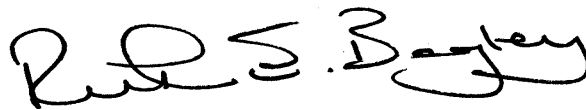


Date of issue: 7<sup>th</sup> June, 2013

|   |  |
|---|--|
| <b>MEETING</b>  | <b>LICENSING SUB-COMMITTEE</b><br>(Councillors Mittal(Chair), Davis and Plimmer) |
| <b>DATE AND TIME:</b>   | MONDAY, 17TH JUNE, 2013 AT 10.00 AM  |
| <b>VENUE:</b>   | SAPPHIRE SUITE 5, THE CENTRE, FARNHAM ROAD,<br>SLOUGH, SL1 4UT                   |
| <b>DEMOCRATIC SERVICES<br/>OFFICER:<br/>(for all enquiries)</b> | TERESA CLARK<br><br>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</u><br><u>ITEM</u> | <u>REPORT TITLE</u> | <u>PAGE</u> | <u>WARD</u> |
|------------------------------|---------------------|-------------|-------------|
|------------------------------|---------------------|-------------|-------------|

Apologies for absence.

**CONSTITUTIONAL MATTERS**

1. Declarations of Interest

*All Members who believe they have a Disclosable Pecuniary or other Pecuniary or non pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 3 paragraphs 3.25 – 3.27 of the*

**AGENDA**  
**ITEM**

**REPORT TITLE**

**PAGE**

**WARD**

*Councillors' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 3.28 of the Code.*

*The Chair will ask Members to confirm that they do not have a declarable interest.*

*All Members making a declaration will be required to complete a Declaration of Interests at Meetings form detailing the nature of their interest.*

- |    |   |        |  |
|----|---|--------|--|
| 2. | Minutes of the Last Meeting held on 8th March, 2013   | 1 - 8  |  |
| 3. | Guidance on Predetermination/Predisposition - To Note | 9 - 10 |  |

**LICENSING ISSUES**

- |    |  |         |            |
|----|--|---------|------------|
| 4. | Review of Premises Licence, Drinks Direct Supermarket, 256 High Street, Langley, Slough. | 11 - 52 | Foxborough |
| 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 01-13) | 53 - 72  |  |
| 7. | Private Hire Driver Conduct Hearing (Reference 02-13) | 73 - 82  |  |
| 8. | Private Hire Driver Conduct Hearing (Reference 03-13) | 83 - 98  |  |
| 9. | Private Hire Driver Conduct Hearing (Reference 04-13) | 99 - 126 |  |

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.



**Licensing Sub-Committee – Meeting held on Friday, 8th March, 2013.**

**Present:-** Councillors Sohal (Chair), Malik and Plimmer

**Officers Present:-** Kuldip Channa, Principal Solicitor, Teresa Clark, Senior Democratic Services Officer, Dean Cooke, Senior Trading Standards Officer, Richard Garnett, Environmental Health Officer, Mick Sims, Licensing Manager

**PART 1**

**36. Declarations of Interest**

Councillor Sohal declared that he had visited the premises recently to familiarise himself with the layout of the shop. He had not spoken to anyone during the visit.

**37. Guidance on Predetermination/ Predisposition**

Members confirmed that they had read and understood the guidance note on Predetermination and Predisposition.

**38. Minutes of the Last Meeting held on 15th January 2013**

**Resolved –** That the minutes of the meeting held on 15<sup>th</sup> January 2013, be approved as a correct record subject to an amendment under minute number 33 to the title of Mrs Channa, to read 'Principal Solicitor', Slough BC.

**39. Review of premises Licence: S D Wines, 131 Bath Road, Slough**

Following introductions the procedure for the hearing was outlined. The Chair confirmed that all parties had received a copy of the relevant paperwork.

At the commencement of the hearing, Mr Bahal, representing Mr Surinder Pal Singh Rajansi, questioned whether the Sub-Committee had received a petition submitted to the Licensing Office on 18<sup>th</sup> February and a local newspaper article. Mr Sims, Licensing Manager advised that he had not received the documents in question. In response to a question by Mrs Channa, Mr Kulvinder Rajasansi confirmed that the documents had not been forwarded to Democratic Services.

Mr Bahal contended that the petition and the newspaper article carried some weight and it was important that the Sub-Committee have sight of these documents. He also stated that he could not see any audio equipment available to play the taped interviews and it had been agreed that these would be made available when the case was previously adjourned. Mr Bahal also requested that CCTV footage of the incident in question be made available during the hearing. Mrs Channa confirmed that the decision of the previous Sub-Committee was that the hearing be adjourned so that the scripts of the

## Licensing Sub-Committee - 08.03.13

interview content be made available and these had been included within the agenda papers.

Ms Pearmain, representing Thames Valley Police (TVP), objected to the submission of additional evidence on the grounds that there was sufficient time prior to the hearing for this to be circulated.

The Sub-Committee adjourned at 10.35 am to decide whether the documents referred to by Mr Bahal should be tabled for consideration.

The Sub-Committee re-convened at 10.47 am. The Chair advised that objections had been noted but the Sub-Committee had decided that in order to ensure a fair hearing, the petition and the newspaper article would be tabled and considered. Mr Bahal was reminded however that the purpose of the hearing was to review the premises licence because there had been a failed test purchase exercise. The Sub-Committee decided that the CCTV could not be played at the hearing as this formed part of the legal prosecution case.

The meeting adjourned at 10.55 am so that the relevant documents could be copied and tabled for all parties present. The contents of the documents were noted and the hearing reconvened at 11.10 am.

### Introduction by the Council's Licensing Officer

Mr Sims referred the Sub-Committee to the report set out in the agenda papers. Options available to the Sub-Committee were outlined for Members consideration.

It was confirmed that the Licence Holder was Mr Surinder Pal Singh Rajasansi, and that the Designated Premises Supervisor (DPS) was his son, Mr Kulvinder Vir Rajasansi. The review had been requested under the grounds of the Prevention of Crime and Disorder, Public Safety, and the Protection of Children from Harm. The Sub-Committee was advised that the review was brought due to the sale of 1 pack of 10 "Benson and Hedges Gold" cigarettes i.e. an aged restricted product to an underage person, on 29<sup>th</sup> June 2012, that the premises was the subject of a previous Review Application in 2006 made by Thames Valley Police. On that occasion, the License conditions had been breached as alcohol was sold to an underage person and the CCTV system not working properly. At the previous review hearing the Sub-Committee had decided to remove Mr Surinder Rajasansi as the Designated Premises Supervisor and suspend the premises licence for the sale of alcohol for one month. It was highlighted that the premises had been tested on 11 occasions for age restricted products and two sales had been made.

Mr Sims discussed the responses received from the Responsible Authorities, and the Premises Licence holder. He also referred the Sub-Committee to the relevant guidance published under S182 of the Licensing Act 2003 which detailed the matters that Members should have regard to and the steps it

## Licensing Sub-Committee - 08.03.13

could take when reviewing a premises licence. It was also recommended that the Sub-Committee make use of the 'yellow card system'.

### Questions to Licensing Officer

None at this point.

### Representations made by Trading Standards

Mr Cooke, Senior Trading Standards Officer, explained why a review of the premises licence had been sought. On 29<sup>th</sup> June 2012 a Trading Standards test purchasing exercise was carried out by Slough Trading Standards and TVP. Officers visited SD Wines, 131, Bath Road, Slough and an underage volunteer was sent in to the store and was able to purchase a pack of 10 Benson and Hedges cigarettes. At no time was the purchaser asked for proof of their age. The same volunteer had been sent in to other premises earlier in the evening and had been refused sales. Mr Cooke confirmed that person who served the volunteer was Mr Surinder Rajasansi, the Premises Licence Holder. It was highlighted that a further volunteer was later sent in to the store and was refused a sale of alcohol. The Sub-Committee noted that in the last 10 years, the premises had been tested 11 times and that one sale had been made for alcohol and one for cigarettes (the case under discussion).

Mr Cooke was concerned that currently a limited number of staff operated the tills and the shop operated a late licence until 2 am. He did not accept the claim made that the under age sale was due to an error of judgement and reminded the Sub-Committee that it was a criminal offence, in the same way that drink driving was an offence. The review had been brought on the grounds of the protection of children from harm. Trading Standards Services recommended that the following conditions be placed on the licence: the sale of any restricted product should not take place any later than 11.00pm, that an 'Over 21's only' policy for all age restricted products be introduced, and that Mr Surinder Rajasansi be prohibited from selling all or any age restricted products. Mr Cooke commented that Mr Surinder Rajasansi was not sufficiently vigilant and it was he who had been personally responsible for the failed test purchase in 2006.

### Questions to Trading Standards Officer

Mr Bahal asked for clarification on what could initiate a review and the suggestion of not restricting the hours but the sale of any restricted products. Mr Cooke referred to 'Lacors' Guidance and advised that the restriction of age restricted products was being sought, not a restriction on opening hours.

### Representations made by TVP

Ms Pearmain advised that she supported the recommendations and confirmed that TVP had also requested that consideration be given to the addition of a number of further conditions to be imposed on the Premises Licence, namely:

## Licensing Sub-Committee - 08.03.13

- 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.

### Representations made by PC Bradfield, Thames Valley Police

PC Bradfield discussed antisocial behaviour incidents at properties opposite the SD Wines premises and street drinking. He advised that some individuals who had been drinking on the street had entered SD Wines and were refused the sale of alcohol at 11.30 pm. (Mr Rajasansi later disputed this and stated that it was not possible to walk into the shop at that time of night).

### Representations made by Richard Garnett, Environmental Health Officer

Mr Garnett referred to a survey of antisocial behaviour that had been undertaken in Ladyday Place and Glentworth Place where it was found that people being drunk or rowdy in public places was a significant problem for residents. He referred to incidents of rough sleeping and drunkenness in public and suggested that a can marking scheme could be useful to track whether the public nuisance problems were linked to alcohol sales from SD Wines. Mr Garnett supported the restriction of the sale of age restricted products at the premises to 11.00 pm.

### Questions by the Sub-Committee

In response to a Member question regarding whether there had been any cases of proxy sales, Ms Pearmain advised that there had been none.

A member questioned how many food outlets there were in the vicinity of the premises and was advised that there were 5 in Tuns Parade. He asked whether rubbish left in the vicinity could be from these outlets and was advised by Mr Garnett that a lot of the rubbish was alcohol cans and the other premises did not sell alcohol (apart from the Three Tuns Public House).

Mrs Channa asked how many of the incidents referred to by Environmental Health were linked to SD Wines and was advised that it was thought that individuals were obtaining some or all of their alcohol from the premises. It was then conceded that there was no evidence that the cans were from SD Wines.

## Licensing Sub-Committee - 08.03.13

### Response by Mr Kulvinder Rajasansi to Mr Garnett's submission

Mr Rajasansi contended that the reason the Environmental Health Team had visited the locality was because he had personally requested the visit following concerns regarding the amount of rubbish near to his premises. He felt that other premises were not 'pulling their weight' and therefore the problem had become worse. He advised that SD Wines did not sell any strong ciders after 11 pm and also highlighted that there were two other off-licence premises on Farnham Road, three minutes walk away from SD Wines.

### Questions to Mr Cooke from Mr Bahal

Mr Bahal asked Mr Cooke to confirm that his statement in the report that Mr Surinder Pal Singh Rajasansi was the Designated Premises Supervisor was incorrect. Mr Cooke confirmed that this was the case and that he was the Premises Licence Holder. Mr Bahal asked whether it had been intended that there would be two test purchases on the night in question and Mr Cooke advised that the second test for alcohol was conducted on the spur of the moment and other stores were tested in the same way. He confirmed that the second volunteer entered the premises after the first volunteer and not at the same time.

Mr Bahal asked whether the LACORS guidance was set in legislation and Mr Cooke confirmed that it was guidance, the purpose of which was to provide a consistent approach in Licensing matters. In response to a question as to whether tobacco was covered by the Licensing Act, Mr Cooke advised that it was not and this was a frequently held a mis-conception. Mr Bahal questioned whether the Sub-Committee had the authority under the Act to restrict the sale of items and was advised by Mrs Channa that the Sub-Committee could modify a licence to meet the Licensing objectives and could also add conditions to a licence.

Mr Bahal asked Mr Garnett whether the survey was conducted prior to the review and was advised that it was carried out in October 2012 and was not linked to the review. He confirmed that when he had visited SD Wines he was not aware of the test purchase.

In response for clarification by Mrs Channa, Mr Cooke advised that a Trader pack was given to all premises. This covered a number of issues including the requirements of legislation, penalties, a suggested template for a refusals register and age related displays. It was confirmed that Mr Rajasansi had signed up to an age Policy scheme.

### Representations made by the Premises Licence Holder

In addition to the representations made by the Premises License Holder, set out in the report, Mr Bahal advised that his client had been in business for 30 years and SD Wines had existed for 18 years. He acknowledged that Mr Surinder Rajasansi had failed a test purchase in 2006 but this was the only one failed of eleven. Mr Bahal stated that Mr Rajasansi had made the sale in error and this was due to mistaken identity- he thought the purchaser was the son of a friend who is 19 years of age. It was highlighted that the shop

## Licensing Sub-Committee - 08.03.13

provided sustenance for 10 people and the conditions suggested by the Licensing Officer were disproportionate.

Mr Kulvinder Rajasansi advised the Sub-Committee that family tried to run the business honestly. CCTV had been installed, cameras had been placed outside the shop and strides had been made in dealing with inappropriate customers. There were many corporate offices next to the shop. His father had given evidence when he had witnessed an assault on a police officer. He felt that the License Holder was being victimised and never sold alcohol to drunks hanging round the locality. It was argued that the volunteer who had been sold cigarettes looked over 21 years of age but this could not be proved as the production of photographs had not been allowed.

Mr Bahal argued that the whole process could have been resolved in a more amicable way.

### Summing Up

Having discussed the detail of conditions and whether the Premises License Holder was in agreement to these, all parties provided a brief summary. The Licensing Officer reminded Members that their decision should be made having regard to public interest and in consideration of recommendations put forward by those who were party to the review procedure. The Trading Standards Officer reminded the Sub-Committee that a criminal offence had been committed and the need to bring the review was a requirement of legislation. He confirmed his recommendations which included that Mr Surinder Rajasansi should be prohibited from selling age related products.

Ms Pearmain emphasised that the Designated Premises Holder and the Licence Premises Holder were required to ensure that Licensing objectives were met.

Mr Bahal did not feel that the right approach had been taken and on occasion everyone made a mistake. He requested that the Sub-Committee did not 'debar' Mr Surinder Rajasansi as he had dependents. Further, if he was not allowed to sell age restricted products he would not be allowed to sell aspirin for example. He concluded that the person who had been sold the cigarettes looked over the age of 21 but he had not been allowed to show photos of this person in to the Sub-Committee in evidence.

Mrs Clark, Senior Democratic Services Officer, advised the Sub-Committee that the petition tabled at the meeting did not show the address of the petitioners as required by the Council's Constitution and only the postcode and the name of the individual. This was noted by the Sub-Committee. Mrs Channa reminded the Sub-Committee that it was required to consider all four of the Licensing Objectives when reaching its decision.

Following the summing up, the parties left the meeting at 1.45 pm in order for the Sub-Committee to deliberate.



## Licensing Sub-Committee - 08.03.13

### Decision

The Sub-Committee re-convened at 2.10 pm and all parties were asked to re-join the meeting.

Having carefully considered all the information available, the Sub-Committee decided to impose the following on the Premises Licence:

- A. the premises be issued with a yellow card warning for a period of 12 months commencing from 8<sup>th</sup> March 2013.

It was held that in relation to the issue of a yellow card, that this was a strict warning and any further review may mean that revocation of the Premises Licence was the only reasonable and proportionate option available to the Licensing Authority.

- B. the following Conditions be included on the Premises Licence commencing 8<sup>th</sup> March 2013:-

1. That an Over 21s policy for all age restricted products be implemented .
2. That CCTV images be kept for 31 days and made available on the request of Thames Valley Police and/or Local Authority Licensing and Trading Standards Officers.
3. That a refusal register be maintained on the premises, kept up to date and made available upon the request of Police, Trading Standards Officers and Local Authority Licensing Officers.

In addition, the Sub-Committee made the following recommendations:

1. That the premises consider volunteering for the UV marking system in order to support the actions of the Police, Local Authority and other Agencies to any combat public nuisance issues within the vicinity of the Licensed Premises.
2. That the Designated Premises Supervisor (DPS) explore the installation of an EPOS/ Till prompt system and that they report back to the Licensing Officer by 10 June 2013 with options for implementation, and that within one of year this date the agreed system be implemented in order to meet the Licensing Objective for the protection of children.

The Sub-Committee issued a strict warning to the Licensed Premises Holder that all reasonable measures must be taken in order to prevent any further underage sales at the Licensed Premises.

The Sub Committee considered the Conditions imposed to be necessary, reasonable and proportionate in order to meet the Licensing Objectives.

Chair

(Note: The Meeting opened at 10.00 am and closed at 2.15 pm)

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## PREDETERMINATION/PREDISPOSITION - GUIDANCE

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

### Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

### Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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LICENSING SUB-COMMITTEE

(Item)

**LICENSING ACT 2003**

**DRINKS DIRECT SUPERMARKET LTD**  
256 High Street, Langley, Slough. SL3 8HA

Review of Premises Licence – **Number PL004630**  
Application made by Slough Borough Council Trading Standards Service

**1. CURRENT POSITION**

- 1.1 On the 17<sup>th</sup> April 2013, Slough Borough Council's Trading Standards Service brought a Review of the Premises Licence for Drinks Direct Supermarket Ltd, 256 High Street, Langley, Slough, SL3 8HA.

**Licences**

- 1.2 Drinks Direct operates under a Premises Licence number PL004630. The Premises Licence Holder and named Designated Premises Supervisor (DPS) is Mr Charanjit Singh Arura, who holds a Personal Licence (number LBHIL0918) issued by the London Borough of Hillingdon.
- 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 Saturday - | 08.00am to 11.00pm |
| Sunday -             | 10.00am to 10.30pm |
| Good Friday -        | 08.00am to 10.30pm |
| Christmas Day -      | Noon to 10.00pm    |

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

**2. BACKGROUND INFORMATION**

- 2.1 The grounds of Review are:
1. The Prevention of Crime and Disorder,
  2. Public Safety
  3. The Protection of Children from Harm,

The full Review Application and supporting evidence are contained at **Appendices B and C**.

## 2.2 The grounds for the current Review Application are based on the following:

- On 10<sup>th</sup> April 2013 Trading Standards inspected the premises of Drinks Direct and seized;
  - 36 x packs of cigarettes, with non-English health warnings
  - 16 x pouches of hand rolling tobacco (50g) with non-English health warnings
  - 9 x packs of tobacco 'shisha', bearing no government health warnings
  - Approximately, 100 x packets/pouches of 'smokeless' chewing tobacco (e.g. Gutkha, Khaini, Uda Pancchi, etc) bearing no government health warnings
  - 9 x bottles of counterfeit Jacobs Creek wine
  - Packets of imported prescription only medicines

Illegal possession of all the above items constitute offences under the Trade Marks Act 1994, the Consumer Protection from Unfair Trading Regulations 2008 and the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 (as amended)

- That the premises were subject of a previous Review Application in 2012 again made by Trading Standards Service for selling alcohol to an underage person, selling cigarettes to an underage person, selling fireworks in breach of the fireworks licence conditions and being found in possession for sale of counterfeit alcohol, condoms and batteries.
- In 2007 counterfeit Durex condoms and imported cigarettes were seized and in 2008 a written warning was given to Drinks Direct following the seizure of counterfeit vodka and Durex condoms. *(These two seizures were also detailed within the previous review in 2012)*

2.3 Advice on underage sales had previously been provided to the business in October 2005, January 2008 and July 2009

2.4 The Premises were subject to a previous Review Application made by Trading Standards Officers in 2012 following the sale of both alcohol and tobacco products to underage persons on 16<sup>th</sup> November 2011 and the sale of fireworks outside the allowed sale period on 17<sup>th</sup> November 2011.

2.5 At the previous Review hearing the Committee having carefully considered all the information available, decided to impose the following on the Premises Licence:

- The Premises Licence Holder is required to undertake the requirements of the Council's can-marking scheme.
- CCTV to be installed and recordings to be kept for 31 days (compliant with Home Office regulations) and made available upon the request of Thames Valley Police or the Licensing Authority.
- Staff to be trained on how to work the CCTV system where a staff member can download any potential evidence if required by Thames Valley Police or the Licensing Authority.
- In accordance with Central Government guidance and due to the seriousness of the incident highlighted the Sub-Committee also decided to issue the premises with a **"Yellow Card"**. **It was highlighted that if a further review was necessary and matters had not improved, the premises licence could be revoked. (see Appendix D)**

- 2.6 For the offence on 16<sup>th</sup> November 2011 Drinks Direct were convicted and fined £900.00 and ordered to pay costs of £1005.74 with the seller Mr Grover being fined £300.00 and ordered to pay costs of £150.00. For the offence on 17<sup>th</sup> November 2011 Mr Charanjit Singh Arura was convicted and fined £1,000.00 and ordered to pay costs of £850.00.

### **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

- 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

3.3 The recommendation made by the Trading Standards Service, due to the recent seizure, and of the previous history and management of the premises is that there is no other alternative than the premises being issued with a “Red Card” and for the Premises Licence to be revoked.

### **4. REPRESENTATIONS RECEIVED**

4.1 Responses to the Review Application from Responsible Authorities have been received.

4.2 The Thames Valley Police Licensing Officer has responded by supporting the Review Application and recommendations being made.

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

4.3 The Royal Berkshire Fire and Rescue Service confirmed that they do not propose to make a representation. This response is attached at **Appendix F**.

4.4 There have not been any responses from any other Responsible Authorities.

### **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 must 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.

- 11.10** Where authorised persons and Responsible Authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.16** The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the 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.

5.1 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.

5.2 The procedure to be followed for the Review hearing is attached at **Appendix G**.

## **APPENDICES**

Appendix A - Copy of Premises Licence for Drinks Direct PL004630

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

Appendix C - Review Application Supporting Information.

Appendix D - Copy of 'Yellow Card' from April 2012

Appendix E - Response from Debie Pearmain Thames Valley Police Licensing Officer

Appendix F - Response from Royal Berkshire Fire and Rescue Service

Appendix G - Procedure to be followed for Review hearing.

## **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**

**PL4630**

**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, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION**

**Drinks Direct**

256 High Street, Langley, Slough, Berkshire, SL3 8HA.

Telephone 01753 542465

**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 Saturday | 8:00am    | 11:00pm |
|  | Sunday             | 10:00am   | 10:30pm |
|  | Good Friday        | 8:00am    | 10:30pm |
|  | Christmas Day      | Noon      | 10:30pm |

**THE OPENING HOURS OF THE PREMISES**

| Description        | Time From | Time To |
|--------------------|-----------|---------|
| Monday to Saturday | 8:00am    | 11:00pm |
| Sunday             | 10:00am   | 10:30pm |
| Good Friday        | 8:00am    | 10:30pm |
| Christmas Day      | Noon      | 10:30pm |

**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

Part 2

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

Charanjit Singh Arura



Licensing Act 2003

# Premises Licence

PL4630

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

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

Charanjit Singh ARURA

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

Licence No. LBHIL0918

Issued by Hillingdon



# 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 1<sup>st</sup> 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**

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.

#### **Annex 3 - Conditions attached following a Licensing Sub-Committee hearing**

Following a hearing of the Licensing Sub-Committee held on 26th April 2012, the Sub-Committee decided to impose the following on the Premises Licence;

1. The Premises Licence Holder is required to undertake the requirements of the Council's can-marking scheme.
2. CCTV to be installed and recordings to be kept for 31 days (compliant with Home Office regulations) and made available upon the request of Thames Valley Police or the Licensing Authority.
3. Staff to be trained on how to work the CCTV system where a staff member can download any potential evidence if required by Thames Valley Police or the Licensing Authority.

In accordance with Central Government guidance and due to the seriousness of the incident highlighted the Sub-Committee also decided to issue the premises with a "Yellow Card". It was highlighted that if a further review was necessary and matters had not improved, the premises licence could be revoked.

The Sub Committee considered the conditions imposed to be necessary, reasonable and proportionate to address concerns relating to the prevention of crime and disorder and protection of children from harm.



## 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

**Drinks Direct**

256 High Street, Langley, Slough, Berkshire, SL3 8HA.

Telephone 01753 542465

## 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 Saturday | 8:00am    | 11:00pm |
|  | Sunday             | 10:00am   | 10:30pm |
|  | Good Friday        | 8:00am    | 10:30pm |
|  | Christmas Day      | Noon      | 10:30pm |

## THE OPENING HOURS OF THE PREMISES

| Description        | Time From | Time To |
|--------------------|-----------|---------|
| Monday to Saturday | 8:00am    | 11:00pm |
| Sunday             | 10:00am   | 10:30pm |
| Good Friday        | 8:00am    | 10:30pm |
| Christmas Day      | Noon      | 10:30pm |

## 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

## NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Charanjit Singh Arura

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



# Premises Licence Summary

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

Charanjit Singh ARURA

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

No restriction 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

**Drinks Direct Supermarket Ltd,  
256 High Street, Langley  
Slough, SL3 8HA**

Post town **Slough**

Post code (if known) **SL3 8HA**

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

**Charanjeet Singh Arura**

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

**PL004630**

#### 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<br><b>Dean Cooke,<br/>Senior Trading Standards Officer<br/>Slough Borough Council Trading Standards<br/>St Martin's Place,<br/>51 Bath Road<br/>Slough<br/>SL1 3UF</b> |
| Telephone number (if any)<br><b>01753 875255</b>  |
| E-mail address (optional)<br>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 10<sup>th</sup> April 2013, Trading Standards Enforcement Officers visited Drinks Direct at 256 High Street, Langley, following intelligence that the business was selling illicit tobacco products.

During inspection of the premises, Trading Standards Officers found :-

- (i) 36 x packs of cigarettes, with non-English health warnings
- (ii) 16 x pouches of hand rolling tobacco (50g) with non-English health warnings.
- (iii) 9 x packs of tobacco 'shisha', bearing no government health warnings
- (iv) Approximately, 100 x packets/pouches of 'smokeless' chewing tobacco (e.g. Gutkha, Khaini, Uda Pancchi, etc.) bearing no government health warnings.
- (v) 9 x bottles of counterfeit Jacob's Creek wine
- (vi) Plus packets of imported prescription only medicines, that have been referred over to the MHRA (Medicines & Healthcare products Regulatory Agency).

All items were seized by officers awaiting potential enforcement action under the following legislation :-

- Trade Marks Act 1994
- Consumer Protection from Unfair Trading Regulations 2008
- Tobacco Products (Manufacture, Presentation & Sale)(Safety) Regulations 2002 (as amended)

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

The previous history of this business suggests a considerable disregard for the legal requirements of running a licensed premises :-

Last year, the business was prosecuted by Trading Standards under the **Licensing Act 2003** and the **Children & Young Persons Act 1933** for both the sale of alcohol and tobacco products to persons under the age of eighteen years of age, on the 16<sup>th</sup> November 2011; resulting in a fine for Drinks Direct limited of £900 with £1005.74 costs and the seller Mr Ravinder Singh Grover fined £300.00 with costs of £150.00.

Advice on underage sales had been provided to the business on 28th October 2005 (provided to Ravinder Singh Arura), on the 17th January 2008 (provided to Ravinder Singh Arura) and 28 July 2009 (provided to a sale assistant Balbir Singh). This advice, from the evidence of the sales made above, was clearly ignored.

The company were also prosecuted at the same time for the sale of fireworks on the 17<sup>th</sup> November 2011; outside the allowed sale period for fireworks. For this offence (under the **Fireworks Act 2003** and the **Fireworks Regulations 2004**), the owner, Mr Charamjeet Singh Arura, was given a fine of £1000.00 and costs of £850.00.

Again, advice on fireworks sales and the permitted period was provided to Drinks Direct, but subsequently ignored.

In August 2008, a written warning was provided to Drinks Direct Limited, following the seizure of counterfeit vodka and durex condoms.

On 16 November 2007, during a counterfeit sweep of retailers in Slough, counterfeit Durex condoms and imported cigarettes were seized from the premises.

With regard to the imported cigarettes in 2007, there are revenue issues to be considered as there will be no excise duty, tax or VAT paid on this kind of product; as would also be the case with the recently seized items on the 10<sup>th</sup> April 2013.

With all counterfeit goods, there is always the possibility of public harm if the contents are not as described and not of satisfactory quality. This can vary from fiscal detriment to health issues.

It is clear from the history of this business that the business operators do not adhere to the law or take notice of advice it receives from the Trading Standards or the Licensing Team.

They continue to carry on the operation of the business with total disregard for their legal obligations and of the Mandatory Conditions of other conditions imposed on the Premises Licence.

From the previous licence review, a "Yellow Card" was issued for this business; which expires on the 26<sup>th</sup> April 2013.

I recommend that there is no alternative other than to issue a "Red Card" for Drinks Direct and revoke the premises licence immediately.

Supporting information:

1. Statement of Dean Cooke - Senior Trading Standards Officer
2. Copy of written warning - August 2008
3. Copy of 'Trading Standards Guidance - 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                 |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

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

**NB// Slough Trading Standards previously made an application for the Review of the Premises Licence in February 2012, regarding a prosecution for under age sales and selling fireworks out of the allowed sale period. As a result of the licence review, a "Yellow Card" for this premises was issued for 12 months and is valid until 26<sup>th</sup> April 2013.**

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 15/04/13

Capacity **Senior Trading Standards Officer**

|   |                  |
|---|------------------|
| <b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)<br>As previously provided |                  |
| <b>Post town</b>  | <b>Post Code</b> |
| <b>Telephone number (if any)</b>  |                  |
| <b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>   |                  |

**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.



# APPENDIX C

## 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 3 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 15th day of April 2013 Signed....**

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

On the 10<sup>th</sup> April 2013, a visit was made to Drinks Direct, 256 High Street, Langley, SL3 8HA following the receipt of a 5x5x5 intelligence report, regarding the sale of illicit tobacco products at the premises. The visit was carried out with Mr Peter Adshead (Senior Trading Standards Officer).

We arrived at the premises at 10:55am and carried out an inspection of the business as a whole. During the inspection a number of items were found, that contravened Consumer Protection legislation.

Underneath the main counter, to the right of hand side of the till, I found a box of illicit cigarettes with non-English health warnings on them. In the same box were 6 x packs of "Regal" cigarettes with English health warnings present. These packets were removed from the box and given back to the trader. The remainder of the box was seized, containing the following :-

- (i) 3 x packs of 20 – "L&M Blue Label" cigarettes
- (ii) 3 x packs of 20 – "L&M 2 in 1 Forward" cigarettes
- (iii) 1 x pack of 20 – "Classic Red" cigarettes

**Dated the 15th day of April 2013 Signed..,**

**Page 1 of 3**

**CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE**

- (iv) 4 x packs of "Minsk Capital" cigarettes
- (v) 24 x packs of "Marlboro Gold" cigarettes.

A further box was found to the left of these cigarettes containing hand rolling tobacco with non-English health warnings present on the packaging. The box contained the following :-

- (vi) 7 x 50g packs of Amberleaf hand rolling tobacco
- (vii) 9 x 50g packs of Golden Virginia hand rolling tobacco

Further to this, to the far left of the area behind the main counter, on the bottom shelf, the trader had in their possession for sale, boxes of shisha. A box containing shisha with tobacco content, bore no government health warnings.

- (viii) 9 x packs of tobacco shisha bearing no health warnings.

Inspection of the "Staff Only" storage area, during the inspection, raised further concerns, with the discovery of a cardboard box containing 'smokeless' chewing tobacco, bearing no government health warnings, of the following descriptions :-

- (ix) 3 x sealed packs of 'Tulsi Royal' Gutkha chewing tobacco.
- (x) 1 x open pack of 'Tulsi Royal' Gutkha
- (xi) 1 x pack of "RMD" Gutkha.
- (xii) 6 x plastic bags of an unidentified tobacco like powder.
- (xiii) 1 x open bag of "Udta Pancchi" chewing tobacco containing 7 pouches.
- (xiv) 60 x pouches of "Kuber – scented Khiani" chewing tobacco.
- (xv) 15 x pouches of "Tulsi Royal Gutkha"
- (xvi) 5 x pouches of "Chiani Khiani" + two empty bundles of packaging of this product.

A Code B notice was issued to the business at 11:55am.

**Dated the 15th day of April 2013 Signed...**

**CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE**

All tobacco products (i) to (xvi) were sealed in a tamper proof evidence bag with a security seal number R00444827 at 12:05hrs.

Further seized items include medicines found in the same box as the smokeless tobacco, which were seized to be transferred to the Medicines & Healthcare products Regulatory Agency (MHRA). The items seized were as follows :-

- (i) 8 x boxes of "Kamagra – oral jelly (Sildenafil)"
- (ii) 10 x packets of "Kamagra Sildenafil – Citrate Tablets- 100mg"

All these items were sealed in a bag with the tamper proof evidence seal number 003397191.

Mr Adshead also found a number of potentially counterfeit "Jacob's Creek Semillion Chardonnay" wine on the shelves of the front store. These 7 bottles were seized and sealed in tamper proof evidence bag R00444806.

Two further bottles of "Jacob's Creek Semillion Chardonnay" wine were found in the fridges in the front stor; these were sealed in bag number R00444742.

As the owner was not present at the time, all necessary documentation was signed on his behalf by the manager, Mr Ravinder Singh Grover.

All seized items (bags R00444827, 003397191, R00444806 and R00444742) were removed from the premises at 13:25hrs and secure in the boot of Mr Ashead's vehicle. These items were then transported to the Trading Standards Secure Store and logged in at 13:45hrs.

**Dated the 15th day of April 2013 Signed.....**

**Page 3 of 3**

RECEIVED  
20 AUG 2008  
CONS. PROT

Direct Dialling: 01753 875255  
Enquiries To: Keith Eaglestone  
E-Mail: keith.eaglestone@slough.gov.uk  
Date: 15<sup>th</sup> August 2008

Mr. Charanjit Singh Arura,  
Drink Direct Supermarket Ltd.,  
256, High Street,  
Langley,  
SL3 8HA

Dear Sir,

I have received a prosecution report from one of my concerning the discovery of packets of counterfeit Durex condoms at your premises on the 15<sup>th</sup> November last year.  
After an extensive investigation and your subsequent explanation, I have decided that we will not be instituting legal proceedings in this instance.  
I would point out that I think it extremely unlikely that this authority will take such a sympathetic approach in the future and I would put you on notice that if we find any counterfeit products in your possession in subsequent visits the matter will automatically be considered for legal proceedings.  
This decision is also conditional on your written acknowledgement of this letter within 7 days.

Yours faithfully,

Keith Eaglestone  
Trading Standards Manager

C.S. ARURA.

19-8-2008

**TRADING STANDARDS GUIDANCE LEAFLET**

**AGE RESTRICTED PRODUCTS**

Legislation prohibits the sale of certain products to persons under certain ages. The following is designed to guide you through the requirements of the law and assist in compliance

| <b>PRODUCT</b>   | <b>ONLY TO BE SOLD TO THOSE:</b> | <b>MAXIMUM PENALTY</b>                             |
|--|----------------------------------|--|
| <b>Alcohol</b>   | <b>18 and over</b>               | £5000 & forfeit of licence                         |
| <b>Liqueur Chocolates</b>                                | 16 and over                      | £500   |
| <b>Cigarettes, Cigarette Papers and Tobacco Products</b> | <b>18 and over</b>               | £2500 + Retailer Sanction for Persistent Offenders |
| <b>Offensive Weapons/ Knives</b>                         | <b>18 and over</b>               | £5000 & up to 6 months Imprisonment                |
| <b>Fireworks / Explosives</b>                            | <b>18 and over</b>               | £5000 & up to 6 months Imprisonment                |
| <b>DVDs, Videos, Video &amp; Computer Games</b>          |                                  | £5000 & up to 6 months Imprisonment                |
| Classification 12  | <b>12 and over</b>               |  |
| Classification 15  | <b>15 and over</b>               |  |
| Classification 18  | <b>18 and over</b>               |  |
| <b>Volatile Substances/ Solvents</b>                     | <b>18 and over</b>               | £5000 & up to 6 months Imprisonment                |
| <b>Lighter refills containing butane</b>                 | <b>18 and over</b>               | £5000 & up to 6 months Imprisonment                |
| <b>Lottery Tickets/ "Instant Win" cards</b>              | <b>16 and over</b>               | £5000 & up to 2 years Imprisonment                 |
| <b>Aerosol Spray Paints</b>                              | <b>16 and over</b>               | £2500  |
| <b>Petrol</b>  | <b>16 and over</b>               | £5000 & up to 6 months Imprisonment                |

**NB // Matches and Lighters - As a matter of best practice, retail staff are advised not to sell matches and lighters to children under 16 unless accompanied by an adult.**

**My Council:** 01753 475111  
**Minicom:** 01753 875030  
**DX:** 42270 Slough (west)

Trading Standards  
 St Martins Place  
 51 Bath Road, Slough, SL1 3UF

## **ALCOHOL**

### **LAW : Licensing Act 2003**

The Police and Trading Standards jointly enforce this.

It is illegal to sell alcohol to anyone under 18, or to knowingly sell to a person over 18 who is purchasing on behalf of a person under 18.

It is also illegal for a person under 18 to sell alcohol unless a person over 18 years of age supervises the sale.

## **TOBACCO PRODUCTS:-**

### **LAW: Children and Young Persons (Protection from Tobacco) Act 1991 & the Children and Young Persons Act 1933 (as amended)**

From 1<sup>st</sup> October 2007, it is an offence for any person to sell cigarettes, tobacco products or cigarette papers to anyone below 18 years of age, even if they look older.

This is the case whether or not the cigarettes are for the young person's own use. It is also an offence to sell cigarettes unless they are in quantities of 10 or more and in their original packaging.

This means that packets of cigarettes cannot be split to sell lesser quantities.

The following warning notice must be exhibited in a prominent position, which is clearly visible to anyone purchasing cigarettes, at every retail premise which tobacco is sold.

It must not be less than 297mm x 420mm (A3), with no character being less than 36mm in height.

**IT IS ILLEGAL TO SELL TOBACCO  
PRODUCTS TO ANYONE UNDER  
THE AGE OF 18**

The following vending machine notice must be exhibited on every automatic vending machine used for the sale of tobacco.

**THIS MACHINE IS ONLY  
FOR THE USE OF  
PEOPLE AGED 18 OR OVER**

This notice must not be less than 60mm x 100mm, which characters no less than 6mm high. It must be clearly visible to anyone using the machine.

**Failure to exhibit these warning signs is an offence with a maximum fine of £1000 and the owner of the machine or the premise may be liable.**

The Courts may make an order for regulating the use or removal of vending machines from premises, if they are satisfied that a person under the age of 18 has used it.

### **TOBACCO LEGISLATION : RETAILER SANCTIONS**

**LAW : (amendment to the Children & Young Persons Act 1933 by virtue of the Criminal Justice and Immigration Act 2008)**

From the 1<sup>st</sup> April 2009, a 'Negative Licensing' system was brought into effect, to deal with 'Persistent Offenders' in relation to the sale of under age Tobacco Products.

If a person is convicted of making an illegal sale of tobacco products to a person under 18, and **on at least 2 other occasions within a 2 year period** has committed similar offences (these do not need to have been convictions), a '**Retailer Sanction**' may be applied for.

These could be :-

**(i) Restricted Premises Order** – where the retailer premises is prohibited from selling tobacco products for a **period of up to 12 months** – no sale of tobacco or cigarette papers may take place on that premises.

**(ii) Restricted Sale Order** – this is a sanction against an individual person and would apply to them personally selling tobacco products, wherever they were working – the business may sell tobacco products, but the banned individual may not – this sanction can also be for a **period up to 12 months**.

It is also possible for both sanctions to be applied at the same time to a premises and an individual.

**The maximum penalty for breaching any of these retailer sanctions is a £20,000 fine.**

**The Tobacco Advertising and Promotion (Display) (England) Regulations 2010**

This is new legislation came into force this year and it that will eventually require all sellers of Tobacco Products to remove all tobacco products from visible display to consumers.

There is a run in period for different sized retailers. The deadlines for compliance are as follows :-

**1<sup>st</sup> October 2011** – for 'large' retailers (premises over 280 square metres of floorspace)

**1<sup>st</sup> October 2013** – for other smaller retailers.

**For further advice on this legislation, please contact Trading Standards.**

**KNIVES & OTHER OFFENSIVE WEAPONS :-**

**LAW : The Criminal Justice Act 1988 (as amended by the Offensives Weapons Act 1996 and the Violent Crime Reduction Act 2006)**

**From 1<sup>st</sup> October 2007**

It is an offence for a person to sell to a person under the age of 18:

- Any knife, knife blade or razor blade;
- Any axe;
- Any other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury to a person.

Whether a particular article is a knife is a question of fact, but using a wider definition this legislation prohibits sales of e.g. sheath knives, kitchen knives, craft knives and carpet knives to persons under the age of 18.

This legislation does not apply to folding pocket knives if the cutting edge of the blade is less than 3in or 7.62cm. Nor does it apply to replacement cartridges for safety razors, where less than 2mm of the blade is exposed.

**FIREWORKS :**

**LAW : The Fireworks (Safety) Regulations 1997  
Consumer Protection Act 1987**

These regulations prohibit the supply of fireworks and assemblies to a person apparently under the age of 18.

*The age limit remains at 16 for caps, cracker snaps, novelty matches, party popper, serpents and throwdowns, by virtue of the Explosives Act 1875 (as amended).*



**DVDs / VIDEO TAPES/ VIDEO GAMES/ COMPUTER GAMES :**

**LAW : The Video Recordings Act 1984 & 2010**

It is an offence to supply, or offer to supply, a video recording to any person who has not attained the age specified on the recording. This legislation applies to video films, video games and computer games.

It is a defence to show that you neither knew or had reasonable grounds to believe that:

- The classification certificate contained the settlement in relation to the specified age, or
- The person concerned had not attained the specific age, or
- That you had reasonable grounds to believe that the supply was or would have been an exempted supply, as defined by legislation. If you sell a video film by retail, you will not be dealing with exempted supplies.

**The classifications are as follows:**

| ABBREVIATION | CLASSIFICATION   | ONLY TO BE SOLD TO |
|--------------|--|--------------------|
| U            | Universal  | Unrestricted       |
| Uc           | Universal - particularly suitable for children   | Unrestricted       |
| PG           | Parental Guidance - general viewing but some scenes may be unsuitable for young children | Unrestricted       |
| 12           | Suitable only for persons 12 years and over  | 12 years and over  |
| 15           | Suitable only for persons 12 years and over  | 15 years and over  |
| 18           | Suitable only for persons 12 years and over  | 18 years and over  |

**Restricted 18 (R18) video cassettes and DVDs can only be supplied in licensed sex shops to persons 18 and over.**

**SOLVENTS & INTOXICATING SUBSTANCES :**

**LAW : Intoxicating Substances (Supply) Act 1985**

An offence is committed under this legislation if a volatile substance or solvent based product is sold and it is believed that they are for a person under the age of 18 and that they are likely to be inhaled for the purposes of becoming intoxicated. This offence applies even when it is known that another person is buying the product for the person under the age of 18.

Special attention should be paid to young persons –

- Buying volatile substances and nothing else;
- Buying plastic bags at the same time as volatile substances;
- Displaying signs similar to drunkenness;
- With spots and sores around mouth and nose.

**However, solvents may be sold to persons under 18 for their normal use.**

**LIGHTER REFILLS :**

**LAW : The Cigarette Lighter Refill (Safety) Regulations 1999**

It is an offence to supply cigarette lighter refill canisters containing butane to anyone under the age of 18.

**LOTTERY TICKETS/SCRATCH CARDS :**

**LAW : National Lottery, etc. Act 1993**

**National Lottery Regulations 1994**

It is an offence to sell National Lottery (LOTTO) tickets and Instant Win cards (scratch cards) to any person under 16. The regulations also require anyone selling such products to be 16 or over.

**AEROSOL SPRAY PAINT :**

**LAW : The Anti-Social Behaviour Act 2003**

A person must not sell an aerosol paint container (a device which contains paint stored under pressure **and** which is designed to permit the release of paint spray) to anyone under 16.

**PETROL :**

**LAW : Petroleum (Consolidation) Act 1928**

It may be a licensing condition that anyone in charge of a petrol station must be at least 18, and anyone dispensing petrol or operating a petrol dispensing system must be at least 16.

**Due Diligence and Reasonable Precautions**

Some of the preceding legislation have defences available; namely that the accused took **all reasonable precautions and exercised all due diligence** to avoid committing an offence.

In relation to video recordings, as well as these defences you will also need to show that the offence was due to the act or default of another person other than the accused.

Even where no due diligence defences are available, it is recommended that the guidelines on the next page are followed as best practice.

### Staff Training and Training Records

As most of the offences mentioned are of strict liability, which means that they can occur even when the owner is not in the shop.

To avoid committing these offences, it is advised that the legislation is brought to the attention of the staff via regular training.

Members of staff should be advised that they themselves may be personally liable if they sell to young persons in breach of the legal requirements.

**It is important that you can prove that your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking the member of staff to sign to say that they have understood it. These should then be checked and signed on a regular basis by management or the owner.**

### CitizenCard Proof of Age Scheme – “ASK 21”

If there is any doubt about a person's age, proof of age should be requested.

This could be a recently issued passport, photo driving license or other photo proof of age such as a **CitizenCard** which has a “PASS” hologram

Staff need to examine any ID to ensure it is genuine, that it belongs to that individual and to check dates to ensure the cardholder is old enough for the goods they are buying.

If there is still doubt, the sale should not be allowed to take place, we always advise:

### **“No ID - No Sale”**

In relation to Alcohol and other “18” products such as tobacco products, knives, solvents and fireworks, if you introduce the policy of asking anybody who appears to be **“UNDER 21”** for proof of age, this will assist in not making a false indication, or illegal sale.

### Refusal Register

All refusals should be recorded in a Refusal Register. Maintaining a Refusal Register will strengthen a case for due diligence.

### Other Considerations

Although the law does not always specify a minimum age for being able to sell certain goods, the age of the member of staff may be considered in any claims of due diligence.

If you process an EPOS system, it may be possible to use it to remind staff via a prompt. Alternatively, stickers can be used over certain product bar codes.

Posters showing age limits should be displayed and contain a statement regarding the refusal or such sales. This would then deter potential purchasers and act as a reminder to members of staff.

\*\*\*\*\*  
**PLEASE NOTE**

This guidance is intended for traders and offers practical advice.  
It should not be regarded as an authoritative interpretation of the law.

For further advice, please contact **Slough Trading Standards** on 01753 875255  
\*\*\*\*\*

**NB// These papers are very important. If you have difficulty reading or understanding English, please contact someone who can help you immediately.**

這些是十分重要的文件。如果你有困難  
看懂英文，請馬上向別人求助。

Chinese

هذه الاوراق مهمه جدا. اذا وجدت اي صعوبه في قراءة او فهم  
اللغه الانكليزيه. يرجى الاتصال باي شخص يمكنه مساعدتك حالا.

Arabic

NHỮNG GIẤY TỜ NÀY RẤT QUAN TRỌNG. NẾU QUÝ VỊ CÓ KHÓ  
KHĂN ĐỂ ĐỌC HOẶC HIỂU TIẾNG ANH. XIN NHỚ MỘT NGƯỜI  
NÀO ĐÓ GIÚP QUÝ VỊ NGAY LẬP TỨC

Vietnamese

यह कागज़ बहुत महत्वपूर्ण है। यदि आप को अंग्रेज़ी पढ़ने या  
समझने में कठिनाई आती हो तो कृपया किसी ऐसे ठपकित से सम्पर्क  
करें जो आप की शीघ्र ही सहायता कर सके।

Hindi

Urdu

یہ نيات اہم کاغذات ہیں!  
اگر آپ کو انگریزی پڑھنے یا سمجھنے میں دشواری پیش آتی ہو تو براہ کرم کسی ایسے شخص سے رجوع کریں جو انہیں پڑھ کر  
آپ کو سمجھائے

Punjabi

ਇਹ ਕਾਗਜ਼ ਬੜੇ ਜ਼ਰੂਰੀ ਹਨ। ਜੇ ਤੁਹਾਨੂੰ ਅੰਗਰੇਜ਼ੀ ਪੜ੍ਹਨ ਜਾਂ ਸਮਝਣ  
ਵਿਚ ਮੁਸ਼ਕਲ ਆਉਂਦੀ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਕਿਸੇ ਅੱਜੇ ਵਿਅਕਤੀ ਨਾਲ  
ਸੰਪਰਕ ਕਰੋ ਜਿਹੜਾ ਤੁਹਾਡੀ ਜਲਦੀ ਸਹਾਇਤਾ ਕਰ ਸਕੇ।

Gujarati

આ કાગળો બહુ મહત્વના છે. જો તમને અંગ્રેજી વાંચવા અથવા  
સમજવામાં મુશ્કેલી પડે તો, કૃપા કરી તમને તાત્કાલિક  
સહાય કરી શકે એવી કોઈ વ્યક્તિનો સંપર્ક સાધો.

Bengali

এই কাগজ-পত্রগুলো খুবই গুরুত্বপূর্ণ। ইংরেজী পড়তে বা বুঝতে  
আপনার অসুবিধা হলে অনুগ্রহ করে অবিলম্বে এমন কারো সাথে  
যোগাযোগ করবেন যিনি আপনাকে সাহায্য করতে পারবেন।

## **Appendix D**

### **YELLOW CARD**

#### **'Drinks Direct –256 High Street, Langley SLOUGH, SL3 8HA**

These premises have been subject of an application to Review the Premises Licence made by Thames Valley Police under Section 51 Licensing Act 2003 as the operators have failed to meet the Licensing Objectives under the Act.

The Review application was heard by the Slough Borough Council Licensing Sub Committee on 26<sup>th</sup> April 2012 who have imposed tough new conditions on the licence as well as to issue the premises with a Yellow Card in accordance with Central Government Guidance, due to the seriousness of the incident highlighted as a warning that if a further review is necessary and matters have not improved, the premises licence may be revoked.

Having carefully considered all the information submitted, the Sub-Committee decided that the following conditions be included on the premises licence:-

1. The Premises Licence Holder is required to undertake the requirements of the Council's can-marking scheme.
2. CCTV to be installed and recordings to be kept for 31 days (compliant with Home Office regulations) and made available upon the request of Thames Valley Police or the Licensing Authority.
3. Staff to be trained on how to work the CCTV system where a staff member can download any potential evidence if required by Thames Valley Police or the Licensing Authority.

The Sub Committee considered the conditions imposed to be necessary, reasonable and proportionate to address concerns relating to protection of children from harm.

**This notice is to be clearly and visibly displayed at the premises for a period of 12 months.**

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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**

|   |  |
|---|--|
| <b>Name of Premises</b>   | Drinks Direct Supermarket Ltd  |
| <b>Address of Premises &amp; Tel: No.</b>                                     | 256 High Street<br>Langley<br>Berkshire<br>SL3 8HA   |
| <b>Applicant Details</b><br>(Name, address, Tel: No.) if different from above | Debie Pearmain   |
| <b>Company Name</b> (if different from Applicant)                             | Police Licensing Officer<br>Windsor Police Station<br>Alma Road<br>Windsor<br>Berkshire<br>SL4 3ES   |
| <b>Application type</b><br>(state fully)                                      | Review application submitted by Dean Cooke, Senior Trading Standards Officer, Slough Borough Council |
| <b>Date Application received</b>  | 18/04/2013   |

## REPRESENTATION SUBMISSION

Please tick

|  |                                     |
|--|-------------------------------------|
| There are no representations to the granting of this licence | <input checked="" type="checkbox"/> |
|--|-------------------------------------|

**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                    | √                        |  |
| 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. Looking at the history of the premises, as detailed in the review application, it does cause us alarm and concern., with three of the four licensing objectives being undermined.

Only last February 2012 Trading Standards applied for a review of the premises licence, this followed an under-age sale of alcohol and the selling of fireworks out of the specified sale time. The Premises Licence Holder and Designated Premises Supervisor, Mr Charanjit Singh Arura must be showing due diligence at all times. It would appear given the history which involves seizure of counterfeit vodka, durex condoms and imported cigarettes that Mr Arura is clearly not doing so. He appears to not have any regard for the law, Authority and the licensing objectives. We must ask the question how many 'chances' does the Premises Licence Holder have? The Business were issued a 'Yellow Card' at the last review hearing in 2012.

Thames Valley Police fully agree with Trading Standards request for the premises licence to be revoked.

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

**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: Debie Pearmain

Date: 18/04/2013

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](mailto:Licensing@Slough.gov.uk)

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**ROYAL BERKSHIRE  
FIRE AND RESCUE SERVICE**



My reference: JE/ALL/304286  
Your reference:

When dialling ask for: John Ellis  
Direct telephone line: 01753 547997  
Email address: [ellisjm@rbfrs.co.uk](mailto:ellisjm@rbfrs.co.uk)



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

Mr M Simms  
Licensing Officer  
My Council  
Landmark Place  
High Street  
Slough  
Berkshire  
SL1 1JL

Telephone: 01753 547997  
Web [www.rbfrs.co.uk](http://www.rbfrs.co.uk)

**Chief Fire Officer**  
Iain Cox QFSM MA  
BSc(Hons) MCIPD

Tuesday, 23 April 2013

**LICENSING ACT 2003  
REVIEW OF PREMISES LICENCE  
DRINKS DIRECT SUPERMARKET LTD 256 HIGH STREET LANGLEY BERKSHIRE**

Dear Sir

I acknowledge safe receipt of your copy application on 15th April 2013 in respect of a Review of the Premises Licence for the above premises. I confirm 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

J Ellis  
Fire Safety Inspector

On behalf of Royal Berkshire Fire Authority



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## **APPENDIX G**

### **PROCEDURE FOR LICENSING SUB-COMMITTEE**

1. The Chairman will open the meeting and introduce those present, including members of the Committee, and ensure that all parties are informed of the procedure to be followed.
2. The Committee will consider any request made by a party for permission for a person other than his representation as stated in his notice that he intends to attend or be represented at the hearing.
3. The Licensing Officer will introduce the report and outline the application.
4. The police, responsible authorities and interested parties if represented at the Committee may present relevant facts.
5. The Chairman will invite questions from the
  - Applicant or representative
  - Committee
6. The applicant or representative will present his case and call any other persons invited to appear to make representations.
7. The Chairman will invite questions from
  - The police, responsible authorities and interested parties
  - The Committee
8. The police, responsible authorities and interested parties will make any closing remarks to the Committee if they so wish.
9. The applicant or representative will make any closing remarks to the Committee if he so wishes.
10. The Committee may then decide the matter in private in which case all persons other than the legal adviser and Committee Clerk will then withdraw from the meeting.
11. The parties will be recalled and the Chairman will announce the Committee's decision and the reasons for reaching that decision.

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**AGENDA ITEM 6**

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

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**AGENDA ITEM 7**

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

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**AGENDA ITEM 8**

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

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**AGENDA ITEM 9**

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of the Local Government Act 1972.

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