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To Brent Licensing by email

30th July 2019

LICENSING ACT 2003
Licence Representation in connection with Licence: Review - Reference: 754001

Dear Sir/Madam,

Applicant: Paul Lee, Snr. Enforcement Officer Brent & Harrow Trading Standards Service
Premises: Jackman's 279 Neasden Lane, London, NW10 1QJ.

I certify that I have considered the application shown above and I wish to make a representation as an:

officer of Brent and Harrow Trading Standards Service, Brent Civic Centre, Wembley HA9 OFJ, in whose area the premises are situated, which is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The Brent and Harrow Trading Standards Service representation is concerned with the licensing objective;

- 1) the prevention of crime and disorder;

REPRESENTATION

I was aware that Brent Council Licensing Enforcement Officer; Susana Figueiredo had been investigating a issues in relation to the aforementioned premise that were concerned with lack of compliance with relevant licensing objectives.

Ms Figueiredo made enquiries with me about the legal requirements for the display of toabcco products due to the fact that through visits to Jackmans and from viewing CCTV footage from the premise she had noticed that the tobacco product display gantry doors were frequently open even when there were no customers prsent in the shop. Ms Figueiredo had previously advised persons present in the shop to only open the doors when requested by a customer.

On 17th July 2019, I visited Jackman's Off Licence located at 279 Neasden Lane, London, NW10 1QJ.

I entered the shop with two of my fellow Trading Standards Enforcement Officers at 11:40 hrs. and immediately noticed that the tobacco product display gantry located behind the till had both doors partially open and as such I was able to see a number of packets of cigarettes clearly displayed.
I immediately took a photograph of the gantry and I now produce a printed copy of the photograph as exhibit PDL/1.

There was one person working behind the counter at the time of our visit who was in the process of serving a customer and at no time did I hear the customer request a tobacco product and I did not witness the customer leave the shop with a tobacco product. The gentleman working behind the counter did not have any tobacco product exposed or ready for re-stocking.

I introduced myself to the person behind the till and showed him my identification. I then explained the reason from my visit. The gentleman informed me that he was a shop worker and gave his name as JEYEA SEELAN. I asked Mr Seelan if the customer that he had just served had purchases any cigarettes and he replied "no just lottery tickets".

Since 6th April 2015, shops such as Jackman's must ensure that tobacco products are not displayed to persons entering the premise unless a direct request is made in relation to a display and ultimately a purchase of a tobacco product. The unrequested display of a tobacco product would include me seeing such products whilst present in the shop when the gantry doors were left open.

There are a number of exemptions to the requested display requirements which include requests for display by customers and for the purposes of 're-stocking'.

My colleagues and I conducted an inspection of the premise and before leaving I informed Mr Seelan that the tobacco gantry doors should be kept fully closed as it would constitute a criminal offence to permit an unrequested display of a tobacco product.

An unrequested display of a tobacco product is contravention of the The Tobacco Advertising and Promotion (Display) (England) Regulations 2010 (as amended) and is an offence contrary to The Tobacco Advertising and Promotion Act 2002 (as amended). Any person, including shop managers and shop assistants, found guilty of these offences is liable: on summary conviction in a Magistrates' Court to an unlimited fine or imprisonment for a term not exceeding six months, or both or on conviction on indictment in the Crown Court to a term not exceeding two years, an unlimited fine or both.

The implmentation of the tobacco display legislation was designed to reduce smoking uptake by young people and to support adult smokers who want to quit. The Government's commitment to these aims was set out in the document - Healthy Lives, Healthy People: A Tobacco Control Plan for England on 9 March 2011. Appliccation

I am aware from from experience over a number of years that Jackman's is located in an area where there are a high number of reported incidents of ant-social behaviour (including street drinking) as well as petty crimes and underage sales of alcohol and cigarettes.

As previously stated, it is an offence to display tobacco products unless that display is requested. I would expect a business who had been operting for a number of years to be fully aware of the tobacco display legislation and its legal requirements and ensure that its staff were trained accordingly. Furthermore as

the business had previously been advised by Ms Figueiredo about tobacco display issues the business should have been compliant.

In my opinion this is a basic piece of legislation that takes little effort, thought or time to comply with as such indicates that other processes and requirements for legal complince at the business are likley to be poorly implemented, lacking in management control or missing completley.

The above evidences that the following licensing oblectives are not being upheld:

1) **the prevention of crime and disorder;**

As a responsible authority and taking into consdideration the seriouness of this issue and how it can be directly associated with other associated issues at the premise we would support the premise licence review application by Brent Councils Licensing Team and reommendation **to Revoke the Premises Licence.**

List of Documents -

Document - 1

Paul Lee – Copy of witness statement

Document - 2

Copy of photograph of open tobacco display gantry – (PDL/1)

Paul Lee

Senior Enforcement Officer
Brent and Harrow Trading Standards Service

Doc 1

LONDON BOROUGHS OF BRENT AND HARROW

TRADING STANDARDS SERVICE

Witness Statement

(C.J.Act 1967 - S.9, M.C. Act 1980 – ss5A(3)(a) and 5B, M.C. Rules 1981 r.70)

Statement of: Paul Lee

Age if under 18: Over 18

Occupation: Senior Trading Standards Enforcement Officer

This statement (consisting of 3 page(s) 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 which I know to be false or do not believe to be true.

Dated 18th July 2019

Signature .....Paul Lee.....

I am employed by the London Borough of Brent, as a Senior Trading Standards Enforcement Officer.

On 17th July 2019, I visited Jackman's Off Licence located at 279 Neasden Lane, London, NW10 1QJ. My visit was a result of information given to me Brent Council Licensing Enforcement Officer; Susana Figueiredo. Ms Figueiredo informed me that she had visited 'Jackmans' on several occasions and had witnessed the tobacco display gantry doors being open and tobacco products clearly being seen without any request. Ms Figueiredo also informed me that on two separate occasions during her visits she had informed the person in charge of the shop to shut open tobacco display gantry doors. Ms Figueiredo explained that whilst recently viewing historic CCTV footage of the interior of Jackmans she had noticed the tobacco display gantry doors were open for prolonged and frequent occasions

Signature .....Paul Lee.....

E31 Sept 2003

even when no customers were present in the shop and no 'restocking activities were being undertaken. Tobacco product within the gantry were viewed and clearly seen on the relevant CCTV footage by Ms Figueiredo.

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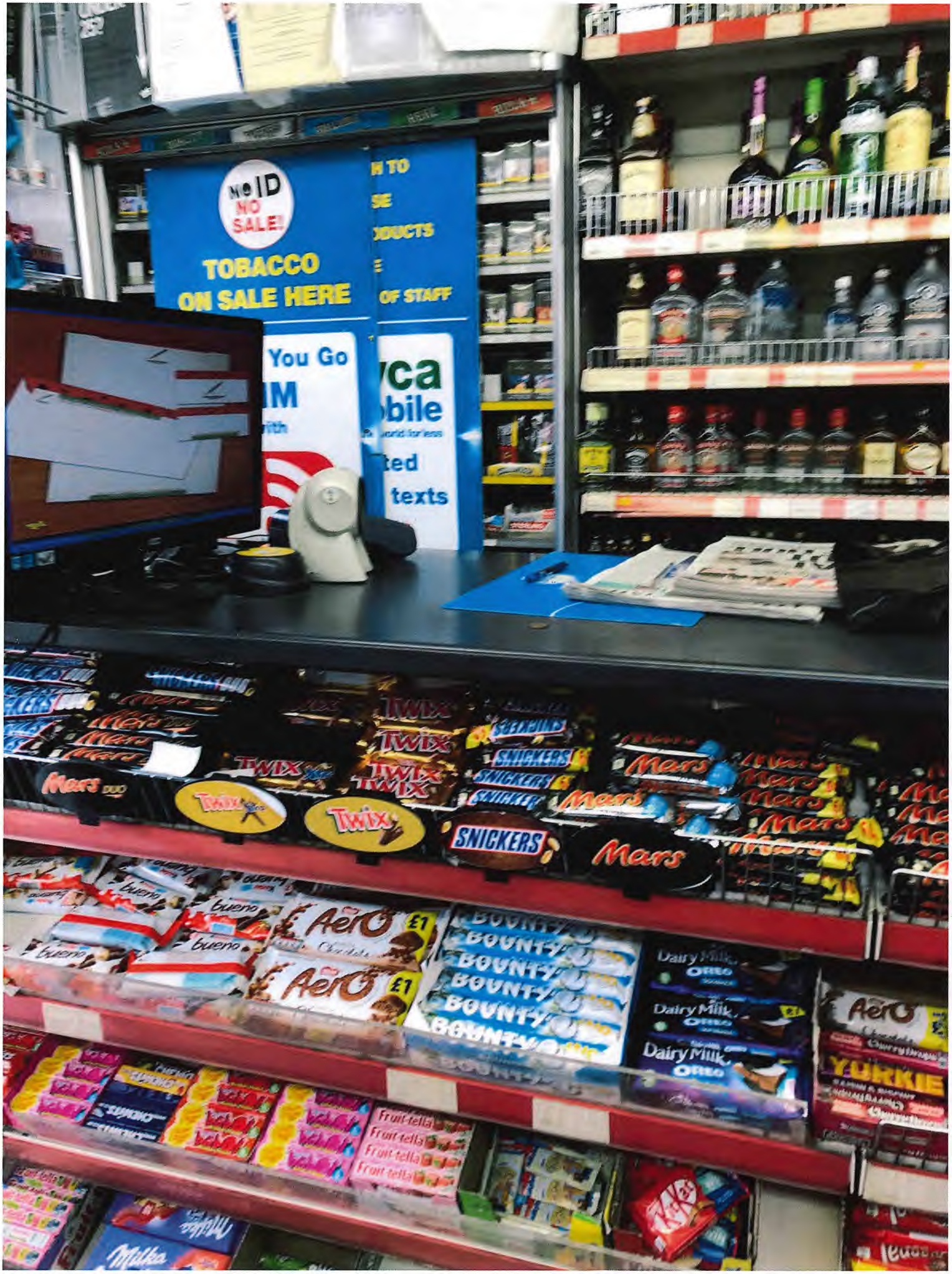
Signature .....

E31 Sept 2003

DOCUMENT - 2 PDL/1 18/7/2019 Paul Ler