

LICENSING SUB-COMMITTEE 2

Tuesday 17th September, 2013 at 10.10 am
in the Council Chamber, The Council House, Dudley

PRESENT:-

Councillors Bills, Cowell and Taylor

Officers: -

Mr R Clark (Legal Advisor), Mrs L Rouse (Licensing Clerk) and Mrs K Taylor – All Directorate of Corporate Resources.

1 ELECTION OF CHAIR

In the absence of the chair (Councillor Russell) it was

RESOLVED

That Councillor Bills be elected chair for this meeting of the Sub-Committee only.

(Councillor Bills in the Chair)

2 APOLOGY FOR ABSENCE

An apology for absence from the meeting was submitted on behalf of Councillor Russell.

3 APPOINTMENT OF SUBSTITUTE MEMBER

It was noted that Councillor Bills was serving as a substitute member for Councillor Russell for this meeting of the Sub-Committee only.

4 DECLARATIONS OF INTEREST

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

5 MINUTES

RESOLVED

That the minutes of the meeting of the Sub-Committee held on 27th November, 2012, be approved as a correct record and signed.

6 APPLICATION FOR REVIEW OF PREMISES LICENCE – SANDHARS SUPERMARKET, 69 WELLINGTON ROAD, DUDLEY

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Sandhars Supermarket, 69 Wellington Road, Dudley.

Mr B Sandhar, Premises Licence Holder and Designated Premises Supervisor was in attendance at the meeting together his Solicitor, Mr P Burke; Mrs S Sandhar, wife and employee, and Mr S Sandhar, brother and employee.

Also in attendance were Mr C King, Principal Trading Standards Officer and Mr G Wintrip, Age Restricted Products Officer, both from the Directorate of the Urban Environment; and WPC N Lees and PC A Baldwin, both Licensing Officers from West Midlands Police.

Following introductions by the Chair, the Licensing Clerk presented the report on behalf of the Council.

Mr King then presented the representations of Trading Standards and in doing so highlighted that the grounds for the review had been based on the serious undermining of the licensing objective, namely, the prevention of crime and disorder due to the poor management of the premises following the discovery of counterfeit alcohol for sale on 24th July, 2012 and 16th August, 2012 in direct contravention of the licensing objectives.

Mr King further stated that on 24th July, 2012, during a routine advisory visit, an officer found and seized five 1ltr bottles of Glens Vodka from the shelving behind the shop counter at the premises as it was suspected that they were displaying counterfeit duty paid labels on the rear. Mr B Sandhar, who was present at the premises, was given a Traders Notice 0362 as a receipt for the seizure.

The manufacturer of the spirits had confirmed that although the bottles were genuine, they were manufactured for the export market with export labels attached. It was concluded that at some point the bottles had been intercepted and counterfeit UK Duty Stamp labels applied to avoid the excise duty payable to HMRC.

A second inspection of the premises was undertaken on 16th August, 2012, together with a BBC film crew who were filming for a forthcoming TV series centred on the role of Trading Standards officers. On entering the premises, introductions were given to Mr B Sandhar who was again present at the premises.

It was noted that during the examination of the stock of alcohol that was displayed in the premises, an officer found a 70cl bottle of Glens Vodka displayed on the shelving behind the counter. Mr Sandhar was then asked whether he had any additional bottles of Vodka in the store, which he did not respond to, and then disappeared into the rear of the premises. Following Mr Sandhar's return, officers were directed to the rear storeroom in order to check any stock.

During the inspection of the storeroom, an officer found eight cases of Vodka on a shelving unit hidden under a blanket, containing sixty bottles altogether. It was noted that there were two cases of 70cl bottles of Glens Vodka containing twenty-four bottles, all of which appeared to have counterfeit rear duty labels displayed on the rear of the bottles.

It was noted that there were also five cases of 70cl bottles of Premier Vodka containing thirty bottles hidden under a blanket. It was believed that this Vodka was manufactured in Italy but the maker and importer could not be confirmed, and although the bottles displayed an excise duty stamp on the rear label, HMRC were unable to confirm whether it was genuine. When challenged, Mr Sandhar denied any knowledge of the vodka, which was then seized and Mr Sandhar was given a Traders Notice 0367 as receipt for the seized vodka.

The manufacturer of the spirits had confirmed, as in the previous seizure, the bottles were genuine and manufactured for the export market with export labels attached, and at some point the bottles had been intercepted and counterfeit UK Duty Stamp labels applied to avoid the excise duty payable to HMRC. The estimated cost of duty evasion in relation to the seized bottles was £487.

On 28th November, 2012, Mr Sandhar attended the offices of Trading Standards for an interview under caution. During the interview Mr Sandhar stated that his brother, Mr S Sandhar, had been responsible for the purchase of the Vodka, and that his brother, who was in India at the time of the interview, had bought the Vodka from a retailer, Mr Atwal, who had previously owned the Select and Save store on the High Street in Dudley.

During the interview, Mr Sandhar produced a receipt dated 20th February, 2012 which identified that the Glens Vodka had been sold to the Select and Save business by a company named Express Food and Drinks Ltd, based in Sheffield. It was noted that the manufacturer indicated that the vodka seized on 24th July, 2012 was not manufactured until 16th April, 2012 and was not in existence on the date shown on the invoice submitted. Further enquires identified that Express Food and Drinks Ltd had left its base in Sheffield in April, 2011, and the receipt was believed to be a forged document manufactured to 'legitimise' the sale of the vodka.

It was also noted that enquiries were made with Mr Atwal, who informed officers that when his business closed down all stock was sold to a family who had opened up a new business in Dudley. He refuted Mr Sandhar's story that the remaining alcohol stock was sold to the Sandhar's, and confirmed that when his business closed there was no alcohol to sell apart from six bottles of cider which he kept for himself.

Mr S Sandhar was then interviewed under caution on 21st May, 2013, where he corroborated Mr B Sandhar's account in full. He confirmed that he bought the Vodka from Mr Atwal's father, and that his brother was unaware of the business transaction.

In concluding, Mr King stated that should the Sub-Committee be minded not to revoke or suspend the premises licence, they could consider including additional conditions to the licence. A full list of the proposed conditions had been circulated to all parties prior to the meeting.

At this juncture, a number of Glens Vodka that were seized on 24th July, 2012 from the premises were tabled to highlight how they were identified as counterfeit. Mr Wintrip stated that although it would be difficult for customers and retailers to identify whether the bottles were counterfeit, a receipt would be issued if the bottles were purchased from a reputable wholesaler.

WPC Lees raised concerns following Trading Standards representations, in respect of the explanations given by Mr Sandhar of how the alcohol was purchased.

Mr Burke then presented the case on behalf of his client, Mr B Sandhar, and in doing so stated that the premises was a family run business for over thirty years and employed ten members of staff. He also stated that there were no issues or problems, and that the seizures had highlighted the need for training.

It was noted that since the seizure by Trading Standards, all employees in attendance at the hearing had undertaken training in relation to the Licensing Act 2003.

It was further noted that Mr S Sandhar had submitted an application for a Personal Licence, as it was the intention that the position of Designated Premises Supervisor would be transferred to him.

Reference was made to the representations presented by Trading Standards, in particular in respect of the purchasing of the alcohol from Mr Atwal. Mr Burke stated that the alcohol was purchased as a 'favour' to a friend, and he questioned why Mr Atwal had not contacted Mr Sandhar upon hearing that the bottles seized were counterfeit.

Mr Burke further stated that he understood the concerns raised, however Mr Sandhar was adamant that the circumstances surrounding the purchasing of the alcohol was genuine, and that it was evidenced with a receipt given by Mr Atwal. He further stated that he had received a number of telephone calls from retailers in regard to seizure of bottles of Glens Vodka, and it was apparent that this was a recurrent issue.

Mr Burke made reference to the conditions suggested by Trading Standards, and stated that Mr Sandhar would be in agreement with the conditions proposed, and suggested additional conditions should the Sub-Committee be minded to consider instead of revocation or suspension.

In responding to questions raised in respect of the alleged sale of alcohol from Mr Atwal to Mr Sandhar, it was noted that Mr Sandhar received a receipt from Mr Atwal but did not check for inaccuracies, as he believed the product was genuine. Mr Burke further stated that the alcohol had been hidden under a blanket as Mr Sandhar had not paid for the alcohol and would be sold as separate stock to give to Mr Atwal.

Reference was made to the statements undertaken during the interview of Mr B Sandhar and Mr S Sandhar, and concerns were raised in respect of the discrepancies between the statements and lack of communication between members of staff.

In responding to a question by the Chair, Mr Burke confirmed that various staff members would purchase and collect stock for the premises.

In responding to a question by the Chair, Mrs Sandhar confirmed that she maintained the business receipts, and all employees worked hard and trusted each other in order to maintain the business, and that there had been no issues or problems with the accounts since the opening of the premises. It was further noted that Mrs Sandhar was on holiday during the seizure of the counterfeit bottles.

In responding to queries raised by the Legal Advisor in relation to a further one 70cl bottle of Glens Vodka found behind the counter during the second inspection on 16th August, 2012; Mr Burke stated that Mr Sandhar believed that all counterfeit bottles had been seized during the first inspection in July, 2012, and that it may have been placed on the shelf by another member of staff.

In responding to a question raised by a member in relation to training, it was noted that when Mr Sandhar had applied for his personal licence, he had received training in respect of the Licensing Act 1964, however he had since undertaken training in Licensing Act 2003.

In responding to concerns raised by a member in relation to the management of stock, Mr Burke stated that this was a 'one-off' incident and that the normal practice was to purchase alcohol from a cash and carry outlet.

In summing up, Mr King, on behalf of Trading Standards, stated that during an investigation at the premises counterfeit alcohol was discovered for sale on 24th July, 2012 and 16th August, 2012, and asked the Sub-Committee to consider the facts presented.

In summing up, Mr Burke on behalf of Mr B Sandhar stated that this was the first incident during a long period of time whilst Mr Sandhar had been at the premises. He further stated that Mr Sandhar was adamant that the circumstances surrounding the purchase of the alcohol was true.

The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

The Sub-Committee having made their decision invited the parties to return and the Chair then outlined the decision.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, the premises licence issued to Sandhars Supermarket, 69 Wellington Road, Dudley be suspended for a period of four weeks, and that Mr B Sandhar be removed as the Designated Premises Supervisor.

The following conditions will be attached to the premises licence: -

Conditions

- (1) All alcohol purchased for sale on the premises must only be purchased from a recognised, reputable and traceable wholesaler.
- (2) All alcohol purchased for sale on the premises must be covered by a receipt. The receipt will be on headed notepaper bearing the name, address and contact number of the supplier together with their VAT and company registration number where appropriate. These receipts will be kept in a file for a minimum of 2 years and must be made available for inspection, on demand, by an officer of a responsible authority.

Mr Sandhar was informed of his right to appeal the decision of the Sub-Committee.

REASONS FOR DECISION

This is an application for a review of the premises licence, brought by trading standards on 27th June 2013, as a result of trading standards confiscating five, one litre bottles of Glens Vodka, on 24th July 2012. It was believed at the time of the seizure, and later confirmed, that the duty labels on the back of the five bottles were counterfeit, and that U.K. duty had not been paid on the product. Trading Standards evidence was that whilst an average member of the public would not be able to identify the labels as counterfeit, a person in the trade, purchasing them should have known because 1) the bottles would not have been sold through a reputable cash and carry and (2) the price would have been less than that in a cash and carry. Despite a request, no receipt was initially provided for their purchase.

On 16th August, 2012 a further one bottle of 70cl Vodka was found in the Supermarket. Mr Bakhtawar Sandhar stated that there were no further bottles in store, but Trading Standards found 60 further bottles of alcohol hidden under a blanket on a shelving unit in the store room. 24, 70cl bottles of Vodka were found to have counterfeit duty labels. 30 bottles were believed to have been bought from Italy and brought into the country unlawfully.

A receipt was provided for the purchase of the vodka, which the Premises Licence Holder states he was given by a Mr Atwal, owner of a business called Select and Save, which was closing down. Trading Standards stated that the receipt from a store in Sheffield was a forgery and the receipt was dated 20th February, 2012, but that the Sheffield business had left the address on the receipt some 10 months prior to this date. Mr Sandhar states that he did not check the receipt. He also stated that the stock was under a blanket, because it was not part of the stock. However, despite 5 one litre bottles being seized, a further one 70cl bottle was put on the shelf and found on 16th August 2012. In evidence, the three members of the family running the business could not really explain why a bottle was on sale on 16th August 2012, despite the previous seizure, and stated that another member of staff (there are 10 in total employed in the shop) could have brought it out. It therefore appears that the stock, allegedly under a blanket to keep it separate, may still have been entering the shelves after 24th July, 2012.

The Sub-Committee finds that this business has not been managed properly in order to meet the licensing objectives. Despite the business being put on notice that 5 bottles of Vodka were counterfeit on 24th July 2012, the remainder of the purchase was found in the store room on 16th August 2012, with one bottle on the shelf for sale. It is not acceptable for alcohol to be stored in the store room, under a blanket, when it was apparently not for sale. At best, this is mismanagement of the premises, but with the additional culpability that the business was on notice that bottles from the same purchase were counterfeit. These should not have been in the store.

The Sub-Committee has heard that the business intends to replace Mr Bakhtawar Sandhar as Designated Premises Supervisor. The Sub-Committee however takes the step of removing him as the Designated Premises Supervisor in the light of his mismanagement of these premises. Whilst it is beyond the power of this Sub-Committee, Mr Sital Sandhar has been equally culpable in the poor management of the business, and it would not deem him to be a suitable Designated Premises Supervisor.

In order for this business to appoint a new Designated Premises Supervisor, and ensure that its store room, particularly with regard to alcohol, is managed properly, the Sub-Committee suspends the premises licence for four weeks and imposes the two conditions onto the premises licence, recommended by Trading Standards.

7 APPLICATION FOR REVIEW OF PREMISES LICENCE –
SUPERSTOP, 135 PRIORY ROAD, DUDLEY

A report of the Director of Corporate Resources was submitted on an application for the review of the premises licence in respect of Superstop, 135 Priory Road, Dudley.

Mr T Raj, Premises Licence Holder and Designated Premises Supervisor was in attendance at the meeting together with his Solicitor, Mr Campbell, Ms K Nisar, Interpreter, and Mr Raj's son.

Also in attendance were Mr C King, Principal Trading Standards Officer and Mr G Wintrip, Age Restricted Products Officer, both from the Directorate of the Urban Environment; and WPC N Lees and PC A Baldwin, both Licensing Officers from West Midlands Police.

Following introductions by the Chair, the Licensing Clerk presented the report on behalf of the Council.

Mr King then presented the representations of Trading Standards and in doing so highlighted that the grounds for the review had been based on the serious undermining of the licensing objective, namely, the prevention of crime and disorder due to the poor management of the premises following the discovery of counterfeit alcohol for sale on 28th June, 2013 in direct contravention of the licensing objectives.

Mr King further stated that on 28th June, 2013, during a routine inspection of the premises in relation to the sale of age restricted products, an officer found two 1ltr and two 70cl bottles of Glens Vodka displayed on the shelving behind the counter. On checking the bottles it appeared that they were displaying counterfeit duty paid labels on the rear of the bottles. The bottles were then seized and placed in a sealed evidence bag.

During the questioning of Mr Raj, he stated that the bottles had been purchased from a cash and carry outlet but did not specify which store. Mr Raj was then requested to submit the relevant receipt for the purchase of the alcohol.

The manufacturer of the spirits had confirmed that although the bottles were genuine, they were manufactured for the export market with export labels attached. It was concluded that at some point the bottles had been intercepted and counterfeit UK Duty Stamp labels applied to avoid the excise duty payable to HMRC.

It was noted that the cases and bottles would not be available through the normal secure supply chain and reputable cash and carry outlets, and therefore would have been obtained on the black market.

It was further noted that on 15th August, 2012, Trading Standards together with West Midlands Police, carried out a test purchase at the premises to determine compliance with the law on the sale of alcohol to children. On that occasion, a sixteen year old female child test purchase volunteer purchased a 70cl bottle of Caribbean Twist Mixed Mango with 4% alcohol by volume. The application for review of the premises licence was considered by a Sub-Committee on 30th October, 2012 where it was resolved that additional conditions would be attached to the premises licence.

In concluding, Mr King stated that should the Sub-Committee be minded not to revoke or suspend the premises licence, they could consider including additional conditions to the licence. A full list of the proposed conditions had been circulated to all parties prior to the meeting.

In responding to a question by Mr Campbell in relation to the bottles seized, Mr Wintrip confirmed that the number of bottles seized were relatively small compared to other establishments, and that the alcohol was genuine.

At this juncture, the Sub-Committee adjourned to read the statements submitted by Mr Raj and his employee Ms Harjinder Kaur.

In responding to a question raised by Mr Campbell in relation to the invoices submitted together with Mr Raj's statement which identified that Glens Vodka had been purchased from the cash and carry outlet, Mr King stated that he considered the questioning to be inappropriate, however although the invoices identified some purchases it did not provide a full account.

Reference was made to the conditions suggested by Trading Standards, it was noted that Mr Raj was in agreement with the conditions proposed.

PC Baldwin then presented the representations of West Midlands Police, including statements provided by police officers, and in doing so informed the Sub-Committee that the Police had carried out checks on the police systems and that there was no recent intelligence in relation to counterfeit goods at the premises and no recent reports of crime or disorder at the premises.

PC Baldwin further stated that there had been a number of calls and problems in the area in relation to youths and gangs hanging around the shop, purchasing alcohol and cigarettes and damaging local properties, street furniture and causing anti-social behaviour.

She further stated that police officers had observed an intoxicated man purchasing alcohol from the premises from an attendant named Mr A Johal.

In responding to comments made by PC Baldwin, Mr Campbell stated that there were no evidence or call logs to support the complaints made. In responding, PC Baldwin responded that the majority of the calls from residents would have been direct to the local Neighbourhood Team who would either deal with the matter directly or place an intelligence log onto the system; therefore it would be impossible to submit any formal record of evidence.

In responding to a question by Mr Campbell, PC Baldwin stated that officers visited the premises on 2nd July, 2013 following the seizure. It was noted that Mr Raj was not present at the premises, and officers spoke to Mr Johal who contacted Mr Raj who stated that he would return to the premises within an hour. When officers returned at the suggested time, Mr Raj was not present, and contact details were given for Mr Raj to contact West Midlands Police, however no contact had been received.

With reference to the alleged sale made to a drunken man, Mr Campbell stated that West Midlands Police were not present in the premises at the time of the sale, and therefore would be unable to determine whether the man appeared to be intoxicated or that Mr Johal knowingly sold the alcohol. In responding, PC Baldwin stated that the statements submitted suggested that the officers deemed the man to be intoxicated, and that the incident was highlighted to the Sub-Committee to evidence the poor management of the premises.

Mr Campbell then presented the case on behalf of Mr Raj, and in doing so Ms Nasir, on behalf of Mr Raj, stated that Mr Raj operated two businesses, including Super Stop and another located in Wolverhampton. Ms Nasir further stated that Mr Raj had never purchased alcohol and not paid duty tax, and that he usually purchased his stock from cash and carry outlets, namely, Soho and Bookers, who would provide him with an invoice.

Ms Nasir stated that Mr Raj had spoken to Ms H Kaur following the seizure of the counterfeit bottles, who confirmed that some men purchased vodka from the store for a party, only to return it two hours later, stating they wished to exchange it for whisky.

In responding to a question by Mr Campbell in relation to the training provided to Mr Johal; Ms Nasir stated that Mr Raj informed Mr Johal to not sell alcohol or cigarettes to persons under the age of eighteen or who appeared to be intoxicated. It was noted that refusals were regularly made at the premises.

In responding to comments made in respect of the contact between Mr Raj and West Midlands Police, Ms Nasir interpreted that officers would walk past the premises on a regular basis, and that no concerns were raised directly to Mr Raj.

In responding to questions asked by Mr Campbell, Ms Nasir stated that Mr Raj did not sell alcohol to persons under the age of eighteen, and described measures that had been implemented in the premises such as:

- (1) CCTV system installed both inside and out of the premises
- (2) Challenge 25 policy, which required identification such as passport or driving licence.
- (3) Posters displayed highlighting the need for identification, and in relation to purchasing alcohol for those under the age of eighteen.
- (4) All new employees undertook training together with a written test, and refresher training given.
- (5) Regular staff meetings every four weeks.

In response to a request made by Mr King, Mr Raj read out his statement, which was submitted to the Sub-Committee. It was noted that the statement had been drafted by Mr Campbell and later interpreted to Mr Raj.

Reference was made to Mr Raj's statement, in particular, his belief that his premises had been targeted by fraudsters, however he did not report the alleged fraud to West Midlands Police at the time of the seizure.

In responding to a question by Mr King in relation to the procedures in place if customers wished to return alcohol, Ms Nasir interpreted that the normal practice was to either refund or replace the alcohol with another product. It was noted that items such as sandwiches and unsealed goods would not be re-stocked on the shelves, and that Mr Raj did not maintain a record of returns. Mr Raj stated that in future he would request a customer's name and address should they wish to return any products.

Arising from Ms Kaur's statement, Ms Nasir interpreted that Mr Raj believed the statement to be true, and that four men substituted the four bottles of Vodka seized maliciously, as retaliation for Ms Kaur not returning advances.

In responding to a question by Mr King, it was noted that Mr Raj always bought his stock from cash and carry outlets, therefore the circumstances surrounding the counterfeit bottles provided was the only possible explanation, as there had never been a similar incident during the period Mr Raj had operated the business.

In responding to a question by Mr King, it was noted that Mr Raj attended the premises at various times during the day, as he also visited his other business in Wolverhampton. He stated that his son-in-law reviewed CCTV footage and informed him of any problems.

In responding to a question by Mr Wintrip, Ms Nasir interpreted that Mr Raj was unable to provide a till receipt for the bottles sold on 28th June, 2013, as he did not issue till receipts, preferring to write all sales in a notebook.

Following concerns raised in regard to Mr Raj's apparent lack of English, it was noted that Mr Raj did have a basic understanding of English and was able to communicate and train employees in Punjabi.

In summing up, Mr King, on behalf of Trading Standards, stated that during an investigation at the premises counterfeit alcohol was discovered for sale on 28th June, 2013 and raised concerns that he had not been assured that the premises would be managed at a safe level or in accordance with the licensing objectives.

In summing up, PC Baldwin, on behalf of West Midlands Police, echoed the concerns raised by Trading Standards, and that she had concerns in relation to how the premises were being managed.

In summing up, Mr Campbell, on behalf of Mr Raj, reiterated comments made in respect of the evidence presented by Trading Standards and West Midlands Police. He further stated that there was no dispute in respect of the seizure, as it had been demonstrated that the bottles were counterfeit, however the explanations submitted by Mr Raj and Ms Kaur were plausible. He further stated that Mr Raj accepted all the conditions suggested, and that they would be sufficient enough to uphold the licensing objectives.

The parties then withdrew from the meeting in order to enable the Sub-Committee to determine the application.

The Sub-Committee having made their decision invited the parties to return and the Chair then outlined the decision.

RESOLVED

That, following careful consideration of the information contained in the report submitted, and as reported at the meeting, Mr Raj be removed as the Designated Premises Supervisor in respect of the premises, Super Stop, 135 Priory Road, Dudley.

The following conditions will be attached to the premises licence: -

Conditions

- (1) All alcohol purchased for sale on the premises must only be purchased from a recognised, reputable and traceable wholesaler.
- (2) All alcohol purchased for sale on the premises must be covered by a receipt. The receipt will be on headed notepaper bearing the name, address and contact number of the supplier together with their VAT and company registration number where appropriate. These receipts will be kept in a file for a minimum of 2 years and must be made available for inspection, on demand, by an officer of a responsible authority.

Mr Raj was informed of his right to appeal the decision of the Sub-Committee.

REASONS FOR DECISION

This is an application for a review of a premises licence, brought by Trading Standards, in the light of it seizing 4 bottles of counterfeit Vodka on 28th June, 2013. The vodka itself was genuine, but the duty labels are counterfeit and U.K. duty had not been paid on it. Mr Tilak Raj was asked for a receipt for the 4 bottles of counterfeit Vodka, none has been provided.

There had also been a failed test purchase on 5th August, 2012 at Super Stop, and the Licensing Sub-Committee attached conditions to the premises licence on 30th October, 2012.

The Police adduced statement evidence that on 19th June, 2012 at 14:06 hrs, 3 police officers spoke to a man named Colin, who had been assaulted, and had facial injuries, on who's breath they could smell alcohol. Two officers formed the view that he was drunk, and observed him being unsteady on his feet, and his speech slurred. One officer described him as extremely drunk. Within a few minutes of that police interview, he was observed to purchase alcohol from Super Stop, from an attendant named Aaron Johal.

Mr Johal stated that he noted the facial injuries but did not believe the man was drunk. Upon the evidence before the Sub-Committee, it finds that the man Colin was clearly drunk, and this was obvious to an observer. The sale was refused by one store before Super Stop, and should not have been made.

Mr Raj relies upon the evidence of an employee, Ms Harjinder Kaur, that on 7th June, some men purchased vodka from the store, only to return it 2 hours later, stating they wished to exchange it for whisky. This request was apparently granted but the store keeps no specific sale records to add weight to this submission. Mr Raj states today that the 4 bottles of Vodka seized were in fact the four bottles substituted maliciously by these men, as retaliation for Ms Kaur not returning a certain (unnamed) man's advances. Ms Kaur and Mr Raj state that they believe that this man sent the men to deliberately substitute counterfeit Vodka. For this to be a credible and effective malicious act, the man would have to have believed that these counterfeit bottles would be found (just three weeks later) by trading standards. Without this seizure, the alleged fraud would have had no impact on the store. The vodka was genuine in quality and not a risk to customer health or safety.

The Sub-Committee cannot understand the motive for this alleged fraud, except to cause the store to fall foul of a trading standards inspection. This would be an elaborate plan indeed.

Mr Raj has given evidence that he buys all his vodka from Cash and Carry, and has put numerous receipts before the Sub-Committee dated December, 2012 – May, 2013. He has however stated that he has no way of recording receipts and sales and no way of evidencing the exchange of goods in June, 2013, because he does not have automatic till receipts. The Cash and Carry receipts are all pre June, 2013.

The Sub-Committee finds that this premises is not being managed appropriately and in accordance with the licensing objectives. The Sub-Committee therefore takes the step of removing Mr Raj as the Designated Premises Supervisor, so that a competent Designated Premises Supervisor can be appointed. It also attaches the two conditions put forward by trading standards, and accepted by Mr Raj.

The Sub-Committee has not attached any weight to the more general police evidence.

8 APPLICATION FOR HOUSE TO HOUSE COLLECTIONS
LICENCE – HEART UK (INTERSECOND LTD)

A report of the Director of Corporate Resources was submitted to consider an application for the grant of a House to House Collections Licence in respect of Intersecond Ltd on behalf of the charity known as Heart UK.

It was noted that the applicant was not in attendance and notification of the non-attendance had not been received.

RESOLVED

That the grant of a House to House Collections Licence in respect of Intersecond Ltd be deferred to a future meeting of a Sub-Committee.

The meeting ended at 2.35 pm

CHAIR