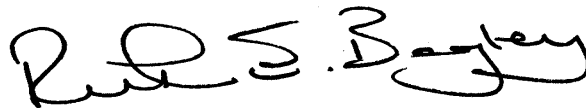


Date of issue: 22nd January 2014

MEETING:	LICENSING SUB-COMMITTEE (Councillors Sohal (Chair), Rasib and Wright)
DATE AND TIME:	THURSDAY, 30TH JANUARY, 2014 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		
	<i>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</i>		

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

that interest and, having regard to the circumstances described in Section 3 paragraphs 3.25 – 3.27 of the 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. | Guidance on Predetermination/ Predisposition - To Note | 1 - 2 | |
| 3. | Minutes of the Last Meeting held on 28th November, 2013 | 3 - 6 | |

LICENSING ISSUES

- | | | | |
|----|---|--------|---------|
| 4. | Review of Premises Licence: Roshni Food and Wine, 18 High Street, Slough, SL1 1EQ | 7 - 62 | Chalvey |
|----|---|--------|---------|

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.

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 – Meeting held on Thursday, 28th November, 2013.

Present:- Councillors Malik (Chair), Rasib and Wright

Officers Present:- Tara O’Keefe, Assistant Licensing Officer, Rachael Rumney, Senior Licensing Officer

Also present under Rule 30:- Councillor Hussain

PART 1

21. Declarations of Interest

Councillor Rasib declared that an individual had contacted him in relation to agenda item 6 (Private Hire Driver Conduct Hearing). The person had not identified himself and Councillor Rasib stated that he had declined to discuss the matter and ended the conversation.

22. Guidance on Predetermination/ Predisposition - To Note

Noted.

23. Minutes of the Last Meeting held on 16th October 2013

Resolved – That the minutes of the last meeting held on 16th October be approved as a correct record.

24. Application for a Street Trading Consent: Alternative Perfumes, High Street Slough

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

Introduction by the Licensing Officer

The Assistant Licensing Officer introduced a report, setting out an application for an annual Street Trading Consent on the High Street, Slough submitted by Mr Daley, trading as Alternative Perfumes. The proposed business concerned the sale of costume jewellery, perfume, cosmetics, sunglasses, and hair accessories (operational hours Monday to Friday 08:00am to 18:30pm). The Sub-Committee was reminded that it had the option to grant the Application subject to conditions, variations, or restrictions deemed necessary; or to refuse the Application.

The Officer discussed the requirement to apply for street trading and it was highlighted that the High Street was limited to five Street Trading pitches and at present there were two vacancies. The Council was obliged to consult on

Licensing Sub-Committee - 28.11.13

such applications and the application was referred to the Sub-Committee for determination because one objection was received from Councillor Hussain.

Questions to the Licensing Officer

None.

Representations by the Applicant

The Applicant was invited to address the Sub-Committee and advised that he had twenty years experience as a Street Trader, having operated in various markets in London. Mr Daley discussed the reasons why he wished to operate on the High Street and he felt that his stall would add something to the street scene. He advised that his products were of lower value than shop products but of good quality. He emphasised that he was a professional trader and he would comply with the terms of the consent at all times.

Questions to the Applicant

Members asked whether other individuals would be employed on the stall and were advised that there would only be cover if the Applicant needed to leave for short periods. The Officer confirmed that another individual was named on the application form.

Representations by the Objector

Councillor Hussain addressed the Sub-Committee under Rule 30 and discussed her objections to the consent. She was concerned that the Trader would not offer anything different and the goods on offer would already be available elsewhere on the High Street. She stated that residents were looking for better quality products than would be offered and she would prefer the approval to be for seasonal use only. The Officer advised that the pitches could only be granted for a period of one year and if allowed, the Order could be revoked or refused next year if there were concerns. Councillor Hussain also objected on the grounds that granting the application would set a precedent for others; the economic viability of other local businesses selling similar products could be affected and there would be a loss of view to current shop holders if the Consent was granted.

Summing Up.

Both parties provided a brief summary, following which they were asked to leave the meeting whilst the Sub-Committee deliberated.

Decision

All parties were asked to return to the meeting.

The Sub-Committee carefully considered the submissions made and from the evidence available did not feel that the objections were wellfounded. The

Licensing Sub-Committee - 28.11.13

Sub-Committee decided to allow the application for Street Trading Consent as set out in the Officer's report. In reaching their decision, Members were of the view that the type of trading detailed in the application would offer diversity and benefit the High Street.

Resolved – That the application for a Street Trading Consent for 'Alternative Perfumes', in the High Street, Slough, be granted.

25. 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).

26. Private Hire Driver Conduct Hearing (Reference 06-13)

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

The Licensing Officer advised that the Sub Committee was requested to decide whether the Appellant (Ref 06-13) was a fit and proper person to continue to hold a Private Hire Driver's licence in view of his failure to comply with six of the Council's Private Hire Driver and Vehicle Policy and Conditions 2013. The Appellant had received 12 Penalty Points which resulted in the automatic referral of the licence to the Sub-Committee for review.

The Licensing Officer, advised that the breaches of conditions had occurred over a short period of time when Council Officers were conducting routine regulatory checks.

The Sub-Committee was mindful that it could only grant a Private Hire Drivers Licence if it was satisfied that the applicant was a fit and proper person. Similarly, if an incident involving a driver was brought to its attention, the Sub-Committee had the power to not issue, suspend, revoke that licence or issue a strict warning. It was highlighted that Licence holders provided a public service and their primary responsibility was the safety of members of the public and to adhere to the law.

The Appellant accepted that he had breached the conditions of licence with one exception. Following a summary from the Licensing Officer and Appellant, the parties left the meeting.

After careful consideration of the written and oral information at its disposal the Sub-Committee found that all the alleged breaches did occur and resolved that the driver's licence should be suspended for two months. The Sub-Committee felt that the period of suspension was reasonable and

Licensing Sub-Committee - 28.11.13

proportionate in view of the driver's serious and repeated failures to comply with the conditions of his licence.

Resolved – That the Appellant's (Ref 06-13) Private Hire Licence be suspended for two months.

Chair

(Note: The Meeting opened at 10 am and closed at 12.55 pm)

SLOUGH BOROUGH COUNCIL

<p>Committee & Date: 30th January 2014 Licensing Sub Committee</p>
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Contains Confidential or Exempt Information	No
Report Title	Premises Licence Review hearing
Premises Details	ROSHNI FOOD AND WINE 18 High Street, Slough. SL1 1EQ Premises Licence Number PL004859
Author(s)	Rachael Rumney Senior Licensing Officer Enforcement and Regulatory Services
Purpose of Report	Regulatory / Review Hearing for premises licence

1. SUMMARY

1.1 On the 13th December 2013, the Licensing Manager on behalf of the Licensing Authority brought a Review of the Premises Licence for Roshni Food and Wine, 18 High Street, Slough, SL1 1EQ.

2. RECOMMENDATIONS

2.1 The Sub Committee are asked to determine the Application.

2.2 Where the Sub Committee considers action is appropriate the options available are:

2.2.1 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;

2.2.2 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);

2.2.3 remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

2.2.4 suspend the licence for a period not exceeding three months;

2.2.5 revoke the licence.

3. PRINCIPLES FOR MAKING DECISIONS

Context

- 3.1 As quasi-judicial body the Committee is required to consider this matter on its merits and must act reasonably and rationally. The Committee can only take into account relevant factors and must ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of the relevant facts, or the likelihood or the unlikelihood of some future event, the occurrence of which would be relevant. The Committee must give fair consideration to the contentions of all persons entitled to make representation to them.
- 3.2 The Committee can only consider matters within the report.
- 3.3 Members should note that the Committee is meeting on this occasion solely to perform the role of licensing authority. As such Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the Council's related policies and guidance.
- 3.4 Members will be aware of the Council's Code of Conduct which requires them to declare interests. The Code applies to members when considering licensing issues. In addition as a quasi-judicial body, members are required to avoid both actual bias and the appearance of bias.

Human Rights & Equality Act Duties

- 3.5 In determining the case, the Committee should be aware of and take into account any implications that may arise from the Human Rights Act 1998 and Sc 149 Equality Act 2010. The Act makes it unlawful for a public authority to act in a manner which is incompatible with the European Convention of Human Rights.
- 3.6 When determining the case and considering imposition of conditions the Committee must be satisfied that any decision which interferes with the rights of the applicant or of others only does so insofar as it is necessary to protect the rights of others and that no alternative decisions would be appropriate.
- 3.7 The Committee is specifically referred to the following Convention rights:
- 3.7.1 Article 6 (the right to a fair trial),
- 3.7.2 Article 8 (the right to respect for private and family life)
- 3.7.3 Article 1 of the First Protocol (the protection of property)

4. RELEVANT POLICY AND LEGISLATION CONSIDERATIONS

- 4.1 The procedure to be followed for the Review hearing is attached at **Appendix F**.

4.2 The amended guidance issued under section 182 of the Licensing Act 2003 was published in June 2013, para 11 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.”*

Powers of a licensing authority on the determination of a review

- 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 such as 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.*
- 11.20 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."*

4.3 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. LICENCE SUMMARY

5.1 Roshni Food and Wine the Premises Licence Holder and named Designated Premises Supervisor (DPS) is Mr Jagmohan Singh Chopra, who holds a Personal Licence (number H001445) issued by Hounslow Borough Council.

5.2 The DPS is responsible for the day to day management of the premises.

5.3 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

5.4 The times the Licence authorises the Licensable Activities are:

Monday to Sunday - 07.00am to Midnight

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

6. REASON FOR REFERRAL: REVIEW APPLICATION

6.1 The Applicant asking for the Review is the Council's Licensing Manager on behalf of the Licensing Authority. Any responsible authority may apply for a review of a premises licence if it is concerned about licences activities. Where a Licensing Authority does act as a responsible authority and applies for a

review, there must be a separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest. The Council has complied with the guidance issued under sc 182.

- 6.2 The Applicant maintains that in light of the recent under age sales, seizure of illicit cigarettes, breach of conditions and of the previous history and management of the premises, there is no other alternative than the premises being issued with a “Red Card” and for the Premises Licence to be revoked. The full Review Application and supporting evidence are contained at **Appendices B.**
- 6.3 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
- 6.3 There are various grounds on which a Review Application may be triggered and
These are, but not limited to:
- 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

Offences under the Licensing Act 2003 including breach of conditions

- 6.4 The grounds for the Review are:
1. The Prevention of Crime and Disorder,
 2. Public Safety
 3. The Protection of Children from Harm,
- 6.5 The grounds for the current Review Application are based on the following:
- 6.5.1 On 26th July 2013 Trading Standards and Licensing Officers conducted an under age sales test purchase operation at Roshni Food and Wine where one can of Gaymers Olde English Cider (500ml) and one can of Reds Premium Beer-Pineapple and Grapefruit Flavour (500ml) were sold to two under age volunteers.
- 6.5.2 The sale of alcohol to an underage person constitutes an offence under Section 146 of the Licensing 2003.
- 6.5.3 Officers found and seized 24 packets of ‘Jin Ling’ cigarettes, which are illicit cigarettes with no English Health Warning.
- 6.5.4 Illegal possession of the illicit cigarettes constitute offences under Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002, as amended and the Consumer Protection Act 1987.

- 6.5.5 A single can of Special Brew lager was also sold to a Licensing Officer in breach of a specific condition on the Premises Licence.
- 6.5.6 During the course of the inspection of the premises a total of six breaches of conditions on the premises licence were identified.
- 6.5.7 Breaches of conditions on a Premises Licence constitute offences under section 136 of the Licensing Act 2003.
- 6.5.8 That the premises were subject to a previous Review Application in 2011 made by Thames Valley Police following the sale of alcohol to an underage person, where the Council's Licensing Sub Committee imposed a total of 11 new conditions on the Premises Licence, suspended the Premises Licence until the conditions had been implemented and issued the premises with a Yellow Card. The conditions are detailed on page 4 of the Premises Licence.

7 BACKGROUND INFORMATION

- 7.1 The Premises were subject to a previous Review Application made by Thames Valley Police in 2011 following the sale of alcohol to an underage person on 4th August 2011 and the breach of conditions on the Premises Licence.
- 7.2 At the previous Review hearing the Committee having carefully considered all the information available, decided to impose the following conditions on the Premises Licence:
 - 7.2.1 Sale of alcohol for consumption off the premises between 0900 hours and 2300 hours.
 - 7.2.2 In the absence of the Designated Premises Supervisor (DPS), a Personal Licence holder to be on the premises during the sale of alcohol.
 - 7.2.3 Two members of staff to be on the premises each evening from 1800 hours until close.
 - 7.2.4 Challenge 21 Policy to be in place.
 - 7.2.5 DPS or 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 or relevant Agencies.
 - 7.2.6 To participate in 'Bottlewatch' or 'UV Marker Scheme' if requested by Police or Trading Standards.
 - 7.2.7 The applicant and their staff are able to converse with customers, the public and representatives of Statutory Agencies to a level that satisfies Police and Trading Standards they are able to meet the four licensing objectives.
 - 7.2.8 The Premises Licence holder or DPS shall ensure all staff receives training on a regular basis in relation to the four licensing objectives contained within the

Licensing Act 2003 for those authorised to sell alcohol. Written proof of all training shall be recorded and maintained.

- 7.2.9 All persons trained to sell alcohol shall be trained to the BIIAB Level 1 award in Responsible Alcohol Retailing (ARAR).
 - 7.2.10 The Designated Premises Supervisor or nominated person to attend the local Town Centre Pubwatch scheme where in existence.
 - 7.2.11 No single cans of alcohol to be sold.
 - 7.2.12 The Sub Committee also agreed that the premises licence is suspended until conditions 1 to 11 as outlined above had been implemented and checked to the satisfaction of Thames Valley Police and the Licensing Authority.
 - 7.2.13 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 is necessary and matters have not improved, the premises licence may be revoked.
- 7.3 A copy of the yellow card is attached at **Appendix E**.

8 REPRESENTATIONS RECEIVED

- 8.1 A full response to the Review Application has been received from Linda Corcoran - Enforcement Officer - Neighbourhood Enforcement Team (NET).
- 8.2 The response outlines the problems of anti-social behaviour, petty crime and public nuisance caused by 'street drinkers' in the area of Roshni Food and Wine and in particular Burlington Avenue and Burlington road. The response also requests that Roshni Food and Wine should take part in the 'Smart Water' Alcohol Product Marking Scheme and this should be imposed as a condition on the Premises Licence. The initial NET response is attached at **Appendix C**, and further supporting information detailing Survey Results and ASB Figures is attached at **Appendix D**.
- 8.3 No other responses have been received.

9. APPENDICES

Appendix A - Copy of Premises Licence for Roshni Food and Wine
PL004859

Appendix B - Review Application and supporting information made by
Michael Sims - Licensing Manager

Appendix C - Response / Representation from Linda Corcoran - NET.

Appendix D - Copy of Survey Results and ASB Figures - Linda Corcoran -
NET

Appendix E - Copy of Yellow card - Roshni Food and Wine

Appendix F - Procedure to be followed for Review hearing.

10. Background papers

- The Licensing Act 2003
- Guidance issued under Section 182 of the Licensing Act 2003 - (Revised June 2013)
- 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

APPENDIX A

Licensing Act 2003

Premises Licence

PL004859

LOCAL AUTHORITY

www.slough.gov.uk
Slough
Borough Council

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

Roshni Food and Wine

18 High Street, Slough, Berkshire, SL1 1EQ.

Telephone 01753 572502

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	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	7:00am	Midnight

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

Jagmohan Singh Chopra

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



Licensing Act 2003

Premises Licence

PL004859

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

Jagmohan Singh CHOPRA

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. H001445

Issued by Hounslow



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

As agreed with the Thames Valley Police:-

1. The licence holder to be a member of the local 'pub watch' and to be a regular attendee of the meetings.
2. A refusal register is to be kept and is to be available for inspection by the Police and Licensing Authority.
3. CCTV has been installed in the premises. All recordings to be kept for a period of 31 days and made available to the responsible authorities if required.
4. One of the CCTV cameras is to be arranged so as to give a full facial view of persons entering the front door of the premises.



ANNEXES continued ...

Annex 3 - Conditions consistent attached after a hearing by the Licensing Authority

Following an application to review the Premises Licence, a hearing was held by the Licensing Authority on 9th November 2011. The Sub-Committee decided that the following conditions be included on the premises licence:-

1. Sale of alcohol for consumption off the premises between 0900 hours and 2300 hours.
2. In the absence of the Designated Premises Supervisor (DPS), a Personal Licence holder to be on the premises during the sale of alcohol.
3. Two members of staff to be on the premises each evening from 1800 hours until close.
4. Challenge 21 Policy to be in place.
5. DPS or 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 or relevant Agencies.
6. To participate in 'Bottlewatch' or 'UV Marker Scheme' if requested by Police or Trading Standards.
7. The applicant and their staff are able to converse with customers, the public and representatives of Statutory Agencies to a level that satisfies Police and Trading Standards they are able to meet the four licensing objectives.
8. The Premises Licence holder or DPS shall ensure all staff receives training on a regular basis in relation to the four licensing objectives contained within the Licensing Act 2003 for those authorised to sell alcohol. Written proof of all training shall be recorded and maintained.
9. All persons trained to sell alcohol shall be trained to the BIAB Level 1 award in Responsible Alcohol Retailing (ARAR).
10. The Designated Premises Supervisor or nominated person to attend the local Town Centre Pubwatch scheme where in existence.
11. No single cans of alcohol to be sold.

The Sub Committee also agreed that the premises licence is suspended until conditions 1 to 11 as outlined above had been implemented and checked to the satisfaction of Thames Valley Police and 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". Please let this serve as a warning that if a further review is necessary and matters have not improved, the premises licence may 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.



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 **Michael Sims**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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

ROSHNI FOOD and WINE
18 High Street
Slough
Berkshire
SL1 1EQ

Post town
Slough

Post code (if known)
SL1 1EQ

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

Mr Jagmohan Singh Chopra

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

PL004859

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 Michael Sims Licensing Manager Slough Borough Council (Licensing Authority) Landmark Place High Street Slough SL1 1JL
Telephone number (if any) 01753 477387
E-mail address (optional) Michael.sims@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 | <input type="checkbox"/> |
| 4) the protection of children from harm | ✓ |

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

This Review application is being made under approved Delegated Powers on behalf of the Licensing Authority.

On Friday 26th July 2013, Slough Borough Council Trading Standards and Licensing Officers took part in a Crime Reduction Enforcement Day (CRED). One task carried out under the CRED involved under age sales test purchasing for alcohol. The focus of the exercise was to visit premises within the Chalvey Ward of the Slough Borough. Visits were made to a number of licensed premises with underage volunteers, in an attempt to see if any of traders would sell alcohol to persons under the age of 18 years.

During the exercise officers visited Roshni Food and Wine, 18 High Street, Slough, SL1 1EQ.

Underage volunteers were sent into the premises and were able to purchase one can of Gaymers Olde English Cider (500ml) and one can of Reds Premium Beer- Pineapple and Grapefruit Flavour (500ml).

In addition a Licensing Officer entered the premises and purchased one single can of Special Brew lager in breach of a specific condition imposed by a Licensing Sub Committee on 9th November 2011 following a previous Review Application.

An inspection of the premises was conducted and 24 packets of 'Jin Ling' cigarettes were found in various locations. These cigarettes were illicit cigarettes and bore no English health warnings. The inspection of the premises also identified breaches of a number of conditions on the premises licence and importantly being conditions imposed by the Licensing Sub Committee on 9th November 2011.

The above has resulted in enforcement action under the following legislation:-

- Regulation 7(1)(a) and Regulation 14(1) of the Tobacco Products (Manufacture, Presentation & Sale)(Safety) Regulations 2002 (as amended); creating an offence under Section 12(1) of the Consumer Protection Act 1987.
- Regulation 7(1)(a), Regulation 14(1) of the Tobacco Products (Manufacture, Presentation & Sale)(Safety) Regulations 2002 and the Schedule (Part 1) of the Tobacco Products (Manufacture, Presentation & Sale)(Safety) (Amendment) Regulations 2007; creating an offence under Section 12(1) of the Consumer Protection Act 1987.
- Section 146(1) of Licensing Act 2003.
- Contrary to Section 136 (1) and (4) of the Licensing Act 2003

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

On 15th November 2010 an application was made by Mr Jagmonhan Singh Chopra to transfer the Premises Licence number **PL004859** for Roshni Food and Wine, 18 High Street, Slough, SL1 1EQ into his name as the new Premises Licence holder. At the same time an application was also made for Mr Chopra, who holds a Personal Licence number **H001445** with Hounslow Borough Council, to be the nominated Designated Premises Supervisor (DPS). Both applications were granted

At that time the Premises Licence was only subject to:

- The Mandatory Condition regarding the 'Authorisation of Alcohol'
- Mandatory Condition (4) which took effect on 1st October 2010 with regards to 'Age Verification', and
- Four 'Conditions Consistent with the Operating Schedule'

The above conditions are detailed on page 3 of the Premises Licence.

On 10th May 2011 Trading Standards officers attended Roshni Food and Wine and seized 159 packs of cigarettes and 36 x 50gram packs of hand rolling tobacco which were illicit tobacco products with no English health warnings in contravention of the Tobacco Products (Manufacture, Presentation and Sales) (Safety) Regulations 2002 (as amended) and The Consumer Protection Act 1987. On 16th December 2011 Mr Chopra as director of Roshni Superstore Limited was prosecuted convicted at Maidenhead Magistrates Court where he was fined a total of £600.00 and ordered to pay £750 costs.

On 12th September 2011 Thames Valley Police submitted an application to Review the Premises Licence under Section 51 of the Licensing Act 2003. The Review Application submitted by Thames Valley Police was on the grounds of **Prevention of Crime and Disorder**, and **the Protection of Children from Harm**, and related to:

- Alcohol being sold to a 16 year old boy during a test purchase operation on 4th August 2011
- Breach of Mandatory Condition 4 with regards to non compliance with age verification
- The named DPS at the time alcohol was sold to an underage person was not at or on the premises

The Review Application was heard by the Council's Licensing Sub Committee on 9th November 2011, who imposed a total of 11 new conditions on the Premises Licence, suspended the Premises Licence until the conditions had been implemented and issued the premises with a Yellow Card. The conditions are detailed on page 4 of the Premises Licence and a copy of the decision letter is attached at in the supporting information.

Although Trader Packs or advice have not been provided to Mr Chopra since he transferred the Premises Licence into his name, as outlined above the premises have been subject to a previous Review Application in 2011 for under age sales and non-compliance with conditions on the Premises Licence.

Since 9th November 2011 the premises have been subject to 2 test purchase operations-

29/06/2012 - Alcohol and Tobacco - No sale

30/10/2012 - Alcohol, Tobacco and Fireworks - No sale.

With regard to the illicit cigarettes, there are revenue issues to be considered as there will be no excise duty, tax or VAT paid on this kind of product. There is also the possibility of public harm as the cigarette packets do not carry English Health Warnings.

The breaches of conditions identified on 26th July 2013 all relate to conditions imposed by the Licensing Sub Committee on 9th November 2011 and are conditions 1, 5, 6, 8, 9, and 11 respectively. These breaches are detailed fully in the statement of Assistant Licensing Officer - Tara O'Keefe.

The underage sale of alcohol on 26th July is the second such offence committed at the premises.

On 6th November 2013 Debie Pearmain TVP Licensing Officer, Anne Chalmers TVP Crime Reduction Advisor and Sgt Bryan Percival attended Roshni Food and Wine to conduct a licensing check. The officers witnessed the sale of two cans of beer to a male person who was clearly a local street drinker and the sale of a bottle of cider to an Asian woman who also asked for some cups, which was refused. The officers after leaving premises saw the male person and Asian woman who had purchased alcohol standing in Burlington Avenue with another male drinking alcohol. Burlington Avenue is a renowned area for street drinkers to congregate.

Whilst at the premises Ms Pearmain had a conversation with the member of staff, a Mr Tarluk Singh Kapoor regarding CCTV and conditions on the Premises Licence. It was clear that Mr Kapoor did not understand what was being asked of or requested from him.

Statements from all 3 officers are attached in the supporting information.

It is clear that the operator of these premises, Mr Chopra, and his staff do not have any regard to their legal responsibilities under the 2003 Act, do not adhere to the conditions on the Premises Licence and in fact have total disregard for any compliance in general particularly in relation to the identified breach of conditions

The sale of alcohol on 26th July 2013 is the second occasion underage sales have taken place and this is despite the previous Review Application for a similar matter in 2011.

The premises were issued with a Yellow Card previously, with a total of 11 conditions imposed on the Premises Licence to ensure that the operators comply with their legal responsibilities and they have clearly failed to do so.

I recommend that there is now no alternative than for the Committee to issue a Red Card and Revoke the Premises licence with immediate effect.

Supporting Information:

1. Decision letter dated 14th November 2013 following Review hearing on 9th November 2013
2. Witness statement of Dean Cooke - Trading Standards Office
3. Witness statement Tara O'Keefe - Assistant Licensing Officer
4. Witness statement Michael Sims - Licensing Manager
5. Witness statement Debie Pearmain - Thames Valley Police Licensing Officer
6. Witness statement Anne Chalmers - Thames Valley Police Crime Prevention and Reduction Officer
7. Witness statement Sgt Bryan Percival - Thames Valley Police.

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

NA

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

13 / 12 / 13

.....

Capacity **Licensing Manger - On behalf of the Licensing Authority**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)
As previously detailed.

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.

14th November 2011

Department: Resources
Contact Name: Mrs Shabana Kauser
Contact No: 01753 875013
Fax: 01753 875171
Email: Shabana.kauser@slough.gov.uk
Our Ref:
Your Ref:

Mr Chopra

Dear Mr Chopra,

**Application for a Review of the Premises Licence for Roshni Food and Wine,
18 High Street, Slough.**

With reference to the above and the meeting of the Licensing Sub-Committee held on Wednesday, 9th November, 2011 I write to formally advise you of the Sub-Committee's decision.

Members were provided with details relating to the incident which occurred at the above premises on 4th August 2011 as outlined by Thames Valley Police and Officers of the Council which had prompted the application for the Review of the Premises licence on the grounds of the prevention of crime and disorder and the protection of children from harm. The Sub-Committee carefully considered all the written and oral submissions made at the meeting including the report of the Licensing Officer, the submission made on behalf of the Thames Valley Police and representations made by you as the premises licence holder and Mr Sareen your legal representative.

In determining this matter the Sub-Committee Members took into account your explanation with regard to the incident of 4th August and your agreement to the additional conditions proposed by Thames Valley Police relating to CCTV and the reduction in hours for the sale of alcohol for consumption of the premises.

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

1. Sale of alcohol for consumption off the premises between 0900 hours and 2300 hours.
2. In the absence of the Designated Premises Supervisor (DPS), a Personal Licence holder to be on the premises during the sale of alcohol.
3. Two members of staff to be on the premises each evening from 1800 hours until close.
4. Challenge 21 Policy to be in place.

5. DPS or 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 or relevant Agencies.
6. To participate in 'Bottlewatch' or 'UV Marker Scheme' if requested by Police or Trading Standards.
7. The applicant and their staff are able to converse with customers, the public and representatives of Statutory Agencies to a level that satisfies Police and Trading Standards they are able to meet the four licensing objectives.
8. The Premises Licence holder or DPS shall ensure all staff receives training on a regular basis in relation to the four licensing objectives contained within the Licensing Act 2003 for those authorised to sell alcohol. Written proof of all training shall be recorded and maintained.
9. All persons trained to sell alcohol shall be trained to the BIIAB Level 1 award in Responsible Alcohol Retailing (ARAR).
10. The Designated Premises Supervisor or nominated person to attend the local Town Centre Pubwatch scheme where in existence.
11. No single cans of alcohol to be sold.

The Sub Committee also agreed that the premises licence is suspended until conditions 1 to 11 as outlined above had been implemented and checked to the satisfaction of Thames Valley Police and 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". Please let this serve as a warning that if a further review is necessary and matters have not improved, the premises licence may 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.

You have the right of appeal against the decision of the Sub-Committee. Any appeal should be made to the East Berkshire Magistrates' Court (a Court of summary jurisdiction) and must be lodged within 21 days of service of this letter on you giving notice of the Sub-Committee's decision.

Yours sincerely,

Shabana Kauser
Clerk to the Sub-Committee

cc: Mick Sims, Licensing Office
Debie Pearmain, Thames Valley Police

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 5 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 26th day of November 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 26th July 2013, Slough Trading Standards took part in a Crime Reduction Enforcement Day (CRED), in conjunction with colleagues in the Licensing Team and other local authority partners. The tasks carried out under the CRED involved a combination of Food Standards and General Inspection, along with under age sales test purchasing for alcohol. The focus of the exercise was to visit premises within the Chalvey ward of the Slough Borough.

Prior to the exercise, under age volunteers were trained and their parents/guardians briefed accordingly. Parental Consent forms were obtained and signed by the respective parent/guardian, volunteers and officers in charge of the exercise. After being picked up, digital photographs were taken of the volunteers before any visits were carried out by them.

In addition to the volunteers, the other persons present for the exercise were Ms Lina Johnson (Senior Trading Standards Officer, with Slough Borough Council) and Ms Tara O'Keefe (Licensing Officer with Slough Borough Council).

Dated the 26th day of November 2013 Signed:

CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

During the exercise, a number of premises in the Chalvey ward were visited; where under age sales test purchases were attempted, followed later by full inspections of the premises.

At 11:25hrs, the officers and volunteers visited Roshni Superstore Limited, 18 High Street, Slough, SL1 1EQ. Ms Johnson entered the premises at 11:25hrs, to act as the observing officer for the under age sale test purchase attempt.

The two volunteers were escorted by myself to the front of the store and entered there at 11:27hrs.

The volunteers were met outside the store at 11:30hrs with two cans of alcohol that they had purchased from Roshni Superstore Ltd. The products purchased were one can of Gaymers Olde English Cider (500ml) and one can of Reds Premium Beer – Pineapple and Grapefruit flavour (500ml). Both cans of alcohol were passed to me and remained in my possession while another test purchase attempt was made at another store.

At 11:55hrs, photographs were taken of the volunteers with the alcohol that had been purchased from Roshni Superstore.

The alcohol cans were then returned to my possession and all officers and volunteers returned to the Slough Borough Council offices at Landmark Place, High Street, Slough. The test purchased alcohol was then sealed in an evidence bag with a tamper proof evidence seal number 003397604, at secured in the locked boot of my vehicle at 12:15hrs.

The volunteers were picked up by another officer at 12:17hrs to return home. Ms Johnson, Ms O'Keefe and myself then returned to the premises to speak to the person in charge.

Dated the 26th day of November 2013 Signed: 

CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

Prior to entering the store, Ms O'Keefe made an attempt to purchase a single can of alcohol from Roshni Superstore; as this was prohibited by one of their Premises Licence conditions. She entered the store at approximately 12:34hrs and returned at 12:36hrs with a single can of Special Brew lager. This can remained in the possession of Ms O'Keefe at all times, until her eventual return to the Landmark Place offices.

Ms Johnson, Ms O'Keefe and myself returned to Roshni Superstore Limited at 12:38hrs to speak to the person in charge. The seller of both the test purchases was identified by Ms Johnson and Ms O'Keefe as Mr Harween Kapoor; the only staff member in the premises at the time. Mr Kapoor's date of birth was taken as [REDACTED] and his home address confirmed as [REDACTED]

The owner of the business was confirmed by Mr Kapoor as being : Mr Jagmohan Singh Chopra of [REDACTED] At my request, Mr Kapoor called Mr Chopra on his mobile telephone, so that I could explain the nature of our visit and confirm his home address. Mr Chopra confirmed his address as [REDACTED] and also his date of birth as being the [REDACTED]

Ms Johnson requested to see the traders Refusals Register, which was provided, but contained no entries in it. I added my signature to the top of each page of this register and took digital photographs of the pages. A representation of the layout of the store at the time was recorded in diagram form in my notebook.

A inspection of the store was then carried out in respect of Food Standards legislation and other Trading Standards legal requirements. This inspection began at 13:03hrs with an inspection of the cigarette gantry and the back of the main counter. On the floor below the main counter a packet of 'Jin Ling' cigarettes was found on the floor, bearing non-English health warnings.

Dated the 26th day of November 2013 Signed: [REDACTED]

CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

A further three packets of 'Jin Ling' cigarettes identical to the other, were found down the side of the flooring behind the main counter.

Following a request for a seizure kit, this was delivered by Mr Jaspal Singh (a Senior Enforcement Officer with Slough Borough Council Trading Standards) at 13:08hrs. A "PACE Code B – Notice of Powers and Rights" document was then issued to the trader and signed for by Mr Harween Kapoor, on behalf of Mr Jagmohan Singh Chopra, at 13:14hrs.

The four packets of 'Jin Ling' cigarettes found behind the main counter were placed into an evidence bag and secured with a tamper proof seal number 003397347.

A further search of the storage area at the back of the store provided further illicit 'Jin Ling' tobacco products. On entering the 'Staff Only' exit from the main store, I entered into a corridor with high shelving, holding a number of crisp boxes.

On inspecting each of the boxes on the shelves, I took down a box of 'Cool Original Doritos'. Inside this box I found twenty more packets of 'Jin Ling' cigarettes bearing non-English health warnings and no pictorial warnings.

These further twenty packs of illicit tobacco products were seized and sealed in an evidence bag with the tamper proof seal number 003397210.

Mr Chopra was called again on the telephone, to explain about the additional seizure and to explain that he will be called in for an interview under caution. After this, all seized items in bag numbers 003397347 and 003397210, were removed from the store at 13:53hrs. Ms Johnson and Ms O'Keefe left with me.

The evidence was secured in the boot of my vehicle and transported to the Slough Borough Council offices at St Martin's Place; where items 003397604 (test

Dated the 26th day of November 2013 Signed: 

CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

purchase) and the two seizure bags (003397347 and 003397210) were secured in locked storage at 14:15hrs.

On the 29th July 2013, a Companies House search was carried out on Roshni Superstore Limited. Correspondence was sent to Mr Chopra and Mr Kapoor to invite them for a PACE recorded interview.

On the 5th August 2013, bag numbers 003397604 (test purchased alcohol), 003397210 (seizure of 4 packs of cigarettes) and 003397210 (seizure of 20 packs of cigarettes in a box), were removed from secure storage at St Martin's Place at approximately 14:30hrs and transported to the Trading Standards Secure Store. All evidence was secured there on arrival at 14:45hrs.

Both Mr Harween Kapoor and Mr Jagmohan Singh Chopra were interviewed under caution on the 11th September 2013 from 16:22hrs to 17:02hrs and from 17:31hrs to 18:43hrs, respectively.

Dated the 26th day of November 2013 Signed:

Page 5 of 5

STATEMENT OF WITNESS

*(Criminal Procedure Rules, Reg.27.2; Criminal Justice Act 1967, S.9;
and Magistrates' Courts Act 1980, S.5B)*

Statement of	Tara O'Keefe
Age of Witness	Over 18
Occupation of	Assistant Licensing Officer
Witness	
Address of Witness	Slough Borough Council Licensing Team, Enforcement and Regulatory Services, Landmark Place, High Street, Slough, SL1 1JL

This statement, consisting of 7 (Seven) pages 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 state in it anything that I know to be false or do not believe to be true.

Signature _____ Date: 13/12/13.....

1. I, Tara O'Keefe am currently employed as an Assistant Licensing Officer for the Licensing Team of Slough Borough Council and have been employed by Slough Borough Council since September 2011.
2. In my role as an Assistant Licensing Officer I am responsible for dealing with all licensing functions and I am an Authorised Officer of the Council in respect of the provisions of the Licensing Act 2003.
3. On Friday 26th July 2013 Slough Borough Council Licensing Officers took part in a Crime Reduction Enforcement Day (CRED), in conjunction with colleagues of the

Signed: Date: 13/12/13.....

Trading Standards Department. The tasks carried out under the CRED involved a combination of Food Standards and General Inspection, along with under age sales test purchasing for alcohol. The focus of the exercise was to visit premises within the Chalvey ward.

4. On Friday 26th July 2013 at approximately 11:25 two under age volunteers were escorted to Roshni Food and Wine, 18 High Street, Slough, SL1 1EQ by Mr Dean Cooke (Senior Trading Standards Officer), Ms Lina Johnson (Senior Trading Standards Officer), and I. Ms Johnson entered the premises at 11:25 to act as the observing officer.
5. The two volunteers were then escorted by Mr Cooke and I, and they entered the premises.
6. The volunteers left the premises at approximately 11:30 with two cans of alcohol that had been purchased from Roshni Food and Wine. One can of Gaymers Olde English Cider (500ml) and one can of Reds Premium Beer (500ml) had been purchased.
7. At approximately 12:00 the volunteers, Trading Standards Officers, and I returned to Slough Borough Council's Licensing Department at Landmark Place, High Street, Slough, SL1 1JL. The volunteers were collected by a Trading Standards Officer and returned home.
8. Mr Cooke, Ms Johnson, and I returned to Roshni Food and Wine at approximately 12:30. I entered the premises prior to them to attempt to buy a single can of alcohol as there is a condition on the premises licence which states 'no single cans of alcohol to be sold'. I picked up one can of Special Brew lager and took it to the till and was successfully sold the single can of alcohol. I later took a colour photograph of the can of Special Brew lager
9. I returned to Mr Cooke and Ms Johnson who then re-entered Roshni Food and Wine with me at 12:33 with the one can of Special Brew lager which stayed in my possession for the duration of the inspection and which was later placed in a plastic exhibits bag and sealed with a seal number **003397610**.
10. Mr Cooke told the person behind the counter that a test purchase had taken place earlier when there was an underage sale, and a few minutes ago a single can of

Signed:

..... Date: 13/12/13

alcohol was sold. Ms Johnson and I indentified the person behind the counter as the seller, who was the only person at the premises at the time.

11. The gentleman confirmed his name as Harween Kapoor. Mr Kapoor confirmed Jogmohan Singh Chopra of _____ as the Premises Licence Holder and Designated Premises Supervisor (DPS) in relation to the Premises Licence for Roshni Food and Wine (Premises Licence number **PL4859**).
12. Mr Kapoor confirmed that Mr Chopra was at the 'Cash and Carry', so Mr Cooke requested to speak to him over the telephone. Mr Cooke spoke to Mr Chopra and told him that there was an underage sale made, and a single can sale at his premises.
13. Ms Johnson requested to see the refusal register, which was provided, but it contained no entries.
14. At approximately 12:40 whilst we were in the premises a customer placed a single can of Special Brew lager (500ml) on the counter and Mr Kapoor put the price into the till and was about to accept payment. I had to intervene and remind Mr Kapoor of the premises licence condition 'no single cans of alcohol to be sold'. Mr Kapoor then refused to sell the customer a single can of alcohol.
15. At approximately 12:50 my colleagues and I requested Mr Kapoor to close and lock the doors of the premises, as it was very busy and restricting us from carrying out an efficient inspection. Mr Kapoor closed the door.
16. I asked Mr Kapoor if he holds a personal licence, and he said no. I then explained to Mr Kapoor that a personal licence holder needs to be at the premises at all times when alcohol is being sold.
17. At approximately 12:55 I spoke to Mr Chopra on the telephone once Mr Cooke had finished speaking with him. I told Mr Chopra that a personal licence holder needs to be at the premises in order for alcohol to be sold. He told me he would arrange for a personal licence holder to attend the premises.
18. I began a full inspection of the premises.
19. During the course of the inspection I also took a number of digital photographs.
20. During the course of my inspection a number of breaches of the Premises Licence conditions were identified.

Signed:

..... Date: 13/12/13

21. Only the front page of the premises licence was displayed at the premises, but not the premises licence summary as the Act requires. I asked Mr Kapoor if he had the premises licence summary, which he did so I requested he displays it. Mr Kapoor took down the front page of the premises licence on display and replaced it with the premises licence summary.
22. Mr Kapoor produced Mr Chopra's personal licence which was issued by The London Borough of Hounslow, licence number HH001445. I asked Mr Kapoor if Mr Chopra as the (DPS) had a list of authorised persons to sell alcohol at the premises, Mr Kapoor was not aware of any list.
23. Condition number 6 of Annex 3 on the premises licence states 'To participate in 'Bottlewatch' or 'UV Marker Scheme' if requested by Police or Trading Standards'. I saw that a sign was displayed at the premises confirming they are participating in the UV marker scheme; I took a digital photograph of this sign. I asked Mr Kapoor if he was aware of any of the alcoholic cans being UV marked, and he said only the cans of 'Lech' had been marked.
24. I began to check all of the cans of 'Lech' with a UV light, and found 14 cans out of approximately 30 had been marked.
25. Condition number 3 of Annex 2 on the premises licence states 'CCTV has been installed in the premises. All recordings to be kept for a period of 31 days and made available to the responsible authorities if required'. I asked Mr Kapoor how long CCTV recordings were kept for, and he told me they were kept for 15 days.
26. Condition number 5 of Annex 3 on the premises licence states 'DPS or 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 or relevant agencies'. I asked Mr Kapoor if he could operate the CCTV system, and he showed me that he could rewind the footage and play it back but he could not download footage onto a disk. I asked if he had been trained on how to download the CCTV footage, and he said he hadn't received any training.
27. Condition number 4 of Annex 2 on the premises licence states 'One of the CCTV

Signed:

..... Date: 13/12/13

cameras is to be arranged so as to give a full facial view of persons entering the front door of the premises'. From viewing the CCTV footage and the positioning of the camera I would not say this gives a full facial view of persons entering the front door. I made Mr Kapoor aware that I was not satisfied with the positioning of the camera or that it complied with the condition on the premises licence.

28. Condition number 2 of Annex 2 on the premises licence states 'A refusal register to be kept and is to be available for inspection by the Police and Licensing Authority'. The refusal register which was produced to Ms Johnson was issued to Roshni Food & Wine on 1st August 2013 by the Licensing Team. I therefore asked Mr Kapoor if he was aware of a refusal register prior to the one given on 1st August. He said he wasn't aware of a refusal register prior to one being issued to the premises by the Licensing Team.
29. Condition number 7 on the premises licence states 'The applicant and their staff are able to converse with customers, the public and representatives of Statutory Agencies to a level that satisfies Police and Trading Standards they are able to meet the four licensing objectives'. I felt that Mr Kapoor was able to converse with me and my colleagues, however he did not understand the requirement to promote the four licensing objectives or of the need of compliance with the conditions imposed on the Premises Licence.
30. Condition number 8 on the premises licence states 'The Premises Licence holder or DPS shall ensure all staff receives training on a regular basis in relation to the four licensing objectives contained within the Licensing Act 2003 for those authorised to sell alcohol. Written proof of all training shall be recorded and maintained'. I asked Mr Kapoor if he had received any training in relation to the four licensing objectives and he said he has never received any training.
31. Condition number 9 on the premises licence states 'All persons trained to sell alcohol shall be trained to the BIIAB Level 2 award in Responsible Retailing (ARAR)'. I asked Mr Kapoor if he had undergone this training course and he said he had not.
32. Condition number 11 on the premises licence states 'No single cans of alcohol to be sold'. I asked Mr Kapoor if he was aware of this condition and he said he thought it had been removed after a year of it being imposed.

Signed:

..... Date: 13/12/13

33. I inspected the fridges which stored cans and bottles of alcohol and saw that there were signs clearly stating the price of single cans. I told Mr Kapoor that he must arrange for the CCTV footage from that day (26th July 2013) between 11:00 to 13:00 to be downloaded onto a disc by 29th July 2013.
34. Mr Jagjit Singh arrived at the premises and showed me his personal licence which was issued by Slough Borough Council, licence no PA7765, expiry 08/12/2021. As he holds a personal licence I agreed that Mr Jagjit Singh could stay at the premises and authorise the sale of alcohol.
35. Mr Cooke and Ms Johnson finished their inspection and seized illegal tobacco products from the premises. We then left the premises and returned to the Licensing Department, Landmark Place, High Street, Slough.
36. At 14.15pm on Monday 29th July 2013 Michael Sims, Licensing Manager and I went to Roshni Food & Wine at approximately to obtain the CCTV footage I had previously requested.
37. Mr Sims introduced us to the person behind the counter and asked for his name. He identified himself as Mr Jagjit Singh, who was the only person at the premises at the time.
38. Mr Sims requested the CCTV footage from 26th July 2013 between 11:00 – 13:00. Mr Singh said that he did not know how to download CCTV footage and that he had not received any training on how to download the footage.
39. Mr Singh told us that Mr Chopra would be back at the premises at approximately 15:00, so Mr Sims left a blank CD with the date and time of footage we required and a contact number.
40. Mr Sims spoke with Mr Chopra on a mobile phone and explained that a blank CD with the dates and time of footage required and a contact number has been left at the premises for him to download the CCTV footage.
41. Mr Sims asked Mr Singh for the refusal register but he could not find it and didn't know what it looked like.
42. Mr Sims gave Mr Singh a new refusal register, and then we left the premises.

Signed:

..... Date: 13/12/13

Statement of (Continued) Tara O'Keefe

43. On Wednesday 31st July 2013 I was provided with the CCTV footage earlier requested.

Signed:



..... Date: 13/12/13

STATEMENT OF WITNESS

*(Criminal Procedure Rules, Reg.27.2; Criminal Justice Act 1967, S.9;
and Magistrates' Courts Act 1980, S.5B)*

Statement of	Michael John Sims
Age of Witness	Over 18
Occupation of Witness	Licensing Manager
Address of Witness	Slough Borough Council Licensing Team, Enforcement and Regulatory Services, Landmark Place, High Street, Slough, SL1 1JL

This statement, consisting of 3 (three) pages 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 state in it anything that I know to be false or do not believe to be true.

Signature _____

Date:13/12/13.....

1. I, Michael John Sims am currently employed as the Licensing Manager for the Licensing Team of Slough Borough Council and have been employed by Slough Borough Council since September 2004.
2. In my role as Licensing Manager I am responsible for all licensing functions dealt with by the Licensing Team and I am an Authorised Officer of the Council in respect of the provisions of the Licensing Act 2003.
3. I am aware that on Friday 26th July 2013 Slough Borough Council Trading Standards Officers and Miss Tara O'Keefe - Assistant Licensing Officer of the Licensing Team conducted an under age sales test purchase operation at a licensed premises called,

Signed:

.... Michael Sims

Statement of (Continued) Michael John SIMS

Roshni Food and Wine, 18 High Street, Slough, SL1 1EQ, where age restricted products, i.e. alcohol and cigarettes were sold to underage persons.

4. At 1415 hours on Monday 29th July 2013 I attended Roshni Food and Wine with Miss O'Keefe to request that footage from the installed CCTV system be downloaded and provided to me in respect of the sale of age restricted products on 26th July 2013.
5. On our attendance there was only one person working in the shop. Both Miss O'Keefe and I identified ourselves to this male person by producing and showing our Slough Borough Council identity cards. The male person identified himself as being Mr Jagdit Singh. Mr Singh had a very strong foreign accent and it was a little difficult to understand what he was saying.
6. I asked Mr Singh if he could download footage from the CCTV system as it was required as evidence. Mr Singh said that he could not.
7. I asked Mr Singh if had been trained as a member of staff to download CCTV footage. He said he had not.
8. I explained to Mr Singh that it was a condition of the Premises Licence that staff must be trained on the CCTV system. Mr Singh did not seem to understand fully what I was saying.
9. I asked Mr Singh if Mr Chopra the Premises Licence Holder was at the premises. Mr Singh said that he was not and that he may be about at 3.00pm or the following day. I asked Mr Singh to contact Mr Chopra on his mobile phone which he did.
10. I spoke with Mr Chopra, having stated who I was and stated that I required CCTV footage to be supplied for Friday 26th July 2013 between the hours of 11.00am and 1.00pm, that I would leave a DVD disc for the CCTV footage to be downloaded onto and that I would attend the premises to collect when it had been done.
11. I also stated to Mr Chopra that I would leave full details of my request and my details with Mr Singh. The telephone call was the terminated.
12. I then asked Mr Singh to produce to me the Slough Borough Council 'Refusal Register' recently supplied to premises. Mr Singh searched through behind the counter and spoke with Mr Chopra again on the telephone, but was he unable to find the Refusals Register.

Signed:

..... Michael Sims

Statement of (Continued) Michael John SIMS

13. Mr Singh then produced to me another Refusals Register issued by 'Personal Licence Courses Ltd', which I checked and found that the last entry was made on 13th October 2012
14. I then provided Mr Singh with a new 'Slough Borough Council Refusals Register' which I signed and dated.

Signed:

.... Michael Sims

Signed:

Michael Sims

Witness Statement

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

URN:

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Statement of: Debie Pearmain

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

Occupation: Police Licensing Officer

This statement (consisting of2..... 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:

Date: 21-11-2013

I am the above named person and I am employed by Thames Valley Police as the Civilian Police Licensing Officer for the Royal Borough of Windsor & Maidenhead and Slough area I am based at Windsor Police station and part of my role is enforcement of the Licensing Act 2003. On Wednesday 6th November 2013 I was on duty with Sergeant Bryan Percival and Ms Anne Chalmers, Crime Reduction Advisor. At 12.10pm we were outside Roshni Food & Wine, 18 High Street, Slough, Berkshire. This premise has an issued premises licence number PL004859 and they are authorised for the sale of alcohol from 09.00am and 11.00pm. This licence also has a lot of conditions attached to it. As I was about to enter the shop, I witnessed a man I would describe as being a street drinker, he appeared to be un-kept and looked like one of the street drinkers. I observed him walk up to the Counter with 2 cans of beer, the sale was made and money taken by the Sales Staff, whom I now know to be Mr Tarluk Singh Kapoor. Mr Kapoor is a Personal Licence Holder. As I entered the shop the man left, I had also observed another man waiting outside the shop, clearly waiting for his friend who had just been served alcohol, this man in my opinion also looked like a street drinker. They then both walked off towards Burlington Avenue. I identified myself to Mr Kapoor and informed him that I was conducting a licensing check in relation to the conditions attached to the licence. My colleague, Anne Chalmers also identified herself to Mr Kapoor. I asked Mr Kapoor if the Designated Premises Supervisor, Mr Jagmohan Singh Chopra was on site. I ascertained that the DPS was not on site. Mr Kapoor was the only staff member in the shop. I asked Mr Kapoor if Mr Chopra was still the DPS and he shook his head and said, "No". I asked him this question again and he said, "Yes". I did not feel very confident in what I was being informed and felt that Mr Kapoor did not understand what I was saying to him. I then informed Mr Kapoor of my concern over the 2 cans of alcohol being served to the street drinkers, just before I had entered the premise. Mr Kapoor clearly did not understand what I was saying and looked at me with a blank face. My colleague, Ms Chalmers then spoke to Mr Kapoor and requested CCTV footage be downloaded from the 1st November 2013 from 7.00pm until 7.15pm. Mr Kapoor did not understand what was being requested, so my colleague, Ms Chalmers, had to write down the request on a piece of paper. As Ms Chalmers was talking to Mr Kapoor an Asian woman requested that she be served as she said a taxi was waiting for her. She purchased a bottle of cider and asked Mr Kapoor if she could have some cups. Mr Kapoor said, "No, no". After the woman had left the shop I asked Mr Kapoor to show me the written proof of all training for all staff, as per condition number 8 on the premises licence. Again, Mr Kapoor appeared to not understand what I was requesting and was unable to show me the training records. It was at this point I decided to no longer continue with the licensing check as Mr Kapoor clearly did not

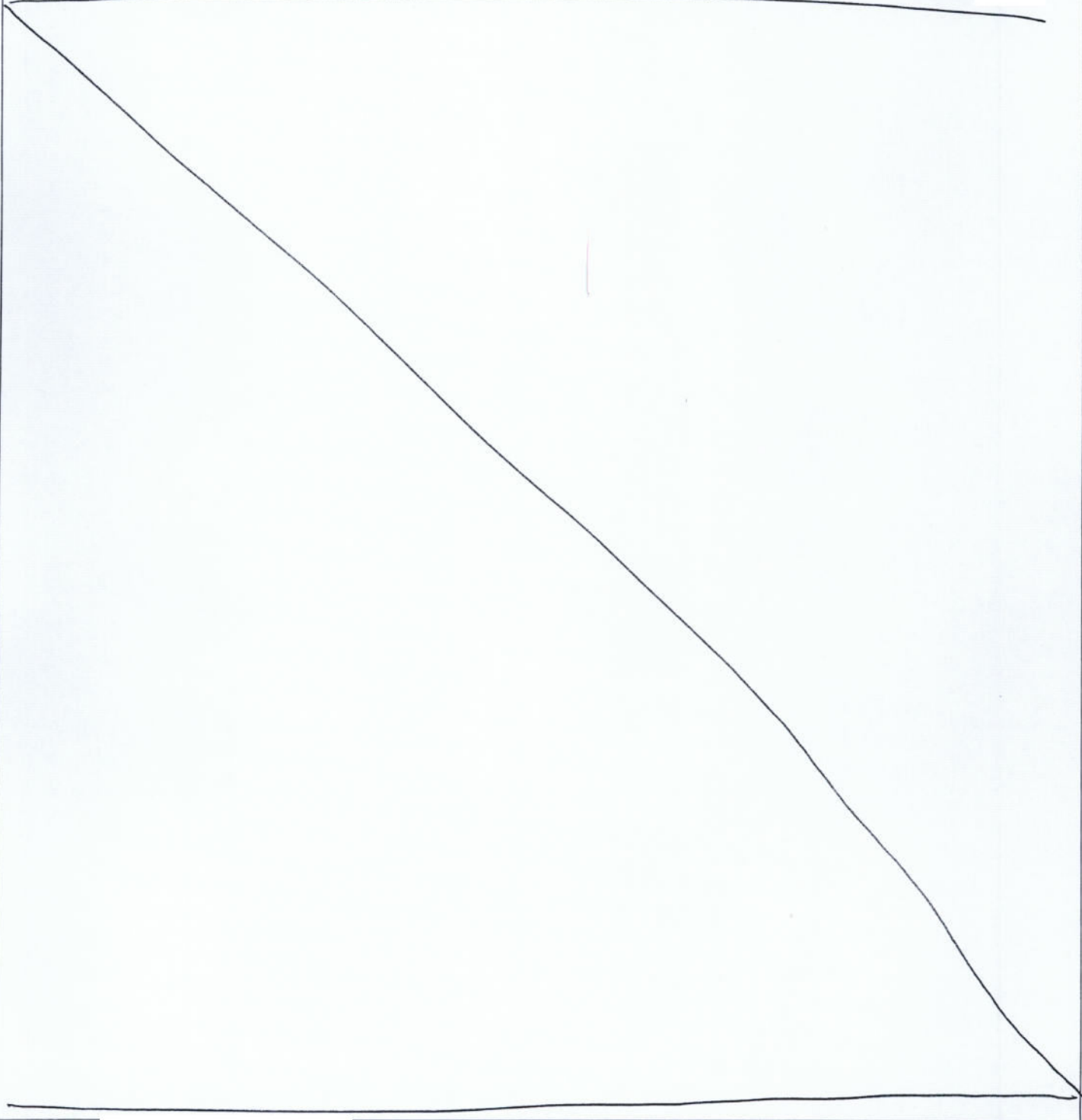
Signature:

Signature Witnessed by: N/A

Witness Statement

Continuation of Statement of

understand what was being asked. I also had concerns in relation to Mr Kapoor being able to converse with customers and to challenge any one that was drunk, or under age. In my opinion this was in breach of condition number 7 of the premises licence. Mr Kapoor had sold alcohol to persons that in our view were street drinkers. After leaving the premise we walked to Burlington Avenue and observed the 2 street drinkers whom I had seen Mr Kapoor sell cans of alcohol to and the Asian female, who had purchased a bottle of cider. They were stood under the cover of the flats, drinking their alcohol.



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: [] [] [] []

Statement of: ANNE CHALMERS C9229

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

Occupation: CRIME PREVENTION & REDUCTION ADVISOR (TRP)

This statement (consisting of two 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:

Date: 06/11/2013

I am the above named person and am employed by Thames Valley Police as the Civilian Crime Prevention and Reduction Advisor for the Local Police Areas (LPA's) of Windsor, Maidenhead and Slough.

On Wednesday 6th November 2013 I was on duty with Civilian Police Licensing Officer Debie Pearmain and Sgt Byran Percival. At 12:10 Debie Pearmain Sgt Percival and I attended Roshni food & Wine, 18 High Street Slough, SL1 1EQ, Debie Permain and I waited outside the premises as the shop entrance was partially blocked by a customer purchasing cans of beer at the sales counter. The male appeared to be un-kept and scruffy in appearance. Once the male had paid and left Debie Pearmain and I entered Roshni food & Wine while Sgt Percival remained immediately outside. Debie Pearmain and I introduced ourselves to the member of staff stood behind the cash desk. I asked the staff member now known to me as Mr Tarluk Singh Kapoor if he could download CCTV footage from Friday 1st November 2013 between the times of 19:00 and 19:15. Mr Kapoor initially didn't understand my request, firstly saying "no CCTV" . I indicated by pointing to the CCTV monitors directly opposite the cash desk and again asked if he could download CCTV footage, Mr Kapoor appear confused, unable to answer me. I again asked Mr Kapoor if it would be possible to down load the requested CCTV footage, Mr Kapoor responded by shaking his head from side to side. Mr Kapoor had difficulty understanding my request and I asked Mr Kapoor if he would you like me to write it down? Mr Kapoor handed me some paper.

During this attempted conversation a female approached the desk and said "can I pay for this I have a taxi waiting"? I moved to the side allowing the female immediate access to the cash desk, I had a clear unobstructed view of the female, but limited view of the cash desk area. The female was around 5ft 4inches in height with dark brown or black hair pulled back in a tight pony tail, the female was wearing a black waist length jacket; black jogging bottoms, dark coloured trainers and a pair of large brown leather or leather effect gloves, which appeared to be too large for her. The female was carrying a black leather or leather effect bag. I saw the female pay for goods one of which was a 2lt size bottle of cider. During this transaction Mr Kapoor and

Signature: Anne Chalmers

Signature Witnessed by:

C9229

Witness Statement

Continuation of Statement of Anne Chalmers

the female did not speak, the female placed the goods in the blue plastic carrier bag given to her by Mr Kapoor and said "can I have paper cups?. Mr Kapoor responded "no, no". The female left Roshni food & Wine.

I again approached Mr Kapoor. I wrote the above request for CCTV footage and handed back to Mr Kapoor and asked him to let us know when the footage had been downloaded. Mr Kapoor nodded and responded Yes, yes

Signature: _____

Signature Witnessed by: _____

Witness Statement

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

URN: [] [] [] []

Statement of: **Bryan Roy Percival**

Age if under 18 (if over insert "over 18"): **Over 18** Occupation: **4261**

This statement (consisting of2..... 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: _____ Date: **29/11/2013**

I am the above named person, A Police Sergeant with Thames Valley Police. On the morning of Wednesday 6th November 2013, I was on duty in plain clothes conducting a CCTV and licensing assessment in Slough town centre. At this time I was in company with Anne Chalmers, One of my Crime prevention and reduction advisors and Debie Pearmain, a local police licensing officer.

Having surveyed the area and visited several licensed premises to assess compliance, at 12.10hrs we attended Roshni Food and Wine, of 18 High Street, Slough. The weather at this time was cloudy, over cast with a slight and consistent drizzle. I stood outside the premises towards the edge of a very wide pavement closest to the road. This afforded me a good unobstructed view into the shop and a broad view of the surrounding building, access routes and people in the immediate vicinity. I watched my two colleagues enter the shop and begin a verbal interaction with an Asian male who was behind the sales counter immediately on the right as you enter the store. he had just served an unkempt male who exited the store with his purchase which I could not clearly make out as it was in a small bag. This person met with another older male who had been stood outside to the right of the shop as I looked at it. This individual also looked untidy, very rough complexion and was clearly in an anxious state or had a medical condition as he was constantly moving from one foot to the other. The two then moved off round the corner into a side street, Burlington Avenue which is to the right of the store. Seeing that my colleagues appeared in order and appeared simply conversing with the shop keeper, I briefly walked to the head of Burlington Avenue and looked into this small side street. I could see the two males stood against the nearside wall, one with his back to me. On the right near the offices/ flats under croft I could see two white youths, a male and a female both aged approximately 19 to 20 years. An older male was now outside the store having emerged from Burlington Gardens. Again un kempt, scruffy, A Ruddy complexion, sunken blood shot eyes with a scruffy beard. I returned to my original spot outside the shop and observed further. After a short period of time the two youths moved to a position just right of the front of the store as I viewed it. They conversed briefly with the un kempt individual, on and off. They clearly knew each other.

A young Asian woman then rounded the corner, approached, spoke briefly to these three before entering the store. I would describe her as an Asian female, medium build, about 5'4 in height and about 20 years old. She had long black hair tied back in a pony tail, a black jacket, black bag and most notably a thick pair of dark leather oversize gloves. I saw her select a large bottle of what looked like cider and approach the cash desk clearly interrupting my colleague's conversation with the shop keeper. She

Signature: _____ Signature Witnessed by: **N/A**

Witness Statement

Continuation of Statement of Bryan Roy Percival.....

appeared in a rush, I could not hear the conversation from where I was. She then exited the store and liaised with the other three to the right of the shop. The older male, the unkempt one appeared physically excited as she handed over the bottle of cider to the younger female, they then all disappeared from view into Burlington Avenue.

Minutes later my colleagues exited the shop and together we walked round into the side street to see these same persons sharing the Cider and two other males sharing a can of drink.

These are my original notes.

Signature: _____

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	Roshni Food and Wine
Address of Premises & Tel: No.	18 High Street Slough, Berks SL1 1EQ
Applicant Details (Name, address, Tel: No.) if different from above	
Company Name (if different from Applicant)	
Application type (state fully)	
Date Application received	7 th January 2014

REPRESENTATION SUBMISSION

Please tick

There are no representations to the granting of this licence	
--	--

<p>If you are making representations to the application identify which of the four licensing objectives your representation relates to:</p> <p>Please detail your representation and the reason together with your supporting evidence, as appropriate. <i>(If replying by hard copy, please attach separate sheet(s) if necessary).</i></p>		
Prevention of Crime and Disorder	Please tick <input checked="" type="checkbox"/>	See Prevention of Public Nuisance Section
Public Safety	<input type="checkbox"/>	
Prevention of Public Nuisance	<input checked="" type="checkbox"/>	<p>Slough Borough Council's Neighbourhood Enforcement Team along with officers from the Anti-Social Behaviour Team and Thames Valley Police has been patrolling the surrounding areas of Roshni Food and Wine, 18 High Street, Slough, since 2010 due to the on going local residents concerns of anti-social behaviour, petty crime and public nuisance and the general appearance of the area with regard to waste and litter, in particular, the quantity of empty cans and bottles left lying in the street and surrounding areas.</p> <p>In addition, there are concerns regarding alcohol abuse/misuse in the locality with some residents reporting the numbers of street drinkers has increased over time. These reports are supported by what patrolling Community Wardens have</p>

		witnessed and by the quantity of alcohol related street litter around the area, particularly around the Burlington Road where Slough Homeless Our Concern (SHOC) are located. The SHOC facility is renowned for street drinkers to congregate whilst they access services provided.
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.)

Alcohol products marking scheme has been previously trialled informally in other off licences within problem areas within the borough since December 2011 and has led to an indicated reduction in street drinking and related litter locally.

This alcohol products marking scheme requires the marking of identified alcohol products to be sprayed with "Smart Water" which is a permanent UV substance. This enables a link to be established back to the point of original purchase.

Whilst the presence of a marked alcohol product in the hands of, for example, an underage drinker would not prove that an offence had been committed by the shop, it would be sufficient to require further checks at the shop, such as examination of the CCTV records or that procedures at the shop may be failing. In similar circumstances the same principles would apply for alcohol products being found in the hands of regular and known street drinks and for accumulations of alcohol products discarded packaging and containers.

We would seek that this "Smart Water" alcohol products marking scheme be made a formal requirement on Roshni Food and Wine by imposing the following condition on the license :-

The Premises License Holder is formally required to undertake the requirements of the Council's alcohol product marking scheme to enable alcohol product containers to be linked to the point of sale providing "prima-facie" evidence to enable further investigation by the Police and Council. This is to establish whether appropriate responsibility is being taken by the licensee to refuse sales to underage or intoxicated individuals and to ensure the business complies with its duties with regards to waste from its premises either generated by itself or its patrons activities.

In addition to issues of responsible selling of alcohol, the linking of bottles/cans to the point of sale will enable action under the Clean Neighbourhoods and Environment Act 2005 and Environmental Protection Act 1990 to require the business proprietor to clear the litter generated by their customers.

Name of Officer completing Representation	Linda Corcoran
Job Title	Enforcement Officer
Name of Responsible Authority	Slough Borough Council
E-mail address:	linda.corcoran@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: Linda Corcoran

Dated: 9th January 2014

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 D

From: Corcoran Linda
Sent: 10 January 2014 13:11
To: Rummey Rachael; Sims Michael
Subject: FW: Burlington Avenue / Burlington Road area - survey results and ASB figures

Hi,

Please see below, this will support my response re: Roshni Food and Wine.

Many thanks

Linda

Linda Corcoran
Enforcement Officer

Neighbourhood Enforcement Team
Slough Borough Council

 Office: 01753 875255

 Fax: 01753 875221

 Email: linda.corcoran@slough.gov.uk

 Address: Neighbourhood Enforcement Team, Public Protection Service, St Martins Place, 51 Bath Road, Slough. SL1 3UF

 Before printing, think about the environment

From: Swanepoel Nadia
Sent: 10 January 2014 11:59
To: Corcoran Linda
Subject: Burlington Avenue / Burlington Road area - survey results and ASB figures

Dear Linda,

Apologies for the delay. As requested, please see information below.

Please note that this information does not specifically refer to Serena Hall only. It refers to the area including and surrounding Burlington Avenue.

Survey results

On 22/06/2011 a 6-month dispersal order came in to power in the Burlington Avenue area. It expired on 21/12/2011. During Oct 2011 and Jan 2012 surveys were carried out to assess the impact of the dispersal order. Results showed that despite efforts, 83 (85%) of the 98 surveyed residents found people being drunk or rowdy in public places to be a fairly big to very big problem.

ASB figures

Between Jan 2010 and Nov 2013, Thames Valley Police received 159 ASB reports where the consumption of alcohol was believed to be the main contributor to the ASB incidents in Burlington Avenue / Burlington Road.

48 of the 159 reports were made by Ibex House residents and 44 by Serena Hall staff.

Should further information be required, please let me know.

Kind regards,
Nadia

Nadia Swanepoel
Safer Slough Partnership Information and Mapping Officer

Slough Borough Council
01753 477352

www.slough.gov.uk <<http://www.slough.gov.uk>>

Please don't print this email unless you really need to - think of the environment

APPENDIX E

YELLOW CARD **'ROSHNI FOOD AND WINE' 18 High Street, Slough, SL1 1EQ**

These premises have been subject of an Application to a 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 9th November 2011 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 incident highlighted as a warning that if a further Review is necessary and matters have not improved, the premises licence may be revoked.

The new conditions imposed are as follows:

1. Sale of alcohol for consumption off the premises between 0900 hours and 2300 hours.
2. In the absence of the Designated Premises Supervisor (DPS), a Personal Licence holder to be on the premises during the sale of alcohol.
3. Two members of staff to be on the premises each evening from 1800 hours until close.
4. Challenge 21 Policy to be in place.
5. DPS or 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 or relevant Agencies.
6. To participate in 'Bottlewatch' or 'UV Marker Scheme' if requested by Police or Trading Standards.
7. The applicant and their staff are able to converse with customers, the public and representatives of Statutory Agencies to a level that satisfies Police and Trading Standards they are able to meet the four licensing objectives.
8. The Premises Licence holder or DPS shall ensure all staff receives training on a regular basis in relation to the four licensing objectives contained within the Licensing Act 2003 for those authorised to sell alcohol. Written proof of all training shall be recorded and maintained.
9. All persons trained to sell alcohol shall be trained to the BIIAB Level 1 award in Responsible Alcohol Retailing (ARAR).
10. The Designated Premises Supervisor or nominated person to attend the local Town Centre Pubwatch scheme where in existence.
11. No single cans of alcohol to be sold.

The Sub Committee also agreed that the premises licence is suspended until conditions 1 to 11 as outlined above had been implemented and checked to the satisfaction of Thames Valley Police and the Licensing Authority.

The premises were also issued with a "Yellow Card" to serve as a warning that if a further review is necessary and matters have not improved, the premises licence may be revoked.

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

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APPENDIX F

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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