



HILLINGDON
LONDON



Notice of Hearing Licensing Sub-Committee

Date: WEDNESDAY, 20 JUNE
2018

Time: 10.00 AM

Venue: COMMITTEE ROOM 5 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE

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

Councillors on the Sub-Committee:

Roy Chamdal (Chairman)
John Oswell
Brian Stead

Important Information

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

Friday 15 June 2018

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: Tuesday, 5 June 2018

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<http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?CId=352&Year=0>

Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk

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Agenda

CHAIRMAN'S ANNOUNCEMENTS

Hearing Protocol

1 - 18

- 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

	Title of Report / Address of application	Ward	Time	Page
5	Application for a Review of a Premises Licence: Cost Cut Express, Hayes	Charville	10.00am	19 - 60

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HILLINGDON
LONDON

Hearing Protocol

This protocol outlines the procedures that will be followed in relation to hearings held under the Licensing Act 2003 and the Gambling Act 2005

Agreed and adopted by the Licensing Committee on 15 October 2015

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1. Introduction

- 1.1 The Licensing Act 2003 (Hearings) Regulations 2005 and the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 ("together hereafter the Regulations") provide that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.2 These procedures set out the way in which the Licensing Authority will conduct hearings under the Licensing Act 2003 ("hereinafter the 2003 Act") and the Gambling Act 2005 ("hereafter 2005 Act") and the associated Regulations.
- 1.3 Appendix 1 of this protocol includes the procedure that will be adopted by the Licensing Authority in the event that an interim hearing must be held following notice of a Summary Review pursuant to Section 53A of the Act.

2. Timescales

- 2.1 Most hearings under the 2003 Act must take place within 20 working days from the last date in which representations can be made.
- 2.2 Exceptions under the 2003 Act:
 - Within 10 working days from the day after the Authority receives the notice for a review of the premises licence following a Closure Order.
 - Within 7 working days from after the end of the period within which the police can object to:
A temporary event notice (the police must give notice of their objection within 3 working days of being given a copy of the notice); and
 - Within 5 working days beginning with the day after the end of the last date for the police to object to an interim authority notice (the police must give notice of their objection within 2 working days of being given a copy of the notice).
- 2.3 For applications made under the 2005 Act the Authority must commence a hearing as soon as reasonably practicable after the expiry of the statutory period where representations can be received.
- 2.4 These matters are more fully set out in the Regulations.
- 2.5 Where a hearing will take more than one working day, the Authority must arrange for the hearing to take place on consecutive working days.

3. Timescales for Notice of Hearing to be given

3.1 In most cases, the Authority shall give notice of a hearing no later than 10 working days before the first day on which the hearing is to be held.

3.2 Exceptions under the 2003 Act:

- Review of a premises licence following a Closure Order;
- Summary Review of premises licence

At least two working days notice must be given to the parties to a hearing for determination of:

- Police objection to an Interim Authority Notice;
- Police objection to a Temporary Event Notice.

4. Persons who must be notified of a hearing

4.1 The persons who must be notified of a hearing are set out below as a summary:

- Any applicant for any licence, provisional statement or review made under the 2003 Act and the 2005 Act;
- The premises user who submitted the temporary event notice under the 2003 Act;
- Any person who has made relevant representations about an application for a licence or provisional statement or review;
 - Any police officer who has given notice of objection under the 2003 Act to a person specified as a Designated Premises Supervisor;
 - An interim authority;
 - Transfer of a premises licence;
 - Transfer of a club premises licence;
 - Transfer of a club premises certificate;
 - A temporary event notice;
 - A personal licence.
 - Any holder of a premises licence or club premises certificate when an application is made for review.

5. Information to be provided in a Notice of Hearing

5.1 The information and documentation that must accompany the Notice of Hearing relating to an application or notice under the 2003 Act includes:

- The procedure to be followed at the hearing;
- The right of the party to attend and to be assisted or represented by any person whether legally qualified or not;

- The ability to give further information in support of their application where the Authority has sought clarification;
- The right to question any other party;
- The right to address the Authority;
- Notice of any particular on which the Authority will want clarification at the hearing;
- The consequences if a party does not attend or is not represented at the hearing;

5.2 The information and documentation that must accompany the Notice of Hearing relating to an application under the 2005 Act includes:

- The consequences where a party informs the Sub-Committee that he/she does not wish to attend or be represented at the hearing or fails to inform the Sub-Committee whether he/she will attend or be represented at the hearing;
- The requirements imposed on the Sub-Committee in conducting a hearing as set out in the Regulations;
- The consequences where a party has indicated that he/she wishes to attend or be represented at the hearing, but fails to attend or be represented at the hearing;
- The procedure to be followed at the hearing;
- The time limit and method by which a party should inform the Sub-Committee that he/she wishes to be assisted or represented by another person;
- The time limit and method by which a party should inform the Licensing Authority that he/she will want to call a witness to give evidence at the hearing, and the matters in relation to which he/she will want to call a witness to give evidence at the hearing and the matters in relation to which he/she wishes that witness to give evidence;
- The time limit and method by which a party should inform the Sub-Committee that he/she is willing to consent to the application being determined without a hearing;
- The matters on which the Sub-Committee considers at the time that it will want clarification at the hearing from a party.

5.3 The Notice of Hearing will ask all parties to attend a briefing session 20 minutes before the hearing begins. At this briefing the Council's Legal Advisor will be available to answer questions or provide any clarification.

6. Notice of Reply

6.1 On receipt of the Notice of Hearing, all parties must inform the Authority whether they:

- Intend to attend or be represented at the hearing;
- Consider a hearing to be unnecessary; and
- Wish to request that another person appear at the hearing (other than their representative) as a witness. If such a request is made, it should be accompanied by details of the name of that person and a brief description of the point or points about which that person may be able to assist the hearing.

6.2 In the case of a hearing under-

- Section 48(3)(a) cancellation of interim authority notice following police objection; or
 - Section 105(2)(a) counter notice following police objection to Temporary Event Notice
- The party must return the notice no later than one working day before the day of the hearing.
 - In the case of a hearing under-
 - Section 167(5)(a) review of a premises licence following a closure order ; or
 - Section 53C review of premises licence following review notice; or
 - Paragraph 4(3)(a) of Schedule 8 conversion of an existing licence; or
 - Paragraph 16(3)(a) of Schedule 8 conversion of an existing club licence; or
 - Paragraph 26(3)(a) of Schedule 8 determination of application by holder of justices' licence for grant of personal licence
 - The party must return the notice no later than two working days before the day of the hearing.
 - In any other case, the party must give no later than five working days before the day of the hearing.

7. Failure of parties to attend the hearing

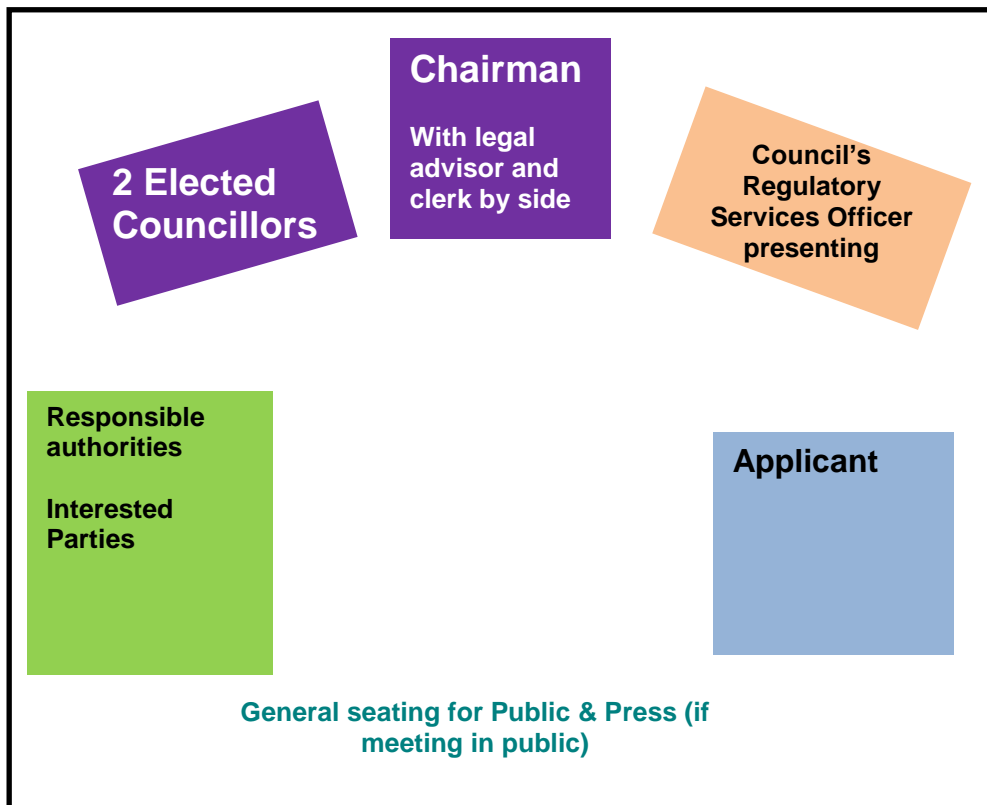
- 7.1 If a party has informed the Authority that they will not be attending or be represented at the hearing it may proceed in their absence.
- 7.2 If a party does not give notice that they will not be attending but fails to attend and is not represented the Authority may either:
- (a) Adjourn the hearing if it considers it to be necessary in the public interest; or
 - (b) Hold the hearing in the party's absence.
- 7.3 If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, the representation or notice given by the party.
- 7.4 If the Authority adjourns the hearing to a specified date it must forthwith (as soon as reasonably practicable under the Gambling Act regulations) notify the parties of the date, time and place to which the hearing has been adjourned.

8. Procedure at the hearing

- 8.1 Composition of Sub-Committee
- 8.2 The Sub-Committee will, usually consist of three members appointed from members of the Authority's Licensing Committee.

8.3 No business shall be transacted unless at least two members of the Sub-Committee are present and able to form a properly constituted Sub-Committee.

8.4 The usual room layout for the hearing will be as outlined below:



The meeting may, if held in public, be broadcast live by the Council. Both audio and video of those speaking will therefore be recorded and available publicly online.

8.5 The usual order of proceedings will be as set out below:

Order of proceedings – review under the Licensing Act 2003

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 Council's
Regulatory Services /
Licensing Officer**

The licensing officer will introduce the report and will outline impartially the matter before the sub-committee, giving any relevant background information.

**The Applicant for the
Review**

The Chairman calls on the Applicant to present their case giving factual information about their grounds for the review application, and calls any supporters or witnesses.

**Responsible Authorities
and/or Other Parties**

Responsible Authorities who have submitted relevant representations will be invited to address the Sub-Committee. Thereafter Other Parties (e.g. Residents, Ward Councillors) who have submitted relevant representations will be invited to address the Sub-Committee

The Licence Holder

The Licence/Certificate Holder presents their case and calls any supporters or witnesses.

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**

The Licence Holder makes brief closing remarks on the application under question, followed by Responsible Authorities and Other Parties. The Applicant(s) makes the final closing remarks.

**Sub-committee
deliberates**

The sub-committee will remain in the room to deliberate and make their decision, with only the Legal Advisor and Clerk to the Committee remaining. All other present will be asked to leave the room. If the meeting is being broadcast, any filming will be stopped for this part.

**Chairman announces the
decision**

Parties may return to the room when asked and the Chairman announces the decision. The Chairman reminds the Licence/Certificate Holder that the decision will be sent to them in writing. There can be no further questions of

- 8.6 The Sub-Committee may allow the parties to question any other party (if permission is given) and to address the Sub-Committee, but will seek in all cases to avoid repetition of matters (whether included in written material or otherwise) irrelevancy or any abuse of procedure.
- 8.7 The Sub-Committee will be guided by legal principles by determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- 8.8 When considering any representations or notice made by a party, the Authority may take into account documentary or other information produced by a party in support of their application, representation or notice, either:
- (a) Before the hearing; or
 - (b) With the consent of all other parties at the hearing.
- 8.9 If documentary or other evidence is submitted late or at the hearing, the Sub-Committee may decide to adjourn the hearing so as to allow Members and any other party time to consider the information and that may involve an adjournment of proceedings to another date. The Sub-Committee may decide not to consider the information if no satisfactory explanation is provided for its late submission.
- 8.10 Any party may withdraw their representations by contacting the Democratic Services Department by phone, letter or email, providing they give notice no later than 24 hours before the first day of the hearing. If, during the hearing, any party wishes to withdraw their representations they may do so orally by informing the Chairman.
- 8.11 The Sub-Committee when determining an application or notice under the provisions of the 2003 Act will disregard any information given by a party, or any other person appearing at the hearing which is not relevant to:
- (a) Their application, representation or notice;
 - (b) In the case of another person, the application representation or notice of the party requesting their appearance;
 - (c) The promotion of the licensing objectives; or
 - (d) In relation to a hearing to consider a notice given by the Police the crime prevention objective.
- 8.12 A hearing under the 2003 Act shall take place in public save that:
- (a) The Sub-Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so;
 - (b) The parties and any person representing them may be excluded in the same way as another member of the public.

8.13 A hearing under the 2005 Act shall take place in public save that:

(a) The Sub-Committee may direct that all or part of a hearing must be in private if it is satisfied that it is necessary in all circumstances of the case, having regard to:

- Any unfairness to a party that is likely to result from a hearing in public; and
- The need to protect as far as possible, the commercial or other legitimate interests of a party.

8.14 The Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- (a) Refuse to permit the person to return; or
(b) Allow them to return only on such conditions as the Authority may specify.

8.15 Any person excluded may, before the end of the hearing, submit to the Sub-Committee in writing, any information which, they would have been entitled to give orally had they not been required to leave and the Sub-Committee will take that information into account in reaching a determination of the application or review.

9 Determination of the application and time limits

9.1 For applications determined under the 2003 Act the Sub-Committee must make its determination at the conclusion of the hearing where the application is for:

- (a) A review of a premises licence following a closure order;
(b) A summary review of a premises licence
(c) A personal licence by the holder of a justices licence;
(d) A counter notice following police objection to a temporary event notice.

9.2 In any other case, the Authority must make its determination within the period of five working days, beginning with the day or the last day on which the hearing was held.

9.3 Where a hearing has been dispensed with because all of the parties have agreed that a hearing is unnecessary (and the Authority has agreed, giving notice to the parties in writing) then the Authority must make its determination for the 2003 Act applications, reviews and notices within 10 working days beginning with the day the Authority gives such notices to the parties.

10 Record of Proceedings

10.1 The Authority must arrange for a record to be taken of the hearing in a permanent and intelligible form and for that record to be kept for six years from the date of determination. Where an appeal is brought against a determination by the Authority, the record must be kept for six years from the date of disposal of the appeal.

11 Irregularities

- 11.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Regulations.
- 11.1 Where the Authority considers that any person may have been prejudiced as a result of an irregularity relating to the Regulations, it will take such steps, as it thinks fit to cure the irregularity, before reaching its determination.
- 11.2 Clerical mistakes in any document recording a determination of the Authority or errors arising in such a document as a result of an accidental slip or omission may be corrected by the Authority.

12 Notices

- 12.1 Any notices under these regulations will be given in writing. Such a notice may be sent electronically, providing:
- (a) It can be accessed by the recipient in a legible form;
 - (b) It is capable of being reproduced as a document for future reference;
 - (c) The recipient has agreed in advance to receive it in such form;
 - (d) A copy is sent in documentary form forthwith to the recipient.

13 Appeals.

- 13.1 Either those that have made an application or those who have made representations on an application may have the right to appeal the Authorities decision to the Magistrates' Court.
- 13.1 An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision.
- 13.2 Notice of appeal should also be sent to the Authority's Legal Services Department.

14. Other information and contact details.

- 14.1 The minutes of a hearing will be made available on the Council's website at: www.hillingdon.gov.uk
- 14.2 Applicants for new premises licences, club premises certificates, applications for provisional statements and applications for variations of existing premises licences or club premises certificates must display a notice on the premises and advertise the application in a local newspaper.
- 14.3 All applications once they are lodged will be available for viewing on Hillingdon Council's website at www.hillingdon.gov.uk and in the Civic Centre Offices by appointment with the Regulatory Services Department during working hours.

14.4 The address and contact details for Democratic Services are:

Clerk to the Committee
Democratic Services
3E/05
Civic Centre
Uxbridge
UB8 1UW

14.5 The address and contact details for Legal Services are:

Legal Services Department
3E/04
London Borough of Hillingdon
Civic Centre
Uxbridge
UB8 1UW

DX: 45101 Uxbridge

Appendix 1

**Hearing Protocol for interim hearings held pursuant to
Section 53A to 53C of the Licensing Act 2003.**

1. Introduction.

- 1.1 The powers under Section 53A to 53C of Licensing Act 2003 ("the Act") are aimed at tackling serious crime and serious disorder.
- 1.2 The powers allow the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder (or both) and the Licensing Authority to respond by taking interim steps quickly, where appropriate, pending a full review.

2. Triggering the expedited review.

- 2.1 The Chief Officer of Police for the area in which the premises are situated may apply to the Licensing Authority for an expedited licence review if a senior member of the force has issued a certificate that in his/her opinion a licensed premises is associated with serious crime and serious disorder (or both).

3. The Licensing Authority and the interim steps.

- 3.1 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and the responsible authorities a copy of the application for review and a copy of the certificate and must also consider whether it is necessary to take interim steps pending the determination of the review applied for. When calculating the 48 hour period any non-working day will be disregarded.
- 3.2 Consideration of the interim steps may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant Licensing Sub-Committee. There is no requirement to hold a formal hearing in order to take interim steps. This means that the relevant Sub-Committee members can communicate by telephone or other means in order to reach a decision. In such circumstances, a written record will always be produced as soon as possible after a decision is reached.
- 3.3 The interim steps that the Licensing Authority must consider taking are-
 - The modification of the conditions of the premises licence;
 - The exclusion of the sale of alcohol by retail from the scope of the licence;
 - The removal of the designated premises supervisor from the licence;
 - The suspension of the licence.
- 3.4 In the event that the Licensing Authority decides to take one or more such steps-
 - (a) Its decision takes effect immediately or as soon after that as the Licensing Authority directs; but
 - (b) It must give immediate notice of its decision and of its reasons for making it to-
 - (i) the holder of the premises licence; and
 - (ii) the Chief Officer of the Police for the area in which the premises are situated.

3.5 The Act does not specify that the immediate notice has to be in writing. Where the Licensing Authority decides that the decision should take immediate effect and the licence holder was not present for the decision, then it will approach the licence holder by telephone and the call will be followed up as soon as possible with a written version of the decision and the reasons which is identical to or not significantly different from the version given by telephone.

4. Making representations against the interim steps.

4.1 The holder of the premises licence may make representations against the interim steps taken by a Licensing Authority.

4.2 There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which has to be completed within 28 days of the application being received by the Licensing Authority.

4.3 On receipt of a representation the Licensing Authority must, if the representations are not withdrawn, hold a hearing to consider those representations within 48 hours of the time of its receipt.

4.4 The Licensing Authority must give advance notice of the hearing to-

(a) the holder of the premises licence;

(b) the chief officer of police for the area in which the premises are situated.

4.5 At the hearing, the Licensing Authority must -

(a) consider whether interim steps are appropriate for the promotion of the licensing objectives; and

(b) determine whether to withdraw or modify the steps taken.

4.6 The Licensing Authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time.

4.7 The licence holder does not need to be present for the hearing to take place.

4.8 There is no timescale for notifying the licence holder of the hearing under this process, providing the notification takes place before the hearing is held. However, the Licensing Authority will aim to provide the licence holder with as much notice as is possible in the circumstances to afford the holder a maximum opportunity to prepare for and attend the hearing.

4.9 There is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

5. The review of the premises licence.

5.1 Within 28 days of receipt of an application under section 53A of the Act, the Licensing Authority must:

- hold a Sub-Committee hearing to consider the application for review and any relevant representations;
- take such steps as it considers appropriate for the promotion of the licensing objectives;
- secure that, from the coming into effect of the decision made on the determination of the review, any interim steps having effect pending that determination cease to have effect.

5.2 Those steps are-

- (a) the modification of the conditions of the premises licence;
- (b) the exclusion of a licensable activity from the scope of the licence;
- (c) the removal of the designated premises supervisor from the licence;
- (d) the suspension of the licence for a period not exceeding three months; or
- (e) revocation of the licence.

5.3 The Licensing Authority must:

- advertise the review inviting representations from any persons for no less than seven consecutive days and if applicable on the Licensing Authority's website;
- advertise that any representations made by the premises licence holder, responsible authority and any other persons should be submitted to the Licensing Authority within 10 working days of the advertisement of the review appearing; and
- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority.

5.4 A party shall give to the Licensing Authority a notice no later than two working days before the day or first day of the hearing stating whether-

- he intends to attend or be represented at the hearing;
- he considers a hearing to be unnecessary
- he would like permission for any other person to appear at the hearing and if so, explain on which points that person will be able to contribute.

5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005. They apply to final hearings under the section 53A(2)(b). The issues that these regulations deal with include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

5.6 The Licensing Authority must notify the determination and its reasons for making it to-

- (a) the holder of the premises licence;
- (b) any person who made relevant representations; and
- (c) the chief officer of police for the area in which the premises are situated.

- 5.7 An appeal may be made to the Magistrates' Court within 21 days of the licence holder being notified of the Licensing Authority's determination on the review.
- 5.8 An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 5.9 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

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Agenda Item 5

APPLICATION FOR A REVIEW OF A PREMISES LICENCE: COST CUT EXPRESS

Committee	Licensing Sub-Committee
Officer Contact	Ian Meens (x7067)
Papers with report	Appendix 1 - Review Application Appendix 2 - Officer's Recommendation Appendix 3 - Representation from Metropolitan Police Appendix 4 - Current premises licence Appendix 5 - Site Map of the local area and photos of premises
Ward name	Charville

1. SUMMARY

To consider a review of the premises licence pursuant to Section 51 of the Licensing Act 2003 ("LA03") in relation to Cost Cut Express of 1278 Uxbridge Road, Hayes, UB4 8JF.

A copy of the application for review and supporting statement is attached as **Appendix 1**.

2. RECOMMENDATION

It is recommended that the licence is suspended for a period not exceeding three months. This will enable the matters requested by the Statutory Authorities to be implemented by the licence holder.

In line with the review application and representation received, it is also recommended that the conditions detailed in **Appendix 2** are imposed upon the Premises Licence.

3. INFORMATION

3.1 On 10 October 2017, a multi-agency operation was carried out which involved inspections at various off-licensed premises in Hillingdon identified as possibly selling counterfeit goods. Cost Cut Express of 1278 Uxbridge Road, Hayes, UB4 8JF, was one of those premises inspected.

Officers from the council's Trading Standards team and Metropolitan Police accompanied by sniffer dogs inspected the premises.

A total of 2278 cigarettes, 160 of which were counterfeit, 1200 non duty paid and 918 non standardised were found concealed at the premises. In addition, 600g of counterfeit hand-rolling tobacco, 2377g of non-duty paid tobacco was also seized from the premises on the day.

3.2 On 24 April 2018, the Licensing Authority received an application to review Cost Cut Express. The review was requested on the grounds of prevention of crime and disorder.

3.3 The current DPS and licence holder is Diljan Singh Malhotra.

4 CONSULTATION

4.1 The 28-day consultation period started after the review was received by the Licensing Authority on 24 April 2018. As required by the legislation, the notice of the review was displayed at the premises and a copy of it was also displayed on the Civic Centre Notice board and also on the Council's website.

4.2 Closing date for representations

22 May 2018

5 REPRESENTATIONS

5.1 The Metropolitan Police Service have submitted a relevant representation in support of the review. They have sought to support the Trading Standards in requesting a period of suspension to allow certain procedures to be put in place by the operator of the Premises Licence, on the grounds that the premises have been used for criminal purposes. Alternatively, lists of conditions have been proposed in the event that the Sub-Committee is not minded to revoke the Premises Licence. The relevant representation submitted by the Metropolitan Police Service is attached as **Appendix 3**.

6 BACKGROUND INFORMATION

6.1 Current Premises Licence

The premises have been licensed as an off-licence since 2005. The current licence is in the name of Mr Malhotra who has been licence holder and DPS since May 2016. The premises licence is attached as **Appendix 4**.

6.2 Description of the Premises

The premise is located on a small parade of shops situated on the main Uxbridge Road, Hayes. A site map of the local area and photographs of the neighbourhood are attached as **Appendix 5**

6.3 Licensable Activities currently authorised

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

6.4 Licensable Activity and opening hours currently authorised

	Sale of Alcohol	Opening Hours
Monday	08:00-23:00	Not Restricted
Tuesday	08:00-23:00	Not Restricted
Wednesday	08:00-23:00	Not Restricted

Thursday	08:00-23:00	Not Restricted
Friday	08:00-23:00	Not Restricted
Saturday	08:00-23:00	Not Restricted
Sunday	10:00-22:30	Not Restricted

7. OFFICER'S OBSERVATIONS

- 7.1 The witness statement (Appendix 1) from the Trading Standards Officer and the representation from the Metropolitan Police Services (Appendix 4) show there to be a concern regarding whether the premises are being run in accordance with the Licensing Act.
- 7.2 Recommendations have been put forward by Trading Standards and the Police which require the licence holder of the premises to adopt new practices and licence conditions. There should be a period of suspension for one month, to allow for these new practices and conditions to be implemented.
- 7.3 A period of suspension appears proportionate and justifiable in the circumstances taking into account the level of the alleged offences.

8. Relevant paragraphs of the S182 Guidance

8.1 Paragraph 11.24:

"A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective."

8.2 Paragraph 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."

8.3 Paragraph 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 the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- 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."

8.4 Paragraph 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."

8.5 Chapter 10 of the S182 Guidance contains information on the imposition of conditions on the Premises Licence.

9. RELEVANT SECTIONS OF THE COUNCIL'S LICENSING POLICY

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

9.1.1 At paragraph 7.9: "When making decisions about an application the Licensing Sub-Committee will have regard to the Borough's Crime Prevention Strategy and any conditions attached to licences or certificates will so far as possible reflect local crime prevention strategies."

9.1.2 At paragraph 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."

10.0 LEGAL COMMENTS

- 10.1 The Licensing Authority must review the premises licence where it is alleged, in an application for review by a Responsible Authority or other persons, that any of the licensing objectives are being undermined.
- 10.2 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:
- modify the conditions of the licence;
 - exclude a licensable activity from the scope of the licence;
 - remove the designated premises supervisor;
 - suspend the licence for a period not exceeding three months; and/or
 - revoke the licence

and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

- 10.3 The Sub-Committee must also have regard to the London Borough of Hillingdon's Statement of Licensing and the Secretary of State's Guidance issued under the Licensing Act 2003 when deciding what action, if any, to instigate. The terms of the Statement of Licensing Policy and Guidance are highly persuasive, but are 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 justifiable reasons to do so. Full reasons must be given if this is the case.
- 10.4 The Sub-Committee can only consider matters within the application or that have been raised through relevant representations from and each application will be decided on a case to case basis.
- 10.5 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 or concerns and should always ensure that any response is necessary and proportionate.
- 10.6 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.

- 10.7 Under the Human Rights Act 1998 the Sub-Committee needs to consider the balance between the rights of the applicant, licence holder and those making representations to the application when making their decision. The Sub-Committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.
- 10.8 Where the Licensing Authority determines an application for review, it must provide written notice and reasons for its decision.
- 10.9 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.

Licensing Act 2003
Sections 51 and 87



HILLINGDON
LONDON

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

I Kiran Seyan, Senior Trading Standards 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

Postal address of premises or, if none, ordnance survey map reference or description	
Cost Cut Express 1278 Uxbridge Road	
Post town	Post code (if known)
Hayes	UB4 8JF
Name of premises licence holder or club holding club premises certificate (if known)	
Mr Diljan Singh Malhotra	
Number of premises licence or club premises certificate (if known)	
366/05	

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)

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

Please tick ✓ yes

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

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**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 Ms K Seyan Senior Trading Standards Officer Civic Centre (2E/07) High Street Uxbridge UB8 1UW
Telephone number (if any) 01895 277423
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 by the Trading Standards Service (TSS) relates to the business premise trading as Costcut Express at 1278 Uxbridge Road, Hayes UB4 8JF.

It has been submitted for the
Licensing objective; the prevention of crime and disorder.

And for consideration under the
Licensing Act 2003 – Section 182 Guidance, which states that:
*'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'*

And under the **Trading Standards** legislation:
[relating to the seized goods]

- **The Trade Marks Act 1994**

Section 92 – unauthorized use of trade mark in relation to goods
This applies to the counterfeit tobacco, which is smuggled tobacco.

- **The Consumer Protection from Unfair Trading Regulations 2008**

Regulation 3 – prohibition of unfair commercial practices - Stating or otherwise creating the impression that a product can legally be sold when it cannot.
This applies to non-duty paid tobacco, which is smuggled tobacco.

- **The Standardised Packaging of Tobacco Products Regulations 2015**

Regulation 15 – offences
A person who produces or supplies a tobacco product in breach of any provision.
This applies only to non-standardised tobacco which is genuine product that is in old packaging but should now be in standardized plain packaging.

- **The Tobacco and Related Products Regulations 2016**

Part 2 – Labelling / General and Health Warnings
This applies to the incorrect labelling / warnings on tobacco products.

Mr Diljan Singh Malhotra is the Designated Premises Supervisor (DPS) and the Premises Licence Holder (PLH) for Costcut Express. He is also a personal licence holder, number LN/000013099 (Local Authority not stated). The premise currently trades under licence number 366/05, granted by the London Borough of Hillingdon to permit the sale of alcohol since 3rd June 2016.

DH Enterprises Ltd, company number 08583480 is associated with this premise. The company was incorporated in June 2013 and has two Directors associated with it; Mr Diljan Singh Malhotra and Mr Jasbir Singh Kapoor.

On 10th October 2017 acting on intelligence received, the Trading Standards Service with Met Police and Licensing Service, accompanied by brand representatives and tobacco detection dogs conducted inspections of premises suspected to sell illicit goods.

Please provide as much information as possible to support the application

Inspection visit:

10th October 2017 – Inspection and seizure visit carried out during a Multi Agency Operation. Officers from Trading Standards, Met Police and Licensing were accompanied by brand representatives from the Alcohol and Tobacco industry, plus a tobacco detection dog unit. This was an intelligence led visit following receipt of a TS referral.

Trading Standards seized the following items:

- 2278 Cigarettes
- 600g of Hand rolling tobacco
- 2377g of other tobacco

Status of seized products:

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

Cigarettes: 2278 total of which
160 are counterfeit
1200 are non-duty paid
918 are non-standardised

Hand rolling tobacco: 600g of which
600g are counterfeit

Other tobacco: 2377g of which
All are non-duty paid and have non compliant with warnings.

Estimated value of products:

I am advised by tobacco reps that the average prices of cigarettes when non-duty paid are £5, and when counterfeit are £3.50. Further that hand rolling tobacco is priced £8-10 non-duty paid and £5-7 when counterfeit. Other tobacco products are sold in approx. 10g quantities and priced at approx. 50p.

Accordingly I estimate the value of the counterfeit and non-duty paid goods to be approximately £515.

Supporting evidence:

- Witness statement of TS Officer (Kiran Seyan) including issued paperwork
- Photos taken on 10th October 2017 during the inspection seizure visit.
 1. Costcut Express - Outside of premise
 2. Other tobacco products (non-duty paid / in compliant warnings)
 3. Benson & Hedges (non-duty paid)
 4. Amber Leaf (counterfeit) & other tobacco (non-duty paid)

Costcut Express was one of the premises visited where illicit tobacco products were found concealed on the premises. Trading Standards Officers seized these goods of which full details are listed in the additional information. As a result of this visit, breaches of the above-mentioned legislation were reported.

The TS Service believes that the results of the visit indicates a disregard of the law which raises questions as to whether the business is managed in line with licensing objectives. In accordance with the TS Investigation, the Directors may be invited in for an Interview under caution, and further enforcement action determined to ensure compliance.

In the circumstances, the TS Service feel that it would be a necessary and proportionate response to request a review of the premises licence. It is our recommendation that the premises be given a month suspension to comply with the conditions listed below, plus any further conditions proposed by relevant authorities to ensure compliance with applicable legislations.

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

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


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 March 2018

Capacity Senior Trading Standards 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 Officer

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

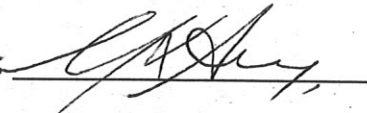
Dated the 31 day of October 2017 Signed: 

I am employed by the London Borough of Hillingdon, Trading Standards Service as a Senior Trading Standards Officer, based at the Civic Centre, High Street, Uxbridge UB8 1UW.

On 10th October 2017 I led on a multi agency operation conducting inspection visits at licensed premises in Hillingdon identified as selling illicit goods. I was accompanied by my colleagues Mr Martin King and Mr King-Yip Cheung, both Senior Trading Standards Officers. Also present was PC David Butler from the Met Police and an officer from the Hillingdon Licensing Team, Mrs Jhini Mukherji whose remit was to check compliance with licensing requirements.

Mr Ronald Harrison of Surelock was present as a representative for the Alcohol Spirit industry. Mr Stephen Horsey, brand representative from Imperial Tobacco was present to assist in identifying illicit product covered by his brand.

Mr Stuart Phillips, dog handler for the Canine organisation was present with sniffer dogs to assist in the identification of concealed tobacco product.

Signed: 

At approximately 12:00, we entered Costcut Express at 1278 Uxbridge Road, Hayes UB4 8JF. On entry I identified myself and accompanying persons to the men stood behind the till counter and explained the reason for our visit. The men identified themselves as Mr Harmeet Singh Chopra and Joginder Singh Kapoor, staff members. I provided them with a 'Notice of Powers and Rights' number 0116; I produce the office copy of said notice, identified as **GKS/CE/1**.


A call was made to one of the owners, Mr Jasbir Singh Kapoor to whom I spoke to explaining the reason for our visit and asking if he had any illicit goods on site. He stated that there were no illegal goods on site.

An inspection of the premises was conducted and concealed tobacco was found behind the counter and in the rear store.

Identified items were seized and recorded on the 'Seizure Notice' number 1226 (2 pages). I produce the office copy of said notice, identified as **GKS/CE/2**.

On completion of the visit, I left visit form, number 3171 for the attention of the two owners. I produce the office copy of said notice, identified as **GKS/CE/3**.

Seized items were removed from the premise on exit at approximately 13:00. These were placed in secure storage.

Samples of products were sent to their respective brand representatives to confirm their legal status. Of the 2278 cigarettes seized, 160 were confirmed counterfeit, 1200 were non-duty paid and the remaining 918 were in non-standardised packaging. The 600g of hand-rolling tobacco was all counterfeit. The other tobacco totalling 2377g is all non-duty paid and has non compliant warnings. The estimated value of the counterfeit and non-duty paid items amounts to approximately £515. 



Notice No: 0116

APP Ref: 8690

HILLINGDON

LONDON

NOTICE OF POWERS AND RIGHTS

Business/trader name: COST - CUT EXPRESS

Address of business/trader: 1278 UXBIDGE ROAD
1278 UXBIDGE ROAD, HAYES UBA 8JF

Officer issuing notice: K. SEYAN Date notice issued: 10/10/17

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"/>	12.24	Code B of the Police and Criminal Evidence Act 1984 (Paragraph 6.7)
<input checked="" type="checkbox"/>	12.00	Consumer Rights Act 2015 (Schedule 5, Paragraph 23(7))
<input checked="" type="checkbox"/>	12.00	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 HARMEET CHOPRA Officer: K SEYAN

Position: STAFF Title: TRADING STANDARDS OFFICER

Signed: ME Signed: [Signature] Date: 10/10/17

Amendments: by K. SEYAN - goods found illicit.

Notice amended? YES Witnessed by: MR [Signature] Name: [Signature] Position: STAFF

page 1
of 2

GKS/CE/2



HILLINGDON
LONDON

Seizure Notice N^o **1226**

Name: COST-CUT EXPRESS

Address: 1278 UXBRIDGE ROAD
HAYES UBA STF Date: 10/10/17

TRADE MARKS ACT/CONSUMER PROTECTION

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) N^o.....* (*delete as appropriate).

Property: ASSORTED TOBACCO.

Location: REAR STORAGE

Seal N^o: A 005862

Property: HAND ROLLING + CHEWING TOBACCO.

Location: COUNTER. BEHIND DOOR.

Seal N^o: A 005851.

Recipient: MR JOGINDER KAPOOR Signed: [Signature]
Position: STATE Name: K SEYAN
Signed: [Signature] Title: TRADING STANDARDS OFFICER.

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



page 2
of 2

Trading Standards Service

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

Schedule of Seized Property N^o **1226**

Property: NON-STANDARD PACKAGING TOBACCO.

Location: BEHIND COUNTER.

Seal N^o: A005853.

Property: CHEWING TOBACCO.

Location: BEHIND COUNTER.

Seal N^o: A005852.

Property: _____

Location: _____

Seal N^o: _____

Property: _____

Location: _____

Seal N^o: _____

Property: _____

Location: _____

Seal N^o: _____

Making a difference [Signature]

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



Office Copy

HILLINGDON

LONDON

To: MR MALHOTRA / MR KAPOOR
COST-CUT EXPRESS
1278 UXBRIDGE ROAD
HAYES
UB4 8JF
 ☎ 0208 873 5944

DH ENTERPRISES LTD

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: MULTI-AGENCY INSPECTION VISIT WITH TRADING STANDARDS, POLICE, LICENSING, SNIFFER DOG UNIT, AND BRAND REPRESENTATIVE VISIT FOLLOWING COMPLAINT RE. ILLICIT GOODS. PURPOSE OF VISIT EXPLAINED TO STAFF / PERSONAL LICENCE HOLDERS - MR HARMEET S. CHOPRA AND MR JOGINDER S. KAPOOR. OWNER MR DILJAN MALHOTRA NOT PRESENT. HIS PARTNER, MR JASBIR KAPOOR, CALLED - ASKED IF ILLICIT GOODS ON SITE, DENIED. ON PHONE #0116 - NOTICE OF POWERS - AMENDED ON DISCOVERY. #1226 - SEIZURE NOTICE (2 pages)
 POLICE NOTICE

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 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 J. S. KAPOOR Officer: K. SEWAN
 Position: STAFF / PERSONAL LICENCE HOLDER Title: TRADING STANDARDS OFFICER
 Signed: _____ Signed: [Signature] Date: 10/10/17

Complied with:



INVESTOR IN PEOPLE

OPEN TILL LATE

DH ENTERPRISES LTD

Costcut Express

OFF LICENCE - GROCERY - POLISH FOOD - LOTTERY - PAY POINT

OFF LICENCE
OPEN TILL LATE









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Officer's Recommendation

There have been no previous non-compliances noted since December 2016

I recommend that the licence is suspended for a period not exceeding 3 months. This will enable the concerns of the Statutory Authorities to be undertaken by the licence holder. I also recommend that the Premise Licence Conditions are modified as follows:

1. 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 Authority Officers upon request.
2. The Premises Licence holder shall only purchase alcoholic products from a supplier who is registered with HM Revenue and Customs through The Alcohol Wholesaler Registration Scheme (AWRS)
3. The Licence Holder shall implement a 'Challenge 25' proof of age scheme which shall include posters and signage in conspicuous locations.
4. Alcohol with an ABV of 35% or above shall be stored behind the counter
5. All alcohol products shall be stored in direct line of sight from the cashiers position and not obscured by other displays or shelving.
6. An incident book shall be kept on the premises and all staff shall be trained on how to use it.

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**METROPOLITAN
POLICE**

TOTAL POLICING

The Licensing Officer
Licensing services
Civic Centre
Uxbridge
UB8 1UW

Hillingdon Borough
Licensing Dept.
Uxbridge Police Station
1 Warwick Place
Uxbridge
UB8 1PG.

Telephone: 020 8246 1933
Mobile: 07500 578106
Email: Licensing - xh@met.police.uk

Date: 26/04/2018

Your Ref: **Cost Cut Express, 1278**
Uxbridge Road, Hayes, UB4 8JF.

Re: 'Review of a Premises Licence'

Police would like to make the following representations in support of the Trading Standards Team for Hillingdon Borough, the review of the Premises Licence of 'Cost Cut Express, 1278 Uxbridge Road, Hayes, UB4 8JF.

The Metropolitan Police Service is supporting this review in line with the Licensing objectives and in particular The Prevention of Crime and Disorder.

On the 10th October 2017 the Metropolitan Police in the company of Hillingdon Trading Standards Team, brand representatives from the Alcohol and Tobacco industry and a tobacco detection dog unit attended Cost Cut Express in Hayes. This was a multi-agency intelligence led inspection following a Trading Standards referral. At the venue police were present when illicit tobacco products were detected and seized by Trading Standards officers.


The Uxbridge Road area of Hayes has been a problem location for some time and several multi agency operations have been in place to try and eradicate the anti-social behaviour, street drinking and drug misuse complaints.

The Premises Licence Holder has neglected to observe the Licensing Objectives under crime and disorder. When a local business flouts the law in a challenging area by selling non duty paid products and tobacco that has not been quality tested prior to sale then as a responsible authority we must do all we can to protect the public and the livelihood of legitimate traders.

The Police Licensing Team would like to support Trading Standards in their review of the premises licence and propose that the following conditions be added to the current licence.

- Strict implementation of Challenge 25, posters shall be displayed stating that ID is acceptable. Signs stating 'No ID no sale' shall be placed on shelves. Spirit shall be kept behind the counter.
- All alcohol products shall be stored in direct line of sight from the cashier's position and not obscured by other displays or shelving. If any part of the display is obstructed then this must be covered by CCTV.
- Products with an abv of 35% or above shall be stored behind the counter.

- All purchases shall be made from reputable wholesalers/Cash and Carry's
- An incident book shall be kept on the premises
- The premises licence holder/or DPS shall not purchase any alcohol or tobacco goods from door to door sellers.
- Where the trader becomes aware that any alcohol or tobacco goods may not be duty paid they shall inform police of this immediately.

 PC 845X11
Police licensing officer. 9th May 2018

PC Dave Butler
Police Licensing Officer
Hillingdon Borough.



HILLINGDON
LONDON

LICENSING ACT 2003
Section 24

PREMISES LICENCE

Ref:

RF/220/LBH

Premises Licence Number:

366/05

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

Signature: *Claire Freeman*

Date: 3rd June 2016

Part 1 – Premises Details

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

Cost-cut-Express
1278 Uxbridge Road

Post Town - Hayes

Postcode – UB4 8JF

Telephone number – 0208 813 5944

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 –

Monday to Saturday 08.00 hours to 23.00 hours
 Sunday 10.00 hours to 22.30 hours
 Good Friday 08.00 hours to 22.30 hours
 Christmas Day 12.00 hours to 15.00 hours and 19.00 hours to 22.30 hours

The opening hours of the premises -

Not restricted

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 -

Diljan Singh Malhotra
Cost-Cut-Express
1278 Uxbridge
Hayes
UB4 8JF

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

N/A

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

Diljan Singh Malhotra
11A Dawley Road
Uxbridge
UB8 3BS

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

LN/000013099

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.

Annex 2– Conditions consistent with the operating Schedule

General

The premises licence holder shall ensure that alcohol shall not be sold in an open container or be consumed in the licensed premises.

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

N/A

Annex 4 – Plans

Costcutters, 1278 Uxbridge Road, Hayes

Plan Number 400/05



Hillingdon Browser

Address Search e.g. 10 High St



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Cost Cut Express



508721 181897 Meters

0 15 30m

DH ENTERPRISES LTD

Costcut Express

OPEN TILL LATE

OFF LICENCE - GROCERY - POLISH FOOD - LOTTERY - PAY POINT



Storefront with green door and windows. Large window displays shelves of goods. Green door has a lottery poster. Windows feature Lyncamobile and product advertisements.

Lyncamobile
 Call it BIGGER
 Low cost, hi BIGGER
 International Calls, text & 3GB
 www.lyncamobile.co.uk

PLAY NOW
 Ribena
 M&S
 KALORIS

£110M SUPER JACKPOT

Lyncamobile
 ALL MOBILE PHONES ACCESSORIES THE
 Pay As You Go SIM with 4G
 www.lyncamobile.co.uk 020 7132 0322

Lyncamobile
 Call the world's best
 Images of various bottles and cans

BROADS
 PROPERTY SERVICES

Property service window display with real estate listings and a 'BROADS' sign.

LEGAL NOTICE

LONDON BOROUGH OF HILLINGDON
LICENSING ACT 2003

APPLICATION FOR REVIEW OF PREMISES LICENCE

An application for a review of the premises licence has been received for the following premises:-

Cost Cut Express
1278 Uxbridge Road
UB4 8JF

The review has been requested on the following grounds:-

Prevention of Crime and Disorder

Details of the application can be viewed on the council's website www.hillingdon.gov.uk or by contacting the Licensing Service on 01895 277433.

Anyone wishing to make representations in support of the application must notify the Licensing Service, Civic Centre, Uxbridge, UB8 1UW in writing by

22nd May 2018

Note:

a) Copies of representations are sent to the applicant and the original letters are kept on file, which is open to scrutiny by members of the public, press and/or the broadcasting media. Persons making representations in respect of the review of a licence must be prepared to attend in person at a hearing before a committee of the Council.

b) This notice must be kept exhibited for not less than 28 days.

c) It is an offence to knowingly or recklessly make a false statement in connection with an application with a maximum fine on conviction of £5,000



FOOD HY



Room To Let
1 Double Bedroom
Near Uxbridge Rd, off Tudor Rd.
£100.- Per Week
with all bills
07878256770

PP
Pay Point
Bill payment
Mobile top-up
TV licence
Pay Your Council Tax & Rent here

News & Magazines

Soaps & Household

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NO SMOKING

100% PROOF NEEDED
18? Sorry, but it is illegal to sell Alcohol to anyone under the age of 18



Thank You

Beers & Wines

LOTTO
EURO MILLIONS
LOTTO HOTSPOTS
THUNDER BALL

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For Your Custom

IT IS ILLEGAL TO SELL TOBACCO PRODUCTS TO ANYONE UNDER THE AGE OF 18

LOTTO HOTPICKS

THUNDER BALL

GAME STORE

11 12 1
10
9
8
7 6 5 4

TOBACCO

CAN'T FIND WHAT YOU'RE LOOKING FOR?

TOBACCO ON SALE HERE

YOU WISH TOBACCO PRODUCTS ASK A MEMBER OF

EURO MILLIONS

MONOPOLY
15 CHANCES TO WIN

300,000
SWIP
SHOWDOWN

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Airwaves

Extra

Extra

HTOS YAGIRP
MOM
ER JACKPOT

