

Minutes

LICENSING SUB-COMMITTEE

6 July 2017

Meeting held at Committee Room 5 - Civic Centre, High Street,
Uxbridge UB8 1UW



	<p>Committee Members Present: Councillors Dominic Gilham (Chairman) Lynne Allen Teji Barnes</p> <p>LBH Officers Present: Anisha Teji, Democratic Services Officer Jyoti Mehta, Legal Advisor Kiran Seyan, Senior Trading Standards Officer Steven Dormer, Licensing Officer</p>
11.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
12.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
13.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 3</i>)</p> <p>It was confirmed that items marked Part I would be considered in public.</p>
14.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
15.	<p>REVIEW THE LICENCE OF STRAWBERRY LOCAL, 2-3 GLOUCESTER PARADE, HAYES (<i>Agenda Item 5</i>)</p> <p><i>Introduction by Licensing Officer</i></p> <p>Steven Dormer, Licensing Officer at London Borough of Hillingdon introduced the report, photographs and addendum relating to a review of the premises license for Strawberry Local, 2-3 Gloucester Parade, Bourne Avenue, Hayes, UB3 1PR.</p> <p>The London Borough of Hillingdon's Trading Standards team along with the Metropolitan Police carried out operations at various premises throughout the Borough and seized illicit tobacco products from Strawberry Local. This application for review had been made by the Trading Standards team, the applicant, to consider a review of the premises licence under section 51 of the Licensing Act 2003.</p>

Mr Dormer confirmed that a visit had been undertaken by the Officers on Monday 3 July 2017 and the licence conditions appeared to be complied with. No follow up visits were made after the visit in December 2016. The Licence Holder had been cooperative when Officers visited the site and it was suggested that further conditions modifying the premises licence may help with protecting the public. Further visits from Officers in the future would also establish if the Licence Holder was complying with new conditions.

Representation by Applicant for the review

Kiran Seyan, Trading Standards Investigating Officer addressed the Sub Licensing Committee. The application had been submitted in support of the Licensing Objective: Prevention of Crime and Disorder.

Following complaints, on 7 December 2016, Officers from Trading Standards and the Metropolitan Police accompanied by Canine sniffer dogs conducted inspections of premises suspected of selling illicit goods. Concealed tobacco products were seized by Trading Standards and found in a printer copier behind the till, at the lower end of the tobacco gantry and in the Licence Holder's vehicle. Tobacco seized included 3650 cigarettes, 1580 grams of hand rolling tobacco, 14 sachets of chewing tobacco. Following the inspection the seized items were sent for confirmation to the brand representatives and it was confirmed that 60 Richmond cigarettes and 80 grams of the hand rolling tobacco were genuine. These items were returned to the Licence Holder on 19 May 2017. The other tobacco seized was confirmed to be counterfeit and non duty paid.

The Sub - Committee was invited to consider the Trading Standards recommendation that the licence be suspended for a period of time deemed suitable for the Licence Holder to comply with the conditions proposed by Trading Standards and the Licensing Officer.

Representation by the Licence Holder

Mr Panchal, on behalf of the Licence Holder Mr Dildar Singh Soni, submitted representations to the Sub Committee. He stated that the Licence Holder had held the licence since 2014. There had been no breaches of conditions or licensing matters during this period. The License Holder apologised for his actions. Once he had realised his error and following the inspection in December 2016, the Licence Holder had taken action to ensure that he is complying with the licence. He purchased his goods from registered suppliers and ensured that training manuals were in place. He also promoted the four licensing objectives and operated the challenge 25 scheme.

The Licence Holder apologised for his actions to the Sub Committee.

Discussion

During the Sub Licensing Committee's discussion, the following points were noted:

- The Committee was only exploring the non duty paid items seized under its jurisdiction
- Trading Standards conducted a revisit of the premises in May 2017 and there were no issues at the time of this visit. The Licence Holder engaged in a suitable manner.
- The Contraband products were found in a printer copier in the paper tray. At the bottom of the gantry there was also suspected illicit tobacco found.

- The signs which were required to be displayed in accordance with training manuals were not visible in the photographs before the Committee.
- The Licence Holder started selling the type of products in question for the first time.
- A few regular customers bought these illicit cigarettes.
- The Licence Holder had not shared details of the person who he had bought the items from and had no contact details for them. He paid for these items with cash and received no receipts.
- The Licence Holder bought 4000 cigarettes as he had to buy it as it was being sold. He paid 45 pounds of each sleeve and in total 900 pounds.
- Although the Licence Holder initially indicated that was his first time buying illicit products, the contraband products such as the oral tobacco were purchased from a person on more than one occasion. There was one regular customer who purchased this item. After the inspections in December 2016 the Licence Holder told the seller he no longer wanted to purchase these goods and stopped this process. Since then nothing further has been ordered or purchased.
- The Licence Holder is keen to comply with any conditions the licence requires and has learnt from the experience. The Licence Holder's representative will encourage him to share whatever information he has with authorities.

Committee Deliberation

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

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

The Decision

RESOLVED -

The Sub-Committee has considered all the relevant evidence made available to it and in doing so has taken into account the Licensing Act 2003, the Guidance issued by the Secretary of State under section 182 of that Act in particular paragraph 11:27, the Council's Statement of Licensing Policy and the Licensing objectives.

The Sub-Committee's decision is to suspend the premises license for a period of 3 months and that the following conditions shall be attached to the premises licence.

1. All images from the CCTV shall be retained for a period of 31 days and shall be available for inspection by the Police or Local Authority on request.
2. A challenge 25 scheme shall operate at the premises
3. Only photographic ID shall be acceptable as proof of age.
4. All tobacco and alcohol will be purchased from traders who are registered with HMRC for VAT purposes. Invoices for these purchases will be retained for a minimum 6 years and will be made available on request of the Police and all Responsible Authorities.

Right of appeal

No decision made by the Council will have effect during the time period within which an

appeal may be brought and until such time that any appeal has been determined or abandoned.

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

The Licence Holder will be deemed to have received the Decision Notice, two days after the date on the accompanying letter, which will be posted by first class mail.

The meeting, which commenced at 2pm, closed at 3.45 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Anisha Teji on 01895 277655. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.