

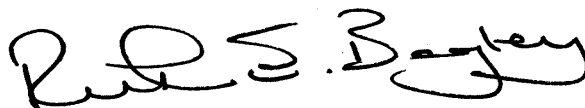
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Date of issue: 7th January 2013

MEETING	LICENSING SUB-COMMITTEE (Councillors Rasib (Chair), Malik and Plimmer)
DATE AND TIME:	TUESDAY, 15TH JANUARY, 2013 AT 10.00 AM
VENUE:	SAPPHIRE SUITE 5, THE CENTRE, FARNHAM ROAD, SLOUGH, SL1 4UT
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	TERESA CLARK 01753 875018

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



RUTH BAGLEY
Chief Executive

AGENDA

PART I

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		
	CONSTITUTIONAL MATTERS		
1.	Declarations of Interest		
	(Members are reminded of their duty to declare Disclosable Pecuniary Interests in respect of any		

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	item on the agenda).		
2.	Minutes of the Last Meeting held on 15th October 2012	1 - 6	All
3.	Minutes of the Last Meeting held on 15th November 2012	7 - 12	All
LICENSING ISSUES			
4.	Review of Premises Licence: S D Wines, 131 Bath Road, Slough	13 - 54	Cippenham Meadows

5. Exclusion of the Press and Public

It is recommended that the press and public be excluded from the remainder of the meeting as the items to be considered contain exempt information relating to individuals as defined in Paragraphs 1 and 2 of Part I of Schedule 12A to the Local Government Act 1972.

PART II

- | | | | |
|----|---|----------|---|
| 6. | Private Hire Driver Conduct Hearing (Reference 04-12) | 55 - 108 | - |
|----|---|----------|---|

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Special facilities may be made available for disabled or non-English speaking persons. Please contact the Democratic Services Officer shown above for further details.

Licensing Sub-Committee – Meeting held on Monday, 15th October, 2012.

Present:- Councillors Mittal (Chair) Davis and Wright.

Officers Present:- Mrs Kauser (Democratic Services) and Miss Osbourne (Legal Services)

PART 1

17. Declarations of Interest

None were received.

18. Minutes of the Meeting held on 13th September 2012

Resolved – That the minutes of the meeting held on 13th September 2012 be approved as a correct record.

19. Street Trading Application - 'Chargorillas', Colnbrook By-Pass, Colnbrook, Slough.

The Chair welcomed all parties to the meeting, explained the procedure for the hearing and confirmed that all parties had received the relevant paperwork.

Introduction by the Council's Licensing Officer

Miss O'Keefe stated that an application for a Street Trading Consent had been submitted by Mr Kondal. Trading was proposed to take place in Tantric Blue's car park, which was situated on the Colnbrook By-Pass, Colnbrook, Monday to Sunday between 0600 hours and 1500 hours.

A consultation was carried out with all relevant responsible authorities and businesses within 100 yards of the proposed site. Objections were received from two local businesses and Colnbrook Parish Council, details of which were appended to the report.

Options available to Sub-Committee Members were outlined for their consideration.

Questions to Licensing Officer

A Member asked whether the site from which trading was being proposed was owned by the Local Authority. The Licensing Officer informed Members that although the site was privately owned, the applicants had received written confirmation from the owners giving them authority to trade from the site.

It was confirmed that there was currently one other street trading consent for the Colnbrook area.

Licensing Sub-Committee - 15.10.12

Applicants' Case

Mr Sehbat and Mr Kondal confirmed that they had obtained written permission to trade from the site being proposed. Members were informed that they had a number of years experience of trading in the food industry.

Responding specifically to concerns regarding an increase in litter in the area, Mr Sehbat stated that should approval be given, they would be aiming to achieve the Street Approval Awards. In addition, litter bins would be placed in the vicinity of the site and signs erected reminding customers to dispose of their litter carefully. The Applicants submitted that in their opinion, the business would enhance the area as well as creating a number of job opportunities for local people.

It was also highlighted that no objections in relation to crime and disorder concerns were raised regarding the application from Thames Valley Police.

Questions to the Applicant

A Member asked how the issue of litter would be dealt with. Mr Kondal stated that the immediate area and lay-by would be cleared of litter twice a day. It was brought to Members attention that the car park had 50 parking spaces and it was not envisaged that customers would park in the lay by on the by-pass.

Representations made on behalf of Colnbrook Parish Council.

Parish Councillor, Mr Burke, stated that another fast food outlet in the Colnbrook area was not acceptable given the increased amounts of litter and traffic that would be generated. Concern was expressed at the number of fast food outlets in the area and that the Council should be encouraging healthy food options.

Summing Up.

All parties were given the opportunity to provide a short summary, after which they were asked to leave the meeting to allow the Sub-Committee to deliberate.

Decision.

All parties were asked to re-join the meeting.

Having carefully considered all the representations made at the hearing and including the written objections submitted by local businesses, the Sub-Committee decided to refuse the application for street trading consent. In reaching their decision, Members were of the view that there were sufficient traders in the area selling items of as similar nature.

Licensing Sub-Committee - 15.10.12

20. **Street Trading Application - Kondal Catering, Gibtel Lodge Car Park, Colnbrook By Pass, Colnbrook, Slough**

Prior to consideration of this item, the Applicants requested that the matter be adjourned to allow for it to be determined by another Sub-Committee, given the decision that had been made on the previous agenda item.

The hearing was adjourned in order to allow legal advice to be taken by the Sub-Committee.

Following consideration of the request and taking into account the legal advice that had been given, Members of the Sub-Committee decided that the matter be adjourned and that a fresh Sub-Committee be convened to consider the matter.

Resolved – That that the matter be adjourned and that a fresh Sub-Committee be convened to consider the matter.

21. **Exclusion of the Press and Public**

Resolved – That the press and public be excluded from the remainder of the meeting as the items to be considered contain exempt information relating to individuals as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).

22. **Private Hire Driver Conduct Hearing (Reference 01-12)**

The Chair welcomed all parties to the meeting and after introductions explained the procedure for the hearing. The Democratic Services Officer (DSO) informed the Sub-Committee that the Appellant had not received the paperwork for the hearing prior to the meeting, as it had been sent to the incorrect address. The DSO stated that although the Appellant had been provided with a copy of the relevant paperwork prior to the meeting, an adjournment was offered to the Appellant. The Appellant declined the opportunity to have the hearing adjourned and confirmed that he was happy to proceed.

The Licensing Officer, Mr Idowu, stated that the Appellant currently held a Private Hire Driver's (PHD) Licence which expired in February 2013. Members were informed that following a Criminal Record Bureau Check, it was confirmed that the Appellant had received cautions for common assault in August 2005, December 2008 and March 2010. It was noted that these cautions were not disclosed on the application form. The Sub-Committee were reminded that the Council's policy regarding convictions and cautions stated that a firm line should be taken with applicants who had a conviction or caution relating to a violent offence.

A Member sought clarification regarding declaration of information on the application form. The Licensing officer explained that whilst the Appellant had

Licensing Sub-Committee - 15.10.12

provided details of his motoring convictions on the application form, it was also a requirement to detail information regarding any cautions that may have been received.

The Appellant apologised for omitting details of his cautions on the application form, informing Members that he was not aware that these had to be disclosed. An explanation was provided regarding the cautions he had received. The Appellant submitted that he had never had any difficulties with passengers. It was confirmed by the Appellant that he had completed the application form and that he was currently licensed with another local authority.

Both parties were given an opportunity to provide a brief summary. The Appellant stated that he was a fit and proper person to continue holding a private hire driver's licence.

After careful consideration the Sub-Committee

Resolved – That Appellant 01-12's Private Hire driver Licence be revoked with immediate effect.

23. Private Hire Driver Application Hearing (02-12)

Following introductions, both parties confirmed that they had received the paperwork for the hearing. The procedure for the hearing was outlined.

The Licensing Officer informed Members that the Appellant had made an application in June 2012 for a private hire driver's licence. At the time of submitting his application, the Appellant had informed the Licensing Officer that he had received a caution for battery in January 2011. Following receipt of a Criminal Record Bureau (CRB) check it was confirmed that there were no other convictions or cautions on record.

Members were reminded of the Council's policy regarding convictions and cautions which stated that at least three years free of a conviction or caution relating to violence be shown prior to an application being entertained. The Licensing Officer outlined the options available to the Sub-Committee.

The Appellant explained the circumstances regarding his caution and explained that whilst he had an alternative full time employment, the tough economic climate had meant that he needed an additional income to support his family. The Appellant also submitted that he had not realised that by accepting the caution it would appear on his criminal record.

A brief summary was provided by both parties.

After careful consideration the Sub-Committee

Resolved - That Appellant 02-12 be issued with a Private Hire Driver's Licence.

24. Hackney Carriage Driver Conduct Hearing (Reference 03-12)

The Chairman welcomed the Appellant and his representative to the meeting. Following introductions, the procedure for the hearing was outlined and it was confirmed that all had received a copy of the paperwork.

The Licensing Officer stated that this was a Hackney Carriage Conduct hearing, following a caution for theft that the Appellant had received in June 2012. Members were reminded of the circumstances regarding the theft, namely that monies to the value of £200 were stolen from a purse that had been left in the Appellant's licensed vehicle. It was brought to Members attention that the Council's conditions applicable to all licensed drivers stated that:

- *The driver should carefully search their vehicle for any property which may have accidentally been left behind after each journey*
- *If the driver finds any property accidentally left in their vehicle they MUST notify their Operator.*
- *The found property MUST be deposited with the Operator or the Police within 48 hours.*
- *The Operator must record all reports of property being lost by a passenger and must make every effort to ensure that the lost property is returned to the passenger.*

The Council's policy regarding convictions and cautions was highlighted for Members consideration.

The Licensing Officer clarified that the hearing related to the HC driver's licence and not the Appellant's HC Vehicle Licence.

Mr Aujla, representing the Appellant stated that he had known the Appellant for over 25 years and that the incident was out of character. It was noted that in the 15 years working as a licensed driver the Appellant had a clean driving licence and no other incidents on his licensing file. The Appellant acknowledged that he had made an error of judgement and submitted that working as a licensed driver was his livelihood. The Appellant clarified that although he had accepted the caution for theft, his view was that although he had the money, he had not stolen it.

In summing up, the Licensing Officer stated that the Appellant was not a fit and proper person to hold a Hackney Carriage Driver's licence as he had failed in his responsibility to report or return the lost property.

Mr Aujla stated that apart from this incident, the Appellant had a clean employment history and was very remorseful of what had happened.

Licensing Sub-Committee - 15.10.12

Resolved – That Appellant 03-12's Hackney Carriage Driver licence be revoked.

Chair

(Note: The Meeting opened at 9.30 am and closed at 2.00 pm)

Licensing Sub-Committee – Meeting held on Monday, 12th November, 2012.

Present:- Councillors Rasib (Chairman), Malik and Plimmer.

Officers Present:- Mrs Channa (Legal Officer) and Mrs Kauser (Democratic Services)

PART 1

25. Declarations of Interest

Agenda item 5: Private Hire Driver Conduct Hearing - Councillor Rasib declared that he had been contacted by an individual regarding this case and that he had advised that he was not able to discuss the matter. Councillor Rasib stated that he would consider the issue with an open and clear mind.

26. Application for a Premises Licence - 17 Elmshott Lane, Cippenham, Slough

The Chairman welcomed all parties to the meeting and explained the procedure for the hearing. It was confirmed that all had received a copy of the paperwork for the hearing.

Introduction by the Council's Licensing Officer

Mrs Rumney, Senior Licensing Officer, reminded Members that during a scheduled enforcement operation on 7 September 2012, it was found that that KZ was opening after 2300 hours, in contravention of the requirements of the Licensing Act 2003; which stated that the provision of late night refreshment between 2300 hours and 0500 hours was a licensable activity and therefore required a premises licence.

Upon speaking with the owner of the premises, Mr Khan, it was submitted that he was not aware of the requirement to hold a premises licence for the sale of food after 2300 hours. An application for the provision of late night refreshment, on and off the premises between the hours of 2300 hours and 0100 hours Monday to Sunday was submitted on 17 September 2012.

It was brought to Members attention that although no objections were received from any of the Responsible Authorities, Thames Valley Police (TVP) had requested that additional conditions be added to the premises licence should it be granted. The proposed additional conditions were noted as:

- At least one CCTV camera to be in operation at the front of the premises at all times when the premise is in use
- CCTV images to be kept for 31 days and made available upon request of Thames Valley Police employees and Slough Borough Council Licensing Officers.
- Nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential

Licensing Sub-Committee - 12.11.12

evidence required by Thames Valley Police employees and Slough Borough Council Licensing Officers.

Mrs Rumney informed Members that written confirmation had been received from the Applicant stating that he was agreeable to the conditions proposed by TVP.

The matter had been referred to the Sub-Committee as a local resident had submitted a representation objecting to the application.

Options available to the Sub-committee were outlined for their consideration.

Questions to the Licensing Officer

Mr Mace, a local resident, asked why the premise licence had not been revoked once it was known that the sale of food had taken place after 2300 hours. It was clarified that no licence was in place to enable for it to have been revoked.

Applicant's Case

Mr Khan and Mr Ahmed, co-owners of the premises were in attendance. Mr Khan stated that they had been trading for over sixteen months and that there had been no complaints or issues raised during this period. Mr Khan stated that he had not been aware of the requirement of a premises licence and apologised to the Sub-Committee for not having the appropriate licence in place.

Mr Khan informed Members that although the application for premises licence had stated a terminal hour of 0100 hours, they wished to amend the application for a terminal trading hour of 0000 hours.

Responding specifically to the objections that had been raised regarding noise and anti-social behaviour in the area, it was explained that the premises were supplied with electric roller shutters. Furthermore, all customers were advised to wait inside the premises whilst their food order was being prepared and requested to exit the premises quietly.

Questions to the Applicant

A Member requested clarification regarding the outside seating area. Mr Khan stated that four chairs were provided immediately outside the vicinity of the premises for customers. The Licensing Officer explained that an application to the Highways Department had to be made regarding the tables and chairs on the pavement outside the premises.

Mr Khan confirmed that a delivery service was available and drivers parked in the car park which was located behind the premises.

Licensing Sub-Committee - 12.11.12

Representations made by a Local Resident

Mr Mace, who resided in close proximity to the premises, expressed his concerns regarding the premises providing late night refreshment and summarised his grounds of objection as:

- Increase in noise pollution
- Increased disturbance to local residents
- Increase in anti-social behaviour

Mr Mace also submitted that residents already had to contend with deliveries during the early hours in the morning to a local superstore. The Legal Officer stated that this information was not relevant to the application that was being considered.

Questions to Local Resident

None.

Summing Up

All parties were given an opportunity to provide a summary, following which they were asked to leave the meeting whilst the Sub-Committee deliberated.

Decision

All parties were asked to re-join the meeting.

After careful consideration the Sub-Committee decided to grant a Premises Licence as follows:

- a) Late Night Refreshment:** Monday to Sunday – 2300 hours to 0000 hours.
- b) Hours the Premises are Open to the Public:** Monday to Sunday 1100 hours to 0000 hours

The Premises Licence was granted subject to the following additional conditions:

- At least one CCTV Camera will be in operation at the front of the premises at all times when the premise is in use
- CCTV images to be kept for 31 days and made available upon the request of Thames Valley Police employees and Slough Borough Council Licensing Officers
- Nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police employees and Slough Borough Council Licensing Officers.

Licensing Sub-Committee - 12.11.12

Sub-Committee Members considered the conditions to be necessary, reasonable and proportionate to address concerns relating to crime and disorder, public safety and the prevention of public nuisance.

27. Street Trading Application - Kondal Catering, Gibtel Lodge Car Park, Colnbrook By Pass, Colnbrook, Slough

All parties were welcomed to the meeting and the procedure for the hearing was outlined. It was confirmed that all had received a copy of the paperwork for the hearing.

Introduction by the Council's Licensing Officer

Licensing Officer, Miss O'Keefe, stated that an application had been submitted by Mr Kondal for a street trading consent for 'Kondal Catering' in Gibtel Lodge Car Park, Colnbrook By-Pass. The application was requesting street trading consent at the specified pitch between the hours of 1700 hours and 2300 hours Monday to Sunday.

In accordance with the Council's Street Trading Protocol and Guidance, the Licensing Office consulted with all of the relevant responsible authorities within a 100 yards of the proposed site. It was brought to Members' attention that objections had been received from two local businesses and Colnbrook Parish Council. The grounds of objection were summarised as an increase in air pollution, increase in litter and nuisance to residents.

Members were reminded of the options available to them. It was noted that should approval be granted, the Council's set of standard conditions regarding Street Trading Consent would be applicable.

Questions to Licensing Officer

The Legal Officer sought clarification regarding the opening hours given that the application form stated an opening time of 1700 hours and the Licensing Officer's report stated 1600 hours. Mr Kondal confirmed that the application was made for a start time of 1700 hours.

Representations made by the Applicants

Applicants Mr Kondal and Mr Sehbat submitted their reasons for applying for a street trading consent. The healthy food options that would be available were outlined. It was noted that written permission had been obtained from the car park landowner allowing for the car park to be used.

It was brought to Members' attention that staff would monitor the area twice on a daily basis for litter. Mr Kondal explained that the car park was equipped with CCTV cameras and that any anti-social behaviour would be reported to the relevant authorities immediately.

Licensing Sub-Committee - 12.11.12

Questions to the Applicants

None.

Summing Up

Following a summary by both parties, the Sub-Committee asked them to leave the meeting in order for them to deliberate.

Decision

All parties were asked to re-join the meeting.

The Sub-Committee considered the report of the Licensing Officer and listened carefully to the applicants' representations and the written submissions made by local businesses, ward Councillor Walsh and Colnbrook Parish Council.

After careful consideration the Sub-Committee decided to grant an application for street trading consent for Kondal Catering at Gibtel Lodge Car Park, Colnbrook By-Pass, Monday to Sunday 1700 hours to 2300 hours.

Members approved the Street Trading Consent for a period of **three months** and noted that should any complaints be received within this time period from local residents, businesses, interested parties or responsible authorities, the matter would be referred back to a Licensing Sub-Committee for determination. However, if no objections were received during this time period, the Street Trading Consent would be renewed.

28. Exclusion of the Press and Public

Resolved – That the press and public be excluded from the remainder of the meeting as the items to be considered contain exempt information relating to individuals as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).

29. Private Hire Driver Conduct Hearing (Reference 04-12)

The Chairman welcomed all parties to the meeting, including the Appellant and his wife, an interpreter to assist the Appellant and the Appellant's legal representative. It was confirmed that all had received a copy of the paperwork for the hearing and the procedure for the meeting was outlined.

Mrs Rumney, Senior Licensing Officer stated that the Appellant held a private hire driver and vehicle licence. Members were informed that in August 2012 Mrs Rumney and a colleague, Mr Idowu, were carrying out enforcement duties at Slough train station, when they noticed the Appellant's vehicle in the drop area picking up passengers at 8.35am. Although the vehicle had markings on the back that looked like a licence plate, no plate was on display.

Licensing Sub-Committee - 12.11.12

The vehicle details were noted by officers for checking as the vehicle had driven off prior to officers having had an opportunity to approach the driver.

At 9am Officers found the same vehicle parked in Tesco's car park. It was noted that an Asian male approximately 30 years old was sitting in the driver's seat. Mr Idowu confirmed that this was the same individual who he had seen driving the vehicle when it pulled into the drop off point at Slough train station. Mrs Rumney referred Sub-Committee Members to Appendix A of the report which was Mr Idowu's witness statement.

Mr Wilson, legal representative for the Appellant objected to the inclusion of the witness statement from Mr Idowu given that it was unsigned. In addition, it was noted that Mr Idowu was not present at the hearing to be questioned on the information contained within his statement.

Mrs Rumney explained that the written statement had been produced following notes that had been made by both herself and her colleague in their notebooks at the time of the incident. It was noted that Mr Idowu was not present at the meeting as he was currently on leave.

Mr Wilson submitted that the written statement should not be considered by the Sub-Committee and that the pocket book notes relied upon by officers should have also been submitted as part of the paperwork for the meeting.

The meeting was adjourned in order for Members to give consideration to the points that had been highlighted.

All parties were asked to re-join the meeting and informed that the hearing would be adjourned in order to ensure that Mr Idowu was available at the next meeting.

Resolved – That consideration of the matter be adjourned.

Chair

(Note: The Meeting opened at 10.00 am and closed at 1.50 pm)

LICENSING SUB-COMMITTEE
15th January 2013

(Item)

LICENSING ACT 2003

S D WINES

131 Bath Road, Slough, SL1 3UW

Review of Premises Licence – **Number PL004439**
Application made by Slough Borough Council
Trading Standards Service

1. CURRENT POSITION

- 1.1 S D Wines operates under a Premises Licence number **PL004439** which is held by Mr Surinder Pal Singh Rajasansi.
- 1.2 The Designated Premises Supervisor (DPS) at the time of this Review Application being made by Slough Borough Council Trading Standards Service is Mr Kulvinder Vir Rajasansi the son of Mr Surinder Rajasansi and who holds a Personal Licence number **PA004726** with Slough Borough Council.
- 1.3 The DPS is responsible for the day to day management of the premises.
- 1.4 The Premises Licence authorises the carrying out of the Relevant Licensable Activities as follows:
- **M - The sale by retail of alcohol for consumption Off the premises only**
- 1.5 The times the licence authorises the Licensable Activities are

Monday to Sunday - 09.00am to 02.00am
Christmas Day - Noon to 10.00pm

A copy of the current Premises Licence is attached at **Appendix A.**

2. BACKGROUND INFORMATION

- 2.1 On 23rd November 2012 Slough Borough Council Trading Standards Service submitted an application for the Review of the Premises Licence on grounds of the Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm, the full Review Application and supporting evidence are contained at **Appendix B.**
- 2.2 The grounds for the Review Application although contained fully within the application itself can be summarised as follows;

- Selling of 1 pack of 10 “Benson and Hedges Gold” cigarettes i.e. an aged restricted product to an underage person on 29th June 2012, and
- That the premises were subject of a previous Review Application 2006 made by Thames Valley Police where alcohol was sold to an underage person and breaches of the Premises Licence conditions in that the CCTV system not working properly, the Police not being informed of the defect and the proof of age scheme not being implemented.

3. APPLICATION – REVIEW OF PREMISES LICENCE

3.1 The Licensing Authority is satisfied that this application for Review meets the appropriate legislative requirements within the Licensing Act 2003 and is therefore a valid application to be considered by the Licensing Sub-Committee.

3.2 There are various grounds on which a Review Application may be triggered and these are:

- 1 or more sales to minors of alcohol or **any other age restricted product**
- Reports of anti-social behaviour linked to the premises
- Evidence of proxy sales
- Sales of alcohol outside trading hours
- Other crime and disorder connected to the premises
- Sales of counterfeit or substitute goods

As outlined in section 2 of this report this Review Application has been made because of cigarettes being sold to an underage person.

3.3 The Review Application highlights that these premises were subject to a previous Review Application made by Thames Valley Police in 2006 when two bottles of “Bacardi Breezer” were sold to an under aged person.

3.3 At the Review hearing the Committee took into account the measures that had been taken to address the issues raised by the Police, notably the implementation of a fully operational CCTV system and that the refusals register had been modified. After consideration the Committee decided to 1) Remove Mr Surinder Rajasansi as the Designated Premises Supervisor and allow a 2 month period to seek an appropriate Designated Premises Supervisor for the venue and 2) Suspend the Premises Licence for the sale of alcohol for a period of one month.

3.4 Mr Surinder Rajasansi was prosecuted for this offence and was fine £300.00p and ordered to pay £800.00p costs.

3.5 The Review Application also highlights that the business has been provided with underage sales guidance Trader Packs in 2005, 2008 and 2009. In addition the premises have been tested on 11 occasions for age restricted products with two sales being made.

3.6 The recommendations made by the Trading Standards Team are:

- That the sale of any restricted product cannot take place any later than 11.00pm.

- The introduction of an 'Over 21's only' policy for all age restricted products
- Mr Surinder Rajasansi is prohibited from selling all or any age restricted products.

It is important to note that the recommendations are that only the sale of aged restricted products should be limited to 11.00pm and not the opening times of the premises.

4. REPRESENTATIONS RECEIVED

4.1 Responses to the Review Application from relevant Responsible Authorities have been received as well as a response from the Premises Licence holder Mr Rajasansi.

4.2 Mrs Debie Pearmain the Thames Valley Police Licensing Officer has made a formal written response supporting the Review Application and of the recommendations being made. The Police also ask that consideration be given to a number of additional conditions to be imposed on the Premises Licences as follows:

- All staff involved in the sale of alcohol to be Personal Licence Holders.
- CCTV images to be kept for 31 days and made available upon the request of Thames Valley Police employees and Local Authority Licensing and Trading Standards Officers.
- DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person is able to download any potential evidence required by Thames Valley Police employees.
- To participate in any UV marking scheme if requested by Thames Valley Police or Trading Standards.
- Refusals Register to be on the premises and kept up to date and made available upon the request of Police, Trading Standards Officers and Local Authority Licensing Officers.
- The DPS and management shall ensure that an EPOS/Till prompt system is installed and operated at all times.

The full written response is attached at **Appendix C**.

4.3 A response has been received from Royal Berkshire Fire and Rescue Service stating that they do not propose to make an representation. This response is attached at **Appendix D**.

4.4 Mr Richard Garnett Slough Borough Council NET Environmental Health Officer has made a formal written response again supporting the Review Application being made and asking for the following to be imposed on the Premises Licence:

- To participate in any UV marking scheme if requested by Thames Valley Police, Trading Standards, or the Neighbourhood Enforcement Team.
- The selling of alcohol be limited to 11pm

The full written response is attached at **Appendix E**.

4.5 A formal written response to the Review Application from the Premises Licence holder Mr Rajasansi was received on 19th December 2012. In summary Mr Rajasansi highlights that:

- The shop provides a valuable service to the working public on shift work as well as selling a number of products which he refers to as 'life savers'.
- The shop provides a late night service for HGV and coach drivers and that reducing the hours to 11.00pm would be a disservice.
- He operates a strict policy of checking identification on persons deemed to be underage.
- That the review is a witch hunt and would welcome discussions to alleviate concerns.
- Have overhauled and increased the CCTV system coverage which has reduced incidents of anti-social drinking.
- He will monitor the refusals register more closely.
- That the shop has passed other underage tests over the last 5 years.
- That the sale of cigarettes on this occasion was a case of mistaken identity.
- That prohibiting Mr Surinder Rajasansi from selling aged restricted products would be a disproportionate measure.

The full written response from Mr Rajasansi is attached at **APPENDIX F**.

5. RELEVANT GUIDANCE

The amended guidance issued under section 182 of the Licensing Act 2003 was published in October 2012 and the salient points that the Committee need to have regard to for Review Applications are detailed below.

- 11.1** The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2** At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.17** The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

5.2 The committee should also consider and make use of the 'Yellow and Red Card' system as directed and recommended by The Department of Culture, Media and Sport (DCMS) and as approved by the Licensing Committee.

APPENDICES

Appendix A - Copy of Premises Licence for S D Wines PL004439

Appendix B - Review Application and supporting information made by Trading Standards

Appendix C - Responsible Authority Response Form by Thames Valley Police

Appendix D - Written response from Royal Berkshire Fire and Rescue Service

Appendix E - Responsible Authority Response Form by Neighbourhood Enforcement Team

Appendix F - Written response to the Review Application from Mr Kulvinder Rajasani

Background papers

- The Licensing Act 2003
- Guidance issued under Section 182 of the Licensing Act 2003 - (Revised October 2012)
- Regulations (cited as the Licensing Act 2003 ([Various]) Orders 2005
- Slough Borough Council Statement of Licensing Policy - December 2010
- DCMS Guidance – Red and Yellow Card System
- LACORS Guidance to Trading Standards as a Responsible Authority: Reviews

Contact Officer

Michael Sims
Licensing Manager
Enforcement and Regulatory Services
01753 477387

Licensing Act 2003

Premises Licence**PL4439**

LOCAL AUTHORITY

**Slough Borough Council**

Licensing Team
Landmark Place
High Street
Slough
Berkshire
SL1 1JL

tel: 01753 875664

web: www.slough.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

SD Wines

131 Bath Road, Slough, Berkshire, SL1 3UW.

Telephone 01753 822529

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only	Monday to Sunday	9:00am	2:00am
	Christmas Day	Noon	10:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	9:00am	2:00am
Christmas Day	Noon	10:00pm

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Surinder Pal Singh Rajasani

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)



Licensing Act 2003

PL4439

Premises Licence

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Kulvinder Vir RAJASANI

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. H001273

Issued by Hounslow



Premises Licence

ANNEXES

Annex 1 - Mandatory conditions**AUTHORISATION OF ALCOHOL**

The supply or sale of alcohol is prohibited when:

- (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence
- (b) at a times when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence has been suspended

In addition every supply of alcohol must be made or authorised by a person who holds a Personal Licence.

Condition 4, with effect from 1st October 2010

(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**OFF- LICENCES**

Alcohol shall not be sold or supplied except during permitted hours

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces:

Alcohol shall not be sold in an open container or be consumed in the licensed premises

CONDITIONS CONSISTENT WITH YOUR OPERATING SCHEDULE**C.C.T.V.**

1. A C.C.T.V. system has been installed and is working to the satisfaction of Thames Valley Police and the Licensing Authority
2. Recordings will be maintained for an appropriate period of time to be agreed with the Police and the Licensing Authority
3. If the C.C.T.V. equipment fails, the Police and the Licensing Authority will be informed immediately by telephone and immediate steps will be taken to put the equipment back into working order
4. A notice will be displayed at the entrance to the premises advising that C.C.T.V. is in operation
5. At least one C.C.T.V. camera will be in operation at the front of the premises at all times when the premises is



Premises Licence

ANNEXES continued ...

in use

Bottles and glasses

6. Customers carrying open or sealed bottles or glasses will not be admitted to the premises at any time
7. Customers will not be permitted to take open containers of alcoholic or soft drinks from the premises

Proof of age cards

8. We have a proof of age policy that has been formulated in discussion with the Police and the Licensing Authority

Drinks promotions

9. The Designated Premises Supervisor or a Personal Licence holder will be in charge of the premises when any drinks promotions are taking place

Drugs

10. The Police will be notified of all seizures of controlled drugs

Fire Safety

11. We have conducted a suitable Fire Risk Assessment at the premises and implemented the necessary control measures
12. All exit doors are easily operable without the use of a key, card, code or similar means
13. Exit doors are regularly checked to ensure they function satisfactorily
14. Records of these checks are kept and can be produced on request
15. All fire doors are maintained unobstructed and effectively self-closing and will not be held open other than with approved devices
16. Notices detailing the actions to be taken in the event of fire or other emergency are prominently displayed and maintained in good condition
17. Access is provided for emergency vehicles and kept clear and free from obstruction at all times
18. Fire drill and emergency lighting tests are conducted weekly / monthly. Records of these tests are available upon request
19. All fire exits and means of escape are signed in accordance with BS5499: Part 1: Specification for Fire Safety Signs: 1990
20. An evacuation policy is in place that is to the satisfaction of the Fire Authority. All staff members have been trained in fire and emergency evacuation procedures
21. Wall and ceiling finishes are fire resistant to the appropriate standard
22. Exit doors open outwards or are secured in the open position if this is not the case

Disabled people

23. Adequate arrangements exist to enable the safe movement within the premises of disabled people and their



Premises Licence

ANNEXES continued ...

safe evacuation in the event of an emergency

First Aid

24. Adequate and appropriate First Aid equipment and materials are available on the premises
25. At least one suitable trained First Aider will be on duty when the public are present
26. If more than one First Aider is present, their respective duties will be clearly defined
27. First Aiders are trained to deal with drug and alcohol related problems

Fire Safety - Lighting

28. In the absence of adequate daylight suitable and sufficient artificial lighting is provided and maintained in any area accessible to the public
29. Fire safety signs are adequately illuminated
30. Emergency lighting is installed and regularly maintained
31. Emergency lighting batteries are fully charged before the admission of the public
32. The emergency lighting battery has a capacity of 15 minutes to allow adequate evacuation of the premises
33. Emergency lighting tests are conducted monthly. Records of these tests are available upon request

General

34. All safety signs warning customers about the risks to their health and safety are to comply with BS5378 1980 : Safety Signs and Colours
35. We operate a complete no smoking policy at the premises

Noise and vibration

36. A noise management plan has been devised and is in operation at the premises
37. All windows are double glazed to minimise the breakout of noise

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

The Licensing Authority determined on 9 November 2006 that:

1. Surinder Pal Singh Rajansani be removed as designated premises supervisor: a two month period was agreed to allow an opportunity to seek an appropriate replacement designated premises supervisor.
2. The licence be suspended for a period of one month: no trading for the sale of alcohol commencing from Monday 13 November 2006 to Wednesday 13 December 2006 (inclusive).



Premises Licence Summary

LOCAL AUTHORITY

**Slough Borough Council**

Licensing Team
Landmark Place
High Street
Slough
Berkshire
SL1 1JL

tel: 01753 875664

web: www.slough.gov.uk

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

SD Wines

131 Bath Road, Slough, Berkshire, SL1 3UW.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only			
	Monday to Sunday	9:00am	2:00am
	Christmas Day	Noon	10:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	9:00am	2:00am
Christmas Day	Noon	10:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Surinder Pal Singh Rajasani

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Kulvinder Vir RAJASANI



Premises Licence Summary

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

no restrictions on access by children



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APPENDIX B

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 DEAN COOKE

(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 S D Wines, 131 Bath Road, Slough,	
Post town Slough	Post code (if known) SL1 3UW

Name of premises licence holder or club holding club premises certificate (if known) Surinder Pal Singh Rajasansi

Number of premises licence or club premises certificate (if known) PL4439

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

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 Dean Cooke, Senior Trading Standards Officer Slough Borough Council Trading Standards St Martin's Place, 51 Bath Road Slough SL1 3UF
Telephone number (if any) 01753 875255
E-mail address (optional) dean.cooke@slough.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder ✓
 - 2) public safety ✓
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm ✓

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

On the 29th June 2012, a Trading Standards test purchasing exercise was carried out by Slough Trading Standards and Thames Valley Police.

They visited a number of premises with underage volunteers, in an attempt to see if any of these traders would sell tobacco products to persons under the age of 18 years old.

During the exercise, the officers visited SD Wines, 131 Bath Road, Slough, SL1 3UW.

An underage volunteer, sent into the store by Trading Standards and the Police was able to purchase 1 pack of 10 x "Benson & Hedges Gold" cigarettes. At no time was the purchaser asked for proof of their age.

The volunteer had been sent into other premises previously in the evening and had been refused sales.

The person serving and making the sale was Mr Surinder Rajasansi (the part owner of the business) and Premises Licence Holder.

Please provide as much information as possible to support the application (please read guidance note 3)

Following the test purchase of cigarettes, a further volunteer was sent into the store to purchase alcohol; this volunteer was asked for their age and refused the sale.

Statements are attached from Dean Cooke (the Investigating Officer) and the two observing officers from Thames Valley Police. The legal report is currently being compiled with a possible decision to prosecute these defendants.

A test purchasing exercise on 18th May 2006, carried out by Police and Trading Standards officers resulted in a sale of two bottles of Bacardi Breezer to an under age person. The sale was made also on this occasion by Mr Surinder Rajasansi (the Designated Premises Supervisor).

Mr Surinder Rajasansi was prosecuted by this department in October 2006 and was fined £300 with £800 costs.

This business has been provided with underage sales guidance Trader Packs on the following dates :-

- (i) 13th October 2005
- (ii) 11th January 2008
- (iii) 16th September 2009

The Trader Packs explain about the importance of Reasonable Precautions (i.e. a system in place to prevent offences occurring) and Due Diligence (i.e. monitoring those systems to make sure that they are working).

Over the past 10 years, SD Wines have been tested 11 times.

- for Alcohol - 8 sales attempted - 1 sale made
- for Fireworks 2 sales attempted - no sales made
- for Tobacco products - 1 sale attempted - 1 sale made

Both sales were made by Mr Surinder Pal Singh Rajasansi (the DPS)

The store has only a limited number of persons working on the tills - these being Mr Kulvinder Rajasansi (the DPS's son, who is running the business), Mr Surinder Rajasansi (the DPS) and his wife.

There is a concern that this business, although very stretched for staff also operate a late licence until 2am.

If these mistakes are occurring at 8:30pm in the evening, this could be further exacerbated later in the day.

We would recommend the following conditions on this licence :-

- (i) That the sale of any age restricted product cannot take place any later than 11.00pm,
- (ii) The introduction of an 'Over 21's only' policy for all age restricted products,
- (iii) Mr Surinder Rajasansi is prohibited from selling all or any age restricted products,

tick ✓ yes

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

Please

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

NB// Thames Valley Police previously made an application for the Review of the Premises Licence with supporting evidence supplied by Slough Borough Council Trading Standards Officers, regarding a prosecution for the under age sale of alcohol on 18th May 2006.

tick ✓ yes

Please

- 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 05/11/12
.....

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) As previously provided	
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); C.J.Act 1967, s.9; M.C. Act 1980, ss5B)

STATEMENT OF: DEAN ANTHONY COOKE

AGE OF WITNESS (IF OVER 18 ENTER "OVER 18"): OVER 18

OCCUPATION: SENIOR TRADING STANDARDS OFFICER,
SLOUGH BOROUGH COUNCIL TRADING STANDARDS

This statement (consisting of 4 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 which I know to be false or do not believe to be true.

Dated the 29th day of October 2012 Signed.....

I am a Senior Trading Standards Officer for Slough Borough Council Trading Standards. The following facts are within my own personal knowledge.

At 17:00 hours on the 29th June 2012, I picked up the two male under age volunteers at their respective homes. After training them for the exercise and getting completed authorisation documentation from their parents. I transported them to the Slough Police Station on Windsor Road. After taking photographs of the volunteers, we met with the assisting officers from Thames Valley Police at 18:00hrs. Namely, Tracey Fenton-Smyth, Daniel Simpson and Debie Permain (Police Licensing Officer).

The volunteers and officers were briefed again, in relation to health and safety measures and conduct during the test purchasing exercise.

The volunteers were taken to a number of premises, where they attempted to purchase alcohol and tobacco products.

One of these premises was SD Wines, 131 Bath Road, Slough, SL1 3UW. Officers Simpson and Fenton-Smyth entered the store as observing officers 20:30hrs, to observe any transaction and hear what was being said.

Dated the 29th day of October 2012 Signed....

CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

One of the volunteers were accompanied to the front of the store by myself and entered the store at 20:32hrs.

The volunteer emerged from the SD Wines at 20:34 with a packet of "10 x Benson and Hedges Gold" cigarettes. The observing Police officers left the store shortly afterwards.

If met with the volunteer and we then returned to my vehicle, at 20:35hrs, where photographs were taken of the evidence and the cigarettes were sealed in an evidence bag with a tamper proof evidence seal number 003397421. The evidence was then secured in the boot of my car at 20:44hrs. This test purchase is presented as Exhibit : DCO/SDW/1.

A further test purchase was attempted with the other volunteer for alcohol. On this occasion, however, the volunteer was refused the sale.

I entered the store with Officers Fenton-Smyth and Permain at 20:50hrs and spoke to the person, who was identified as the seller of the cigarettes; who gave his name as Mr Surinder Pal Singh Rajasansi, address :

Mr Surinder Rajasansi was indentified as the seller by Officer Fenton-Smyth, he claimed that he'd asked for ID from the volunteer; however, I explained that this would be better discussed at interview. He was asked about CCTV footage, but could not provide this at the time. He said that his son would provide this. He has then asked for a Refusals Book, which he also could not find at the time of the visit.

I took the details of his Personal Licence – No. 004736 and expiry on 01/10/2015.

Dated the 29th day of October 2012 Signed..

CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

We all left the premises at 21:07hrs. Mr Surinder Rajasansi informed me that he was the owner of the business. The volunteers were returned home shortly afterwards.

The evidence remained in my possession for the journey home and was secured in a locked cupboard at 22:30hrs. On the 2nd July 2012, bag number 003397421 was then removed at 7:45hrs and transported to the Slough Borough Council offices and secured in an evidence store at 9:55hrs.

Records of previous advice provided to the company were checked the following day and receipts for three under age sales Trader Packs received on 13/10/2005, 11/01/2008 & 16/09/2009 are now presented as Exhibits DCO/SDW/8(a), 8(b) and 8(c) respectively.

A4 printouts of photographs taken of the test purchased item itself are presented as Exhibit : DCO/SDW/2.

After sending correspondence to Mr Surinder Rajasansi, I was then contacted by Aston Bond Solicitors; who then inform me that the joint owner of SD Wines is his son Mr Kulvinder Vir Singh Rajasansi. I advised that he would need to attend an interview as well.

All correspondence with Mr Surinder Rajasansi only is presented as Exhibit: DCO/SDW/3(a).

All correspondence with Aston Bond solicitors is presented as Exhibit: DCO/SDW/3(b).

All correspondence with both Mr Surinder and Mr Kulvinder Rajasansi is presented as Exhibit : DCO/SDW/3(c).

Dated the 29th day of October 2012 Signed,

CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

Both Mr Surinder and Kulvinder Rajasansi were interviewed under caution on the 10th September 2012. The evidence in bag number 003397421 was removed from secure storage at 13:30hrs and returned at 15.55hrs after the interviews had been concluded.

A notice to persons whose interview has been recorded, signed by Mr Surinder Rajasansi on the 10th September 2012, is presented as Exhibit : DCO/SDW/4.
A copy of the Interview Transcript with Mr Surinder Rajasansi is presented as Exhibit : DCO/SDW/5.

A notice to persons whose interview has been recorded, signed by Mr Kulvinder Rajasansi on the 10th September 2012, is presented as Exhibit : DCO/SDW/6.
A copy of the Interview Transcript with Mr Kulvinder Rajasansi is presented as Exhibit : DCO/SDW/7.

A copy of the Alcohol Licence for SD Wines, confirming Mr Surinder Rajasansi as the Designated Premises Supervisor, is presented as Exhibit : DCO/SDW/9.

Evidence presented by Mr Kulvinder Rajasansi at his PACE interview and via the post are presented as follows :-

- Letters from Camelot, confirming test purchase refusals for National Lottery under age test purchases (4 letters relating to 3 x test purchases) provided at interview are presented as Exhibits : DCO/SDW/10.
- Copies of the Refusals Register being operated by SD Wines, provided via the post are presented as Exhibit : DCO/SDW/11.

Master and working CD copies of Mr Surinder Rajasansi's PACE interview are presented as Exhibit : DC/SD/1

Master and working CD copies of Mr Kulvinder Rajasansi's PACE interview is presented as Exhibit : DC/SD/2.

Dated the 29th day of October 2012 Signed...

Witness Statement

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN:

Four empty rectangular boxes for URN entry.

Statement of: **D. Simpson**

Age if under 18 (if over insert "over 18"): **Over 18**

Occupation: **A/PS 7486**

This statement (consisting of1..... Pages(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 which I know to be false, or do not believe to be true.

Handwritten signature of D. Simpson.

Signature:

Date: **28/09/2012**

I am acting sergeant Daniel Simpson, a police officer employed by Thames Valley police, and currently stationed at Slough police station. I am making this statement in reference to my attendance at a shop called SD wines, Bath Road, Slough, on June 29th 2012.

On the above date, I was plain clothes, and crewed with PC 3922 Fenton-Smyth. We were on a test purchasing operation, with two trading standards volunteers. At approximately 2030hrs I entered the store, and was quickly followed by one of the volunteers. I was present when the male was sold a packet of 10 Benson and Hedges Gold Cigarettes several minutes later.

I was aware that the male volunteer was under 18, and in my opinion, that was quite evident from his appearance. At no point throughout the transaction was the volunteer asked for identification, which he would not have been able to provide. He was also not asked his age.

I then left the store, before returning with a trading standards operative. Since this time, I have had nothing further to do with the incident.

Handwritten signature of D. Simpson.

Signature:

Signature Witnessed by: **N/A**

Witness Statement

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN:

Four empty rectangular boxes for URN entry.

Statement of: Tracey Fenton-Smyth

Age if under 18 (if over insert "over 18"): Over 18

Occupation: Police Constable 3922

This statement (consisting of1..... Pages(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 which I know to be false, or do not believe to be true.

Signature:

3922

Date: 11/10/2012

I am P.C. 3922 Fenton-Smyth currently stationed at Slough Police Station in the Town Centre Unit. On Friday 29th June 2012 I was on duty in plain clothes conducting a test purchase operation with P.C. 7486 Simpson and a licensing officer from the Thames Valley Police and a member of Trading Standards. Working along with us we had two males under the age of 18 years old. I will refer to these males as male A and B. Around 20:30 hours we attended a shop called S.D.Wines on the Bath Road, Slough. I selected an item and stood in the queue next to P.C. Simpson who in turn was next to male A. Male A asked the shopkeeper for ten cigarettes. The shopkeeper took the cigarettes off display and did not ask male A his age or date of birth or for any identification. We left the shop and a short while later returned while male B attempted to make a purchase but this time the shopkeeper asked him for proof of age. I would describe the shopkeeper as an Asian male, in his late 50's to early 60's with greying hair. He was wearing a green colour t-shirt. I returned to the store at 20:50 hours, with Dean Cooke from Slough Trading Standards, where Mr Cooke took the details of the seller and owner of the business, Mr Surinder Rajasansi. I asked Mr Rajasansi about the CCTV footage, but he was unable to access the requested segment of the recording, he informed us that his son would do this. We then left the store at around 21:10 hours.

Signature:

3922

Signature Witnessed by: N/A

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APPENDIX C

Responsible Authority Representation Form

Thames Valley Police, Royal Berkshire Fire and Rescue Service, Health and Safety Executive, Area Child Protection Committee, Slough Borough Council [SBC] Commercial Services (Health and Safety and Trading Standards), Planning and Development Control Services [SBC], Public Health Services [SBC].

APPLICATION DETAILS

Name of Premises	SD Wines
Address of Premises & Tel: No.	131 Bath Road Slough Berkshire SL1 3UW 01753 822529
Applicant Details (Name, address, Tel: No.) if different from above	Debie Pearmain
Company Name (if different from Applicant)	Police Licensing Officer Windsor Police Station Alma Road Windsor Berkshire SL4 3ES
Application type (state fully)	Review application submitted by Dean Cooke, Senior Trading Standards Officer, Slough Borough Council
Date Application received	27/11/2012

REPRESENTATION SUBMISSION

Please tick

There are no representations to the granting of this licence	<input checked="" type="checkbox"/>
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If you are making representations to the application identify which of the four licensing objectives your representation relates to:

Please detail your representation and the reason together with your supporting evidence, as appropriate. *(If replying by hard copy, please attach separate sheet(s) if necessary).*

	Please tick	
Prevention of Crime and Disorder	√	
Public Safety	<input type="checkbox"/>	
Prevention of Public Nuisance	<input type="checkbox"/>	
Protection of Children from Harm	√	

Please provide advice to the Licensing Sub-Committee on how you believe they should consider the representation.

If appropriate, recommend conditions that could be added to the Licence to remedy your representation or other suggestions you would like the Licensing Sub-Committee to take into account.

If replying by hard copy, please attach separate sheet(s), if necessary.

Please refer to the Responsible Authority Guidance Note.

Thames Valley Police fully support Trading Standards in this review application. I am aware that the premises licence was reviewed by Thames Valley Police and a licensing hearing was held on the 9th November 2006. There is concern that an under aged person was able to purchase cigarettes without being challenged. The Premises Licence Holder and the Designated Premises Supervisor must challenge under aged persons on all age restricted products, this is clearly not happening. Thames Valley Police are also concerned that the premise is able to sell alcohol until 2am, seven days a week. We do have issues of street drinkers in the Slough area and any premise open until such a late time would be in our view attract such persons in trying to purchase alcohol, which could potentially undermine the crime and disorder licensing objective.

Thames Valley Police fully support Slough Trading Standards requests as detailed on the review application. We also request the following extra conditions be placed on the premises licence alongside those already on the licence:

All staff involved in the sale of alcohol to be Personal Licence Holders.

CCTV images to be kept for 31 days and made available upon the request of Thames Valley Police employees and Local Authority Licensing and Trading Standards Officers.

DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person is able to download any potential evidence required by Thames Valley Police employees.

To participate in any UV marking scheme if requested by Thames Valley Police or Trading Standards.

Refusals Register to be on the premises and kept up to date and made available upon the request of Police, Trading Standards Officers and Local Authority Licensing Officers.

The DPS and management shall ensure that an EPOS/Till prompt system is installed and operated at all times.

The Premises Licence Holder and DPS must show due diligence and act responsibly. We must all play our part in deterring under aged persons purchasing any age restricted products.

Name of Officer completing Representation	Debie Pearmain
Job Title	Police Licensing Officer
Name of Responsible Authority	Thames Valley Police
E-mail address:	Debie.pearmain@thamesvalley.pnn.police.uk
Tel: No.	01753 835571

N.B. If you do make a representation you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

Signed: D.Pearmain

Dated: 28/11/2012

Please return this form along with any additional sheets, if replying by hard copy to:

The Licensing Team
Public Protection Services
Landmark Place
High Street
Slough
SL1 1JL **Or** E-mail to Licensing@Slough.gov.uk

**ROYAL BERKSHIRE
FIRE AND RESCUE SERVICE**

APPENDIX D

My reference: JE/360199
Your reference:

When dialling ask for: Mr John M Ellis
Direct telephone line: 01753 547997
Email address: ellisjm@rbfrs.co.uk

Mr Dean Cooke
Senior Trading Standards Officer
Slough Borough Council Trading Standards
St Martins Place
51 Bath Road
Slough
Berkshire SL1 3UF



**Royal Berkshire
Fire and Rescue Service**
Slough Fire Safety Office
124 London Road
Langley
Berkshire
SL3 7HS

Web www.rbfrs.co.uk

Chief Fire Officer
Iain COX QFSM MA BSc(Hons)
MCIPD

**Licensing Act 2003
Review of Premises Licence
S D WINES 131 BATH ROAD SLOUGH BERKSHIRE**

Dear Sir

I acknowledge safe receipt of your copy application dated 21 November 2012 in respect of a Review of a Premises Licence for the above premises. I wish to advise you that the Fire Authority **does not propose to make any representation** to the Licensing Authority.

This letter is without prejudice to the powers of the Licensing Authority and to any requirements or recommendations which may be made by enforcing Authorities under other legislation.

Any queries regarding this letter should be addressed to the person named above. If you are dissatisfied in any way with the response given, please ask to speak to the Office Manager quoting our reference.

Yours faithfully

JM/Ellis
Fire Safety Inspector

On behalf of Royal Berkshire Fire Authority

Mr M Simms
Licensing Manager
Landmark Place
High Street
Slough
SL1 1JL

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APPENDIX E

Responsible Authority Representation Form

Thames Valley Police, Royal Berkshire Fire and Rescue Service, Health and Safety Executive, Area Child Protection Committee, Slough Borough Council [SBC] Commercial Services (Health and Safety and Trading Standards), Planning and Development Control Services [SBC], Public Health Services [SBC].

APPLICATION DETAILS

Name of Premises	SD Wines
Address of Premises & Tel: No.	131 Bath Road Slough Berkshire SL1 3UW 01753 822529
Applicant Details (Name, address, Tel: No.) if different from above	Richard Garnett
Company Name (if different from Applicant)	Responsible Authority Neighbourhood Enforcement Team Slough Borough Council
Application type (state fully)	Review application submitted by Dean Cooke, Senior Trading Standards Officer, Slough Borough Council
Date Application received	27/11/2012

REPRESENTATION SUBMISSION

Please tick

There are no representations to the granting of this licence	<input checked="" type="checkbox"/>
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If you are making representations to the application identify which of the four licensing objectives your representation relates to:

Please detail your representation and the reason together with your supporting evidence, as appropriate. *(If replying by hard copy, please attach separate sheet(s) if necessary).*

	Please tick	
Prevention of Crime and Disorder	√	
Public Safety	<input type="checkbox"/>	
Prevention of Public Nuisance	√	
Protection of Children from Harm	√	

Please provide advice to the Licensing Sub-Committee on how you believe they should consider the representation.

If appropriate, recommend conditions that could be added to the Licence to remedy your representation or other suggestions you would like the Licensing Sub-Committee to take into account.

If replying by hard copy, please attach separate sheet(s), if necessary.

Please refer to the Responsible Authority Guidance Note.

The Neighbourhood Enforce Team of Slough Borough Council [NET] fully support Trading Standards in this review application. I am aware that the premises licence was reviewed by Thames Valley Police and a licensing hearing was held on the 9th November 2006. There is concern that an under aged person was able to purchase cigarettes without being challenged. The Premises Licence Holder and the Designated Premises Supervisor must challenge under aged persons on all age restricted products, this is clearly not happening.

NET are also concerned that the premise is able to sell alcohol until 2am, seven days a week. We have conducted an Anti Social Behaviour Survey in nearby Glentworth Place and they have indicated issues with street drinkers in the area and anecdotal evidence indicates that this premises being open until such a late time attracts such persons in trying to purchase alcohol, which could potentially undermine the crime and disorder licensing objective.

NET fully support Slough Trading Standards requests as detailed on the review application. We also request the following extra conditions be placed on the premises licence alongside those already on the licence:

To participate in any UV marking scheme if requested by Thames Valley Police, Trading Standards, or the Neighbourhood Enforcement Team.

The selling of alcohol be limited to 11pm

Name of Officer completing Representation	Richard Garnett
Job Title	Environmental Health Officer
Name of Responsible Authority	Neighbourhood Enforcement Team Slough Borough Council
E-mail address:	richard.garnett@slough.gov.uk
Tel: No.	01753 875254

N.B. If you do make a representation you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

Signed: R Garnett

Dated: Thursday, 06 December 2012

Please return this form along with any additional sheets, if replying by hard copy to:

The Licensing Team
Public Protection Services
Landmark Place
High Street
Slough
SL1 1JL

Or E-mail to Licensing@Slough.gov.uk

Appendix F

Licence Review SD Wines

I write in response to your letter regarding a request for a license review for SD Wines, 131 Bath Road, Slough SL1 3UW.

Contrary to popular belief the demographic of the average consumer at SD Wines after the hours of 11:00pm are the working public who are either finishing or starting shifts, at the multitude of businesses in the local vicinity. The convenience provided to these customers is varies from the benefit purchasing food and drink items as well as paying bills as they have missed the opportunity during 'working hours'. We also sell a varied range of products which we have become known for, often referred to as "life savers" items such as electricity/gas top-ups, calpol, dummies, baby milk, padlocks, fuses, plugs, bicycle repair and even starters for tube lights. A running joke with a few locals is "Raj to the rescue" when coming to the shop late at night. These relationships have been built over years of servicing the needs of the local community at their hour of need.

Being located on the Bath Road, on the doorstep of the trading estate gives HGV lorry and coach drivers a place to pull in and pick up various items. We have been told on numerous occasions how beneficial this is for them as they are unable to drive articulated lorries on smaller roads. Our location gives them the opportunity to pick up their essentials. Removing the licence from 11:00pm until 2:00am would be of great disservice to this sector of the hard working public who will be un-necessarily penalised through no fault of their own.

We STRICTLY do not promote or have cheap offers on alcohol during these late hours. This is to promote sensible drinking, and as such have seen a huge change in the type of customers we get during these hours. I must also state this isn't a drive to boost profits as we would sell far more if our prices were lower. High strength lagers/ ciders are NOT sold to unknown passing customers. We operate a strict policy of checking identification on customers deemed to be under the age of consent at all times.

It would be of great benefit if trading standards would divulge how many times we have passed test purchases since October 2006; since my joining the family business, to gain a better picture of whether we are abusing our licence. You will find that simply isn't the case. We have shown responsibility and respect the conditions of our licence and do our utmost to adhere to those regulations.

Unfortunately selling gas, electricity and other convenience items doesn't deliver a high enough profit for sustainable operation during these late hours, there just isn't enough foot-fall to be profitable, hence, why it's essential to be able to provide all available products within the store.

We have built up a few regulars over the years not to mention a few celebrities who having been filming late into the night at the Pinewood Studios. Personally, it is of great satisfaction to be able to serve the stars for a bottle of wine and be

able have a quick chat. Unfortunately most of the time my father doesn't have a clue that he's serving someone famous.

In such times of austerity it is essential we help promote and drive good working small businesses, not start witch-hunts over past feuds which we firmly believe this is. We are open to discussions with all regulatory parties and always will be. If anyone feels they have a concern with our shop policies or in the manner in which we run our business we would welcome them to discuss this in an open manner with us. We will always give a concerted effort to alleviate anyone's concerns with regards to our shop and our position in the local community. We are a family run business and wish to be a part of a growing multinational integrated community, which we have proved to be over the years we have been running.

Being the only shop outright owned in the parade we have come under increasing pressure and understand why it would benefit other parties to have us removed, for the purposes of redevelopment. However, in order to protect our livelihoods we will and must continuously fight to protect our business.

Since 2008 we have had an overhaul of our security camera systems. This was not at the request of any authority but a decision taken by ourselves to improve our local security. This proved to be of good effect, it allows us to monitor issues with minors approaching passers by to purchase them goods. Cameras were also added to the rear of the property to ensure no anti social drinking would occur in the service alley behind the shops. This has worked well as the number of incidents has been reduced dramatically. We also do our best to help the police when they ask for footage from particular days. These are hardly the actions of an irresponsible licence holder. A refusals register is also used, and I will ensure that this is monitored more closely when I, myself am not at the premises.

We have made every effort to ensure the safety of children and make a concerted effort so the sale of alcohol to the under-aged does not occur. The fact that we have passed every alcohol test purchase in the past 5 years goes some way to demonstrate this. If this was not an off licence, would there be a licence review for a failed cigarette purchase?

The cigarette test purchase that has led to this application for a licence review was simply a case of mistaken identity and I urge you look at the situation with the clear facts at hand. We have worked tirelessly over the past years to ensure the business is run responsibly.

Trading standards also recommends imposing an age restricted order for Surinder Rajasani. Surely any punishment should be proportionate to the offence. Removing somebody from their job and only source of income is extreme to say the least. Surinder has a mortgage to pay and a pension pot which has dwindled into insignificance. Actively suspending somebody for a case of mistaken identity is ludicrous. If Surinder Rajasani is imposed from selling age-restricted goods from a shop which relies on the sale of alcohol,

cigarettes and magazines this effectively means he can no longer work in that role. How would he pay his mortgage? At 67 it is highly unlikely he would be able to find another job with ease.

I don't feel enough of an onus has been given to the response of the passed test purchases since 2007. One failed test purchase does not suggest there is an underlying pattern of intent to sell to minors. Lessons have been learnt from past mistakes and this incident was an accidental case of mistaken identity. Please check through the complete facts carefully before deciding to progress with a licence review. The same day also saw us pass the test purchase for alcohol.

I fully respect and understand the role of trading standards and the licensing departments, but surely this is a duty of care to the public to trace out rogue traders and not punishing genuine mistakes.

If I can be of any more help or you would like to discuss the matter in detail please do not hesitate to contact me.

Kulvinder Rajasansi
SD Wines

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AGENDA ITEM 6

By virtue of paragraph(s) 1, ~~2 of Part 1 of Schedule 12A~~
of the Local Government Act 1972.

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