



HILLINGDON  
LONDON



# Notice of Hearing

## Licensing Sub-Committee

**Date:** THURSDAY 6 JULY 2017

**Time:** 2.00 PM

**Venue:** COMMITTEE ROOM 5 -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE UB8  
1UW

**Meeting  
Details:** Members of the Public and  
Press are welcome to attend  
this meeting

### Councillors on the Sub-Committee:

Dominic Gilham (Chairman)  
Lynne Allen  
Teji Barnes

### Important Information

On receipt of this notice, you **MUST** notify the Committee Clerk (contact details below) by the following date:

**Tuesday 4 July 2017**

If you don't notify you may lose your right to speak at the hearing. When notifying you must confirm:

- 1) Whether you intend to attend or to be represented by someone at the hearing;
- 2) If you consider a hearing to be unnecessary and;
- 3) Whether to request that another person attends (other than your representative) as a witness

**Published:** Wednesday 21 June 2017

Contact: Anisha Teji  
Tel: 01895 277655  
Email: [ateji@hillington.gov.uk](mailto:ateji@hillington.gov.uk)

This Agenda is available online at:  
[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

***Putting our residents first***

Lloyd White  
Head of Democratic Services  
London Borough of Hillingdon,  
Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW  
[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

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It is recommended to give advance notice of filming to ensure any particular requirements can be met. The Council will provide seating areas for residents/public, high speed WiFi access to all attending and an area for the media to report. The officer shown on the front of this agenda should be contacted for further information and will be available to assist.

When present in the room, silent mode should be enabled for all mobile devices.

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# Agenda

## CHAIRMAN'S ANNOUNCEMENTS

### Hearing Protocol

- 1 Apologies for Absence
- 2 Declarations of interest in matters coming before this meeting
- 3 To confirm that the items of business marked Part I will be considered in Public and items marked Part II will be considered in Private
- 4 Matters that have been notified in advance or urgent

### Part I - Members, Public and Press

	<b>Title of Report / Address of application</b>	<b>Ward</b>	<b>Time</b>	<b>Page</b>
<b>5</b>	Application for a Review of a Premises Licence: Strawberry Local, 2-3 Gloucester Parade, Hayes	Pinkwell	2 pm	3 - 38

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## Order of proceedings

The Chairman of the Sub-Committee will open the hearing by introducing the Councillors, explaining the purpose of the proceedings and the general procedure. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing.

**Introduction by the Regulatory Services/Licensing Officer**



**The Applicant / Licence Holder**



**Responsible Authorities (if present)**



**Other Parties (residents etc...)**



### DISCUSSION LED BY THE SUB-COMMITTEE

The Chairman will lead the discussion. This will be a chance for all parties to provide comments on any submissions that have been made to the Sub-Committee.



**Closing remarks from each party**



**Sub-Committee deliberates**



**Chairman announces the decision**

The Council's Regulatory Services/Licensing Officer will introduce the report and will outline the matter before the Sub-Committee, giving any relevant background information. The Sub-Committee may ask questions of the officer.

The Applicant, licence holder or the person representing him/her will be invited to address the Sub-Committee. They will be allowed sufficient time to present his/her case. The Sub-Committee may ask questions.

Responsible Authorities will be invited to address the Sub-Committee and will be allowed sufficient time. The Sub-Committee may ask questions of the Responsible Authorities.

Other parties will be invited to address the Sub-Committee. Where there are a number of parties making similar representations the Chairman will expect the parties to nominate a spokesperson to make the representations and all will be allowed sufficient time. The Sub-Committee may ask questions of the Other Parties.

The Chairman will invite the Responsible Authorities and Other Parties to make brief closing remarks on the application. The Applicant / licence holder makes the final closing remarks.

The Sub-Committee will remain in the room to deliberate and make their decision, with only the Legal Advisor and the Clerk to the Sub-Committee remaining. All others present will be asked to leave the room.

Parties may return to the room when invited to do so and the Chairman will announce the decision. The Chairman will remind the Applicant / licence holder that the decision will be sent to them in writing. There can be no further questions or statements.

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# Agenda Item 5

## APPLICATION FOR A REVIEW OF A PREMISES LICENCE: STRAWBERRY LOCAL

<b>Committee</b>	Licensing Sub-Committee
<b>Officer Contact</b>	Steven Dormer Ex - 01895 27409 (7409)
<b>Papers with report</b>	<b>Appendix A</b> - Application for Review of Strawberry Local <b>Appendix B</b> - Officer's recommendation <b>Appendix C</b> - Premises Licence in respect of Strawberry Local <b>Appendix D</b> - Map & Photographs of the premises
<b>Ward name</b>	Pinkwell

### 1.0 SUMMARY

To consider an application by the London Borough of Hillingdon Trading Standards Team for a Review of the Premises Licence under Section 51 of the Licensing Act 2003 in respect of Strawberry Local, 2-3 Gloucester Parade, Bourne Avenue, Hayes, UB3 1PR.  
**Appendix A**

### 2.0 RECOMMENDATION

That the Licensing Sub-Committee modifies the Premises Licence conditions as detailed in **Appendix B**

### 3.0 INFORMATION

- 3.1 On 7<sup>th</sup> December 2016 a joint operation was carried out at Strawberry Local, 2-3 Gloucester Parade, Bourne Avenue, Hayes, UB3 1PR. Officers from the Metropolitan Police Services and the London Borough of Hillingdon's Trading Standards team inspected the premises and seized counterfeit tobacco. The items seized were in breach of the Trade Marks Act 1994. Numerous tobacco items were also seized for failing to pay the duty,
- 3.2 On 19<sup>th</sup> May 2017 Trading Standards submitted an application to the Regulatory Services team to review the premises licence for Strawberry Local. The premises were found to be in breach of the Prevention of Crime and Disorder licensing objective.
- 3.3 The Review application and supporting statement submitted by the Trading Standards Officer are attached as **Appendix A**.

### 4.0 CONSULTATION

- 4.1 As required by the legislation, a legal notice giving notice of the review was displayed at the premises, on the Civic Centre Notice board and on the London Borough of Hillingdon's website.
- 4.2 Closing date for representations  
16<sup>th</sup> June 2017

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PART I - MEMBERS, PUBLIC AND PRESS

## 5.0 REPRESENTATIONS

5.1 No relevant representations have been received from Responsible Authorities, Interested Parties or ward councillors.

Responsible Authority	Ground for Representation	Appendix Number
Trading standards	Initial application to review	A

5.3 The Licence Holder has not made a written submission.

## 6.0 BACKGROUND INFORMATION

### 6.1 Current Licences held

The premises have been licensed as an off licence under the Licensing Act 2003. The licence has been in place since 2007. The current licence holder is Ekam Enterprises, 2-3 Gloucester Parade, Hayes, UB3 1PR. Ekam Enterprises acquired the licence and have been operating the site since 2014. **Appendix C**

### 6.2 Current Designated Premises Supervisor

Dildar Singh Soni has been the Designated Premises Supervisor since 2014.

### 6.3 Description of the Premises

The premises are located on a small parade of shops in a residential area of Hayes. There are several other small businesses surrounding Strawberry Local which serve the community.

### 6.4 Other Licensed premises near by

Shankey Food & Wine 2 Bourne Circus, Hayes	<u>Sale of Alcohol</u> Monday to Sunday - 08:00 - 22:00	<u>No Regulated Entertainment</u>
Bourne Food & Wine, 6 Bourne Circus, Hayes	<u>Sale of Alcohol</u> Monday to Saturday - 08:00 - 23:00 Sunday - 10:00 - 22:30 Good Friday - 08:00 - 22:30 Christmas Day - 12:00 - 15:00 - 19:00 - 22:30	<u>No Regulated Entertainment</u>
The Music Box, Bourne Avenue, Hayes, UB3 1QT	<u>Sale of Alcohol</u> Sunday to Thursday between 10.00 hours and 00.00 hours Friday and Saturday between 10.00 hours and 01.00 hours the following day	<u>Regulated Entertainment</u> Sunday to Thursday between 10.00 hours and 00.00 hours Friday and Saturday

## PART I - MEMBERS, PUBLIC AND PRESS

	<p>Christmas Eve between 10.00 hours and 01.00 hours the following day</p> <p>The Sunday of all bank holiday weekends between 10.00 hours and 01.00 hours the following day</p> <p>From the start of business on New Year's Eve until the end of business on New Year's Day</p>	<p>between 10.00 hours and 01.00 hours the following day</p> <p>Christmas Eve between 10.00 hours and 01.00 hours the following day</p> <p>The Sunday of all bank holiday weekends between 10.00 hours and 01.00 hours the following day</p> <p>From the start of business on New Year's Eve until the end of business on New Year's Day</p>
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6.5 A site map of the local area and photos of the exterior of the shop **Appendix D.**

- **Photo 1 - Front of Shop.**
- **Photo 2 - Wide shot of Strawberry Local plus newsagents and Chinese take away.**

6.6 Licensable Activities currently authorised

<u>Activity</u>		<u>Permitted</u>
Sale of Alcohol:	Consumption off the premises	✓

6.7 Licensable Activity and opening hours currently authorised

	<b>Sale of Alcohol</b>	<b>Opening Hours</b>
<b>Monday</b>	08:00-23:00	Not restricted
<b>Tuesday</b>	08:00-23:00	Not restricted
<b>Wednesday</b>	08:00-23:00	Not restricted
<b>Thursday</b>	08:00-23:00	Not restricted
<b>Friday</b>	08:00-23:00	Not restricted
<b>Saturday</b>	08:00-23:00	Not restricted
<b>Sunday</b>	10:00-22:30	Not restricted

PART I - MEMBERS, PUBLIC AND PRESS

## 6.8 Visits made by Licensing Officers

Strawberry Local was visited on 1<sup>st</sup> June 2017. The white notice informing the public of the review of the licence was displayed in a prominent position.

## 7.0 OFFICER'S OBSERVATIONS

7.1 Mr Soni is the director of Ekam Enterprises. There are no previous review applications for Strawberry Local.

### 7.2 Relevant Sections of the S182 Guidance

7.2. The Sub- Committee's attention is drawn to the following, particularly relevant sections of the S182 Guidance:

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises: • for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime; • for the sale and distribution of illegal firearms; • for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; • for prostitution or the sale of unlawful pornography; • by organised groups of paedophiles to groom children; • as the base for the organisation of criminal activity, particularly by gangs; • for the organisation of racist activity or the promotion of racist attacks; • for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter; • for unlawful gambling; and • for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

### 7.3 Relevant Sections of the Hillingdon Licensing Policy

The Committee's attention is drawn to the following, particularly relevant sections of the London Borough of Hillingdon's Licensing Policy:

- 17.2 Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity, as well as patrons of the licensed premises. They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity.

## **8.0 LEGAL COMMENTS**

- 8.1 When considering licence applications the Sub-Committee shall carry out its functions with a view to promoting the licensing objectives. The licensing objectives are:
- Prevention of crime and disorder
  - Public Safety
  - Prevention of public nuisance
  - Protection of children from harm
- 8.2 The Sub-Committee must ensure that all licensing decisions have:
- A direct relationship to the promotion of one or more of the four licensing objectives
  - regard to the Council's statement of licensing policy
  - regard to the Secretary of State guidance
  - there must not be a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded
- 8.3 Applications must be considered with regard to the principles of fair process and the human rights act
- 8.4 The Sub-Committee must also have regard to consideration of the London Borough of Hillingdon's Statement of Licensing and the Secretary of State's Guidance issued under the Licensing Act when deciding what action, if any, to instigate. The terms of the Statement of Licensing Policy and Guidance are highly persuasive, but not binding on the Licensing Sub-Committee. The Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy and or Guidance if it considers there are clear and convincing reasons to do so. Full reasons must be given if this is the case.
- 8.5 Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above-mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review.
- 8.6 Following receipt of a review application the Licensing Authority must hold a hearing to consider it and any relevant representations. At the hearing, the Sub-committee must, having regard to the application and any relevant representations, take such of the steps

following steps (if any) as it considers appropriate for the promotion of the licensing objectives:

- To modify the conditions of the licence;
- To exclude a licensable activity from the scope of the licence;
- To remove the designated premises supervisor;
- To suspend the licence for a period not exceeding three months;
- To revoke the licence; and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 8.7 The Sub-Committee may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In deciding what remedial action if any it should take, the Sub-Committee must direct its mind to the causes or concerns which the application and representations identify. The remedial action should generally be directed at these causes and should always be no more than a necessary and proportionate response.
- 8.8 Members are referred to the Secretary of State's Guidance on conditions, specifically paragraph 1.16 and chapter 10 which state that licensing conditions should be practical and enforceable, tailored to the size, type, location and characteristics and activities taking place at the premises. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Conditions will not be necessary if they duplicate a current statutory requirement. Licensing Authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.
- 8.9 The licence holder, Applicant or any party that made relevant representations have the right to appeal the decision of the Licensing Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision to be appealed against.



# HILLINGDON

LONDON

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

I Kiran Seyan, Trading Standards Investigating Officer

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Strawberry Local 2-3 Gloucester Parade Bourne Avenue	
<b>Post town</b> Hayes	<b>Post code (if known)</b> UB3 1PR
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Ekam Enterprises Ltd	
<b>Number of premises licence or club premises certificate (if known)</b> 823/09	

### Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

Licensing Act 2003  
Sections 51

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

Please tick ✓ yes

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)**

Licensing Act 2003  
Sections 51

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Kiran Seyan Trading Standards Investigating Officer Trading Standards Service London Borough of Hillingdon Civic Centre High Street Uxbridge UB8 1UW
Telephone number (if any) 01895 250164
E-mail address (optional) kseyan@hillingdon.gov.uk

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

**Please state the ground(s) for review:**

This application to review relates to the licensing objective; the *prevention of crime and disorder*. It concerns the business Ekam Enterprises Ltd trading as 'Strawberry Local' at 2-3 Gloucester Parade, Bourne Avenue, Hayes UB3 1PR under the following legislation:

- *The Trade Marks Act 1994*  
*Section 92 - Unauthorised use of trade mark in relation to goods*  
*(1) A person commits an offence who with a view to gain for himself or another, or with intent to cause loss to another, and without the consent of the proprietor -*  
*(b) sells ..., offers or exposes for sale.... or distributes goods which bear, or the packaging of which bears... a registered trademark*  
*(c) has in his possession, custody or control in the course of a business any such goods with a view to the doing of anything, by himself or another, which would be an offence under (b)*

Mr Dildar Singh Soni is the Designated Premises Supervisor (DPS) and the Director of Ekam Enterprises Ltd who are the Premises Licence Holder (PLH). He also has a personal licence issued by the London Borough of Hounslow, number 4086. Mr Soni currently trades under licence number 823/09, granted by the London Borough of Hillingdon to permit the sale of alcohol at the premises named 'Strawberry Local' at 2-3 Gloucester Parade, Bourne Avenue, Hayes UB3 1PR since 21<sup>st</sup> August 2014.

On 7<sup>th</sup> December 2016, officers from the Trading Standards Service and Metropolitan Police, accompanied by Canine sniffer dogs conducted inspections of premises suspected to sell illicit goods. Concealed tobacco products were seized by Trading Standards; full details of the seized items are listed in the additional information.

As a result of this visit the following breaches of legislation have been reported:

- Having in possession in the course of a business, tobacco products bearing a registered trade mark contrary to *The Trade Marks Act 1994*

I believe this indicates a flagrant disregard of the law which raises questions as to whether the business is managed in accordance with licensing objectives. Further it raises concerns under the Section 182 Guidance, which states '*There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of licensed premises:.... for the sale or storage of smuggled tobacco and alcohol*'.

In the circumstances, the London Borough of Hillingdon, Trading Standards Service feel that it would be a necessary and proportionate response to request the Committee consider a suspension with the following conditions to be added to their licence:

- No alcoholic drinks or tobacco will be purchased by the premises from unannounced sellers calling at the premises.
- All alcohol and tobacco products will be purchased from established and bona fide VAT registered traders, who provide invoices or receipts.
- Invoices for all stock bought will be kept on file for a minimum of 12 months and will be made available to the Police, HMRC officers and Authorised Local Authorities Officers upon request.

Licensing Act 2003  
Sections 51

**RESPONSIBLE AUTHORITY:** Section 13(4) of the Licensing Act 2003 and Regulation 7 of the Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005 makes a local weights and measures authority a Responsible Authority for the purposes of the legislation. The London Borough of Hillingdon is a local weights and measures authority and that function is carried out by the Trading Standards Service.

**Please provide as much information as possible to support the application:**

Trading Standards referral:

Consumer complaint received stating that they have purchased cigarettes from the shop in the recent past. Indicated that the tobacco is not displayed and customers have to specifically ask for them.

Inspection visit:

7<sup>th</sup> December 2016: Inspection and seizure visit carried out during a Multi Agency Operation. Officers from Trading Standards and the Metropolitan Police were accompanied by a brand representative and Canine tobacco sniffer dog during inspection. This was an intelligence led visit following receipt of a recent Trading Standards referral mentioned above.

Seized by Trading Standards were the following:

<b>Cigarettes</b>	<b>number</b>
Richmond Smooth	60
Benson & Hedges special filter	400
Marlboro Gold 'less smell'	3,200
	<b>3,660</b>

<b>Hand Rolling Tobacco</b>	<b>Quantity (g)</b>
Cutters Choice	80g
Amber Leaf	250g
Golden Virginia	1250g
	<b>1580g</b>

<b>Oral Tobacco</b>	<b>Sachets (no.)</b>
Udta Panchhi	3
Kuber	6
RMD Gutkha	14

Confirmation of tobacco status:

Samples of seized tobacco were sent to their respective brand representatives to confirm whether they were legal for sale.

<b>Cigarettes</b>	<b>Counterfeit / Non Duty Paid</b>
Richmond Smooth	Genuine (returned)
Benson & Hedges special filter	Non Duty Paid
Marlboro Gold 'less smell'	Non Duty Paid

<b>Hand Rolling Tobacco</b>	<b>Counterfeit / Non Duty Paid</b>
Cutters Choice	Genuine (returned)
Amber Leaf	Counterfeit
Golden Virginia	Counterfeit

<b>Oral Tobacco</b>	<b>Counterfeit / Non Duty Paid</b>
Udta Panchhi	Non Duty Paid
Kuber	Non Duty Paid
RMD Gutkha	Non Duty Paid

Other supporting evidence:

- Witness statement from Kiran Seyan (Trading Standards)
- Legal notices issued

Licensing Act 2003  
Sections 51

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

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

Non applicable

Licensing Act 2003  
Sections 51

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 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

12/05/17

Capacity

Trading Standards Investigating Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**STATEMENT OF WITNESS**


(Criminal Procedure Rules, r. 27.2;  
Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

STATEMENT OF: Kiran SEYAN

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

Occupation of witness: Trading Standards Investigating Officer

This statement consisting of 2 pages 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 that I know to be false or do not believe to be true.

Dated the 10<sup>th</sup> day of April 2017 Signed: 

1. I am employed by the London Borough of Hillingdon, Trading Standards Service as a Trading Standards Investigating Officer, based at the Civic Centre, High Street, Uxbridge UB8 1UW.
2. On 7<sup>th</sup> December 2016 I led on a multi agency operation conducting inspection visits at licensed premises in Hillingdon identified as selling illicit tobacco. I was accompanied by my colleagues Martin King, Senior Trading Standards Officer and Claire Bunker, Trading Standards Investigating Officer.
3. Also present were two officers from the Metropolitan Police Licensing Service namely PC Emly Mitchell and PC Darren Bates. Their remit was to conduct a licensing inspection of the premises
4. Stephen Horsey, brand representative for Imperial Tobacco was present to assist in identifying illicit product covered by his brand. Stuart Phillips, dog handler for the Canine organisation was present with sniffer dogs to assist in the identification of concealed tobacco product.

Signed: 

5. At approximately 10.30am, we entered Strawberry Local located at 3 Gloucester Parade, Bourne Avenue, Hayes UB3 1PR. On entry I identified myself and accompanying persons to the man stood behind the till counter and explained the reason for our visit. The man identified himself as Mr Dildar Soni, owner of the business. I provided him with a 'Notice of Powers and Rights' number 0058; I produce the office copy of said notice, identified as **GKS/1**.
6. Also present on site was the Mr Soni's partner Ms Ninderjeet Kaur who stated she only assists at the shop when required.
7. Collectively each of the agencies present conducted an inspection of the premises in accordance to their remit. Concealed tobacco was found behind the till counter in the premise.
8. Further tobacco product was also identified in Mr Soni's vehicle, a red Vauxhall Combo CDTI van registration WM57 PFD.
9. Identified tobacco was seized and recorded in 'Seizure Notice' number 1223 (2 pages) by Martin King.
- 10.A 'Forfeiture notice', number 0015 was signed for forfeiture of goods, completed by Martin King.
- 11.PC Mitchell on completion of her licensing inspection also issued Mr Soni with paperwork 'Notification of alleged offences'.
- 12.On completion of the visit, I provided Mr Soni with a visit form, number 3183 which he signed. I produce the office copy of said notice, identified as **GKS/2**.
- 13.Seized items were removed from the premise on exit at approximately 11.40am.

# Appendix A



Notice No: 0058

APP Ref: 8404

## HILLINGDON LONDON

### NOTICE OF POWERS AND RIGHTS

Business/trader name: STRAWBERRY LOCAL / EKAM ENTERPRISES LT

Address of business/trader: 3 GLOUCESTER PARADE  
BOWKNE AVENUE, HAYES UB3 1PR

Officer issuing notice: K SEYAN Date notice issued: 7/12/16

Advance notice of entry to premises already given: YES (number) ..... NO

Justice's warrant used: YES  NO

This notice is issued under (tick box & enter time of visit as appropriate):

<input checked="" type="checkbox"/>	10.40	Code B of the Police and Criminal Evidence Act 1984 (Paragraph 6.7)
<input checked="" type="checkbox"/>	10.50	Consumer Rights Act 2015 (Schedule 5, Paragraph 23(7))
<input checked="" type="checkbox"/>	10.30	Protection of Freedoms Act 2012 (Home Office 'Code of Practice - Powers of Entry')

We have not given 48 hours prior Notice of Inspection because: (not applicable for Code B)

- Consent is given for the inspection to take place
- There is reasonable suspicion of a breach of legislation
- Giving notice would defeat the purpose of the inspection
- Giving notice is not reasonably practicable
- This is a market surveillance visit - see Consumer Rights Act 2015 Schedule 5 Para 23(6)

#### Purpose of entry

A duly authorised officer from the Hillingdon Trading Standards Service is conducting this inspection/visit to ensure compliance with legislation that it enforces. The officer may be accompanied by such persons, and may take onto premises such equipment, as the officer thinks necessary. (P.T.O. for further information).

#### Obstruction Offence

Obstructing a duly authorised officer is a criminal offence punishable by fine and/or imprisonment. Obstruction includes:

- Where a person intentionally obstructs an officer;
- Intentionally failing to comply with a requirement properly imposed by an officer;
- Without reasonable cause fails to give an officer assistance or information reasonably considered necessary;
- Makes a statement which a person knows is false or misleading in a material respect;
- Recklessly makes a statement that is false or misleading in a material respect;

Nothing requires a person to answer any question or give any information if to do so might incriminate that person.

Handed to: MR DILDAK SONI

Officer: K SEYAN

Position: OWNER / DPS

Title: TRADING STANDARDS OFFICER

Signed: [Signature]

Signed: [Signature] Date: 7/12/16

#### Amendments:

Notice amended? YES  Witnessed by: CLAIRE BUNNER Name: MR DILDAK SONI Position: OWNER



**HILLINGDON**  
LONDON

**Seizure Notice** N° **1223**

Name: DILDAR SINGH SONI

Address: 3 Gloucester Parade, Bourne Avenue, Hayes Date: \_\_\_\_\_

CONSUMER RIGHTS ACT 2015 / TRADEMARKS ACT 1994

THIS IS TO CERTIFY THAT, acting in accordance with powers granted under the legislation mentioned above, an officer from the Trading Standards Service has seized the item(s) listed below\* on the attached Schedule(s) No. \_\_\_\_\_ (\*delete as appropriate).

Property: Quantity of cigarettes marked Marlboro Gold

Location: Rear of Red Vauxhall Combo Van WM57 PFD

Seal N°: A005948

Property: Quantity of tobacco marked Camel Leaf, Golden Virginia. Quantity of cigarettes marked Benson & Hedges

Location: Rear of Red Vauxhall Combo Van WM57 PFD

Seal N°: A005947

Recipient: DILDAR SINGH SONI Signed: Martin King

Position: owner/director Name: MARTIN KING

Signed: Soni Title: SENIOR TSO

Trading Standards Service  
Planning, Environment, Education & Community Services  
T.01895 250164 F.01895 277443  
tradingstandards@hillington.gov.uk  
www.hillingdon.gov.uk/tradingstandards  
London Borough of Hillingdon,  
3S/01, Civic Centre, High Street, Uxbridge, UB8 1UW



**Trading Standards Service**

Tel: 01895 250164  
Fax: 01895 277443  
email: tradstad@hillington.gov.uk

**Schedule of Seized Property** N° **1223**

Property: Quantity of tobacco marked Kubler, RMD Gutkln

Location: Printer behind shop counter (in paper tray)

Seal N°: A005950

Property: Quantity of tobacco marked Cutters choice / Golden Virginia

Location: Bottom roll up door of tobacco gantry behind counter

Seal N°: A005946

Property: Three packs of cigarettes marked Richmond

Location: Tobacco gantry behind counter (top right hand corner)

Seal N°: A005941

Property: \_\_\_\_\_

Location: \_\_\_\_\_

Seal N°: \_\_\_\_\_

Property: \_\_\_\_\_

Location: \_\_\_\_\_

Seal N°: \_\_\_\_\_

*Making a difference*

Trading Standards Service, Environmental Services Group, London Borough of Hillingdon  
3S/01, Civic Centre, High Street, Uxbridge, UB8 1UW  
www.hillingdon.gov.uk



# Appendix A

## HILLINGDON LONDON

### Forfeiture Notice - Disclaimer

I ..... **EKAM ENTERPRISES LTD**

trading as ..... **STRAWBERRY LOCAL**

at ..... **3 GLOUCESTER PARADE, BOVINE AVENUE, HAYES**

hereby now, and for all time in the future, renounce completely all claims, rights and ownership in the goods described in the attached, signed schedule(s) in favour of the London Borough of Hillingdon Trading Standards Service. The goods were seized ~~suspected/detained~~ (\*delete as required)

at ..... **STRAWBERRY LOCAL, 3 GLOUCESTER PARADE**

on ..... **7/12/2016**

In furtherance to this disclaimer, I also indemnify the Chief Inspector of Weights and Measures and each member of the London Borough of Hillingdon Trading Standards Service from all claims and demands that may be made in respect thereof, and all proceedings, actions and costs as between solicitor and his client that may arise in connection therewith.

Signed: **Soni** Date: **7/12/2016**  
**DILDAR SINGH SONI DIRECTOR OF EKAM ENTERPRISES LTD**

### SCHEDULE OF FORFEITED GOODS

**Description:**

**ASSORTED TOBACCO PRODUCTS DETAILED IN SEIZURE NOTICE 1223**

The London Borough of Hillingdon reserves the right to dispose of the said goods in any manner it deems fit. Disposal will be effected after a period of not less than six months from the date of this document.

Officer's Name: **MARTIN KING** Signed: **Mart King**  
 Title: **SENIOR TSO** Date: **7/12/2016**

Trading Standards Service  
 Planning, Environment, Education and Community Services  
 T.01895 250164 F.01895 277443  
 tradingstandards@hillington.gov.uk www.hillingdon.gov.uk/tradingstandards  
 London Borough of Hillingdon,  
 3S/01, Civic Centre, High Street, Uxbridge, UB8 1UW



INVESTOR IN PEOPLE



# HILLINGDON

LONDON

Office Copy

To: MR. DILDAR SINGH SONI  
EKAM ENTERPRISES LTD.  
3 GLOUCESTER PARADE  
BOURNE AVENUE  
HAYES, UB3 1PR.

☎ 07949 277677

Companies Act	
Consumer Credit Act	
Cons Prot Act (Safety)	
Cons Prot Unf Trading Regs	
Explosives Act(s)	
Hallmarking Act	
Prices Act	
Weights and Measures Act	
(Specify) TRADE MARKS ACT.	✓
No Infringements	

Dear Sir / Madam

Re: INSPECTION VISIT

Comments: JOINT INSPECTION VISIT BY  
TRADING STANDARDS AND POLICE.  
ACCOMPANIED BY CANINE SNIFFER DOG UNIT FOR  
TOBACCO DETECTION. ALCOHOL EXAMINED ALSO.  
NOTICE OF POWERS #0058 - ISSUED ON ENTRY.  
AMENDED ON DETECTION OF CONCEALED TOBACCO.  
SEIZURE NOTICE # 1223.  
FORFEITURE NOTICE # 0015.  
ALSO POLICE NOTICE ISSUED BY PC MITCHELL.

**TAKE NOTICE** that it is alleged that you have contravened the provisions of the legislation indicated above. This notice is to inform you that the matters above need your attention and an officer of this Service may revisit this premises in ...7... days to ensure effective action has been taken. (Failure to take corrective action may result in prosecution). If you wish to discuss these, or any other Trading Standards matters, please telephone 01895 250164.

Handed to: MR. DILDAR S. SONI Officer: K. SEWAN  
 Position: OWNER / DPS Title: TRADING STANDARDS OFFICER  
 Signed: Soni Signed: [Signature] Date: 7/12/16

Complied with:



INVESTOR IN PEOPLE

Trading Standards Service  
 Planning, Environment, Education and Community Services  
 T.01895 250164 F.01895 277443  
 tradingstandards@hillington.gov.uk www.hillington.gov.uk/tradingstandards  
 London Borough of Hillingdon,  
 35/01, Civic Centre, High Street, Uxbridge, UB8 1UW

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## **Officer's recommendation:**

My recommendation is not to support the suspension of the premises licence. Suspending the licence will not solve the problem of selling counterfeit tobacco products.

The Trade Marks Act 1994 is not a relevant offence under schedule 4 (personal licence relevant offences)

Attaching the appropriate conditions will enable the necessary steps to promote the licensing objectives.

## **Conditions Consistent with the Operating Schedule**

**The premises licence holder shall ensure that the following conditions are fully complied with:-**

### **Prevention of crime and disorder**

The premises shall have a CCTV system install incorporating a minimum of 4 cameras which shall capture the following:

- One camera to capture all transactions at the counter
- One camera to capture the head and shoulders of persons entering/leaving the shop
- One camera to show the main area in the shop where alcohol is displayed
- One camera to show the remaining area of the shop.

All images from the cameras shall be retained for a period of 30 days and shall be available for inspection by the Police or Local Authority on request without charge.

The shall be a monitor showing the image of one or more of the cameras displayed in the premises and shall be easily seen by customers using the premises.

There shall be 2 adult persons on duty in the shop from 18.00 hours until the end of business on each day.

All products containing alcohol shall be displayed within direct line of sight from the cashier.

Products containing alcohol with an abv % above 35 and champagne shall be displayed behind the counter or otherwise locked behind a display.

The counter top shall be no lower than one metre from the floor.

The floor behind the counter shall be raised by 100mm.

**Prevention of public nuisance**

A Notice shall be displayed asking patrons to leave the premises quietly.

**Protection of children from harm**

Proof of age ID shall be requested to anyone looking under the age of 18 and Notices shall be displayed to that effect.

**Additional Conditions proposed by the Trading Standards Officer**

- No alcoholic drinks or tobacco will be purchased by the premises from unannounced sellers calling at the premises.
- All alcohol and tobacco products will be purchased from established and bona fide VAT registered traders, who provide invoices or receipts.
- Invoices for all stock bought will be kept on file for a minimum of 12 months and will be made available to the Police Officers and Authorised Officers upon request.

**LICENSING ACT 2003**  
**Section 24**



**HILLINGDON**  
 LONDON

**PREMISES LICENCE**

Ref:

LBH/7537/IM

Premises Licence Number:

823/09

This Premises Licence has been issued by Stephanie Waterford on behalf of the Licensing Authority, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW

Signature: ..... Date: 21<sup>st</sup> August 2014

**Part 1 – Premises Details**

Postal Address of Premises or, if none, Ordnance Survey map reference or description -

Strawberry Local  
 2-3 Gloucester Parade  
 Bourne Avenue

Post Town - Hayes

Postcode – UB3 1PR

Telephone number –

Where the licence is time limited, the dates -

N/A

Licensable activities authorised by the licence -

Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities –

From 08.00 hours until 23.00 hours, Monday to Saturday  
 From 10.00 hours until 23.00 hours on Sunday

The opening hours of the premises -

From 07.00 hours until 23.00 hours, Monday to Saturday  
From 08.00 hours until 23.00 hours on Sunday

Where the licence authorises supplies of alcohol whether these are on and/or off supplies -

Off supplies only

## Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence -

Ekam Enterprises  
2-3 Gloucester Parade  
Bourne Avenue  
UB2 1PR

Registered number of holder, for example company number, charity number (where applicable) -

09021950

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol -

Mr Dildar Singh SONI

████████████████████  
██████████  
██████████  
██████████

□

—

Personal Licence number an issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol –

London Borough of Hounslow 4086

## Annex 1 – Mandatory Conditions

### ALCOHOL

1. No sale / supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the Premises Licence.
2. No sale / supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his / her Personal Licence is suspended.
3. Every sale / supply of alcohol under the Premises Licence shall be made, or authorised by a person who holds a Personal Licence.
4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
  
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

### Mandatory Licensing Condition

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in

force a premises licence-

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## Annex 2– Conditions consistent with the operating Schedule

The premises licence holder shall ensure that the following conditions are fully complied with:-

### Prevention of crime and disorder

The premises shall have a CCTV system install incorporating a minimum of 4 cameras which shall capture the following:

- One camera to capture all transactions at the counter
- One camera to capture the head and shoulders of persons entering/leaving the shop
- One camera to show the main area in the shop where alcohol is displayed
- One camera to show the remaining area of the shop.

All images from the cameras shall be retained for a period of 30 days and shall be available for inspection by the Police or Local Authority on request without charge.

The shall be a monitor showing the image of one or more of the cameras displayed in the premises and shall be easily seen by customers using the premises.

There shall be 2 adult persons on duty in the shop from 18.00 hours until the end of business on each day.

All products containing alcohol shall be displayed within direct line of sight from the cashier.

Products containing alcohol with an abv % above 35 and champagne shall be displayed behind the counter or otherwise locked behind a display.

The counter top shall be no lower than one metre from the floor.

The floor behind the counter shall be raised by 100mm.

### Prevention of public nuisance

A Notice shall be displayed asking patrons to leave the premises quietly.

### Protection of children from harm

Proof of age ID shall be requested to anyone looking under the age of 18 and Notices shall be displayed to that effect.

## Annex 3 – Conditions attached after a hearing by the licensing authority

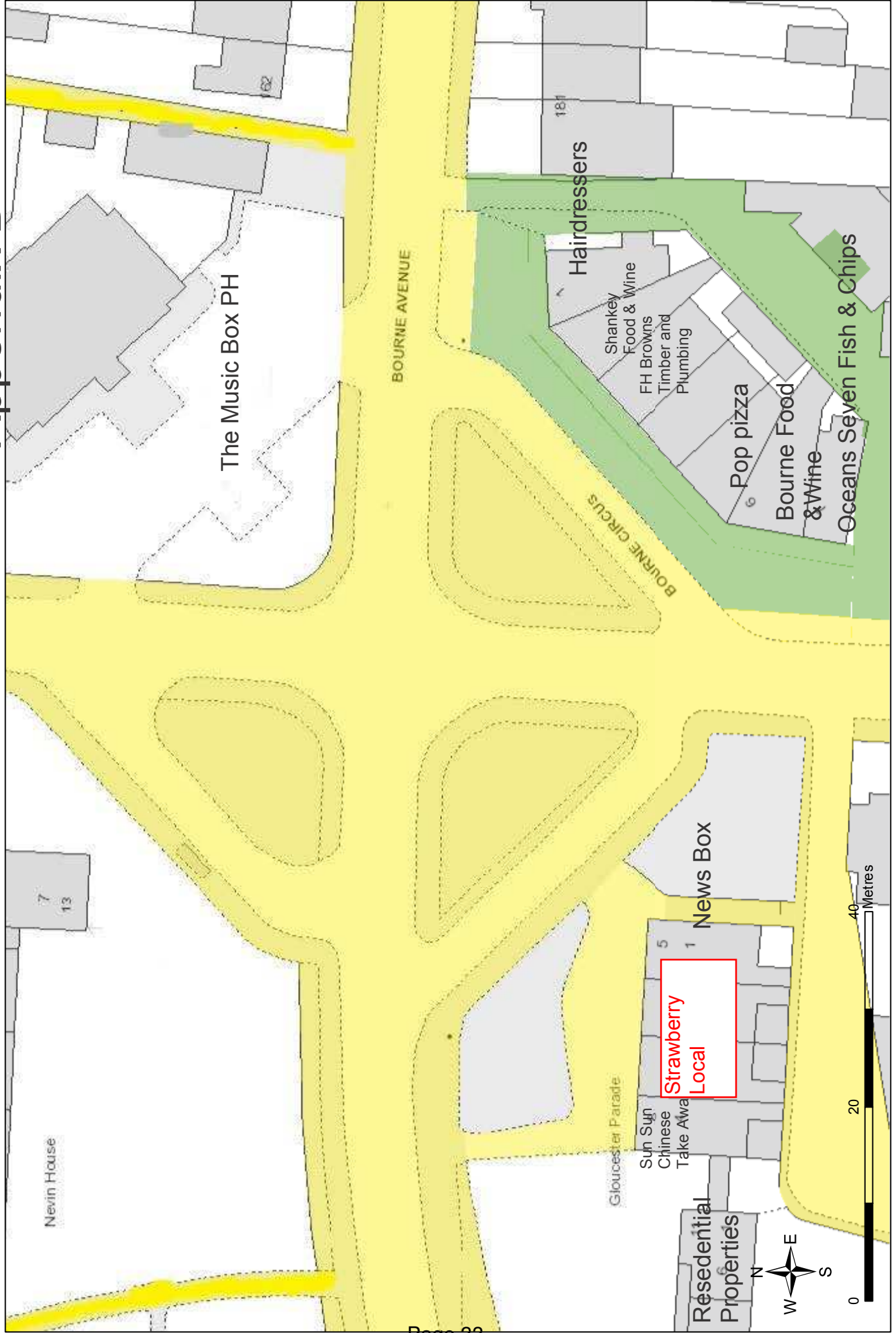
N/A

## **Annex 4 – Plans**

Strawberry Local, Gloucester Parade, Bourne Avenue, Hayes

The licensed areas of the premises as detailed on the drawing annexed hereto:-

Licensing Services Registered Plan Number : LBH 1337/10



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# Appendix D – Photo 1



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# Appendix D Photo 2



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