



HILLINGDON

LONDON

Mrs Lois King
Principle Licensing Officer
Licensing Service

Reference; SW/19/LA03

Your Reference;

Date; 8th February 2019

Dear Madam,

**THE WINE CELLAR, 36 STATION ROAD, WEST DRAYTON
THE LICENSING ACT 2003**

With reference to the Premises Licence Review application submitted by the Metropolitan Police Service in respect of the above premises, you are advised that I am writing to you as the Officer duly authorised to make representations on behalf of the Licensing Authority.

I make this representation under the following Licensing Objectives;

- Prevention of Crime & Disorder
- Protection of Children from Harm

Having read the review application and supporting information supplied by PC Emly Mitchell and also consideration of information given by Licensing Officer Jhini Mukherjee, I concur with the recommendation contained within. I believe that the imposition of further conditions and a period of suspension will aid the licence holder to rectify the shortcomings that have led to this review being instigated.

I have attached a supporting statement from Jhini Mukherjee giving an account of her dealings with the premises and licence holder.

Both myself and Mrs Mukherjee intend to deliver this representation in person at the Licensing Sub-Committee hearing.

Yours faithfully

Stephanie Waterford
Licensing Service Manager
Licensing Authority Representative

STATEMENT OF WITNESS

(Criminal Procedure Rules, r 27.2)
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: Jhini Mukherjee

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

Occupation of witness: Licensing Officer

This statement consisting of 3 pages 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 08 day of February 2019 Signed: Jhini Mukherjee

On the back of a joint test purchase operation to target underage alcohol sales across the borough, called Operation Nebula, carried out by Metropolitan Police - Safer Schools Service and the Council's Trading Standards Service, I was informed of the failures and management incompetency of this particular premises, namely, The Wine Cellar Company (also known as West Drayton Local) at 36, Station Road, West Drayton, UB7 7DD.

The premises was visited twice over a three months' period by officers from Metropolitan Police Service and Trading Standards Service and it failed the test purchase operation both times. These two failures in a three months' period between 30 July 2018 and 22 October 2018, is classed as 'Persistently selling alcohol to children', which is an offence under S. 147A of Licensing Act, 2003.

Following this, I visited the premises with PC Emly Mitchell on 06 December 2018 to carry out a compliance check at the premises and what was very noticeable at the time was the Premises Licence Holder who is also the Designated Premises Supervisor (DPS), Mr Sundeep Singh Nangpal's, lack in

Signed: Jhini Mukherjee

awareness of the licensing objectives under the Act or of the conditions on his licence.

I must mention here that there are spelling variations of Mr Sundeep Singh Nangpal's full name in different documents but they refer to the one and same person.

Though not a condition on their premises licence, it is good practice for better and more effective management of every licensed premises to maintain a Refusals Book where all members of staff can record every refused sale of alcohol. On the day of my visit, there were no Refusals Book on site which I expected the premises to maintain, especially after it failed two test purchase operations in three consecutive months.

Mr Sundeep Singh Nangpal's inexperience and incognizance about his duties as a Premises Licence Holder and a DPS, under the Act, shone through the whole time I spoke to him about the persistent failings on his part from a licensing perspective. His lack of knowledge of what constitutes as responsible alcohol retailing was a matter of concern for me. My advice to him was to refresh his licensing training which he had gained when he obtained a Personal Licence with London Borough of Ealing. I also advised him to train up all his staff who are involved with the daily running of the shop and record their training on a Staff Training Log as a due diligence measure and revisit this every six months. This is so that they understand and implement the requirements of the Licensing Act, 2003, in their workplace and work towards upholding the four licensing objectives at all times.

During my visit, it was also revealed that though the transfer of the premises licence was submitted to the Licensing Authority on 14 August 2018, the premises actually changed hands on 01 May 2018. Mr Nangpal has signed a letter to this effect on the day I visited the premises and this is submitted as JM1. This further indicates that not only were the two test purchase failures committed while Mr Nangpal was in ownership of the premises but also that due to the delay in applying for a transfer of the premises licence, between

Signed: Thiru Subhaje

the period of 01 May 2018 and 14 August 2018, the premises continued to operate under an old licence with incorrect details.

I furthermore came to know that after taking over the premises, Mr Nangpal was on holiday when the first test purchase failure happened. This would mean that staff at his premises were selling alcohol to people without any written authorisation from the DPS who is also the Premises Licence Holder here. I advised Mr Nangpal to maintain a Written Authorisation document which can be a one page document with the names of the persons listed which should be updated with every change in staff and signed by him. An authorisation like this in writing, will be useful for him in establishing due diligence in the event of enforcement, as well as a good training opportunity for the staff.

I fully support the Review Application and stand by the recommendations submitted by the Metropolitan Police Service, the Trading Standards Service and the Licensing Service. I also strongly recommend that the premises licence be suspended for three months which will give Mr Nangpal and his staff, time to improve on their skills and knowledge in responsible alcohol retailing to prevent such gross failures in the future.

Signed: Thini Nubherjee

to whom it may concern

I, Sundeeep Singh Nangpal, premises
 license holder of West Drayton
 Local (company name - The Wine
 Cellar Company) at 36 Station Road,
 West Drayton, UB7 7DD, hereby
 confirm that I took over the
 ownership of this premises on
 01 May 2018. I also confirm that it
 was during my ownership that
 this premises failed two test-purchase
 operations.

Sincerely yours,

Sundeeep Singh Nangpal

Michelle PC
 2372XH
 Licensing officer
 10:33
 6/12/2018.

S. Nangpal
 6/12/2018

Thini Nubherje
 06/12/2018



HILLINGDON

LONDON

Lois King
Regulatory Services
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
UB8 1UW

Ref: KYC/005131

11 February 2019

Dear Mrs King

***RE. THE WINE CELLAR, 36 STATION ROAD, WEST DRAYTON, UB7 7DD
APPLICATION FOR A REVIEW OF A LICENCE
REPRESENTATION***

I write in support of the above application for a premises licence review submitted by PC Emly Mitchell from the Metropolitan Police.

The Trading Standards Service (the Service) is making a representation in relation to the licensing objective; the protection of children from harm.

In addressing the matters relating to this application, I will refer to the test purchase operation conducted by the Metropolitan Police and Trading Standards at the premises of The Wine Cellar, 36 Station Road, West Drayton on 22 October 2018, and the subsequent interview with Mr Nangpal following the test purchase, and sale of alcohol to a person under 18.

During the test purchase operation a bottle of Bluehill Valley Chardonnay wine was sold to a 14 year old police cadet volunteer by a Mr Pritpal Singh. Mr Sandeep Singh Nangpal who is the director of the business, premises licence holder and designated premises supervisor was present in the shop when the alcohol was sold to the child.

Trading Standards Service
Residents Services

T. 01895 250163 F.01895 277443

kcheung@hillingsdon.gov.uk www.hillingsdon.gov.uk/tradingstandards

London Borough of Hillingdon,
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After the sale took place Mr Nangpal was questioned about the sale and asked if he had a Sales Refusals Book. He said he had a refusals book but was unable to produce it. He said it was locked in a cupboard and he did not have the key on him to open it.

On 24 January 2019, Mr Nangpal, attended a formal interview with officers of the Trading Standards Service. The interview was conducted as part of the Service investigation in relation to offences that may have been committed by Mr Nangpal under Section 146 of the Licensing Act 2003 for selling alcohol to a person under 18 at his premises on 22 October 2018.

At interview Mr Nangpal admitted he authorised Mr Pritpal Singh, to sell alcohol to the child. Mr Nangpal stated he had only met Mr Singh that day at Gurdwara, a Sikh Temple and had invited him to see his shop.

Mr Nangpal was in the shop attending to a customer when he saw the child holding a bottle of wine and asked if Mr Singh could go over to the counter and put it in a bag for her. Mr Singh asked him how much it cost? He told Mr Singh the price and the sale took place without Mr Nangpal or Mr Singh asking the child their age or ask to see proof of age identification.

Mr Nangpal stated he only saw the back of the child and did not look at her face. He only observed her height and as she looked taller than him he believed she was over 18. The child was 5 feet 5 inches tall. He admitted he did not look at the child's face to check her age before authorising Mr Singh to carry out the sale.

At interview Mr Nangpal was asked if he had a refusals book? He stated he did have one. When asked why he did not produce it to Trading Standards on 22 October after the sale took place, he said he did not know where it was. This is contrary to what he indicated in the shop when he said the refusals book was in the cupboard and he did not have the key on him to open it.

Mr Nangpal said the refusals book was given to him by Mr Panchal of Personal Licence Courses Limited around May 2018 when he took over the shop from the previous owner. He admitted the book had not been used and refusals were not recorded into the book. He stated he only started using the book and recording entries into it after LB Hillingdon Licensing department visited him in December 2018.

He also mentioned he did not know where the book was kept and only found it whilst cleaning the shop during December last year.

I refer to PC Mitchell letter to Mr Nangpal dated 07.12.18 (document EM/4) point 2. States:

'Being the Designated Premises Supervisor of the premises you have not adhered to your premises licence condition under Annex 2 requiring you to have two adults working at the premises after 18:00 until close of business everyday.'

During the interview on 24 January 2019, Mr Nangpal stated at the moment only he works at the shop and he does not have any staff working for him. He also said on 22 October 2018 when the underage sale occurred he was the only person working in the shop.

Given the above and the admission by Mr Nangpal that he authorised the sale without checking the age of the child, and not using a sales refusals book until approached by the police and the LB Hillingdon Licensing department visit on 6 December 2018. This is over 4 months after the first sale took place on 30 July 2018 and 6 weeks after the second sale on 22 October 2018.

The Trading Standards Service have serious concerns Mr Nangpal is unable to exercise his responsibilities to avoid sales of alcohol and other age restricted goods to persons under 18.

I wish to make a formal representation supporting this application for review in respect of the protection of children from harm objective. I invite the Licensing Committee to consider this representation before making any decisions.

Yours Sincerely

A handwritten signature in black ink that reads "K. Y. Cheung". The signature is written in a cursive, slightly slanted style.

King-Yip Cheung

SENIOR TRADING STANDARDS OFFICER