



## **Licensing Enforcement representations in support of an application for review of a premises licence**

Licensing Enforcement of Bridgend County Borough Council supports the application made by South Wales Police to review the premises licence of Costcutter, 175-176 Caerau Road, Caerau, Maesteg, CF34 0PD and make the following representation.

### **1. Introduction**

Licensing Enforcement Officers are responsible for the enforcement of conditions set on Premises Licences under the Licensing Act 2003. The team is also responsible for investigating licensing related complaints received by the Council.

### **2. Concerns over management of the premises under the Licensing Act 2003**

The service notes the evidence of South Wales Police and shares the concern that the Costcutter store at 175-176 Caerau Road, Caerau, Maesteg, CF34 0PD is failing to promote the licensing objectives.

### **Summary**

The Premises Licence is held by H and G Trading Ltd T/A Costcutter and the Designated Premises Supervisor (DPS) is Hardev Singh Johal, both licences took effect on 30 July 2010.

On Wednesday 29 July 2015 a joint routine licensing inspection was carried out by Bridgend County Borough Council Licensing enforcement and the South Wales Police Licensing Section. On entering the shop a lone female (who's name was later given as \*\*\*\*\*) was present behind the counter, the female was asked if the Premises Licence Holder or Designated Premises Supervisor was present, she proceeded to get another female, the manager of the premises, who stated her name was Harminder Malhi.

Harminder Malhi advised she lived above the premises and ran Costcutter as well as being the Premises Licence Holder and Designated Premises Supervisor of the Premier Store at 8-9 Caerau Road, she also advised that the DPS was not at the premises but did visit the premises on a regular basis, Harminder Malhi confirmed she managed both premises.

During the inspection enquiries were made as to \*\*\*\*\* personal details, it was suspected that both females were not being truthful to the immigration status or personal details of \*\*\*\*\*.

During the inspection it was also noted that there was no authorisation list from the Designated Premises Supervisor and no paperwork could be produced to show any authorisation for staff who did not hold a personal licence. \*\*\*\*\* had served customers alcohol whilst we were carrying out our inspection. It was also noted that the Premises Licence displayed was a copy and not certified, however, during the inspection the original licence was produced and displayed.

Concerns regarding the immigration status of \*\*\*\*\* were passed to the United Kingdom Borders Agency (UKBA) on 06 August 2015.

On Thursday 20 August 2015 at approximately 0730 hours, I Fiona Colwill, accompanied UKBA on a visit to the premises. (Witness Statement attached).

### **3. Conclusion**

Even though there has been no further visits to the premises, mainly due to not interfering or hampering any immigration investigation, in light of the above, Licensing enforcement has no confidence that the management at Costcutter, 175-176 Caerau Road, Caerau, Maesteg, CF34 0PD is effectively promoting the Licensing Objectives under the Licensing Act 2003.

The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS), Hardev Singh Johal, lives in Hounslow, Middlesex and is rarely at the premises, thus, it is impossible that he has day to day control of the sale of alcohol, therefore, Mr Johal is not fulfilling his duties as DPS.

During the visit in July 2015, whilst officers discussed issues with Harminder Malhi, officers observed the female located behind the counter serve alcohol to customers, yet there was no DPS authorisation in place for any members of staff who were not personal licence holders (it was clarified at the time that the female serving did not hold a Personal Licence), even more concerning, at a later date, it was discovered the female in question and Harminder Malhi had given false details regarding the status and name of the female serving and the female was actually in the country illegally, yet was being left on her

own at the premises for long periods of time, where she was regularly serving alcohol to customers, this was witnessed during the Immigration visit in August 2015.

This review is welcomed as a means of identifying the most appropriate way to ensure that these concerns are addressed.

**Fiona Colwill**  
**Licensing Enforcement Officer**



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**STATEMENT OF WITNESS**  
*(Criminal Procedure Rules, r 27.1(1);  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

**STATEMENT OF: Fiona Colwill**

**Age of witness** (if over 18 enter "Over 18"):

**Occupation of witness:** **Licensing Enforcement Officer (Bridgend County Borough Council)**

**This statement, consisting of page(s) each 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 the Twenty-first day of August 2015**

**(Signed)** \_\_\_\_\_

On Wednesday 29 July 2015 at approximately 0150 hours, in my role as Licensing Enforcement Officer for Bridgend County Borough Council, I carried out a joint routine licensing visit with PC Sarah Rowlatt of South Wales Police Licensing Section, at Costcutter, 175–176 Caerau Road, Caerau, Maesteg, CF34 0PD. On entering the shop a lone female was present behind the counter. I would describe this female, (female1), as of Indian appearance, approximately thirty years old with long black hair in a ponytail. I asked this female if the Premises Licence Holder or Designated Premises Supervisor was present, she proceeded to get another female, the manager of the premises who stated her name was Harminder MALHI.

Harminder MALHI advised me that she ran the Costcutter premises as well as being the Premises Licence Holder and Designated Premises Supervisor of the Premier Store, 8/9 Caerau Road, Caerau, Maesteg. This store is located opposite and a

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short way along the road. I asked Harminder MALHI if she managed both premises to which she confirmed she did. Myself and PC Sarah Rowlatt asked female 1, who had been serving whilst we entered the premises for her name. However, Harminder MAHLI replied \*\*\*\*\*, we then asked for her surname and were told \*\*\*\*\*. \*\*\*\*\*, female 1, was asked for her date of birth, to which she replied \*\*\*\*\*, I asked her to repeat this as I could not hear her clearly, female 1 repeated (the date) and I in turn repeated \*\*\*\*\*, she said she was born in Punjab, India and was currently in the UK on a Student Visa which expires in December 2015, at present she was living above the premises at 175-176 Caerau Road, Caerau, Maesteg with Harminder MALHI and her husband. Female 1 was asked at which college she was studying to which we were told 'Bennett International, London'. During the conversation female 1 spoke very little and what little she did speak was inaudible, the majority of the conversation was communicated through Harminder MALHI.

Licensing issues, along with issues surrounding anti- social behaviour in the locality, which have been linked to alcohol and underage drinking, were discussed with Harminder MALHI. During the licensing discussions with Harminder MALHI, female 1 continued to serve a number of customers. Harminder MALHI was asked for the authorisation list from the Designated Premises Supervisor Mr Hardev Singh JOHAL, the Premises Licence Holder is H&G Trading Ltd, authorising non Personal Licence holders to sell alcohol on his behalf. Harminder MALHI stated there was no list but employees had letters from the DPS but it would take her a while to go through the

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paperwork and find the letters. Harminder MALHI was asked if female 1 was authorised to sell alcohol to which she replied she was.

On Thursday 20 August 2015 at approximately 0730 hours, I Fiona Colwill, attended the premises Costcutter, 175 –176 Caerau Road, Caerau, Maesteg, CF34 0PD, on an Immigration visit by United Kingdom Borders Agency, after Immigration Officers had entered and secured the premises. On entering the premises I was informed that officers were, currently, detaining one female in the upstairs of the property. I was asked by Immigration Officer C if I would be able to identify the female, female 1, who had been at the premises on Wednesday 29 July 2015 during my routine licensing visit. I confirmed that I would be able to recognise and identify female 1. I entered the upstairs of the premises where officers were speaking to a female of Indian origin. I looked at the female and instantly recognised this female to be female 1 who was present at the shop on Wednesday 29 July 2015, who I had been informed was called female 1. I saw officers arrest and detain this female for Immigration matters and believe she was taken into custody. I had no further part to play in the investigation.

(Signed) \_\_\_\_\_

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