labelling infringements, these were seized.

It was decided to bring in Mr. Harcharan Singh (HS) to be interviewed under PACE. The interview was arranged for 2 July 2010, upon arrival Mr. Singh requested an interpreter saying that he may have difficulty understanding the questions. This was a surprise as it was felt he should have a good command of English as he was the Designated Premises Supervisor. The subsequent interview took place on 26 August 2010 with an interpreter present.

When interviewed HS was asked if he was aware of the compliance regulations on the labelling of oral tobacco and duty paid spirits. His answers to all the questions were **YES**.

With particular reference to the spirits with non duty paid stamps he said

- He bought the shop in 2005 and the spirits, in question, were included. The duty was paid, but there wasn't a stamp on the bottles prior to 2005 (10.40.10)
- We don't rotate the stock. We just keep stocking it up!!?? (10.54.10)
- We had letters UK duty paid was coming.....but we weren't able to clear the stock!!!?? (10.55.30)
- The stock in the shop predated when the duty paid stamp was required? – Yes (10.56.00)

It was then put to HS that Richard Nowacki had visited the shop on 14 October 2008 and seized some non duty paid cigarettes. He gave advice in the form of a notice (2802) to Jasbir Singh, who said he was a partner, to only sell cigarettes and spirits with duty paid labels. HS 'highlights' included (10.56.10 - 11.01.50)

- He wasn't aware of the visit.
- Jasbir Singh has authority when HS is absent.
- He did not have a clue what the DPS was – even though he had confirmed he was the DPS.
- After being given the specific advice by Richard Nowacki - was it right to supply the goods seized. HS replied "no it was not appropriate". (11.01.50)

When it was put to HS that it was an offence under the Licensing Act to keep non duty paid alcohol on the premises he went back into his old stock explanation.

When asked about the watches HS said

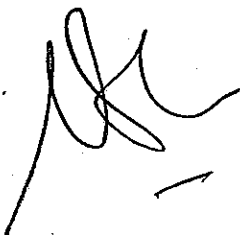
- A customer left them in a bag.
- The bag was left three years ago!
- He did not know the name of the customer.
- "It was a mistake"!!

HS was asked about the tobacco products. He said

- He had purchased stock, including the bidis and the Gutka, from Quality Foods in Hounslow as it was closing.
- "Yes" - he had kept them in a drawer for a year
- "Sorry it was a mistake" – to why didn't you just throw them away

It seems Harcharan Singh makes numerous mistakes! I don't think his answers are convincing and the need for an interpreter gave him some thinking time.

I believe TS should take some action against him and would recommend, that at the least, his licence is reviewed.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

PACE TRANSCRIPTION
OF : HARCHARAN SINGH
(Hayes Superstore)

Date of Interview : 26th August 2010
Commencement Time of Interview : 11.10 hours
Termination of Interview : 11.45 hours

Time Code	Person Talking	Commentary
10.31.10	SS	This interview is being tape-recorded and the contents may be given as evidence if the matter is brought before the court. The date is Thursday 26 th August 2010 and the time is 10 past 11 am.
10.31.40	INT	<i>Interpreted.</i> I don't think he's understanding so I'm just going to do everything throughout <i>inaudible</i> because I thought he'd understood everything. <i>Interpreted.</i>
10.32.00	SS	The interview is being conducted at the Civic Centre, London Borough of Hillingdon. My name is SURINDER SANGHEERA ["SS"] I'm an Investigating Officer with the London Borough of Hillingdon.
	INT	<i>Interpreted.</i>
	SS	Also present are?
10.32.20	INT	<i>Interpreted.</i> SHUMYLA WAHEED ["INT"] interpreter.
	HS	HARCHARAN SINGH ["HS"].
	RN	And RICHARD NOWACKI ["RN"] Investigating Officer.
10.32.30	SS	What is your full name and address please?
	INT	<i>Interpreted.</i>
	HS	Harcharan Singh, [REDACTED] postcode [REDACTED].
10.32.40	SS	Could you please state your date of birth?

Time Code	Person Talking	Commentary
	INT	<i>Interpreted.</i>
	HS	01.01.71.
10.32.50	SS	Can you confirm there are no other people in this room?
	INT	<i>Interpreted.</i>
	HS	No.
10.33.00	SS	What is the status of your business, example are you a sole trader, partnership or a limited company?
	HS	Limited company.
	SS	What is the name of your business that you represent?
10.33.10	HS	Hayes Superstore Limited.
	SS	What is your position within the organisation?
	HS	It is my business, it's my shop.
10.33.20	INT	<i>Interpreted.</i> Shop owner.
10.33.30	RN	Excuse me just one minute Surinder. What is the name of the limited company?
	HS	Hayes Superstore Limited.
	RN	And are you a director of ...?
10.33.40	HS	Yes I'm director yes.
	RN	Okay thank you.
	SS	Are you authorised to speak on behalf of the company?
10.33.50	INT	<i>Interpreted.</i> Yes I can because it's my own company.
10.34.00	SS	Can you tell me the registered office address of the company?
10.34.10	INT	<i>Interpreted.</i> I do at the shop, I don't have it with me today, paperwork is at the shop.
10.34.20	SS	At the end of the interview I will give you a notice which will explain the procedure of dealing with the tapes and how you can obtain access to them. But firstly I must tell you that: You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in Court, anything you say may be given in evidence. You may obtain legal advice if you wish. You are not under arrest and may leave if

Time Code	Person Talking	Commentary
		you wish to. Do you understand?
10.35.00	INT	<i>Interpreted.</i>
10.35.30	RN	Sorry, do you understand?
	INT	Yes.
10.35.40	RN	Sorry can you just answer that, do you understand?
	HS	I understand yes.
10.35.50	SS	You have been previously advised in writing that you may obtain legal advice, have you done so?
10.36.00	INT	<i>Interpreted.</i> No.
	SS	Have you any objection to the interview being taped?
10.36.10	INT	<i>Interpreted.</i> No.
10.36.20	SS	The interview is in relation to non paid duty on alcohol, number of fake watches, non labelling on [Beedi] cigarettes and on other oral tobacco products – [Beedi] cigarettes.
10.36.40	INT	<i>Interpreted.</i> I wasn't aware of the [Beedi] cigarettes, I came to the shop and someone was at the shop and there was other staff present at the shop. Quality Food was closing in Hounslow West ...
10.37.30	SS	I will ask those questions more in detail, that was just a brief question.
	INT	<i>Interpreted.</i>
10.37.40	SS	Why did you have non duty paid alcohol on sale?
10.37.50	INT	<i>Interpreted.</i> I'll give you the reason.
10.38.10	RN	Before I am showing Mr Singh Exhibit SS1 and as a sample a bottle of Glens Gin which has no duty paid stamp on it.
10.38.30	INT	<i>Interpreted.</i> In 2005 he purchased the shop and for two years no one was making enquiries about it. I bought the shop from somebody else in 2005 and this is the stock [with it], it was just at the shop and it was old stock. We took the shop over in 2005 and this is stock prior to that, prior to the takeover of the shop. We started the shop in 2005.
10.39.30	SS	Where did you get your alcohol from?
10.39.40	INT	<i>Interpreted.</i> I purchased the shop in 2005 and it was old stock that was present in the shop and the old shopkeeper did the stock take

Time Code	Person Talking	Commentary
		and this stock was all there and at that time duty was not paid ... no it was paid, duty was paid but on the back of the bottles there wasn't a stamp to say the duty had been paid prior to 2005.
10.40.10	SS	Are you aware how to distinguish bottles of alcohol which are duty paid and which are not?
10.40.20	INT	<i>Interpreted.</i> Yes I know.
10.40.30	SS	Also under the counter you had a number of fake watches, were they for sale?
10.40.40	INT	<i>Interpreted.</i> No these belong to a particular customer, a customer had left the stock, had come to the shop and left the stock behind and we put it here underneath the counter. It was quite a long time ago though <i>inaudible</i> just stay with them, it was quite a while ago.
10.41.20	RN	I'm showing Mr Singh the box containing assorted watches and the bag is N00165420. As you can see there are things like Omega, Franck Muller, Rolex – these are all items that we feel are counterfeit and the trade mark holder hasn't given you permission to either sell or be in possession of these items. Why are you in possession of these items?
10.42.30	INT	<i>Interpreted.</i> A customer has left the bag behind, I've already told you a customer left a bag behind and we just kept it behind underneath the counter and it was covered in dust as [I remember] and when I was asked what is it I didn't know what it was and said the customer left it behind.
10.42.50	RN	Who is the customer?
10.43.00	INT	<i>Interpreted.</i> This was about three years ago, it was a [short] customer who came and left his stuff behind. They wouldn't have been covered in dust otherwise, if he was selling them they would have been out in the shop for sale.
10.43.20	SS	You had three packets of [Beedi] cigarettes with no warnings or any labelling.
10.43.30	INT	<i>Interpreted.</i> The Quality shop closed down in Hounslow and we purchased some [Beedi] cigarettes and there was £2,000 worth of stock which was various items including oil, TRS lentils, dates, chick peas, milk – some milk powder, and there was just a few of these items near the counter.
10.44.20	SS	There are different oral tobacco products like Gutka and other oral smokeless products which are not in compliance with the labelling regulations.
10.44.30	INT	<i>Interpreted.</i> There wasn't anything at the shop.

Time Code	Person Talking	Commentary
	SS	This is what we seized.
10.44.50	INT	<i>Interpreted.</i> Yes like I said it's included in the stock that we took and that we bought from Quality Foods in Hounslow.
10.45.00	SS	So this stock, oral tobacco products without the required labelling you took from this particular shop which is Quality Foods and put on sale in your shop?
10.45.20	INT	<i>Interpreted.</i> Quality Foods didn't know anything about this because they just gave us £2,000 worth of stock sold as seen and when I opened the stock then this stock was in there.
10.45.40	SS	Are you aware of health labelling requirements on oral tobacco and smokeless tobacco and shisha tobacco, are you aware of the labelling requirements?
	INT	<i>Interpreted.</i> Yes.
10.46.10	SS	He knows about the compliance regulations?
	INT	<i>Interpreted.</i> Yes.
	SS	Richard have you got any other questions you would like to ask?
	RN	Yes please. How long have you been a shopkeeper?
10.46.20	INT	<i>Interpreted.</i> Since 2005.
	RN	So before 2005 you had no interests in shops?
10.46.30	INT	<i>Interpreted.</i> In 1999 I had my own business, international calling cards, my company was called Brother Telecom.
10.47.00	RN	Can you give me the name and address of this Quality Foods in Hounslow?
10.47.10	INT	<i>Interpreted.</i> At the time, it's closed, it closed about a year ago, it's near Hounslow West, opposite Hounslow West Station, it was just in front of Hounslow West Station. At the moment it's closed anyway. There was goods available for sale at the time and I purchased £2,000 worth of stock and when I <i>inaudible</i> it all up, sorted it, that was included in the stock.
10.47.50	RN	So the [Beedi's], the Gutka, the alcohol with non duty paid ... sorry no, the [Beedi's] and the Gutka you purchased from Quality Food?
	INT	<i>Interpreted.</i>
	HS	Yes.

Time Code	Person Talking	Commentary
10.48.10	RN	Do you have receipts for these?
10.48.20	INT	<i>Interpreted.</i> No there's no receipt for these, it was just a £2,000 cash transaction, I didn't take the [Beedi's] from him, I didn't take the Gutka.
10.48.40	HS	I go to the shop, I look at the [produce], he's told me this is <i>inaudible</i> , this is chick peas, this is oil, this is baby food, I look in everything, there's dog food I would look at, altogether he got £2,000 but he's told me you go to the shop, take everything, you clean the shop for me, okay after cleaning I took a look in the one box and this [Beedi] and this vodka. I telephoned this one, this is your box, no don't worry you take this one, I took it.
10.48.50	RN	So you know about the labelling on oral tobacco?
10.49.00	INT	<i>Interpreted.</i> Yes.
	RN	You know about the labelling on cigarette type tobaccos, on cigarettes?
	INT	<i>Interpreted.</i> Yes.
10.49.10	RN	Why was the Gutka in a draw underneath your counter?
10.49.20	INT	<i>Interpreted.</i> Where else are we going to put it, I had to put it in the drawer. If you buy these from a shop it has a stamp and he can buy these from cash and carry, TRS has loads available.
10.49.50	RN	So you had the Gutka in the drawer under your till since 2005?
10.50.00	INT	<i>Interpreted.</i> No this isn't he said this is about a year ago, when Quality Foods shut down.
	RN	So they've been in the drawer under the till for a year?
	INT	<i>Interpreted.</i> Yes.
10.50.20	RN	Why didn't you just throw them away as they don't comply with the law?
10.50.30	INT	<i>Interpreted.</i> Sorry it was a mistake.
10.50.40	RN	The watches you have under the counter and like the Gutka they are illegal. Why were they under the counter for a long time?
10.50.50	INT	<i>Interpreted.</i> These watches were left behind by a customer and they were under the counter and they were covered in dust.
10.51.10	RN	But just can you tell me again the name of the customer please?

Time Code	Person Talking	Commentary
10.51.20	INT	<i>Interpreted.</i> I can't tell you the name of the customer a lot of customers come to the shop, someone's left it behind.
	RN	So is it normal for you to store goods for a customer?
10.51.30	INT	<i>Interpreted.</i> Yes I do, customers come back for their stuff.
10.51.50	RN	Do you appreciate that these type of goods or goods you store for customers may well be stolen?
10.52.00	INT	<i>Interpreted.</i> I don't know anything about that.
10.52.20	RN	I hear what you're saying but you leave yourself in a very difficult position if you are storing goods for someone, as I say these are illegal and normally when we go in shops and items are under the counter like this we can only assume they are being sold because why would you have them under the counter?
10.53.10	INT	<i>Interpreted.</i> Yes I understand. If I were selling these these would have been on the counter, on top of the counter, they wouldn't have been under the dust being covered in dust and I would have apologised. I apologise, I am sorry it's my mistake for having them underneath the counter.
	HS	I made a mistake, I apologise, that's my mistake putting them under the counter.
10.53.40	RN	So coming back to the alcohol, you have had the alcohol in your shop for five years now then?
10.53.50	INT	<i>Interpreted.</i> Yes.
10.54.00	RN	And how do you control your stock, rotate it?
10.54.10	INT	<i>Interpreted.</i> We don't rotate the alcohol we just keep stocking it up because it doesn't go out of date.
	RN	Right so you were quite happy to have five year old alcohol at the back of your shelves?
10.54.20	INT	<i>Interpreted.</i> When stuff comes in we just keep putting it on the shelves and stocking them up.
10.54.40	RN	We have another two bags of bottles, spirit bottles like this, with no duty paid stamps on them.
10.55.00	INT	<i>Interpreted.</i> I accept that, I accept that, we had letters as well asking us that UK duty paid stamp was coming and to clear your old stock but we weren't able to clear the stock, it was just as it was.
10.55.30	RN	So to be clear, all the alcohol you had in the shop that was seized by

Time Code	Person Talking	Commentary
		my colleagues on the day you're saying it predated when duty paid stamps had to be on it.
10.56.00	INT	<i>Interpreted.</i> Yes.
10.56.10	RN	Okay thank you. On the 14 th October 2008 I came to your shop, I took away 17 packets of cigarettes that were not duty paid, they came from Eastern Europe, I took away two miniature bottles of Smirnoff and a large bottle of Smirnoff. I also gave advice on this day to only sell cigarettes and spirits with duty paid labels. This was 2008, why after this date did my colleagues find more non duty paid goods at your shop.
10.57.30	INT	<i>Interpreted.</i> I don't know when you came to the shop in 2008.
10.57.50	RN	I came to the shop on the 14 th October 2008.
10.58.00	INT	<i>Interpreted.</i> But I don't know, it must be my staff on the premises at the time, I wasn't aware about that.
	RN	Who is ... well he said he was Mr Singh Jasbir?
10.58.10	INT	<i>Interpreted.</i> The gentleman who is outside.
10.58.20	RN	Okay let me show you the notice I gave him, that's his name, he says he's a partner in the business.
10.58.30	INT	<i>Interpreted.</i> No he's my staff, he has authority if I'm out.
10.58.40	RN	That is his signature and I will read from this notice which is number 2802: "Only sell cigarettes/spirits with duty paid labels." I would ask you again why nearly two years later your shop still sells non duty paid alcohol?
10.59.10	INT	<i>Interpreted.</i> I said that the stuff was at the back of the shop and slowly coming to the front, as the stock reduces we bring the [old] stock to the front. But I wasn't aware of that and my staff hadn't told me about it.
10.59.40	RN	I would just ask again are you the owner of the shop?
	INT	<i>Interpreted.</i> Yes.
10.59.50	RN	Are you the DPS for the licence, for the alcohol licence?
	INT	<i>Interpreted.</i> Yes I am.
11.00.00	RN	You are the DPS, so you've confirmed you are the DPS?
11.00.10	INT	<i>Interpreted.</i> What does DPS mean?
	RN	Designated Premises Supervisor.

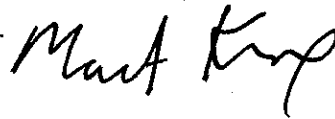
Time Code	Person Talking	Commentary
	INT	<i>Interpreted.</i> Yes.
	RN	You are the Designated Premises Supervisor yes?
11.00.20	INT	<i>Interpreted.</i> Yes.
	RN	Your name is on the licence?
	INT	<i>Interpreted.</i> Yes.
11.00.30	RN	So you sell non duty paid spirits.
	INT	<i>Interpreted.</i> No I don't.
11.00.40	RN	No, okay. You sell Gutka without the proper warnings on it?
11.00.50	INT	<i>Interpreted.</i> No since you took that that we haven't sold anything after that.
	RN	You have fake watches under your counter?
11.01.00	INT	<i>Interpreted.</i> No.
	RN	No answer the questions – you have fake watches under your counter?
11.01.10	INT	<i>Interpreted.</i> Not now.
11.01.20	RN	No but ... not now but my colleagues have taken fake watches, Gutka without the proper warnings on it, alcohol, a lot of alcohol without duty paid labels. Do you think that's the right thing to do especially after you'd been given specific advice in October 2008?
11.01.50	INT	<i>Interpreted.</i> No it's not appropriate.
11.02.00	RN	No, okay right thank you very much. I'd just like to let you know or should I, I suppose I should ask you really. Under the Licensing Act 1993 it's an offence to knowingly keep or to allow to be kept goods imported without being duty paid. We believe that the goods you had in your shop were non duty paid and you as the owner of the shop allowed them to be kept there.
11.02.50	INT	<i>Interpreted.</i> It was old stock and we weren't [bringing it forward], it's 2005 stock, and the watches underneath the counter they're not ours, and the Gutka from Quality Foods and it was among the stock that we took over from them and I wasn't aware. Now I have Gutka that has duty paid on it in the shop.
11.03.40	RN	No, no the Gutka has to have the proper labelling, the proper labelling says something like "this tobacco product can damage your health and is addictive".

Time Code	Person Talking	Commentary
11.03.50	INT	<i>Interpreted.</i> Yes.
11.04.00	RN	So what do you do now, how do you run your shop now ...
	INT	<i>Interpreted.</i> It's going fine.
11.04.10	RN	To make sure that you don't have non duty paid items in stock?
11.04.20	INT	<i>Interpreted.</i> There's no stock no at the shop.
11.04.30	RN	So you personally have checked that there is no non duty paid spirits?
11.04.40	INT	<i>Interpreted.</i> No there isn't.
11.04.50	RN	You've checked that there are no tobacco products that aren't labelled properly, you've checked that that's the case?
11.05.00	INT	<i>Interpreted.</i> No there isn't.
	RN	And you no longer keep anything like these watches, these counterfeit watches?
11.05.10	INT	<i>Interpreted.</i> No sorry I don't, it was just belonging to another customer.
11.05.20	RN	So how do you make sure that your staff don't do any of that?
11.05.30	INT	<i>Interpreted.</i> I've warned them, none of my staff is going to do that I've warned everybody.
	RN	Okay fair enough. I don't think I've got anything else Surinder.
11.05.40	SS	I'm going to close the interview now. Do you wish to clarify or add anything you have said so far?
11.05.50	INT	<i>Interpreted.</i> [No reply].
	SS	I will be handing you a copy of the notice relating to your rights to the access of tapes, cassettes, of this interview.
11.06.00	INT	<i>Interpreted.</i>
11.06.10	SS	The interview is now concluded. The time is 11.45am 26 th August 2010.
	INT	<i>Interpreted.</i> [Okay thank you].

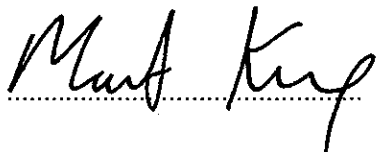
END OF INTERVIEW

Continuation of Statement of Martin KING

hrs, I found three boxes containing Khaini (asian chewing tobacco) and Gutkha. These boxes were stored on shelving beneath the counter. The packaging of these products did not contain the health warnings as required under UK law. I produce these packs as Exhibit MK/3. I sealed these items in a property bag, seal number A005000. Pointing to Exhibits MK/1 – MK/3, I said to HARCHARAN SINGH, "We will be seizing these tobacco products here as I believe they breach trading standards legislation in that the health warnings are not in the prescribed format." Whilst on the premises, I was aware that Officer SMART had identified a number of bottles of spirits that were not marked with the HMRC Duty Paid label. At the end of the visit I completed a seizure notice detailing the items being seized. This notice was then signed by Officer SANGHERA and HARCHARAN SINGH. We left the premises at 12:46 hrs and returned to the Trading Standards offices. On THURSDAY 8 APRIL 2010, Officer SANGHERA handed me a digital camera and asked me to download the photographs he had taken during our visit to HAYES SUPERSTORE on 6 APRIL 2010. I downloaded the pictures using my office desktop computer and burnt them to disc. I then sealed the disc in a property bag, seal number M00152779. I produce the compact disc as Exhibit MK/4. I produce as Exhibit MK/5, a schedule detailing all the items seized on our visit of 6 April 2010.



Signature:



Signature witnessed by:

LIST OF ITEMS SEIZED FROM HAYES SUPERSTORE ON 06/04/2010

Schedule	Description	Quantity
Exhibit MK/1	Pack of Beedies	3
Exhibit MK/2	Packs of Ghutka	unspecified
Exhibit MK/3	Packs of Khaini and Gutkha	unspecified
Exhibit SS/1	70cl bottle of Smirnoff Vodka (red label)	2
	1 litre bottle of Absolut Vodka	1
	700ml bottle of Wyborowa vodka	3
	700ml bottle of Czysta de Luxe vodka	2
	70cl bottle of Smirnoff vodka (black label)	1
	70cl bottle of Glen's Gin	1
Exhibit SS/2	700ml bottle of Zubrowka vodka	2
	70cl bottle of Sovereign Gin	3
	35cl bottle of Glen's Vodka	2
	350ml bottle of London Gin	2
	700ml bottle of Soplca vodka	1
Exhibit SS/3	700ml bottle of Palace Vodka	1
	70cl bottle of Smirnoff vodka (black label)	1
	70cl bottle of Bacardi Berry	2
	35cl bottle of Glen's Gin	4
	500ml bottle of Miodowka Lubelska	1
	350ml bottle of london Gin	2
	0.35l bottle of Cointreau	2
	35cl bottle of White Horse Whisky	1
Exhibit SS/4	70cl bottle of Archers Schnapps	1
	700ml bottle of Luksusowa vodka	1
	70cl bottle of Glen's Gin	1
	0.7l bottle of Helsinki vodka	1
	70cl bottle of Luxardo Sambuca Liqueur	4
Exhibit SS/5	70cl bottle of Archers Schnapps	1
	1 litre bottle of Absolut vodka	2
	70cl bottle of Luxardo Sambuca Liqueur	1
	700ml bottle of Luksusowa vodka	1
Exhibit SS/6	watch marked PATEK PHILIPPE	1
	watch marked OMEGA	3
	watch marked ROLEX	2
	watch marked AUDEMARS PIGUET	2
	watch marked CARTIER	1
	watch marked FRANCK MULLER	1

STATEMENT OF WITNESS


(Criminal Procedure Rules, r 27.1(1);
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: Surinder Sanghera

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

Occupation of witness: Trading Standards Investigating Officer

This statement consisting of two page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.

Dated the 15th day of NOVEMBER 2010 Signed: 

I am employed as a Trading Standards Investigating Officer by the London Borough Hillingdon and my duties include investigating the alleged sales of non compliant alcohol and tobacco products. On Tuesday 6 April 2010, at approximately 11:15 hrs, I visited Hayes Superstore, 75, Station Road, Hayes, UB3 4BG in response to an allegation that the shop was selling non compliant alcohol and tobacco products. I was accompanied by Martin King (Senior Trading Standards Officer) and Ron Smart (Technical Assistant). Upon arrival we were met by a male who identified himself as Harcharan Singh and we identified ourselves and I explained the reason for our visit. I then completed a Police & Criminal Evidence Act Code B Notice (Notice of Powers and Rights) and handed a copy to Mr. Singh. The premise was of a supermarket type with bottles of alcohol stored on the shelving behind the shop counter. Ron Smart was asked to check the bottles on display to ascertain whether or not they were displaying the Her Majesty's Revenue and Customs (HMRC) duty paid label. Mr. Smart found a large number of bottles of spirits without the HMRC UK "Duty Paid" stickers and other labelling infringements. These bottles were seized, separated and put by myself into five property bags and each sealed individually with it's own exhibit number. Seal/No and Exhibit/No are as follows. A004803 (Exhibit SS/1), A004810 (Exhibit SS/2), A004804 (Exhibit SS/3), A004809 (Exhibit SS/4) and A00809 (Exhibit SS/5). I then went behind the counter and carried out checks on the shelving under the till area and

Signed: 

found a quantity of what I believed to be fake designer watches. I seized these items and put them in a property bag seal number LA023553, Exhibit SS/6. Whilst on the premises I was made aware that Martin King had identified the tobacco products, Gutkha and Khaini (Asian chewing tobacco) and Beedies (Asian cigarettes). These also breached Trading Standards legislation in that the health warnings were not in the prescribed format. These were sealed in property bags and seized. I took digital photographs of areas from where the products were seized. Martin King completed a seizure notice detailing the items seized and I countersigned it as did Mr. Harcharan Singh. We left the premises at 12:46. I returned to the Trading Standards offices and gave the camera to Martin King to download the pictures onto our computer database. On 26 August 2010, Mr Harcharan Singh was formally interviewed in connection with the non-compliant items seized on 6 April 2010. The interview was tape recorded in accordance with requirements of the Police and Criminal Evidence Act. I produce as Exhibit SS/7 a transcript of this interview.

1 

STATEMENT OF WITNESS

(Criminal Procedure Rules, r 27.1(1);
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: Ronald Smart

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

Occupation of witness: Technical Assistant

This statement consisting of one page signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.

Dated the 12th day of November 2010 Signed: R Smart

The London Borough of Hillingdon employs me as a Technical Assistant and my duties are supporting Trading Standards officers with their day-to-day duties. On Tuesday 6th April 2010 at 11:15 hrs, I visited Hayes Superstore, 75 Station Road, Hayes, UB3 4BG with Mr Sanghera and Mr King from the Trading Standards office. We entered the shop and Mr King identified himself to the man behind the counter. The man said that his name was Mr Harcharan Singh. Mr Sanghera and I went behind the shop counter to look at bottles of alcohol to see if they displayed Duty Paid stamps on the bottles' labels. I found a number of bottles that did not have the Duty Paid stamp on them. I put these into empty property bags. Other officers then sealed the bags which and I then transferred back to the Trading Standards van. I drove the sealed bags back to the Civic Centre where I locked them away in the Trading Standards Temporary Store.

Signed: R Smart



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TERRITORIAL POLICING

24th December 2010

Mr Norman Stanley
Licensing Office
Civic Centre
Uxbridge

Northwood Police
2, Murray Road
Northwood
HA6 2YN

Your Ref

Dear Mr Stanley

Re; Application to be included in Review proceedings; Hayes Superstore 75 Station Road Hayes

On behalf of the Commissioner of Police I wish to be included into the review proceedings being undertaken by Trading Standards in relation to the premises known as Hayes Superstore at 75 Station Road Hayes.

As the licensing officer for the Police in Hillingdon I feel that it is necessary to assist in the evidence and facts around the proposed licensing hearing.

The police note the contents of the report by Trading Standards to support the review and wish to add the following.

Hayes Superstore has been the focus of police attention off and on for a number of years and for a number of different matters in chronological order I have the following items listed in various police data base systems. I have been able to look at 3 systems. A licensing system where officers inform my licensing office of matters concerning licensed premises, the police intelligence system, containing all intelligence and the Computer Aided Dispatch system (CAD) which records assistance phone calls to the police. This last system I have only been able to look at 2010 to date.

15th December 2006

Intelligence information By PCSO RANA re; cigarette sales Attachment 6

24th February 2007

Police intelligence report PS Simon Mapes re disorder and assault. Attachment 5

31st March 2007

Licensing report by PCSO RANA Re suspicious behaviour around persons purchasing cigarettes.

It reads

SATURDAY 31/03/2007 at 2045 hours PCSO's 7141XH and 7589XH entered the HAYES SUPERSTORE in STATION ROAD, HAYES. Whilst waiting to be served, there were two IC1 males who were waiting to pay and upon seeing PCSO's suddenly became quiet. I noticed that the males were paying for a packet of 20 MARLBORO CIGS which appeared to be foreign/duty-free.

I noticed that the owner did not have any Marlboro brand cigs in the cigarette cabinet. Upon asking the Asian male, a/a 35, wearing a black turban about what the males wanted he became very embarrassed and struggled to answer my question. The Asian male eventually said that they were just paying.

Owner Mr KHURANA IC4 MALE [REDACTED]
HAYES SUPERSTORE 75 STATION ROAD HAYES UB3 4BG

20th November 2007

Police Intelligence report from PC Mike AARTSEN re youth problems. Attachment 4

5th February 2008,

With Trading standards premises reported for under age sales.

Premises reported by PS Meens for underage sales as a result of a test purchase operation using volunteer police cadets.

Manmohan SINGH 02.05.1981 a shop worker of the same address reported via a PND no 01/A66326796.

2nd May 2008

Police Intelligence report from PC Steve Johnson re disorder by local man. Attachment 3

7th May 2008

Police Intelligence report from Lindsey BARNES re disorder by same man as above. Attachment 2

18th April 2009

Police intelligence and Licensing report from PCSO RANA. Re duty free cigarettes. Whilst officers were speaking to well known Hayes town vagrant David GRANTHAM, he pulled out from his pocket a box of Polish duty-free cigarettes. When asked where he had purchased them from he pointed towards HAYES SUPERSTORE in STATION ROAD Hayes, and said that he had bought them from there for £4.00. GRANTHAM also mentioned that when he is a bit short they sell him single cigarettes. Attachment 1

4th June 2010

Call received; Dirty male loitering.

7th July 2009

Licensing report by Ps Simon MAPES Test Purchase operation No sale.

It reads

On Tuesday 7th July 2009, PS 26 together with LBH Trading standards officers and Hillingdon Volunteer Police cadets conducted an alcohol test purchase exercise. No sale was made to under 18s.

30th July 2010

Call received; male trying to steal chewing gum, smashing shop

Shop selling to drunks, Cllr

9th September 2010

Licensing visit and report by PS Ian MEENS

It reads; On 9th September I attended this store to speak with the manager and to check CCTV coverage of an incident reported to police by cllr Janet Gardner. The incident being that on the 3rd Sept she had seen local drunks coming out of the shop with alcohol.

On examination I found that the CCTV system was not recording and that the date set on the system was wrong. There was a discussion amongst staff and all considered it to be not recording.

I returned to the premises on the 15th Sept 10 to again check the system. On this occasion I was able to see that the system was recording but the date on the system was still 2 days ahead. The explanation was given that the recording feature had been switched off. This being done without the knowledge of the managers.

10th November 2010

Call Received; Male sleeping rough outside P

16th November 2010

Call Received; Male sleeping rough outside P

.....
Ian Meens

Licensing Sergeant, Hillingdon Borough

Phone: 0208 246 1933

Metphone: 41933

Mobile: 07785 226483

□ Fax: 0208 246 1990

□ E-mail: ian.meens@met.police.uk

Mail: Sergeant Ian Meens,

Licensing

Northwood Police Station

2 Murray Road

Northwood

Middx

HA6 2MM

Restricted

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ATTACHMENT 1

Information Report

Details

REF	XHRT00221821	CLASS	RESTRICTED
-----	--------------	-------	------------

Event Date	Created	Last Updated
18/04/2009	18/04/2009	19/04/2009

Source	Licensing - Sale of Duty-free fags Hayes Superstore XY
Source ID	Hillingdon
Work	Botwell
Current Status	SUPERVISED
Created By	c087717 Maz RANA
Source Code	[REDACTED]
CRS OR MERLN Referral	
Other Refs	

Evaluation	Risk Level	Assessment	Branding (Noted/Not)	ANPR (Noted/Not)
C21	1	Low		N

Information Markers

Community Issues , Other

Assessment

Risk of Serious Harm	
Priority Assessment	
Latest Decision	SUPERVISED
Further Development Profile (ANPR)	

Restricted

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APPENDIX A. (1)

DN XHRT00221821 GMS RESTRICTED

Information

Officer Source: 7141XH RANA

Whilst officers were speaking to a well known hayes town vagrant [REDACTED] he pulled out from his pocket a box of Polish duty-free cigarettes. When asked where he had purchased them from he pointed towards HAYES SUPERSTORE in STATION ROAD HAYES and said that he had bought them from there for £4.00

[REDACTED] also mentioned that when he is a bit short they sell him single cigarettes.

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ATTACHMENT 2

Information Report

Details

URN	XHRT00209392	CPMS	RESTRICTED
-----	--------------	------	------------

Event Date	Created	Last Updated
07/05/2008	08/05/2008	09/05/2008

Subject	[REDACTED] - verbal abuse
Location	Hillingdon
Area	Townfield
Record Status	LINKED
Created By	c094209 Lindsey BARNES
Source XREF	XREF: XHIS00009898
CPMS Metadata	
CPMS	

Evaluation	CPMS Level	Assessment	Existing Metadata	CPMS Metadata
E41	1	Low	Y	

Information Markers

Community Issues , ASBO

Assessment

Risk of Serious Harm	
CPMS Assessment	
CPMS Decision	LINKED
Further Development Profile URN	

Restricted

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XHRT00209392

RESTRICTED

Information

PCSOs visited Hayes Superstore 75 STATION ROAD HAYES MIDDLESEX where informant said that. On 07/05/2008 at approximately 1130 hours the below person came into the shop which is banned from, became verbally abuse, by shouting and swearing. The informant said that [REDACTED] knows he's banned but he keeps on coming into the shop intimidating the staff. When the informant goes to the telephone to call the police [REDACTED] runs off. This has become a regular occurrence in the shop.

[REDACTED]
dob 19/09/1991

MALE IC3 F511

[REDACTED] HILLINGDON MIDDLESEX

BIU:

WANTED - Subject of ASBO order. Lka as at 03/05/08 on PNC is [REDACTED] Uxbridge. Flashes Violent, Escaper, Ailment, Drugs.

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ATTACHMENT 3

Information Report

Details

URN	XHRT00209229	CPMS	RESTRICTED
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Event Date	Created	Last Updated
02/05/2008	02/05/2008	07/05/2008

Subject	Safer Neighbourhoods - ASB at HAYES SUPERSTORE
Location	Hillingdon
Ward	Botwell
Current Status	LINKED
Created By	c100172 Steven JOHNSON
Source ID	XREF: XHIS00009734
CPMS Reference Number	
Other Refs	CAD 10423 02/05/2008

Evaluation	Risk Level	Assessment	CPMS Reference Number	CPMS Reference Number
E21	1	Low		

Information Markers

Community Issues , ASBO

Assessment

Risk of Serious Harm	
Priority Assessment	
Latest Decision	LINKED
Partner Development / Profile URN	

Restricted

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UEN XHRT00209229 GPM5 RESTRICTED

Information

On 02/05/2008 at 2225 hours whilst on foot patrol i was stopped by

Archarm SINGH
IC4
MALE

who works in HAYES SUPERSTORE who then pointed out an IC3 male who i now know to be

[REDACTED]
IC3
MALE
DOB [REDACTED]

[REDACTED]
HAYES
MIDDLESEX

Mr SINGH told me that every time [REDACTED] comes into the store he is rude and abusive. He said that he does not want [REDACTED] to come back to the store if he is going to be rude to staff.

I stopped and spoke to [REDACTED] and got the above details and advised him that if he is going to return to HAYES SUPERTORE not to be rude and if he can't stop being rude to not go there at all.

Apparently [REDACTED] and his group usually hang around outside the store from 2000 onwards.



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ATTACHMENT 4

Information Report

Details

Report No	XHRT00203596	Classification	RESTRICTED
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Event Date	Created	Last Updated
	20/11/2007	29/11/2007

Subject	ASB & DRUG DEALING - HAYES SUPERSTORE
Location	Hillingdon
Ward	Townfield
Control Status	SUPERVISED
Created By	p193172 Mike AARTSEN
Source Ref	XREF: [REDACTED]
CRS of MEM IN Required	
Other Refs	(QQASB & QQDRUG)

Classification	Risk Level	Assessment	Is Being Notified	Other
E21	1	Low		

Information Markers

Community Issues , Other
Drugs , Supply

Assessment

Risk of Serious Harm	
Priority Assessment	
Control Status	SUPERVISED
Further Development (Profile ID)	

Restricted

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JRM XHRT00203596 GMS RESTRICTED

Information

While engaged in high visibility patrols on Operation THEMIS, officers spoke to the informant who stated that the Hayes Supermarket has been targeted by groups of local youths who have stolen stock, caused criminal damage to the front windows and regularly intimidate staff and customers. Police have been called on thirty or more occasions, but on hearing sirens approaching the youths concerned make off, only to return minutes after the police leave.

The informant also made mention of drug-dealing that regularly occurs at the rear of the premises, detailing the fact that those concerned carry weapons such as knives and hammers. He stated "stashes" of drugs are often placed between a low wall and fence leading to the rear access and within the yard immediately to the rear of the shop. This area is covered by two CCTV cameras but they are often broken by those persons concerned.

It is believed that drug users who purchase from dealers operating from this location reside in the YMCA, JUPITER HOUSE and the AUSTIN ROAD ESTATE.

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ATTACHMENT 5

Information Report

Details

URN	XHRT00188876	SPMS
-----	--------------	------

Event Date	Event	Last Updated
24/02/2007	25/02/2007	

Subject	ARREST/DETENTION - HAYES SUPERSTORE 75 STATION ROAD
Location	Hillingdon
Ward	
Classification	SUPERVISED
Case No	p205997 SIMON MAPES
Source/Ref	
CRIS/NEW/Reference	
CRIS Refs	CRIS 0904892/07 QQSNXY47 C/N 891 C/N 892

Evaluation	OW Level	Assessment	Entering Authority	ANPR Authority
A14				

Information Markers

Assessment

Risk of Serious Harm	
Priority Assessment	
Sales Decision	SUPERVISED
Further Development Profile URN	

Restricted

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URN

XHRT00188876

CPMS

Information

This Report has been converted from Crimint. Original Evaluations are shown within the text below.

Officer source: PS 26 XH SIMON MAPES

CAD 11813 of 24/02/2007.

At about 2230 hrs on Saturday 24/02/2007 inside HAYES SUPERSTORE 75 STATION ROAD HAYES, MIDDLESEX an altercation took place when Manmohan SINGH DOB [REDACTED] the store manager refused to serve [REDACTED] when attempted to pay for two 5 litre bottles of cider using a bank debit card.

As the altercation escalated [REDACTED] started to throw chewing gum packets at SINGH, who retaliated by producing a 4 ft metal bar from behind the counter threatening [REDACTED]

After standing his ground for a short time [REDACTED] then made his way towards the shop exit where he pulled packets of popcorn from a nearby stand throwing them on the floor.

As [REDACTED] did this a second store employee, Mr Ghotar SINGH DOB [REDACTED] C/O 75 STATION ROAD closed the exit door in an attempt to stop [REDACTED] from leaving the store.

Confronted by Ghotar SINGH, [REDACTED] became increasingly agitated and struck out at Ghotar punching him in the face.

Following the attack on the shop assistant, Manmohan SINGH ran from behind the counter and struck [REDACTED] several times with the metal bar, hitting about the upper body. All three males continued to fight for about ten seconds during which a large glass panel adjacent to the front door is broken by [REDACTED] falling against it. Two PCSOs then arrived broke up the fight and ordered SINGH put down the metal bar. All three were then detained police assistance requested.

Upon Police arrival Manmohan informed officers that he had been punched on the side of the face by [REDACTED] and wished to press charges. On examination there was reddening around his left eye and he was obviously in some discomfort. Medical aid declined. Ghotar SINGH, made no allegation however he had reddening about his face. Medical aid declined.

As officers took details from [REDACTED] he informed them he had been struck with a metal

Restricted

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Print Date/Time 20/12/2010 12:18:46



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pole and showed officers reddening to his left shoulder. Medical aid declined. Following cross allegations and name checks, PNC revealed that [REDACTED] was wanted for breach of bail.

When the shops CCTV was eventually viewed it clearly showed the events detailed above and resulted in PC 478 XH BALLARD arresting [REDACTED] for breach of bail and assault occasioning ABH, while PC 219 XH arrested Manmohan SINGH on suspicion of affray. The metal bar seized SJR /1 refers and all persons were then conveyed to Uxbridge Police Custody.

CN - Manmohan SINGH 891/07 refers
CN - [REDACTED] 892/07 refers

On arrival at XU [REDACTED] was bedded down due to being drunk, while SINGH was bedded down due to the need for an interpreter.

CCTV was then burned onto a CD ROM and seized by PS 26 XH Simon MAPES at 00:50 hrs exhibit SM /1 refers.

<=== Evaluation Code : A1 ===>

BIU:*

[REDACTED]
[REDACTED] shown on pnc with filename [REDACTED] y cro [REDACTED] flashes weapons and drugs known for off weap, possession cocaine, threatening behaviour, disqual driving, excess alco, common assault, indecent assault on a female o.16

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Printed for: Ian MEENS (XH)



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ATTACHMENT 6

Information Report

Details

URN: XHRT00181881

Event Date	Created	Last Updated
15/12/2006	16/12/2006	

Subject	SALE OF CIGS/ALCOHOL TO UNDER-AGE KIDS
Location	Hillingdon
Area	
Current Status	SUPERVISED
Created By	c087717 MEHNAZ RANA
Source Area	
CRIS or MENTAV Required	
Other Refs	QQSNXY47

Evaluation	NIM Level	Assessment	Being Noteworthy	ANPR Noteworthy
E24				

Information Markers

Assessment

Risk of Serious Harm	
Priority Assessment	
Initial Decision	SUPERVISED
Further Development (Promote URN)	

Restricted

Print Date/Time 20/12/2010 12:19:33

Printed By: Ian MEENS (XH)
Printed for: Ian MEENS (XH)



Working together for a safer London

REMEMBER THE DATA PROTECTION ACT
No Unauthorised Disclosure
Dispose of as Confidential Waste

URN [REDACTED] XHRT00181881 [REDACTED] GEMS [REDACTED]

Information

This Report has been converted from Crimint. Original Evaluations are shown within the text below.

Officer source: 7141XH 7589XH

The following shop has been subjected to reports from local youths of selling cheap cigarettes cheap alcohol single cigarettes and alcohol to under age teenagers

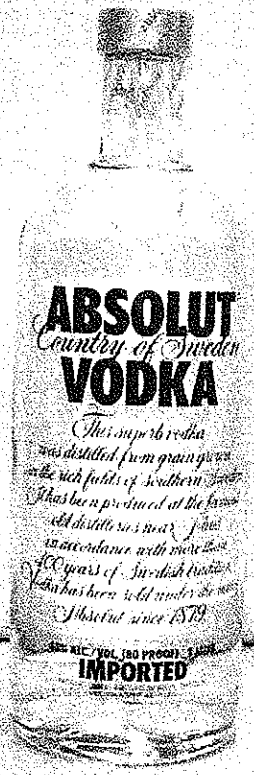
HAYE SUPERSTORE 75 STATION ROAD HAYES UB3 4BG Owner Mr KHURANA IC4
MALE DOB [REDACTED]

[REDACTED] DOB [REDACTED] IC1 MALE was recentl accused by the shop owner of HAYES SUPERSTORE of attempting to steal items and being a general nusiance in the store He admitted that he was fooling around and winding the shop keeper up but didn't take anything without paying for it

[REDACTED] said that he often attends HAYES SUPERSTORE and buys single cigarettes for 35p and a cheap foreign cartons of cigarettes for £3.00 He stated that most of his mates buy their cigarettes from there and not all are 16 years of age

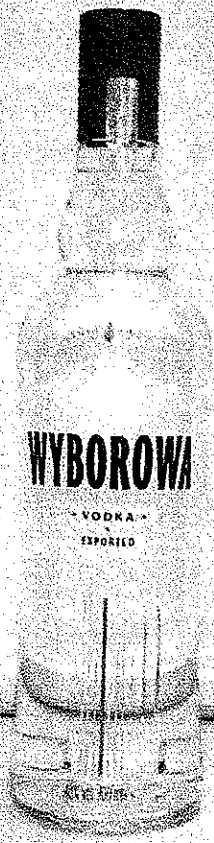
<=== Evaluation Code : E2 ===>

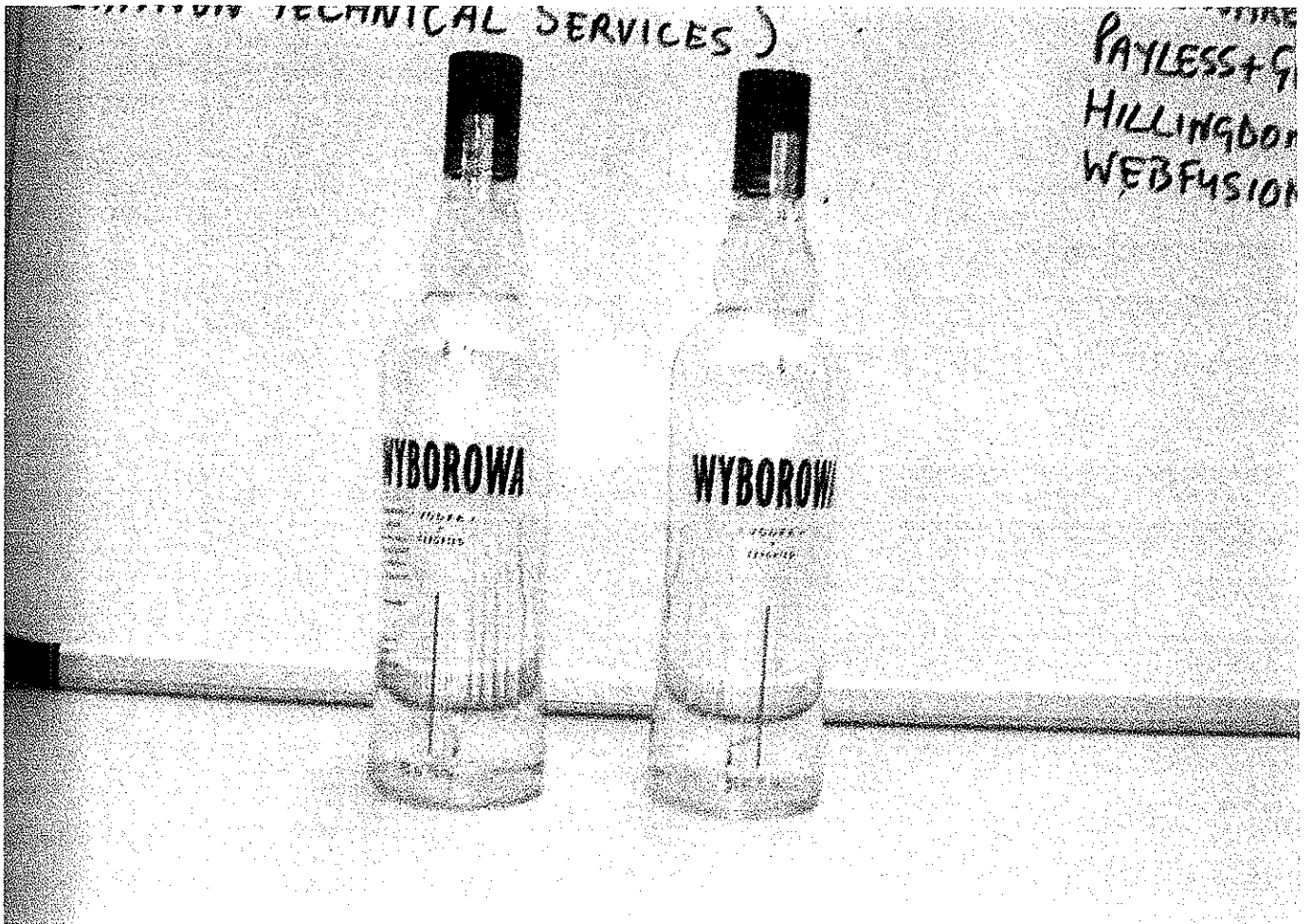
HILLINGO
WEBFYSI



CANYON TECHNICAL SERVICES)

TAYLE
HILLIN
WEBF



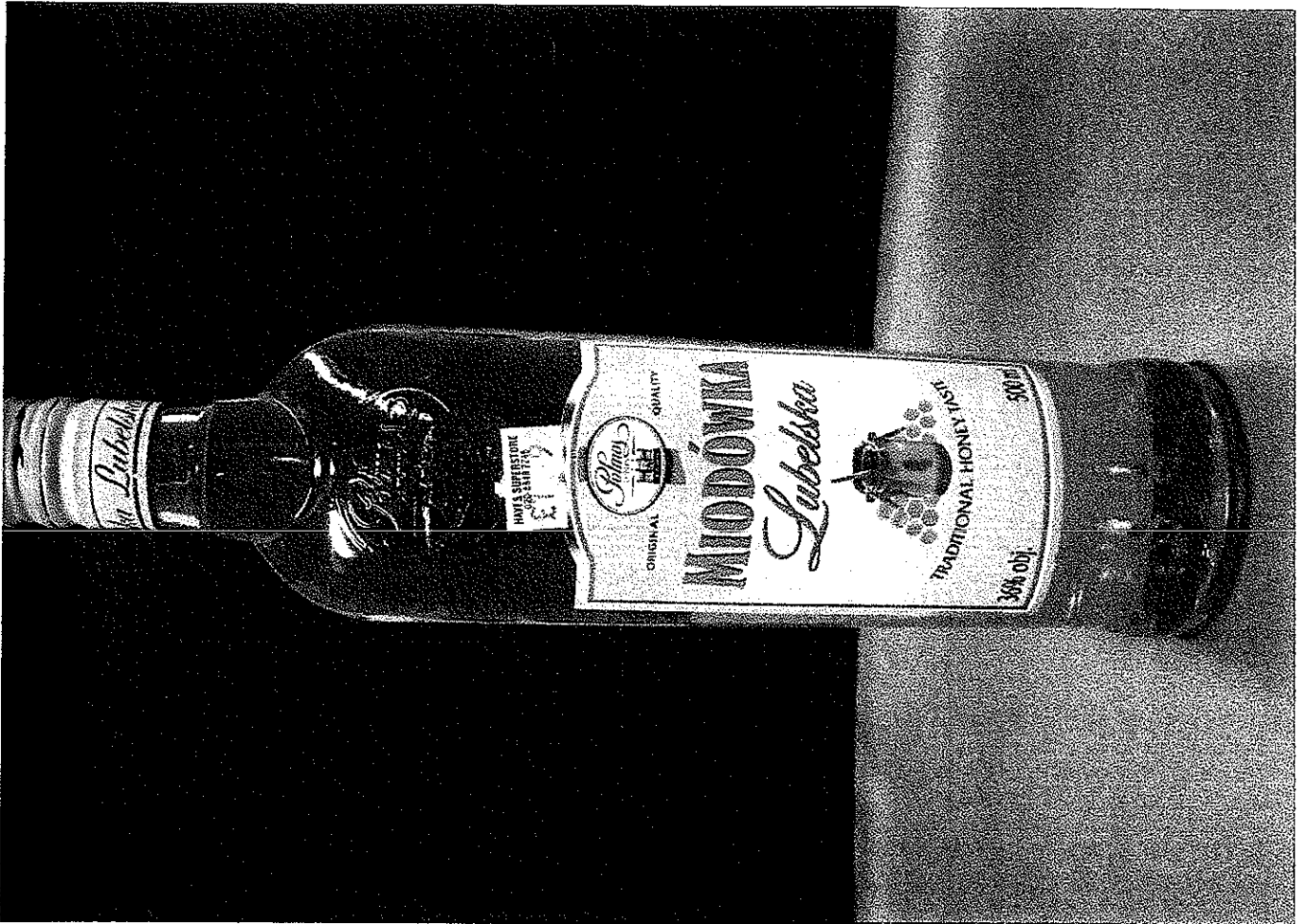




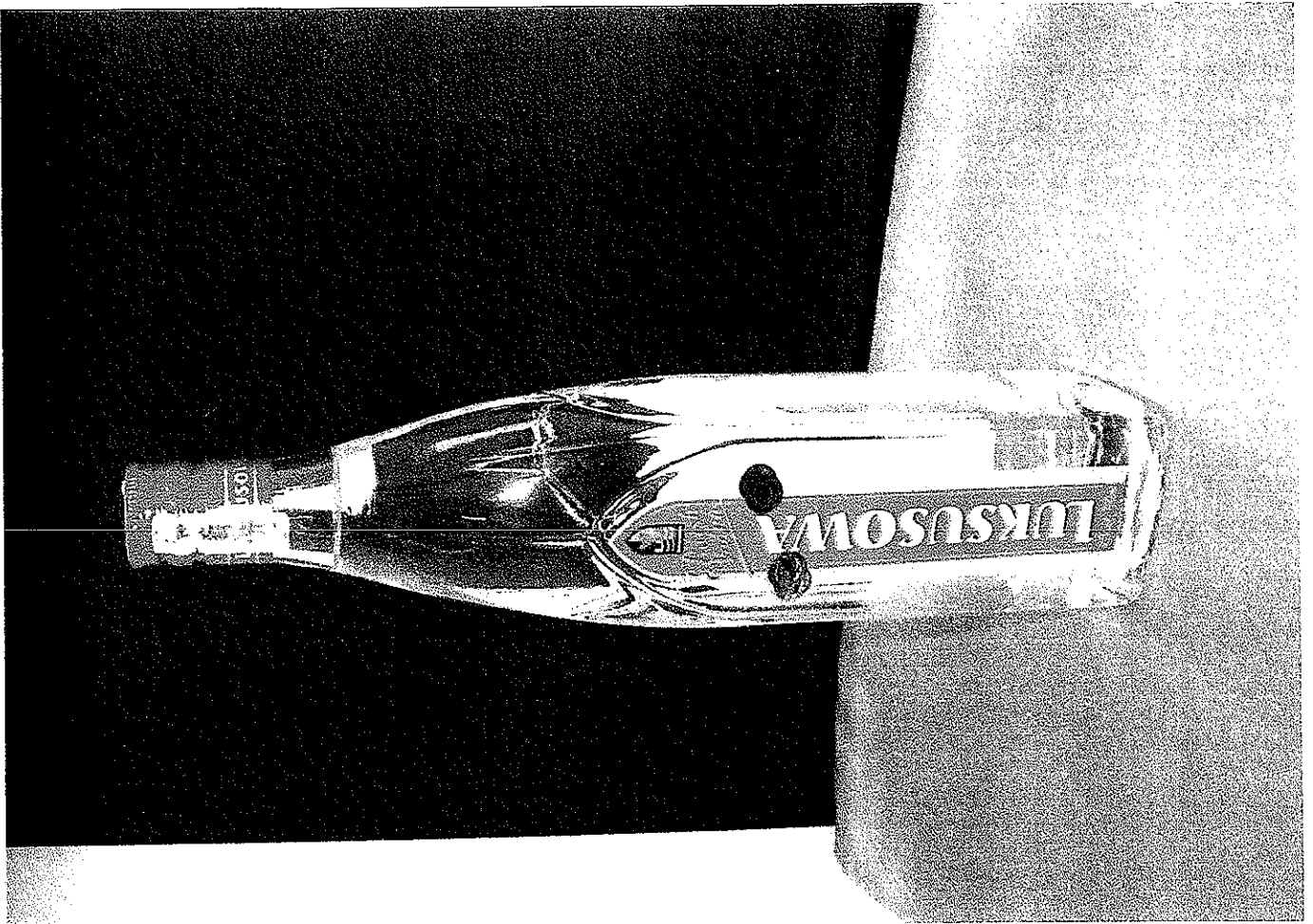




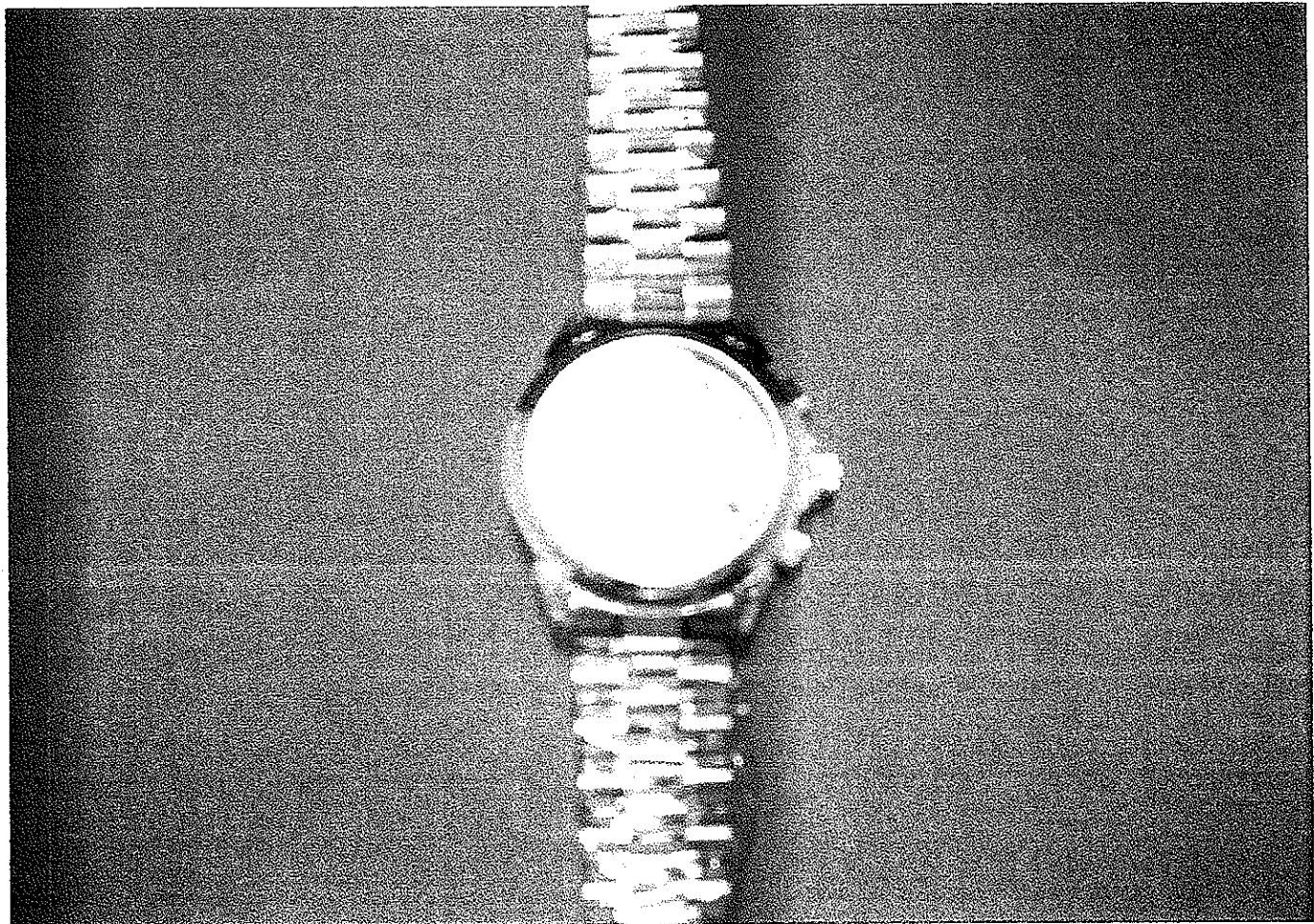


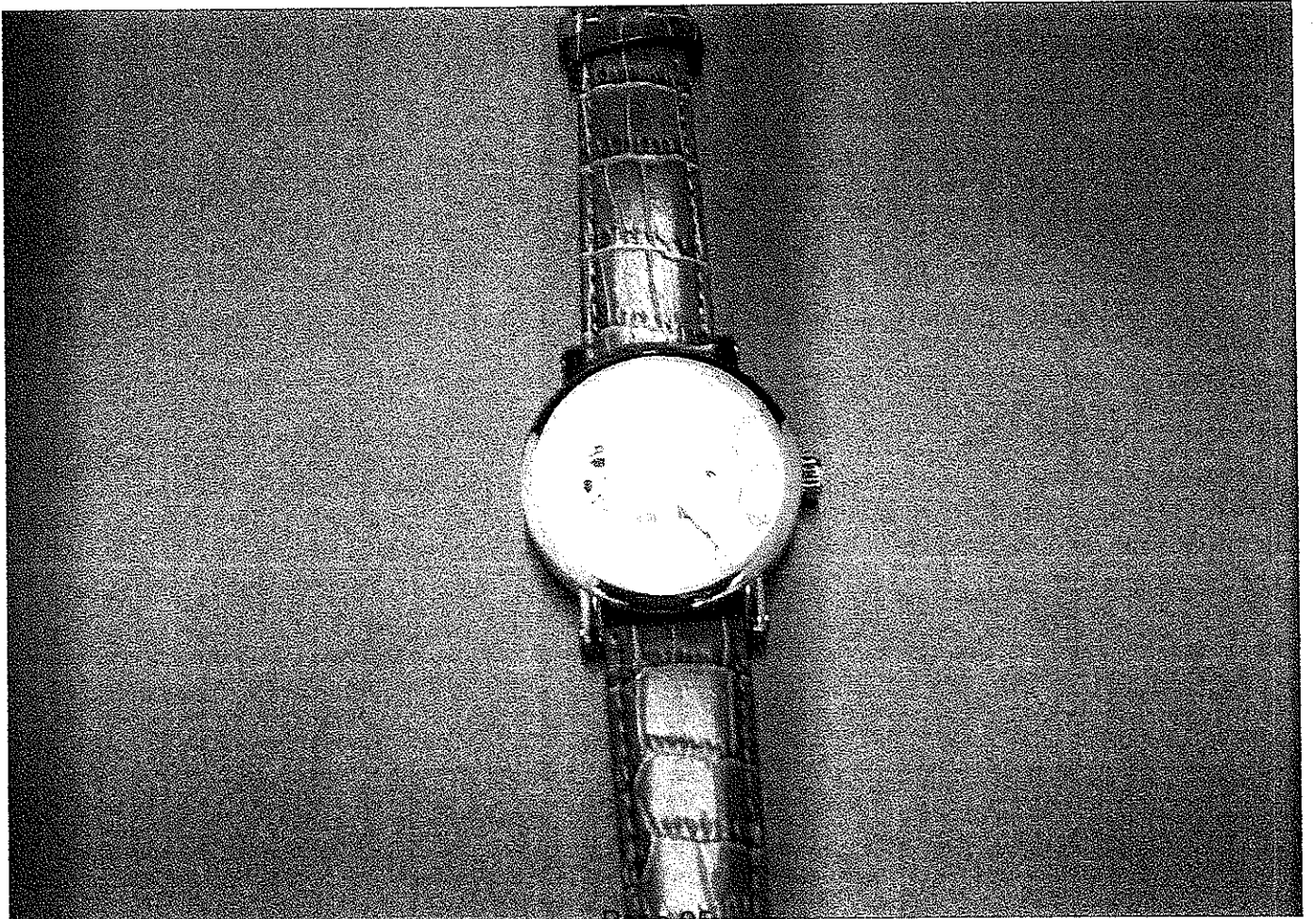




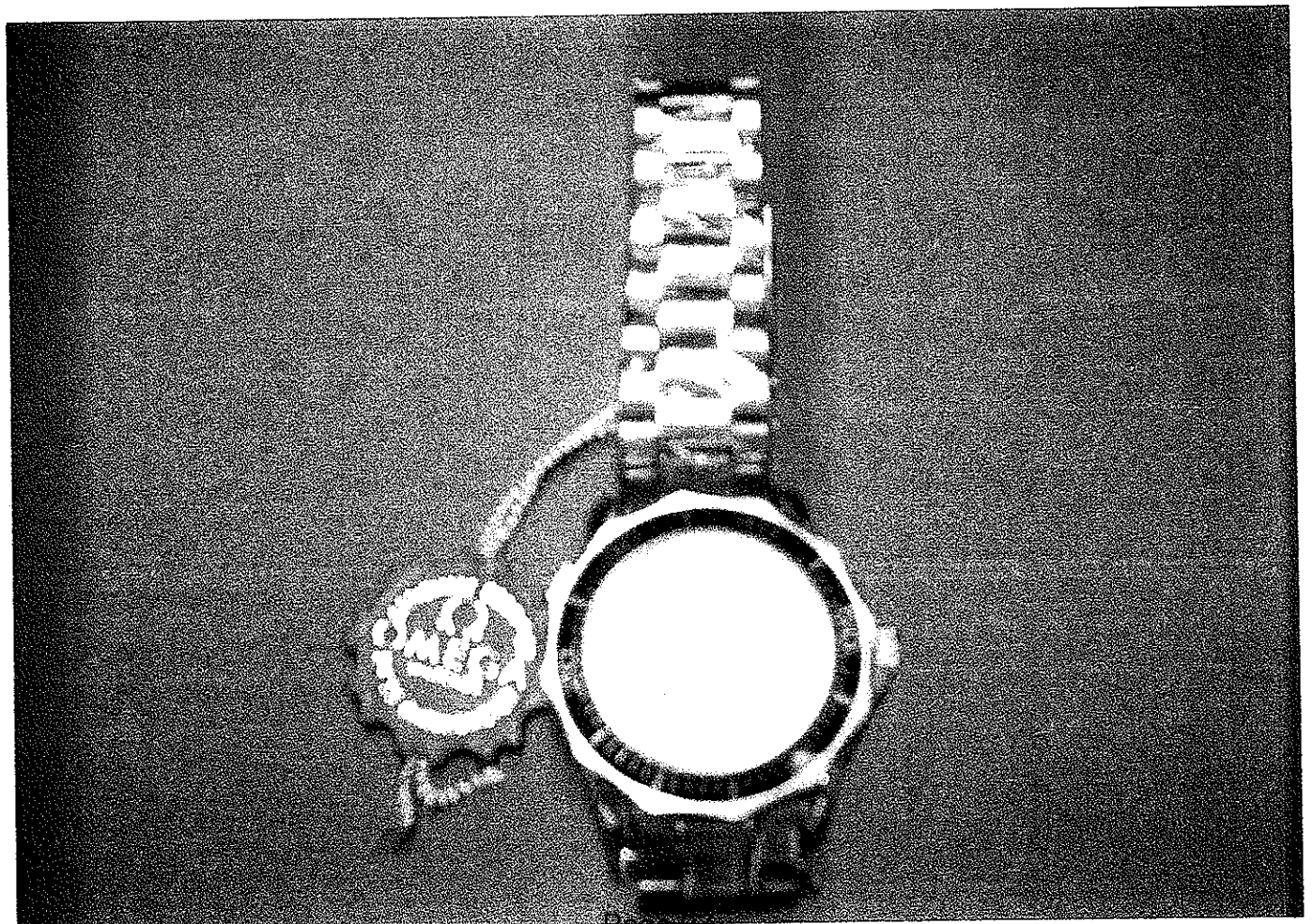


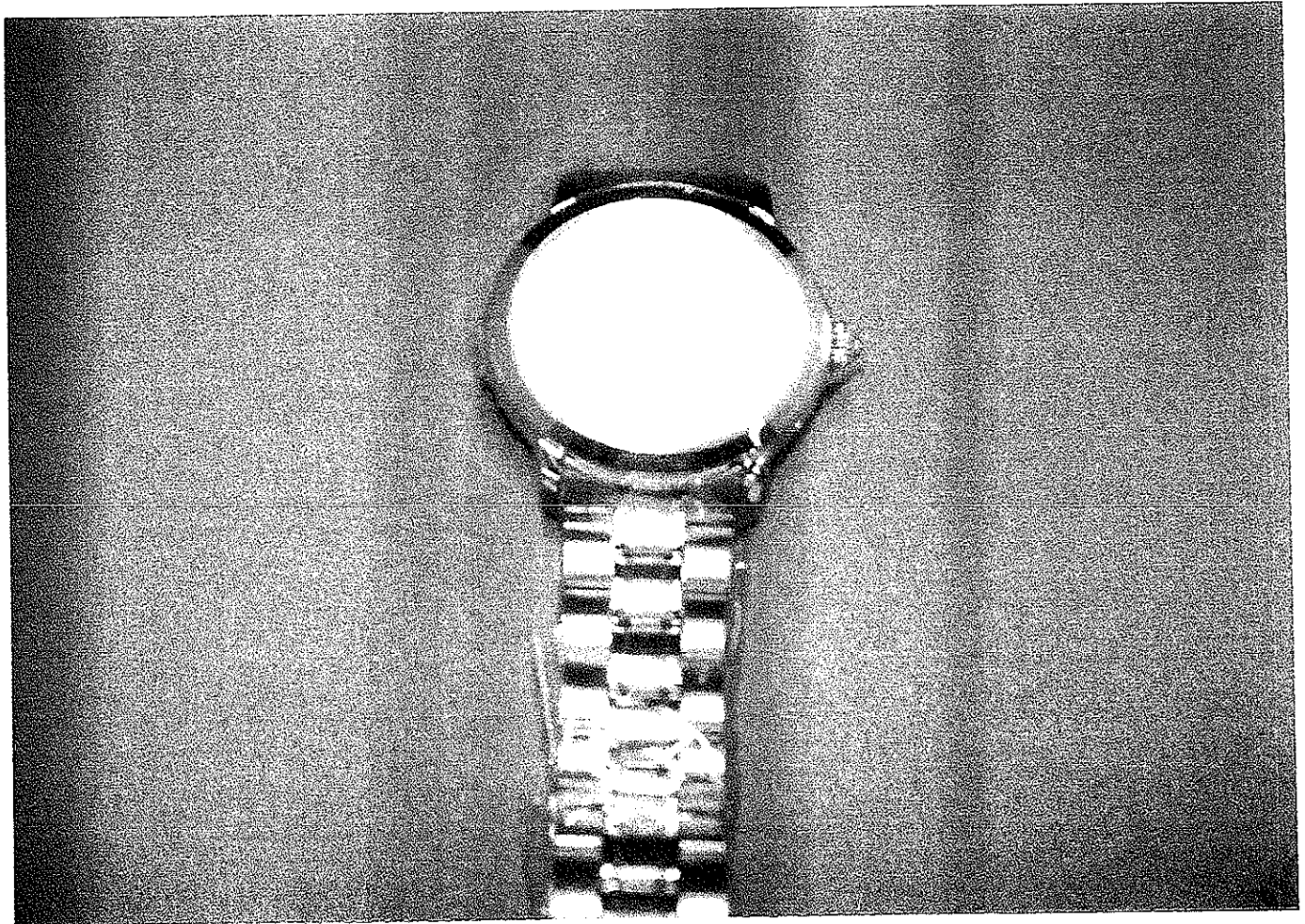


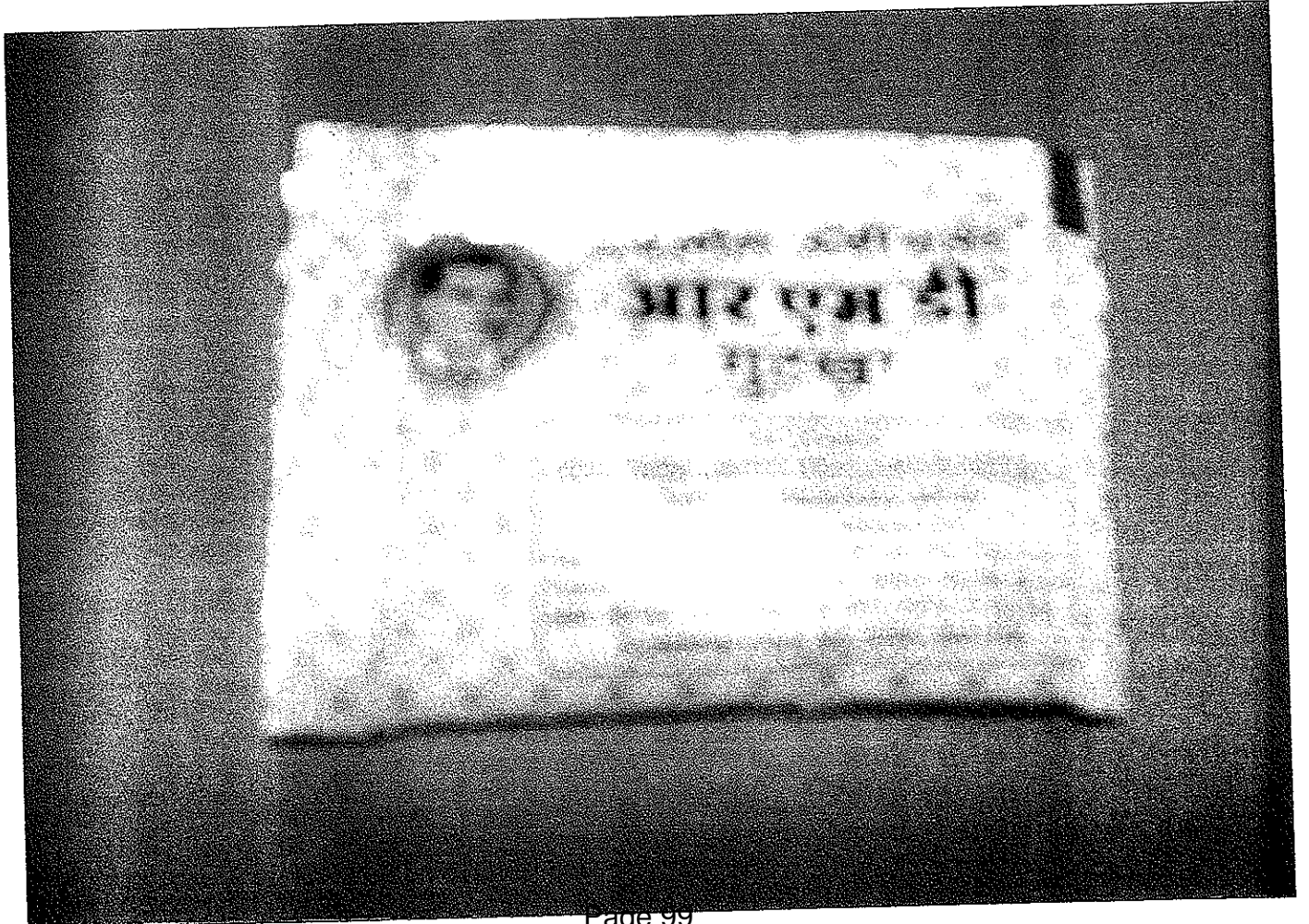


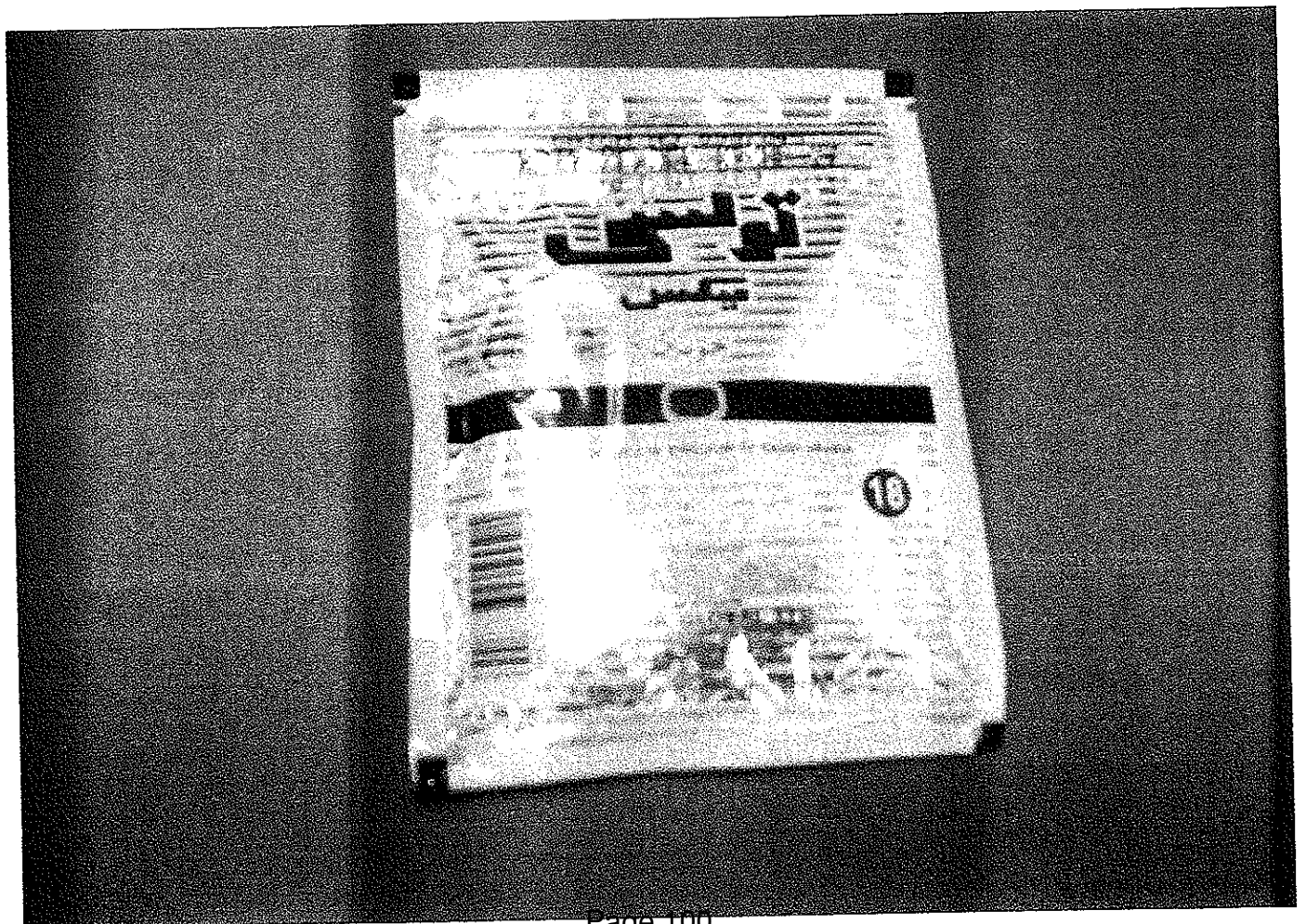




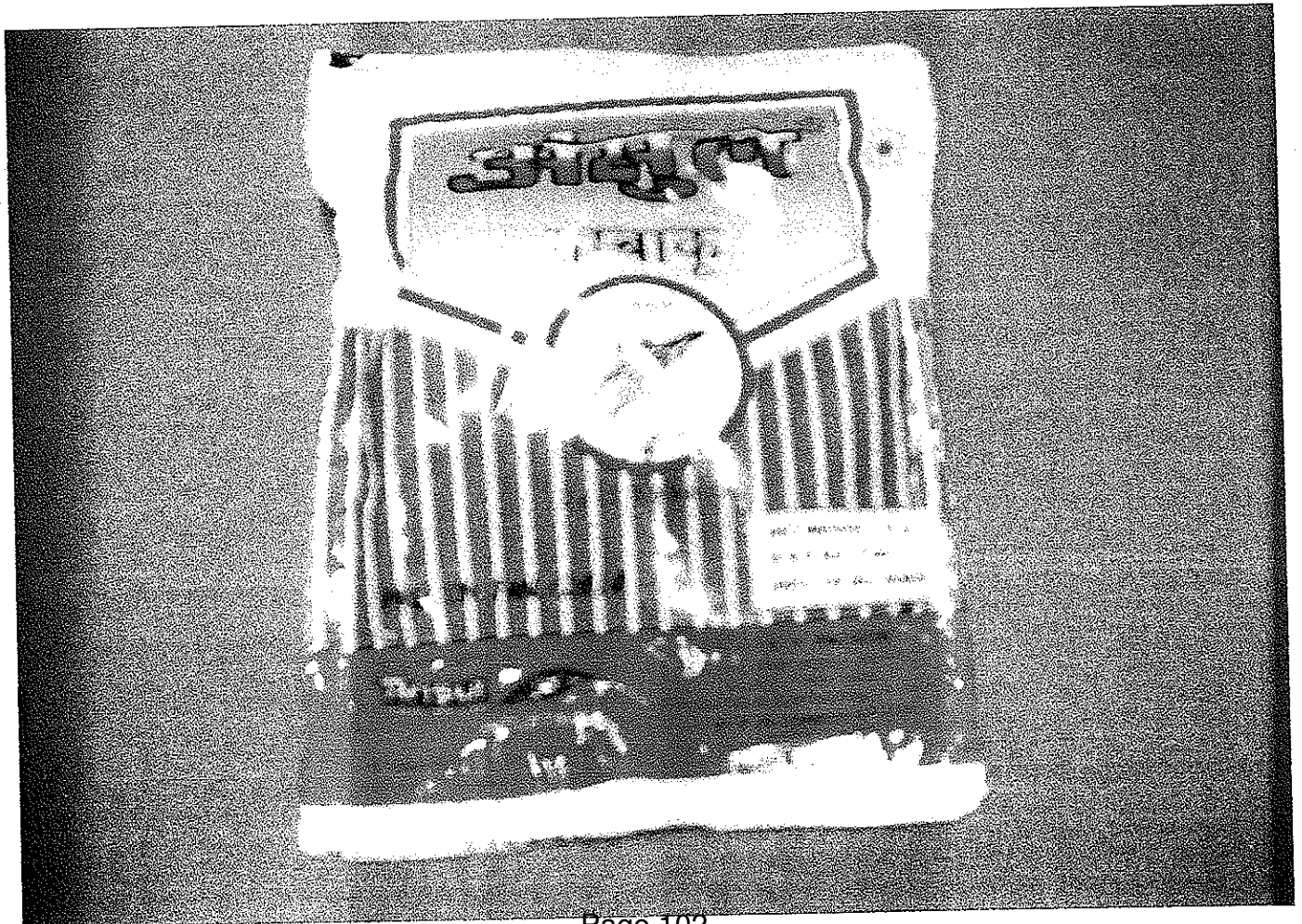
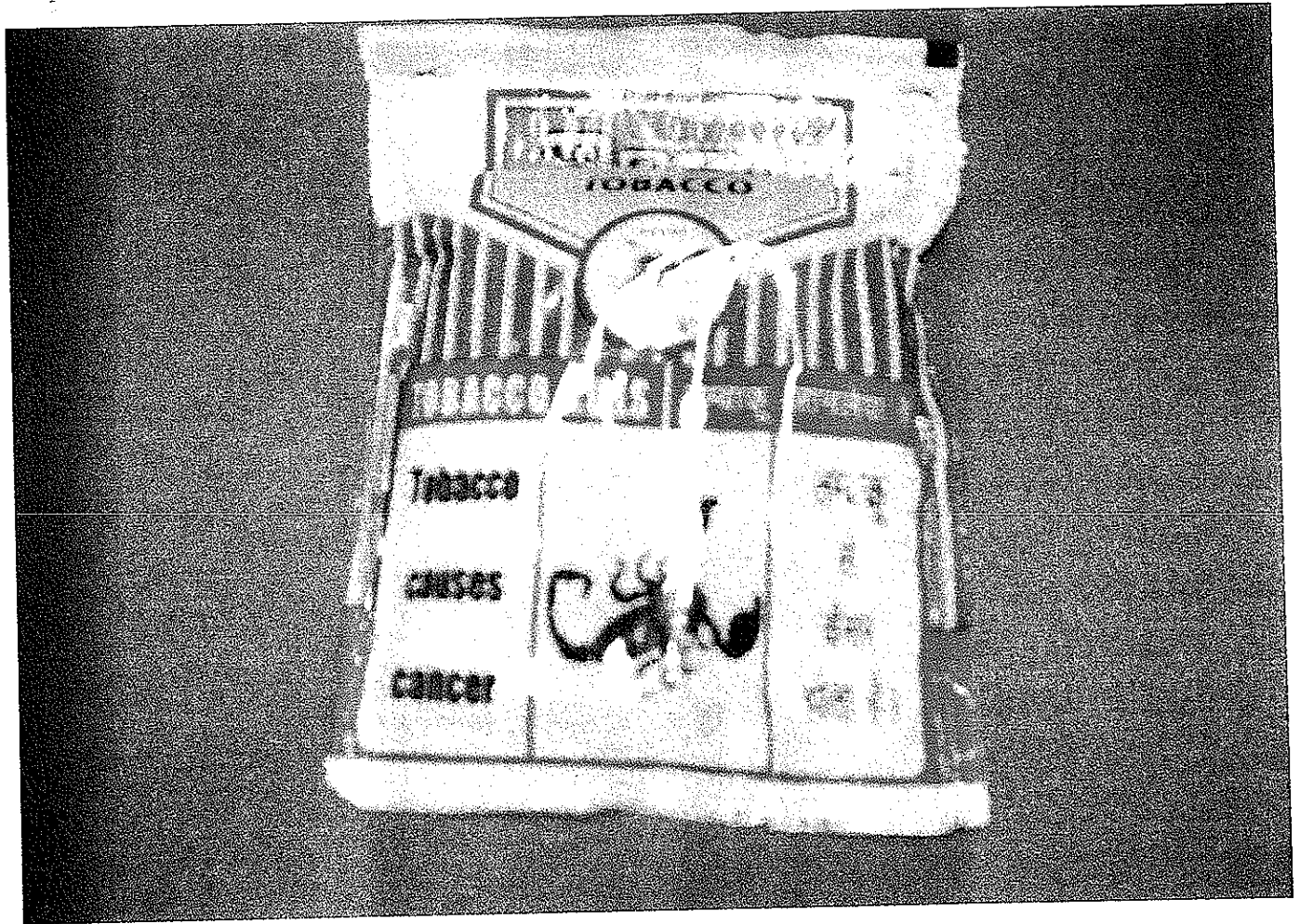








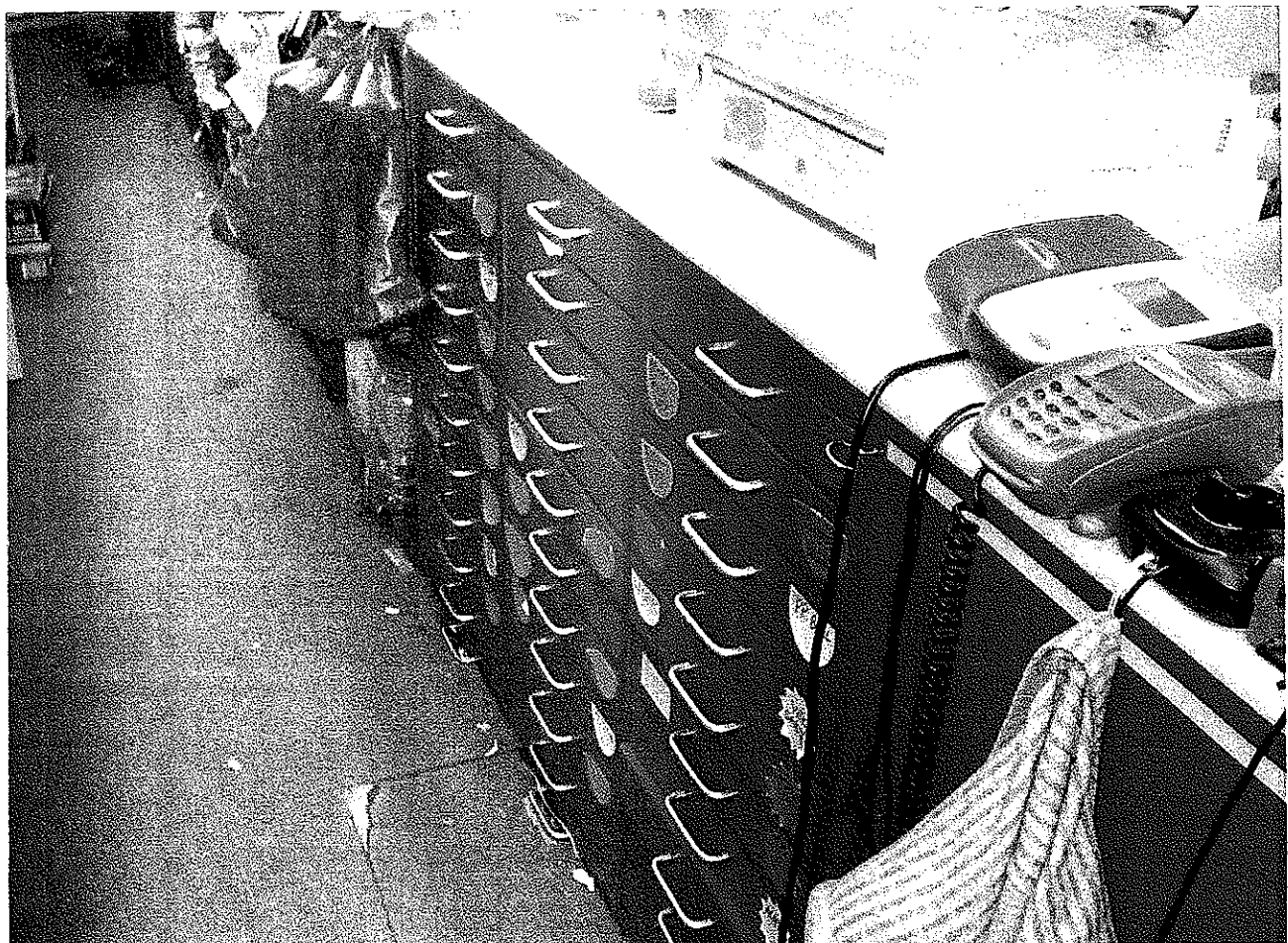




6/4/10.



INFRINGING TOBACCO PRODUCTS FOUND IN THESE DRAWERS.



6/4/10



INFRINGING ALCOHOL FOUND ON THIS SHELVING.



Part 2

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

Mr Harcharan Singh & Mr Manmohan Singh
75 Station Road
Hayes
UB3 4BG

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 -

Mr Harcharan 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 01153

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.

Applicable from 1st October 2010

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 complied with:-

General

1. Alcohol shall not be sold in an open container or consumed in the licensed premises.

Prevention of Crime and Disorder

2. An approved system of closed circuit television (CCTV) shall be maintained to record the facial image of any person entering the premises by the main entrance/exit doors.
3. The CCTV system shall be capable of dating and timing the recordings. The tapes or discs shall be kept in a secure management location on the premises for a period of not less than 30 days. The tapes or discs shall be available for inspection by authorised officers of the Council and officers of the Metropolitan Police Service.
4. A proof of age scheme using photographic image e.g. Driving Licence or Passport shall be maintained while the premises are open for the purpose of the licence.
5. Crime prevention notices shall be displayed in the premises.

Public Safety

6. Adequate portable fire fighting equipment and emergency signage shall be provided and maintained within the premises. Such equipment shall be to the satisfaction of the LFEPA.

Prevention of Public Nuisance

7. All refuse shall be placed in suitable containers.

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

N/a

Annex 4 – Plans

Plan Number Shop and Location 03-01-01 Hayes Superstore

Licensing Service Registered Number 664/05

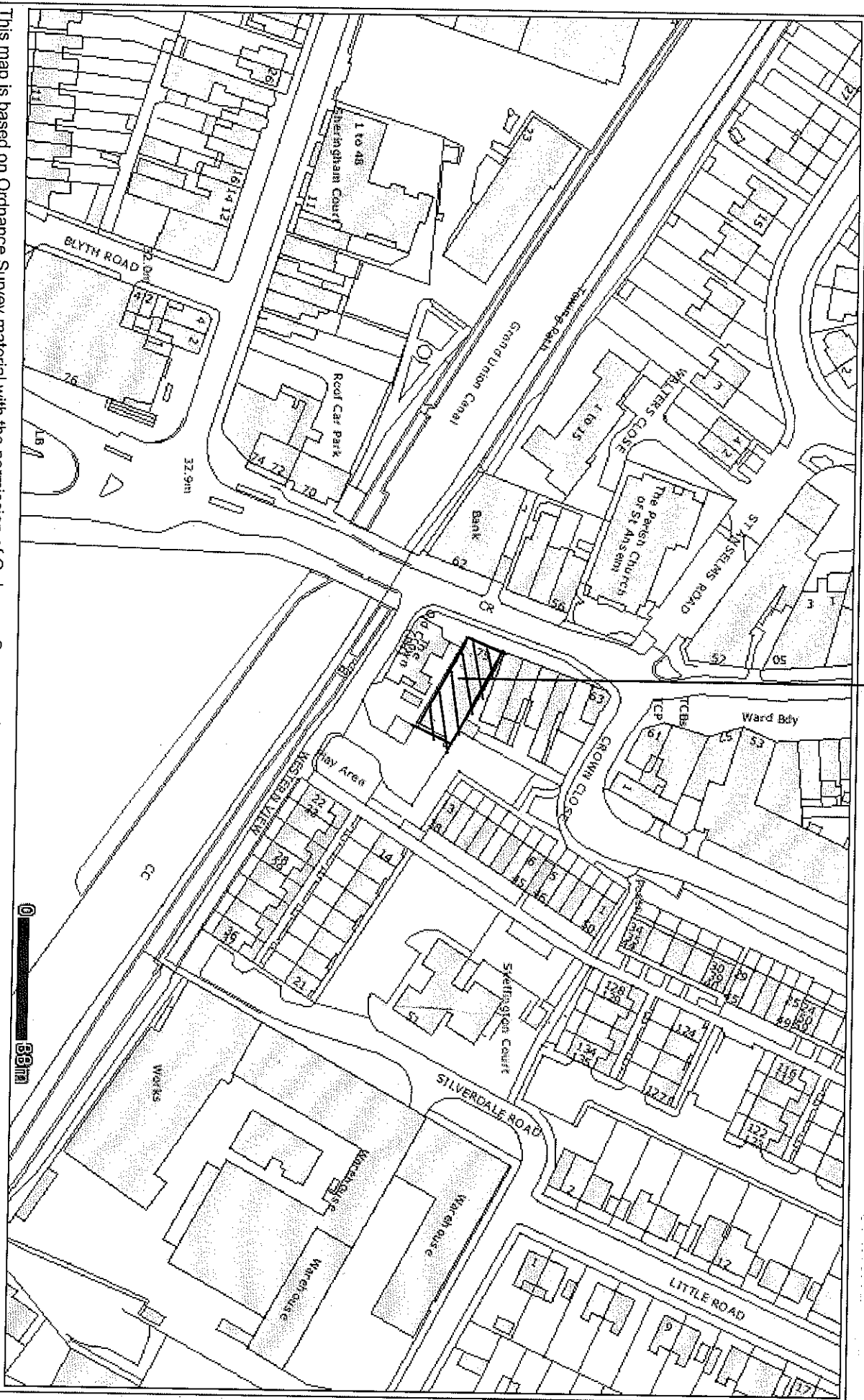
RESPONSIBLE AUTHORITIES FOR GRANT, VARIATION OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE WITHIN THE LONDON BOROUGH OF HILLINGDON

The applicant must send the original application to the Licensing Service and a complete copy of the application including the form, operating schedule and plan in the prescribed form to each responsible authority as follows:-

<p>The Licensing Service London Borough of Hillingdon Civic Centre 3S/09 High Street Uxbridge UB8 1UW licensing@hillington.gov.uk <i>Licensing Authority</i></p>	<p>Chief Officer of Police c/o Northwood Police Station Murray Road Northwood HA6 2YW Attn Sgt I Meens licensing-xh@met.pnn.police.uk <i>Hillingdon Police Enforcement</i> *for all areas except Heathrow</p>
<p>Chief Officer of Police c/o Inspector Robert Harrison ACIT Heathrow Police Station East Ramp Hounslow TW6 2DJ <i>Heathrow Police Enforcement</i> *for Heathrow area only</p>	<p>Fire Safety Regulation: North West Area 1 London Fire Brigade 169 Union Street London SE1 0LL Attn: North West Area Team hillingtongroup@london-fire.gov.uk <i>Hillingdon Fire Authority</i></p>
<p>Service Manager- Safeguarding Children and Quality Assurance 4S/07 Social Services London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW <i>A body involved in the Protection of Children from Harm</i></p>	<p>Food, Health and Safety Team London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW environmentalhealthcp@hillington.gov.uk <i>Enforcing Authority for the Health and Safety at Work Act 1974</i></p>
<p>Trading Standards Service London Borough of Hillingdon Civic Centre Uxbridge UB8 1UW Attn Divisional Trading Standards Officer tradingstandards@hillington.gov.uk <i>Enforcing Authority under the Weights and Measures Act 1985</i></p>	<p>Environmental Protection Unit London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW environmentalhealthepu@hillington.gov.uk <i>Enforcing Authority for matters relating to Environmental Pollution and Public Nuisance</i></p>
<p>Head of Planning London Borough Of Hillingdon Civic Centre Uxbridge UB8 1UW planning@hillington.gov.uk <i>The Planning Authority</i></p>	

HAYES SUPERSTORE

APPENDIX 5



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