



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases
ensure that your answers are inside the boxes and written in black ink. Use additional
sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Mark Gloc (Senior Trading Standards Officer)

(Insert name of applicant)

**apply for the review of a premises licence under section 51 of the Licensing Act
2003 for the premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Bottle N Brew 1a Dawley Road	
Post town Hayes	Post code (if known) UB3 1LS
Name of premises licence holder or club holding club premises certificate (if known) Didar Singh Malhotra	
Number of premises licence or club premises certificate (if known) LBHIL 138/05	

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)

☐

Licensing Act 2003
Sections 51 and 87

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

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

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Telephone number (if any)

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E-mail address (optional)

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mark Gloc Senior Trading Standards Officer Trading Standards Service London Borough of Hillingdon Civic Centre High Street Uxbridge UB8 1UW
Telephone number (if any) 01895-250162
E-mail address (optional) mgloc@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 ✓

<input checked="checked" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

This application relates to the business trading as Bottle N Brew of 1A Dawley Road, Hayes UB3 1LS.

The business is owned by a company AT Food & Wine Limited (Company Number: 11304696). The director is Avtar Singh Malhotra. Avtar's brother Didar Singh Malhotra is the premises licence holder and designated premises supervisor for the purposes of the Licensing Act 2003.

This application is submitted under the licensing objective *the prevention of crime and disorder*. It is believed that the business has contravened the following trading standards legislation: the Trade Marks Act 1994 (possession of counterfeit tobacco); the Consumer Protection from Unfair Trading Regulations 2008 (possession of unlicensed medicines); the Tobacco and Related Products Regulations 2016 (possession of tobacco containing health warnings in languages other than English); and the Standardised Packaging of Tobacco Products Regulations 2015 (possession of tobacco not in standardised packaging).

Also, section 183 guidance under the Licensing Act 2003 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.

On 7th February 2019, acting on intelligence received, Trading Standards Officers accompanied by a tobacco brand representative and a tobacco detection dog (with handler) inspected Bottle n Brew, 1A Dawley Road in order to establish if illegal tobacco was being sold. Avtar Singh Malhotra was the only person present in the shop when it was inspected

A quantity of illegal tobacco products and medicinal products were found concealed on the premises. These were seized by Trading Standards Officers. As a result of this inspection, breaches of the aforementioned legislation have been recorded.

The Trading Standards Service believes that this indicates a complete disregard of the law which raises questions as to how the business is managed.

In the circumstances, the Trading Standards Service feels that it would be a proportionate response to request the review of the premises licence. The Trading Standards Service recommends that the premises licence is suspended for a period of three months to allow the owner to bring his business into compliance.

The Trading Standards Service would also like the Licensing Sub-Committee to consider adding the following conditions to the premises licence:

- All alcohol and tobacco products will be purchased from established and bone fide VAT registered traders who provide receipts and invoices;
- Invoices for all stock will be kept on file for a minimum of 12 months and will be made available to police officers, HMRC officers, and authorised local authority officers (including Trading Standards Officers) upon request.

RESPONSIBLE AUTHORITY: Section 13(4) of the Licensing Act 2003 and Regulation 7 of the Licensing Act 2003 (Premises Licences and Club Premises) Regulations 2005 make 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 (please read guidance note 3)

On 7 February 2019, Trading Standards Officers carried out an inspection of Bottle n Brew, 1A Dawley Road, Hayes. A quantity of tobacco and medicinal products were found concealed on the premises.

The following products were seized from a cardboard box located on the top of a fridge at the rear of the shop:

	Number of packs	Status
Marlboro Gold cigarettes (English labelled)	10	Counterfeit/non-standard logos
Marlboro Gold cigarettes (Polish labelled)	6	Counterfeit/non-plain packaging & non-standard logos/ non-English health warnings
Golden Virginia hand rolling tobacco (English labelled)	11	Counterfeit
Amber Leaf hand rolling tobacco (foreign labelled)	8	Counterfeit/non-plain packaging & non-standard logos/non-English health warnings
Benson & Hedges Gold cigarettes (English labelled)	4	Counterfeit
Richmond King-size cigarettes (English labelled)	10	Counterfeit/non- plain packaging & non-standards logos
Sildenafil citrate tablets	140 tablets	Unlicensed medicinal products

The following products were seized from the tobacco gantry behind the shop counter:

	Number of packs	Status
Marlboro Gold cigarettes	5	Counterfeit
Lambert & Butler Original Silver cigarettes	13	Counterfeit

The following products were seized from an Asda carrier bag which was concealed in a microwave oven. The oven was beneath the shop counter.

	Number of packs	Status
Golden Virginia hand rolling tobacco	2	Counterfeit
Richmond King-size cigarettes	10	Counterfeit/ non-plain packaging & non-standard logos
Amber Leaf hand rolling tobacco	2	Counterfeit/ non-plain packaging/non-standard logos/ non-English health warning
Marlboro Gold cigarettes	17	Counterfeit/combination of non-plain packaging & non-standard logos; mostly non-English health warnings
Sildenafil citrate tablets	18 tablets	Unlicensed medicinal products

The sildenafil citrate tablets are medicinal products which are not licensed for sale in the UK by the Medicines and Healthcare Products Regulatory Agency (MHRA). Since it is not a licensed product it cannot be guaranteed a safe product for usage in the UK. There may also be an issue around a non-pharmacist selling such a product who is not at all qualified to advise a purchaser concerning its suitability, dosage, usage or side effects.

On 11th June 2019 Avtar Singh Malhotra was interviewed under caution by Trading Standards Officers. A Punjabi interpreter was also present. Mr Malhotra explained in the interview that he purchased the seized items on one occasion only (in January 2019) from an itinerant trader (of Polish or Romanian origin) who cold called regularly at his shop. Mr Malhotra did not know his full name, his telephone number nor address. He was given no documentation and was advised by the trader not to display the items on open sale as VAT had not been paid on them. Mr Malhotra stated he was aware of the requirement as to standardised packaging but said he cannot read so he did not realise that some of the warning labels were not in English. He said that he made a mistake.

It should be noted the delay in submitting this request for a review of the premises licence was due to a criminal investigation being conducted in relation to the seized goods which took priority.

Also attached to this application are photographs taken during the inspection of the premises which show examples and the location of the seized product.

Licensing Act 2003
Sections 51 and 87

Please tick ✓ yes

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

5

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 10th December 2019

.....

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

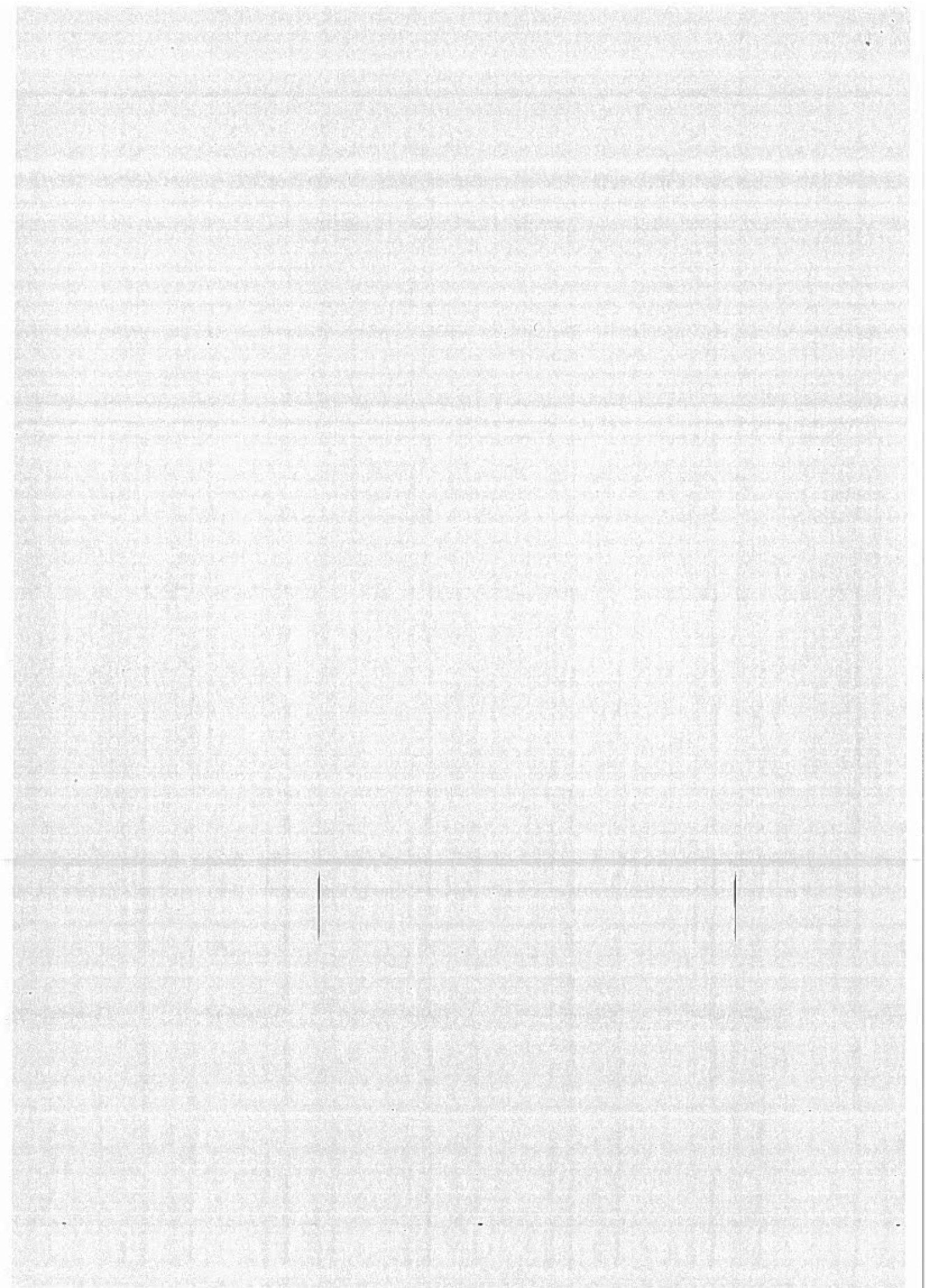
Post Code

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.



BOTTLE 'N' BREW
CONVENIENCE STORE

**BEERS FROM
AROUND THE WORLD**

OFF LICENCE

BET FRED

Beers
Wines
Spirits
Caring
cards
Top Ups
Newspapers
Lottery
Paypoint

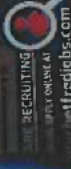


BEERS, WINES & SPIRITS



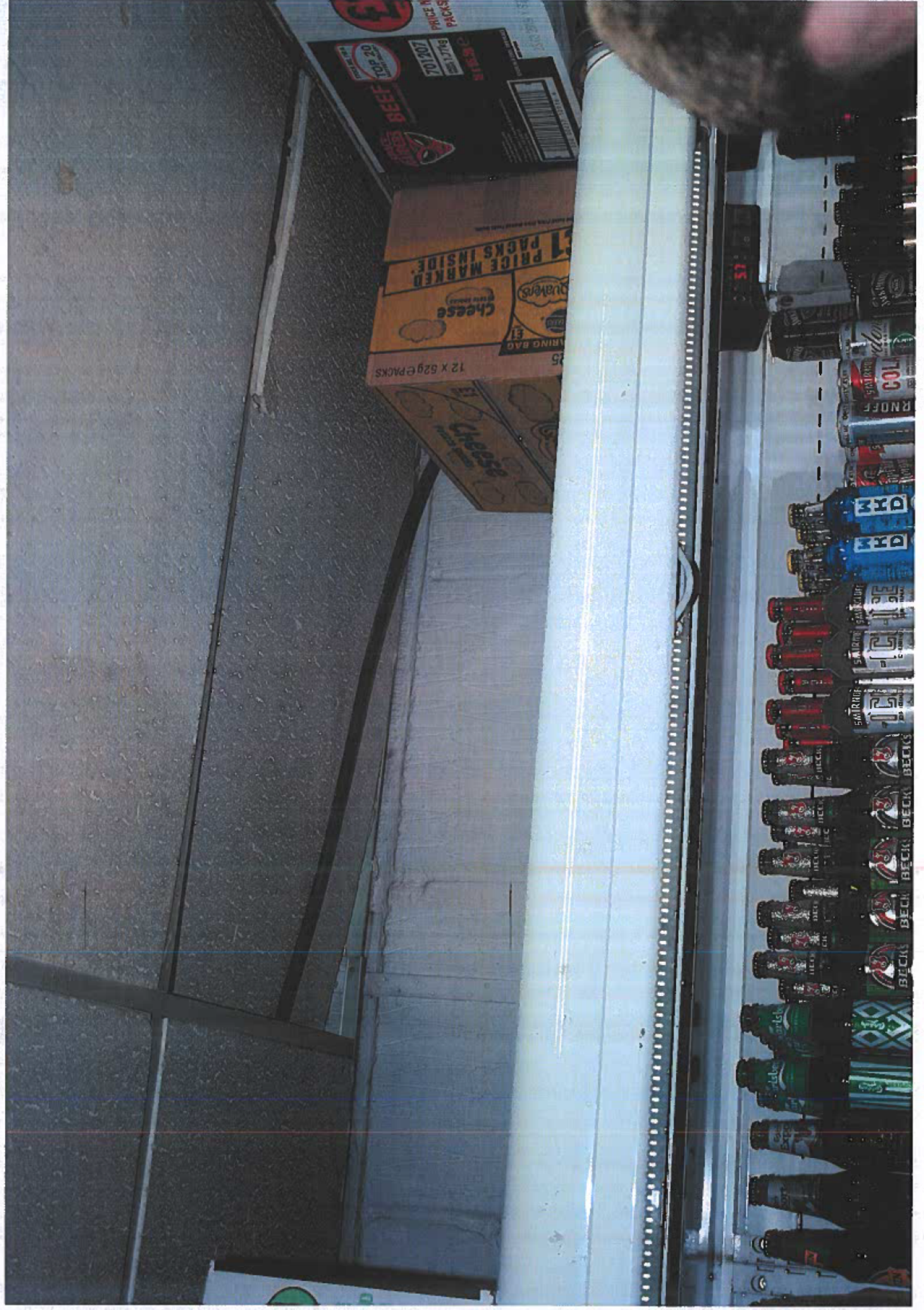
WELCOME

Milk
Bread
Sweets
Sandwich
Cold Drinks
Groceries
Ice Cream
Confectionery
Household



PLAY
NOW







Tabaksrook bevat benzeen,
nitrosaminen, formaldehyde
en waterstofcyanide
La fumée contient du
benzène, des nitrosamines,
du formaldéhyde
et du cyanure d'hydrogène
Rauch enthält Benzol,
Nitrosamine, Formaldehyd
und Blausäure

Smoking
seriously harms
you and others
around you

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Smoking causes
heart attacks

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