

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Bill Masini (On behalf of Licensing)

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Newsmart/JMB Food and Wine 143 Askew Road	
Post town	Post code (if known) W12 9AU

Name of premises licence holder or club holding club premises certificate (if known) Subir Singh Bhatia

Number of premises licence or club premises certificate (if known) 2023/01949/LAPR
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Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- | | |
|---|--------------------------|
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Hammersmith and Fulham Council – Licensing Bill Masini Licensing and Trading Standards Officer 45 Beavor Lane Hammersmith London W6 9AR
Telephone number (if any) 0208 753 1081
E-mail address (optional) Licensing @lbhf.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Protection of Children from Harm

- Sale of alcohol and "nicotine vape pens" to 13/14 years girls – Licensing Act & Children and Families Act 2014
- Sale of nicotine vape pens to children aged 16 years -
- Sale of "single" cigarettes (see below)

Prevention of Crime and disorder –

- Supplying cheap illegal cigarettes in breach of Standardised Packaging of Tobacco Products Regulations 2015
- Supplying cheap illegal cigarettes in breach of Tobacco and Related Products Regulations 2016
- Sale of alcohol and nicotine vape pens to children – Licensing Act and Children and Families Act 2014
- Sale of unpackaged cigarettes ("singles") other than in their original packaging – minimum 20 – S3 Children and Young Persons (Protection from Tobacco) Act 1991
- Carrying on a licensable activity on the premises otherwise than under and in

accordance with an authorisation and knowingly allowing a licensable activity to be so carried on. (S136 Licensing Act) – breach of numerous premises licence conditions on numerous occasions.

- Failure to produce Premises Licence or fully display a Summary of Premises Licence

Public Safety –

- Sale of alcohol to children – Licensing Act 2003

Background Information

A premises licence has been in existence at 143 Askew Road for many years. On 21 November 2023 the premises licence and Designated Premises Supervisor (DPS) was transferred to Subir Singh Bhatia. The licensable hours were 10.00 – 21.00 hours. Two days later a variation was submitted seeking an extension of those hours from 08.00-23.00 hours. There were objections to this application and the matter was heard by the Licensing Sub-committee on 14 February 2024. Mr Bhatia offered up a number of further conditions he would abide by if he was granted these extra hours. The Licensing sub- committee agreed for the hours to be extended from 9.00 – 23.00 hours but added the proposed conditions to the premises licence. These conditions are now conditions 13-19 inclusive in Annex 3 of the Premises Licence (Conditions attached after a hearing by the licensing authority).

On 31 October 2024 Trading Standards received the following complaint. To protect those involved no personal details are disclosed here.

“Thank you for your time on the telephone. On Sunday 27th October at 4:45pm 3 girls purchased 1 bottle of Glens Vodka from NewsMart - 143 Askew road, Shepherds Bush. They went back 10 minutes later (by now 5 girls) entered the shop, pooled their £2.50 each and counted out the coins and bought a second bottle plus 2 vapes. They were not asked for identification. 4 of these girls are 14 and 1 girl is 13 - school years of 9 and 10. Following drinking this vodka and vaping, within 1.5 hours 3 of them were blacked out on the floor where family members found them and all parents were called. Paramedics arrived and reviewed all of their conditions whereupon 3 of the girls were admitted to Chelsea and Westminster A&E by ambulance. Two of those admitted via ambulance went into shock and had to be blue-lighted as were arresting in the ambulance - they did not come around until between 3-4:30am Monday. As I mentioned the girls were aware that 143 Askew Road NewsMart doesn't ask children for proof of identification. Whilst they had never bought vodka there before they had purchased vapes and they had been told via friends/peers that they sell alcohol and do not check for id.”

Her daughter was 13 years old. A couple of days after the incident the mother went to the shop and spoke to Mr Bhatia (senior) about this and asked who had been working on the Sunday. He told her it was his son.

On 5th November Licensing received the following on-line complaint. Again, to protect those involved no personal details are disclosed here.

“Problem details - Licensing

1.Additional information that would help resolve the problem:

On Sunday 27th October at 4.45pm 5 girls were able to buy 2 bottles of vodka, and 2 vapes. They

were aged 13 years and 14 years of age and were not asked for any ID. It resulted in 3 of the girls being blue lighted by ambulance to Chelsea and Westminster where they were treated for high levels of intoxication and were extremely ill.

Location of problem:

2. Askew Road

Additional information that would help locate the problem:

News Mart - 143 Askew Road, Shepherds Bush,"

Both complaints were from mothers of girls who had bought and drunk the alcohol. They had also bought and vaped nicotine vape pens. They have been spoken to in detail. Further affected mums have contacted the Council and both Trading Standards and Licensing have spoken to them. In correspondence one mother has said

"[X] was in partial shut down when the ambulance came and her blood pressure was dangerously low as we had to pull over on the side of the road in the ambulance to get her blood pressure back up before we continued with blue lights and sirens to Chelsea and Westminster. She didn't come round until 4am and we left in the ambulance around 7pm! Her temperature was very low so she to be in a special heat blanket in the hospital"

She has since said in correspondence

"It remains a very dark day in my parenting experience and still shudder at the thought of it happening ever again to anyone"

Timeline

4 November 2024 – underage test purchase sale

Trading Standards carried out an underage test purchase exercise in the Borough, of which one attempt of a disposable nicotine vape was made at this premise by a 16 year 0 months old boy who was accompanied by a 16 year and 3 months girl. He was sold a "Blue Razz" flavoured Crystal SKD disposable vape and was not challenged as to his age. It is an offence under The Children and Families Act 2014 to sell a nicotine inhaling product (of which a disposable vape is one) to anyone under the age of 18 years. The seller was Mr Bhatia. Of the nine premises visited that day this was the only premise to sell. When Trading Standards went into the shop a few minutes later to inform the business of the test purchase he was asked if a refused sales book or register was used. The officer was told there was not. The business operated an EPOS system whereby goods are scanned before sale. Such systems have the facility to activate a prompt requiring the operator to confirm the

purchaser is either over 18, may be 18 or over, in which case ID is required to be produced or the person is under 18 in which case the sale is refused. Checks on the EPOS machine showed age prompt the business had not made it operational for when selling nicotine inhaling products. Mr Bhatia was asked about the CCTV and said it was working but he was unable to view it there and then. The officer said he would notify him of CCTV footage he wanted to view. Since no notices were displayed at the time about Challenge 25 being in operation at the premises, Trading Standards supplied Mr Bhatia with such notices and told him where to display them.

6 November 2024

Trading Standards and Licensing made a joint visit to the shop with a view to handing the Premises Licence Holder & DPS and sole director of JMB Food and Wine Ltd (the legal business operating name), Mr Bhatia, with a letter requiring specified CCTV footage to be produced and to carry out a full inspection to check for compliance with the conditions on the Premises Licence which would include checking the CCTV operation in accordance with condition 13. (see below). Mr Bhatia was not present; just his son (Manveer) was who said he was 18, his birthday being 27 August. He was generally uncooperative and obstructive throughout this visit.

He was unable to produce a copy of the Premises Licence – an offence under s57 Licensing Act. One of the two pages summary was displayed on the shop window.

CCTV

Condition 13 states:

High- Definition CCTV covering the interior and exterior of the premises shall be installed and shall be kept operational at all times the premises are open to the public. The CCTV:

- a. Shall be capable of taking a head and shoulders shot of persons entering the premises
- b. Shall be capable of storing images for a minimum of 31 days
- c. Shall be accessible by a member of staff who is capable of downloading images for the police or authorised council officers, and shall be on duty at all times the premises are open, The staff member must be able to provide a police or authorised officer copies of recent CCTV images or data with the minimum of delay when requested.

When Licensing asked him to view the CCTV he said there was CCTV but the footage went was held remotely which he could view on his mobile phone and did

forward to Trading Standards via WhatsApp, footage of the recent test purchase albeit it was not at all clear. There was no date or time stamp on the footage. The footage was of poor quality and non-compliant with the CCTV condition. He was not prepared to find other footage that Trading Standards were requiring though said recordings were available back to 12 October (maximum of 26 days). It was noted there were two "plug in" "Verisure" "domestic" cameras, one at the front of the shop and one at the back. Manveer said these were the cameras being used and they were activated to operate and record only when movement was detected. He said this was the CCTV system. A CCTV system like this allows footage that is to be copied to be easily edited/deleted and not of the standard required. Asked about the other more typical cameras that were secured and positioned around the shop covering the entrance, outside, the till area and throughout the shop, plus the CCTV Monitor (flat screen TV), he said they didn't work and hadn't worked for ages.

The CCTV was not being operated in accordance with condition 13. Licensable activities cannot be conducted where there are breaches of conditions. This is emphasised by another condition – 14 which states:

"Licensable activities shall only be carried out at the premises at times when the CCTV system is fully operational"

Trading Standards gave Manveer a letter to pass on to his father. This related to him attending a formal interview and also dates and times for CCTV footage to be produced. Manveer said that would be produced.

Other matters on this visit:

1. No refused sales book or incident books could be produced when asked, this being in breach of conditions 18 and 9 which state:

Condition 18 "A refusal book shall be kept at the premises and updated as and when required and made available for inspection on request to a Licensing Officer, Police or other responsible authority"

Condition 9 "An incident log shall be kept at the premises, and be made available to the police or an authorised officer of the council upon request, the incident log shall record the following

- a) All crimes reported to the venue
- b) All ejections of patrons
- c) Any complaints received
- d) Any incidents of disorder

- e) Any faults in the CCTV system
- f) Any refusal of the sale of alcohol
- g) Any visit by a relevant authority or emergency service"

2. Beers and stout above 5.5%ABV were on display for sale. These included:

Kestrel Super 9%

Perla Mocne 7.1%

Debowe 7%

Carlsberg Special Brew 7.5%

Oranjeboom Imported 8.5%

Lomza Jasne 5.7%

Dragon Stout 7.5%

Guinness Foreign Extra 7.5%

This was in breach of condition 19 which states:

"Beer, lager, cider and stout above 5.5% ABV shall not be displayed or sold"

The sale price of the Kestrel was checked on the till (Electronic point of sale system [EPOS] in operation) as £2.00, this being a low retail price and not much over the UK duty payable. Manveer was shown the illegally displayed alcohol and told it could not be sold because the licence prevented such drinks being sold above 5.5% ABV and they needed to be removed. Licensing put one of each of these drinks on the fridge by the alcohol display, so there could be no misunderstandings of what drinks were illegally displayed for sale and therefore to be removed.

3. No staff training records were produced on request, Manveer Bhatia, saying there were not any, in breach of condition 8 which states:

"Staff shall receive training for their role on induction and refresher training every 6 months. Training shall include identifying persons under 25, making a challenge, acceptable proof of age, making and recording a refusal, proxy sales, avoiding conflict and responsible alcohol retailing. Written training logs shall be kept for all staff and these logs shall be made available to police/local authority upon request".

4. Condition 10 requires all alcohol to be covered from view from customers during the hours when the premises are open outside the permitted hours for the sale of alcohol, - so between 06:30 and 09:00 hours. This was no evidence as to show how that could possibly be done.
5. Condition 12 requires there to be prominently displayed by the exit, notices asking customers to respect nearby residents and to leave quietly, to not

loiter outside the premises, nor drink in the street and to dispose of litter responsibly. No such notices were displayed.

It became obvious this inspection was not going to be completed in Manveer's presence, so he was given the Trading Standards' letter to forward to his father and told a further visit would be made in the very near future. Manveer told the officers if they were to visit again, they needed to bring along a Punjabi interpreter because his father spoke little English.

11 November 2024 - first visit

Licensing enforcement visited the shop with a Punjabi speaking council "LET" officer. They spoke to Subir Bhatia ["SB"]

Findings:

- SB said he usually worked Monday to Saturday until around 6pm when his son took over worked in the evenings. He said his wife and son worked Sundays as he needed to rest that day. He said they were the only people who worked in the shop. He later admitted he had not read the conditions on the licence (see below in these findings)
- The CCTV system was still not operational – again in breach of conditions 13 and 14. He said it had not been working for quite a while but could not be more precise. Condition 9(e) (refusals and incident required this to have been recorded but since there was no book in operation, this was not recorded anywhere.
- SB said the 2 plug-in cameras worked but he was unable demonstrate them working by showing any footage on his mobile. He tried to speak to his son who appeared to be the only person who could access any recordings from this non compliant CCTV set up. He was clearly in control of all CCTV footage and became angry with his father when he (father) wanted to see the CCTV. Licensing was unable to see any CCTV footage. SB was reminded about the requirement to produce CCTV footage for the times and dates in the Trading Standards' letter.
- There were no notices displayed stating by the entry door and point of service stating that CCTV was in use – in breach of condition 4
- Condition 5 requires a Challenge 25 proof of age policy to be operated at the premises. SB was unable to properly explain what Challenge 25 was and thus it is reasonable to conclude that a Challenge 25 policy could not be in use at the premise.
- Still on the area of age verification to prevent children purchasing alcohol,

there is a Mandatory condition at condition 1 on all premises licences where alcohol is permitted to be sold requiring the Premises Licence holder to ensure an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The Designated Premises Supervisor must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. There was no evidence to indicate there is a policy, or if there is such a policy that it was carried out in accordance with it. – in breach of condition 1.

- Condition 6 requires notices to be displayed by the entry and point of service stating a challenge 25 policy is in force at the premises. As stated earlier on 4 November, Trading Standards had supplied "Challenge 25" posters. Still, no such notice was displayed by the entrance to the shop - in breach of this condition.
- There were no notices displayed stating the provisions of The Licensing Act regarding underage and proxy sales - breach of condition 7
- SB said there was no refused sale or incident book in operation – breach of conditions 9 and 18
- SB said there were no training records – breach of condition 8
- The EPOS system was checked. When alcohol was scanned, the product and price were displayed on the screen together with an "age prompt" displayed on the screen which required action to be taken by the till operator before the transaction could be completed. It stated, "Is customer over 18?" and displayed a date of birth, this being the youngest date that someone can legally purchase the item. The operator has three option buttons to choose to answer that question- "YES" (when appears customer is obviously over 25), "PROOF" (when unsure – thinks the customer is under 25 and needs to see acceptable form of ID) and "NO" (when obviously under 18 or proof of age is not supplied). Where "NO" is clicked, the operator is prompted for a reason such as "No Id proof" "Under Age", "Already Drunk" or "Policeman in uniform".
- The EPOS did not "prompt" when disposable vapes were seeking to be purchased.
- SB was unable to produce his Premises Licence initially saying he had never received it. When asked why only the first page of the Premises Licence Summary was displayed, he said he had the licence and but on further questioning said he had never read it.
- The cigarettes for sale were inspected. Whilst doing so, Mr Bhatia was asked if anyone who worked there, smoked. He replied that no one smoked in the family. All cigarettes found on the premise were in a draw under the counter

and out of sight from customers, as is required by law. There were only 14 packs of cigarettes in this draw but they included 8 illegal packs of cigarettes – 4 x L&M (Duty Free and not authorised to be sold in the UK), 2 x Marlboro Gold (Duty Free) and 2 x Marlboro Touch (originating from Turkey and a brand not authorised to be sold in the UK). There was also one opened pack (the cardboard top and cellophane missing) thereby exposing the cigarettes inside. There were three missing so 17 still in the pack. This was another pack of the Turkish Marlboro Touch. All these packs were seized because they contravened The Tobacco and Related Products Regulations and The Standardised Packaging of Tobacco Regulations. Mr Bhatia was asked why there was an open pack with only 17 cigarettes left inside. He did not answer. It is an offence under The Children and Young Persons (Protection from Tobacco) Act 1991 for any person carrying on a retail business to sell cigarettes to any person other than in their original packaging. This legislation is intended to stop “Pocket money” sales of cigarettes to children.

- Conditions 15 requires all alcohol to be purchased from AWRS registered Cash and Carry and wholesalers. Condition 16 slightly repeats this but states “All goods, including those subject to duty payments i.e. alcohol and tobacco products will be brought [bought] from cash and carries only an [with] invoices and they will be available upon request. All alcohol will be purchased from AWRS registered cash and carry or wholesalers”.

Mr Bhatia was asked about his invoices for his purchases of alcohol. He had a few in the shop but said the rest were at home or with his accountant. Of note was an invoice for the purchase of 6 bottles of Glens vodka on 17 October 2024, this being the brand of vodka sold to the underage girls ten days later on 27 October. No Glens vodka was on sale on 6th November.

11 November 2024 – second visit

Licensing returned with a formal notice requiring the production of invoices for the following drinks since the business had been operating:

Kestrel Super 9%

Perla Mocne 7.1%

Debowe 7%

Carlsberg Special Brew 7.5%

Oranjeboom Imported 8.5%

Lomza Jasne 5.7%

Dragon Stout 7.5%

Guinness Foreign Extra 7.5%

Mr Bhatia and his son were present. He said he would be able to produce them by 14 November. He was also reminded about production of the CCTV footage that Trading Standards had required. They said that would also be done by then.

Whilst handing over the paperwork, Licensing noted some of those drinks above either had not been removed from the shelves after the 6 November visit or had been put back on since. They included Guinness Foreign Extra, Oranjeboom Imported, Dragon Stout, Carlsberg Special Brew and Debowe. They were told to remove that alcohol immediately and the officer assisted them in doing so.

17 November 2024

Since the invoices and CCTV footage still had not been produced Licensing revisited to chase this up. Premises Licence Holder/DPS, Mr Bhatia, was working in the shop and said they were with his Licensing Agent who he was going to see on 20 November and would be in contact with us. He was asked about other breaches and whether they had been remedied. No attempt had been made to address the previously identified breaches. Licensing did however notice in the "alcohol fridge" cans of Oranjeboom Imported (8.5% ABV) and bottles of Guinness Foreign Extra (7.5% ABV) were back on display for sale. The Oranjeboom was scanned for a selling price; £1.80/can – not much more than the UK Duty payable on such a high strength beer. The expected price for such a drink purchased through legal channels would be around the £2.40-£2.50 mark. The Guinness was priced at £1.99.

Mr Bhatia said his wife must have put it back on sale. He was told to remove it from the shop.

27 November 2024

Licensing and Trading Standards still had not heard from Mr Bhatia or received any documentation or CCTV and so Licensing visited the shop yet again, only to find that bottles of the Guinness Foreign Extra beer were still on sale. The officer spoke to his Licensing Agent, who said no CCTV or invoices would be produced.

9 December 2024

Mr Bhatia was interviewed under caution by Trading Standards and Licensing. Also present was his Licensing Agent and an "Approved" Interpreter. A summary of his answers are as follows:

- He, his wife and son are the only people who work at the shop

- He had never worked or run a similar business before this
- The only training he had to run the business was the course he took in order to gain his personal licence
- He was unable to explain what "Challenge 25" was and when to use it.
- He recalled the sale of the nicotine vape on 4 November
- He said the shop was very busy with customers and a colleague or another person must have sold it
- Having then been shown a clip of CCTV supplied by his son, he accepted there were no other customers in the shop and only one person serving and so he may have sold the nicotine vape
- He was aware the legal age to sell nicotine vapes was 18
- Having been shown a photo of the girl and boy he said their age could be 16 or possibly 13
- He said he had made a mistake
- He was unable to explain how the EPOS "till prompt" worked and accepted nicotine vapes were not programmed to prompt the seller to check for proof of age
- He said he always checked people's age but was unable to show any evidence of refused sales
- He said he had no grounds to believe the business had made any other underage sales and no one had ever complained to him about this
- He said no one in the family smoked.
- In relation to the illegal cigarettes found in the shop on 11 November he said someone had given him the cigarettes to sell but he didn't usually sell cigarettes
- He was unaware it was illegal to sell these cigarettes from the shop
- He didn't question himself that they looked different to other cigarettes sold in the UK and was not paying attention
- He was given the cigarettes by a Punjabi man who he had never met before
- He was given them the day before the seizure
- All the packs were sealed
- The open pack may have dropped on the floor and the pack fell open
- The beers above the 5.5% ABV were also given to him by another Punjabi man who came into the shop and said he could have them because he had just sold his shop and had some extra beers.
- He did not know this man
- He had never heard of the AWRS (Alcohol Wholesalers Registration Scheme)

operated by HMRC)

- When prompted it would have been covered in his personal licence course, he remembered it meant he had to pay taxes on products
- He was unable to explain why he had said he would supply invoices for these items or why he had not mentioned this to The Licensing Officer when he had visited asking where these invoices were.
- He said the shop takings were about £5k per week and mark up was between 10 and 50%
- His son worked there 2-3 hours a day
- He accepted that on the personal licence course he had been taught about not selling illegal goods like tobacco and alcohol and never to buy goods from people off the street
- He accepted he had ignored that advice
- He was unable to explain even the most basic responsibilities a DPS had in relation to the sale of alcohol by his staff.
- He said his son and wife were not authorised to sell alcohol if he was not present in the shop
- Pressed on this (inaccurate) answer, he accepted his son may sell alcohol when he was not there but there were no cameras for him to see that
- When explained that virtually all conditions had been breached, he said he had made mistakes but it was not done on purpose
- He said he didn't know some of the things on his licence
- When asked he said he was in control of his business
- Asked why the over strength beers kept returning the shelves after having been told to remove them, he said it was an unintentional mistake. Some had been put in the bin but must have been taken out and put back on display by someone
- Regarding the CCTV and why it was not produced, as had been required, he said the system may have been done, that he was getting someone to repair it and once done he would send it
- He said it went wrong about a month ago
- Asked how long it retained recorded footage he said it was on a "loop" and normally it was for a day, though some days, three days but he didn't really check it
- When told the requirement was 31 days minimum, he said "yes but we couldn't find anything"
- He accepted he was unable to view the footage from the two "Verisure

cameras” and was dependant on his son showing him it

- When it was explained that his son had said on 6 November that there was footage back to 12 October, asked why footage for 27 October was not provided to Trading Standards, he replied, “I’m not sure, I’ve not asked him”
- The main reason for the interview and why he had inspections was then explained. He was asked who was working in the shop at that time, to which he said it was him
- Asked how he could be so sure it was him he said because he always worked Sunday evenings
- Asked if he had knowledge of this underage sale allegation, he said he did know but never sold to anyone who was underage.
- He did not answer why his answer was different to that given earlier about receiving any complaints, merely saying again he did not sell products to underage children
- He recalled the mother coming into his shop on the Monday but did not make a record of complaints. He was aware of ambulances being called.
- He said he asked the girls for ID to show their age and they were 18/19, so he sold.
- He repeated that he only sold such items if someone produces ID
- It was put to him that he had said to the mother it was his son working that day and that officers had been told it was a young male who had made the sales, to which he replied it was him and it could not have been his son
- He then went on to say one girl in the shop showed her ID and she was 20 years old
- Questioned on that, he said she produced a driving licence and a passport
- Once the details were explained about the numbers of girls involved and how they “pooled” their money to pay for the items he then said there was only one girl in the shop and the others were standing outside
- Asked if he was lying to protect his son, he said he knew it was him working in the shop at that time.

Other relevant information

The mother who visited the shop after the sales has supplied her 13-year-old daughter’s pre-payment card statement which shows her daughter’s contributions towards the purchases, the date shown being applied the following day – as is normal. There were two transactions and the statement is produced with this

application and identified with the mark WRM 1.

Conclusions and recommendations

This application for a review of the premises licence has been made following a very serious incident that was reported to have occurred on 27 October 2024 where vodka and nicotine inhaling products in the form of disposable nicotine vapes were purchased by a group of local girls aged between 13 and 14. Had it not been for the swift action and professionalism of London's Ambulance Service and those professionals at The Chelsea and Westminster Hospital this application may well have been referring to fatalities.

No CCTV footage has been produced by The Premises Licence Holder, despite his son saying there was footage back to 12 October, though of course the son's claim cannot be verified. The sub-Committee is invited to draw the conclusion that no such footage (albeit in a non-compliant format in terms of compliance with licence condition 13) was produced for the sole reason that it was self-criminating. Having read this application up to this stage it should be clear by now that it was unlikely to have ever been produced to authorised officers. It is not possible to say whether the properly installed CCTV system which has been identified by those at the shop as not working at this particular time was in fact working but deliberately destroyed soon after the mother went to the shop. The sub-committee is invited to treat the breach of the CCTV as seriously as the sale of vodka (37.5% ABV) (and vapes) to teenage girls; girls being as much as five years under the legal age to purchase these products. Their mothers are adamant they look their actual age and any person who had been properly trained should have refused the attempted sale or, in the worst case scenario, required acceptable proof of age which would not have been forthcoming.

Since there was a "till prompt" on the EPOS till system, for those sales to have taken place a positive action of approving the sales had to be taken by the seller on both occasions within a short time.

Despite at least one mother going to the shop and trying to discuss these matters with the Premise Licence holder just a day after the incident, not even a week later on 4 November, Mr Bhatia failed a Trading Standards' test purchase of a disposable vape pen to a 16 year old.

Virtually all conditions on the Premises Licence have been breached. These breaches have continued when Licensing Enforcement has carried out further visits with no attempts made to comply with the conditions, not even simple ones such as the display of notices required by some conditions.

Alcohol in the form of beer and stout has continued to be placed back on display for sale in breach of the maximum strength of 5.5%ABV - condition 19. No invoices have ever been produced for their purchase.

Illegal tobacco was found on the premises and no adequate explanation has been given for the "open" pack of cigarettes.

Hammersmith and Fulham Licensing say the answers given under caution, many of which contradict what was previously said to officers, lack any credibility and show how badly the business has been run, with a general disregard to legal responsibilities and in particular to young people.

Hammersmith and Fulham Licensing say the Licensing Objectives have not been promoted and there is a complete lack of confidence in The Premises Licence Holder being able to promote these in the future. The conditions on the premises Licence if read, and followed, would have prevented these incidents from occurring. The Premises Licence Holder here is also the Designated Premises Supervisor and so has a Personal Licence, following formal training. The Personal Licence was only obtained just over a year ago in late 2023 and all that was learnt has been totally disregarded. Further, the Variation submitted by the Premises Licence Holder in November 2023, that led to a Licensing Sub-Committee hearing on 14 February 2024 revolved around the applicant proposing to the Sub-Committee, six further conditions to be added to the licence if the licensable hours were increased. These have all been breached. The Licensing Sub-Committee's decision has been dismissed.

Instead of engaging with the relevant authorities, The Premises Licence Holder/Designated Premises Supervisor has shown a complete disregard for his responsibilities and to those damaged by and/or affected by his actions.

Licensing is therefore saying the addition of further conditions would not be appropriate, nor would a long period of suspension.

The Licensing Sub-Committee is therefore invited to strongly consider revocation of the Premises Licence.

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Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature W. M. Smith

Date 23rd December 2024

Capacity Licensing Officer acting on behalf of Hammersmith and Fulham Council

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

WRM 1

08:14

5G

Q Oct

Cancel

Filters:

In

Out

Regular

Date



Amount



Wed, 6th Nov

Mon, 28th Oct



JMB FOOD AND WINE

-£6.00



JMB FOOD AND WINE

-£2.30



BOOTS,LONDON

-£14.99



Pizza Express

-£15.60



BOOTS 1132

-£8.80