



# 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)

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**(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)**

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**(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@hillington.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.

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**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

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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

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

Non applicable

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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: 

Statement of: Kiran SEYAN

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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.

Signed: 

# 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

[Signatures]



**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°: A005945

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: tradstsd@hillington.gov.uk

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

Property: Quantity of tobacco marked Kuber, RMD GUTKIN

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°: A005944

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 ~~seized/suspended/retained~~ (\*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*  
**DILDAR SINGH SONI DIRECTOR OF EKAM ENTERPRISES LTD**

Date:

*7/12/2016*

**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

# Appendix A



## HILLINGDON LONDON

Office Copy

To: MR DILDAR SINGH SONI  
ERAM 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:



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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