

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)

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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.

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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


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.

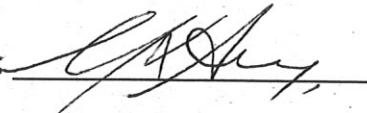
Dated the 31 day of October 2017 Signed: 

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. 

Signed: 

GKS/CE/1



Notice No: 0116

APP Ref: 8690

HILLINGDON LONDON

NOTICE OF POWERS AND RIGHTS

Business/trader name: COST - CUT EXPRESS

Address of business/trader: 1278 UXBRIDGE ROAD
1278 UXBRIDGE 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 [Signature] - goods found illicit.

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

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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: A005851.

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



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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: _____ Date: 10/10/17

Complied with:



INVESTOR IN PEOPLE

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

OPEN TILL LATE

DH ENTERPRISES LTD

Costcut Express

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

OFF LICENCE
OPEN TILL LATE







