

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

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	
Spend n Save 242-244 Yeading Lane	
Post town Hayes	Post code (if known) UB4 9AX

Name of premises licence holder or club holding club premises certificate (if known)
Gurpreet Kaur Lowgani

Number of premises licence or club premises certificate (if known)
233/05

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)

☐

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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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
Kiran Seyan Senior Trading Standards Officer Hillingdon Trading Standards Service Civic Centre 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 ✓

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

Please state the ground(s) for review

This application to review by the Trading Standards Service relates to the licensing objective, *the prevention of crime and disorder*. It concerns the company G S Spend N Save Limited, trading as Spend N Save at 242 Yeading Lane, Hayes UB4 9AX.

Mr Sarbjit Singh Lowgani is the sole Director of G S Spend N Save Limited. Former Directors of the company include a Mr Gurnam Singh Langani and a Mrs Gurpreet Kaur Lowgani. The company was incorporated in September 2013.

Mrs Gurpreet Kaur Lowgani is the wife of Mr Sarbjit Singh Lowgani. She is the named Designated Premises Supervisor (DPS) and the Premises Licence Holder for the retail premises. She also holds a Personal Licence, issued by the London Borough of Ealing, number 01716. The shop trades under the licence number 233/05 granted by the London Borough of Hillingdon to permit the sale of alcohol since 1st October 2015.

On 29th September 2020, the Trading Standards Service accompanied by tobacco detection dogs plus handler conducted inspection visits at premises suspected to be selling illicit goods. Spend N Save was inspected on this day and concealments of tobacco products were found and 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 Trading Standards legislation have been reported:

- The Trade Marks Act 1994 - This applies to counterfeit tobacco.
- The Consumer Protection from Unfair Trading Regulations 2008 - This applies to the non-duty paid tobacco and other illegal goods.
- The Standardised Packaging of Tobacco Products Regulations 2015 - This applies to non-standardised tobacco products.
- The Tobacco and Related Products Regulations 2016 - This applies to the incorrect labelling / warnings on tobacco products.

In addition to the above, in March 2019 the premises was visited and a smaller quantity of tobacco was seized at the time. Following this, Mr Sarbjit Singh Lowgani was issued a written warning, which he signed to confirm that he would not repeat this behaviour. He was reminded of this at the recent visit and acknowledged that he had been warned.

The Service finds this to indicate a flagrant disregard of the law which raises concerns as to whether the business is managed in accordance with licensing objectives. Therefore we must consider 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 to consider a Revocation of the Licence.

RESPONSIBLE AUTHORITY: Section 13(4) of the Licensing Act 2003 and Regulation 7 of the Licensing Act 2003 (Premises Licences 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 applicationTrading Standards Intel:

Information provided via the Intelligence Database from an anonymous source that 'Spend N Save... sells single cigarettes. Cigarettes are also sold to underage customers. At the till there is a black carrier bag provided which is then used for the transport of cigarettes from behind the store'.

Inspection visit:

29th September 2020 – Inspection and seizure visit carried out by Trading Standards Officers and tobacco detection dog unit. This was an intelligence led visit following receipt of the recent intel mentioned above.

At the time of visit Mr Gurnam Langani, current Manager and former Director of the company was found working behind the till. He was assisted by a member of staff, Gurpreet Kaur (not to be confused with Mrs Gurpreet Kaur Lowgani). Mrs Gurpreet Kaur Lowgani was not present during this visit.

The premises was inspected with the tobacco detection dogs and they picked up a scent from a Vauxhall van, reg [REDACTED] parked at the rear of the premises. Mr Gurnam Singh Langani indicated that the van belonged to a charity and had nothing to do with the business. Keys for the van were found hanging at the rear shop door and entry was affected. Paperwork inside the van confirmed that it belonged to Mr Sarbjit Singh Lowgani, who subsequently attended and confirmed it was his van.

Inside the van were found a significant quantity of tobacco and other products which were seized. Mr Sarbjit Singh Lowgani stated that he was given the tobacco by an itinerant trader and that he had no intention of selling it, it was simply being kept in the van.

Mr Lowgani was reminded of the fact that on a previous visit in March 2019 he had been issued a written warning following the seizure of 10 packets of cigarettes. He had signed to confirm that no further actions of the same nature would continue at the premises. He acknowledged that the warning had been issued to him.

Seized by Trading Standards were the following:

- **9180 cigarettes** of which 2680 have been confirmed as counterfeit, and 3780 as non-duty paid. The remainder are non-UK branded products, all of which are in non-standardised packaging and some with foreign language labelling. None are legal for sale in the UK.
- **3370g of hand-rolling tobacco** of which 1800 has been confirmed as counterfeit, 1250 as non-duty paid. The remaining 320 is a non-UK branded product which is in non-standardised packaging and foreign labelled. None are legal for sale in the UK.
- **2653.5 g of oral tobacco** which is not labelled for the UK market and therefore non-compliant with tobacco labelling. They are not legal for UK sale.
- **110 tablets of Sildenafil Citrate (Viagra)** which should only be sold at pharmacies / obtained via prescription. Drugs from unregulated sellers may be fake, ineffective, and unsafe. This trader does not have legal permission to sell this drug.
- **576 cream chargers (Nitrous Oxide)** which is a colourless gas sold in canisters, usually inhaled using a balloon. It is covered by the Psychoactive substances Act and is illegal to supply for its psychoactive effect.

Confirmation of tobacco status:

Samples of seized tobacco were sent to their respective brand representatives to confirm whether they were legal for sale. Due to the COVID Lockdown period, this process was delayed and so results were recently received. Hence why the review application is being submitted in June 2021.

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Estimated value of seized goods:

- Illicit cigarettes in packs of 20 are sold for an average price of £7.50. On this basis, the estimated value of cigarettes is **£3,442.50**
- Illicit hand-rolling tobacco in pouches of 40-50g sell for approximately £15. The amount seized would be valued at an estimate of **£1,035**.
- The oral tobacco is sold in small packets, averagely retailing for 50p - **£1**. The estimated value of these would be **£150 plus**.
- Genuine Viagra retails for £5 per tablet. If sold at this price, the estimated value of the seized tablets is **£550**.
- Cream chargers are sold for £12.50 for packs of 24 cannisters. The value of the amount seized is therefore **£300**.

The estimated value of the goods seized totals at approximately **£5,477.50**

Other information

- Signed warning letter is attached
- Photos taken at the time of visit can be made available if required.
- Mr Sarbjit Singh Lowgani has been invited to attend an interview under caution relating to the Trading Standards offences identified.

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If yes please state the date of that application

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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

.....K Seyan.....

Date

.....29/06/2021.....

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.