

To: LBHF Licensing Team

Date: 10/01/25

Please ask for: Doug Love

**LICENSING ACT 2003: REPRESENTATIONS BY RESPONSIBLE AUTHORITY**

**Premises licence 2023/01949/LAPR**  
**JMB Food & Wine Ltd t/a Newsmart, 143 Askew Road, W12 9AU**  
**Trading Standards representation to review application**

1. Following the application to review this premises licence, made by Bill Masini of the LBHF Licensing Team, I wish to make the following representation to outline Trading Standards' knowledge of the business and to recommend the revocation of the licence.
2. The only dealings Trading Standards have had with this business since JMB F&W Ltd took over the operation of the shop was on 24/11/23, when a volunteer working with Trading Standards visited the shop and undertook a test purchase with the intention of seeing whether the business would require proof of age before selling a nicotine vape. The volunteer was female, aged 18 years and 7 months and ID was requested. No sale was made when no ID was produced.
3. I can confirm that the application accurately reports on the Trading Standards issues following the complaint made at the end of October 2024, but I wish to add the following additions.
4. I have attached, as Appendix 1, photographs of the two underage volunteers who visited the shop on 4<sup>th</sup> November. The photographs were taken on the night of the test purchase and show them as they appeared during the time they were in the shop. I have seen the passport of the male volunteer and can confirm that it shows he was born in mid-October 2008, making him only just 16 at the time of the sale.
5. There has not, at any time, been a reason given to explain why the requested CCTV for the time of the alleged sale to the 13- & 14-year-old girls on Sunday 27<sup>th</sup> October 2024 was not provided, despite the Licensee's son initially confirming that recordings were available back to 12<sup>th</sup> October.
6. Trading Standards prioritise work to prevent illegal tobacco from being available in the borough because ready availability of cheap tobacco is known to make it easier for people to start smoking, harder for them to quit, and smokers tend to smoke more, exacerbating the health inequalities suffered by poorer communities.
7. There were only a few packs of illicit cigarettes seized, but that is not necessarily an indication of how much illicit tobacco had been sold by the business, or may have been in future had the business not come to our attention. In my experience, many businesses who make regular sales will only keep minimal amounts on the premises, with the rest being kept where it is less likely to be found. I have attached annotated photographs of samples of the cigarettes seized by Mr Masini, as Appendix 2.

8. Mr Bhatia, when he was interviewed by Mr Masini and myself (with an interpreter provided), showed himself to be totally ill-equipped to manage a licensed premises, unable to describe the basic elements of running such a business legally, or in accordance with the Licensing Act objectives. There were also several answers he gave in the interview – that he had made no payment for the illicit tobacco and alcohol products identified at the shop; that he did not know it was illegal to sell cigarettes that were clearly intended for a foreign market or in branded packaging which has not been allowed in the UK for nearly ten years; that the opened pack of cigarettes had not been intentionally opened, for instance – that could not have possibly been true.

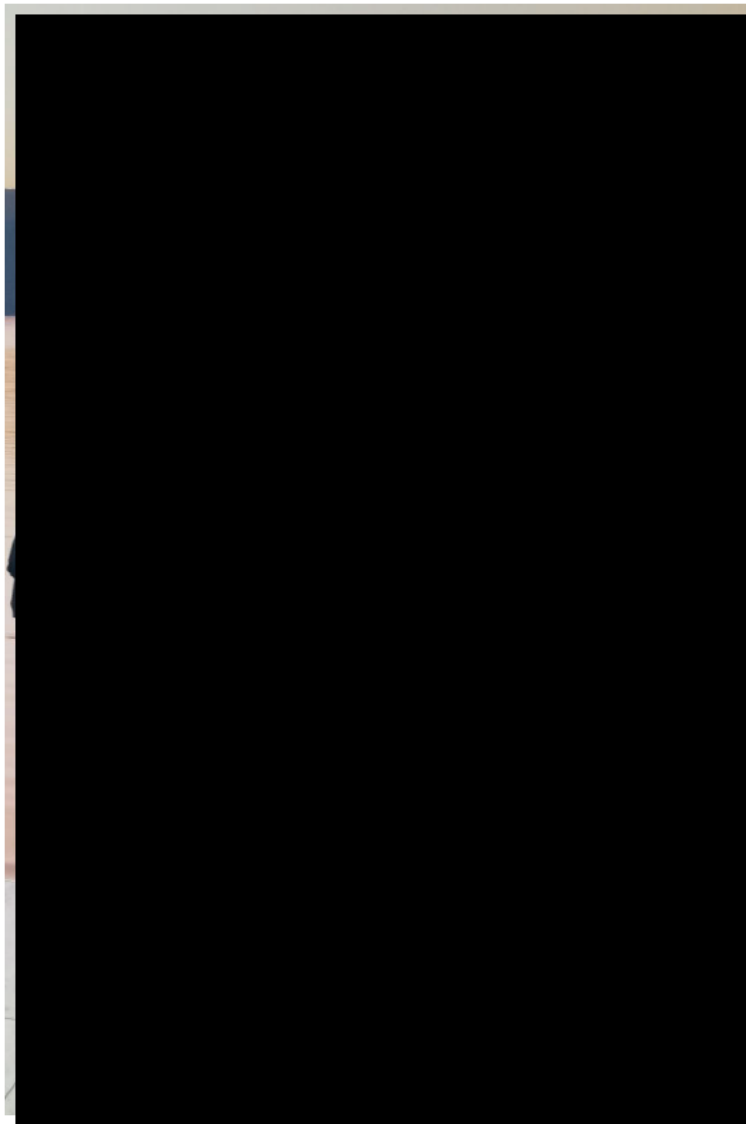
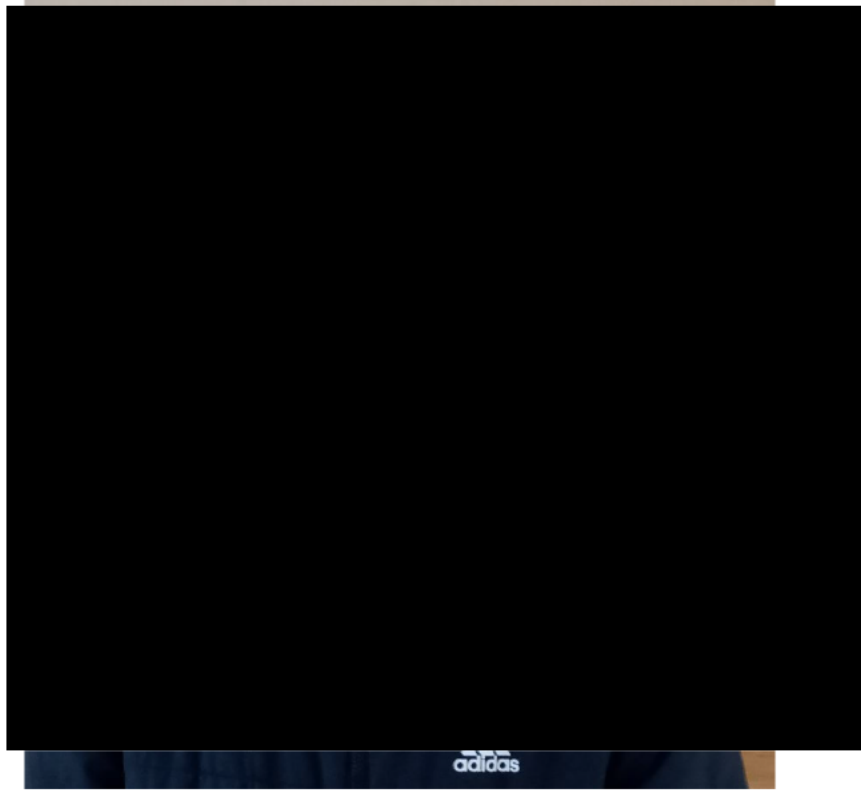
### Recommendations

9. Even if only those matters described which have been witnessed by officers are considered, there is no doubt that Mr Bhatia has failed both to manage a licensed business to a standard that could be considered the minimum acceptable, or to give any confidence that he could, in future, manage it well.
10. Although the Committee will not hear from the victims directly, I think there is no doubt that, as alleged, there were repeated sales of alcohol and vapes to groups of girls only just into their teenage years were made on 27<sup>th</sup> October, either by Mr Bhatia (who claimed only he was working in the interview under caution) or by his son (mentioned by the complainants and previously identified by Mr Bhatia as typically working on Sundays).
11. It seems inconceivable that any person this young could have been mistaken for over 18, let alone 25 (below which the licence requires age verification). Here, there were said to be five in the shop (although Mr Bhatia gave a contradictory version, denying this, in interview) and the only reasonable conclusion must be that they were believed to be underage by the seller.
12. Mr Bhatia failed, without any valid explanation, to provide CCTV footage of these incidents, despite the initial indication that it was available. This can only, in my opinion, have been an attempt to obscure exactly what happened and / or the identity of the seller on that day.
13. The premises licence should, in my opinion, be revoked by the Licensing Sub-Committee.
14. Trading Standards are proceeding with a criminal investigation, that will cover the underage sale, the illicit tobacco and alcohol found in the shop and the breaches of licence conditions. No decision on an outcome has been made yet, but the matter is undoubtedly of a nature serious enough for legal proceedings against the company and director, Mr Bhatia, to be considered.

I believe this representation is consistent with the LBHF Statement of Licensing Policy and the promotion of the Licensing Objectives.

**Doug Love**  
**Lead Practitioner, Trading Standards**

## Appendix 1



## Appendix 2



*Samples of cigarettes seized:  
Duty-free Marlboro Gold and L&M Blue; Turkish market Marlboro Touch*



*The Marlboro Gold and L&M were marked 'FOR DUTY FREE SALE ONLY';  
The Marlboro Touch has a Turkish tax stamp – unlike anything on UK packs – attached.*



*The opened pack, containing 17 cigarettes, with the top torn off.  
Mr Bhatia confirmed, in the interview, that no staff at the business smoked  
and suggested that it had been opened accidentally.*