



Trading Standards
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Brent Council Licensing Team
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To Brent Licensing by email - business.licence@brent.gov.uk
31st January 2020

LICENSING ACT 2003

Licence Representation in connection with Licence: Review - Reference: 18291

Dear Sir/Madam,

**Applicant: Paul Lee, Snr. Enforcement Officer Brent & Harrow Trading Standards Service
Premises: VNG Retails Limited T/A North Wembley News, located at 129 East Lane,
Wembley HA9 7PB.**

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 objectives;

- 1) the prevention of crime and disorder**
- 2) public safety**



Brent and Harrow Trading Standards Service
WORKING IN PARTNERSHIP

REPRESENTATION

This representation is submitted in support of review 18291 that has been submitted by P.S. Damien Smith in his capacity as Licensing Sergeant with the Metropolitan Police.

On 19th December 2019, Metropolitan Police Licensing Officers P.S. Smith and P.S. Sullivan called me regarding their discovery of illicit tobacco and alcohol at VNG Retails Limited T/A North Wembley News, located at 129 East Lane, Wembley HA9 7PB.

My colleague Mr Harris and I attended the premise where one of the Directors of the company Mr Gengatharan Namasivayam was present.

P.S. Smith and P.S. Sullivan showed us 2 boxes containing tobacco products that upon inspection were not in standardised packaging and did not have the correct statutory health warning applied to them.

The tobacco products had health warnings in a foreign language and were not marked as being U.K. duty paid. These non-compliances are contrary to the requirements of the Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015 and constitute criminal offences to have them in possession for supply. A person guilty of an offence under these Regulations is liable on summary conviction to imprisonment for a term not exceeding three months, or fine or both, or on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine.

From previous experience, having illicit tobacco products in a retail premise usually indicates poor or lack off business control in general. Illicit tobacco is usually purchased from persons acting within the 'hidden economy' where no duty or other taxes are paid. Illicit tobacco is purchased cheaply and sold at less than half the price of legitimate tobacco; this not only evades 'duty' taxes but also offers an unfair competitive advantage over compliant businesses.

The business and its Director has been previously investigated by Trading Standards and both the limited company and its Director have received formal warning letters regarding the possession of illicit tobacco after a seizure of over 400 unit packs of tobacco products in April 2019. This fact again shows not only a lack of business control but also a blatant disregard of the law and the requirement to uphold the licensing objectives. At the time of the seizure, Trading Standards also reported to licensing Officers that the shop was stocking high strength beers in breach of the licence conditions.

The general poor state of the non-retail areas at the premise shows neglect and lack of investment but the stockpiling of alcohol seems to indicate that the business owner was concerned with profits, but as he admitted to the Police Officers, he purchased considerable amount of the stock from untraceable traders who did not provide receipts. The amount of

alcohol stored far outweighed the general sales capacity of the shop and the business owner freely admitted that he had purchased the alcohol from unofficial sources and without receipts. The storage of non-perishable food/drinks in outside and only partially covered is not acceptable especially where signs of rodent activity was evidenced. Goods and or their packaging/ containers stored outside and open to the elements can become contaminated or may be likely to deteriorate in quality. In certain circumstances, this could lead to issues that may affect the health of consumers and therefore does not uphold the licensing objective relating to public safety.

In my opinion there is a clear lack of control at the business that breach a number of licensing conditions basic piece of legislation that takes little effort, thought or time to comply with as such indicates that other processes and requirements for legal compliance at the business are likely to be poorly implemented and lacking in management control.

Whilst the poor conditions in the storeroom and storage of products in the open are serious areas of concern, it is the continued stocking of illicit tobacco products and sale of high strength beers that is still occurring even after the business received a letter warning in 2019 that is most worrying.

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

- 1) the prevention of crime and disorder;**
- 2) public safety;**

As a responsible authority and taking into consideration the ongoing issues at the premise that the management seem to ignore even after advice and formal warnings have been issued and continue to breach a number of existing licence conditions are already in place. I therefore find that I have no other option than to support the premise the licence review application by P.S. Lewis on behalf of Metropolitan Police Licensing Team and the recommendation **to Revoke the Premises Licence.**

However as the final decision is ultimately made by the committee panel and If revocation is not considered appropriate then I would support any alternative actions or recommended outcomes relating to this case.

List of Documents -

Document - 1

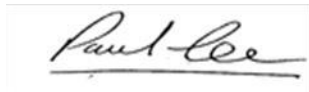
Paul Lee – Copy of witness statement

Document - 2

Printed copies (18 pages) of digital photographs taken at the premise of illicit tobacco, illicit alcohol, high strength beers and storage conditions as exhibits PDL/1 to PDL/19.

Yours faithfully

Paul Lee

A handwritten signature in black ink, reading "Paul Lee", is enclosed in a thin black rectangular border. The signature is written in a cursive style with a horizontal line underneath the name.

Senior Enforcement Officer
Brent and Harrow Trading Standards Service