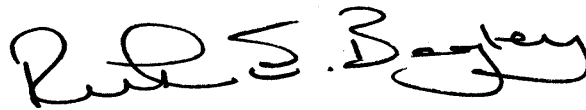


Date of issue: 17th April, 2014

MEETING	LICENSING SUB-COMMITTEE (Councillors Sohal (Chair), Davis and Rasib)
DATE AND TIME:	TUESDAY, 29TH APRIL, 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 30th January 2014 | 3 - 10 | |

LICENSING ISSUES

- | | | | |
|----|---|---------|---------|
| 4. | Application for Premises Licence, Slough Food and Wine, 18 High Street, Slough, SL1 1EQ | 11 - 78 | 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, 30th January, 2014.

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

Officers Present:- Slough Borough Council
Mr Mick Sims, Licensing Manager (The Applicant)
Ms Tara O'Keefe, Assistant Licensing Officer
Ms Melanie Sagar, Licensing Officer
Mr Dean Cooke, Senior Trading Standards Officer
Ms L Corcaran, Neighbourhood Enforcement Officer

Thames Valley Police
Ms D Pearmain, Licensing Officer

Apologies for Absence:- None

PART 1

27. Declarations of Interest

None declared.

28. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the Guidance note.

29. Minutes of the Last Meeting held on 28th November, 2013

Resolved – That the minutes of the last meeting held on 28th November 2013, be approved as a correct record.

30. Review of Premises Licence: Roshni Food and Wine, 18 High Street, Slough, SL1 1EQ

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

Introduction by Melanie Sagar, Licensing Officer, Slough BC

The Officer highlighted that the report circulated prior to the meeting contained two errors:

Para 5.4 of the report-Licensable activities should have read Monday – Sunday 09:00 – 23:00.

Para 6.3 of the report- the para numbering was duplicated and the second para 6.3 should be taken as para 6.3a.

Licensing Sub-Committee - 30.01.14

The Officer advised that the Licensing Manager, had brought a Review of the premises licence for Roshni Food & Wine, 18 High Street, Slough, on behalf of the Licensing Authority, Slough Borough Council. Members were referred to the options available to the Sub Committee when determining the review as set out in the report, and reminded of the amended guidance issued under Section 182 of the Licensing Act 2003 which detailed matters that the Sub-Committee must have regard to.

The Licensing Officer confirmed that Mr Jagmohan Singh Chopra was the premises licence holder and Designated Premises Supervisor for Roshni Food & Wine and that the premises licence authorised the sale by retail of alcohol for consumption off the premise only, Monday to Sunday between the hours of 09:00 –23:00. It was highlighted that the premises had previously been subject to a premises licence review brought by Thames Valley Police in 2011 following the sale of alcohol to a person under the age of 18. The subsequent review hearing on 14th November 2011 had resulted in the Licensing Sub-Committee imposing 11 additional conditions on the premises licence (details set out in the report), the suspension of the premises licence until all 11 conditions had been implemented to the satisfaction of Thames Valley Police and the issue of a yellow card.

Mr Chopra was subsequently prosecuted and convicted at Maidenhead Magistrates Court in relation to the underage sale. He was fined a total of £600 and ordered to pay £750 costs.

On 26th July 2013 Slough Borough Council Trading Standards and Licensing teams conducted an underage sales test purchase at the premise and observed 2 underage sales made to persons under the age of 18. Members were reminded that the sale of alcohol to an underage person was an offence under section 146 of the Licensing Act 2003. On that occasion the Assistant Licensing Officer, was able to purchase a single can of alcohol from Roshni Food & Wine. This was in breach of condition 11 of the conditions imposed by the Licensing Sub-Committee on 14th November 2011.

Slough Borough Council Trading Standards Officers conducted a premises inspection of Roshni Food & Wine on 26th July, 2013 and illicit cigarettes and tobacco were discovered at the premises.

The Trading Standards Officer was requested to view CCTV footage at the premises but none was available. The Officer was provided with older footage but this showed no footage of the previous test sale.

It was noted that representations to the review application were received from Linda Corcoran, Enforcement Officer, Neighbourhood Enforcement Team who requested that Roshni Food & Wine take part in the Smart Water Alcohol Product Marking Scheme and that this be imposed as an additional condition on the premises licence.

The Applicant, Mr Sims, on behalf of the Licensing Authority maintained that in light of the recent under age sales, the seizure of illicit cigarettes, breach of

Licensing Sub-Committee - 30.01.14

conditions and the previous history and management of the premises, there was no other alternative than to issue the premises with a “Red Card” and for the Premises Licence to be revoked.

Questions to the Licensing Officer

A Member asked why a Trader pack had not been offered to Mr Chopra and was advised that a pack was given to the previous Licence Holder. It was also highlighted that when the previous review was brought in 2011, Mr Chopra was made fully aware of his responsibilities. There were also several signs posted within the premises which confirmed that the Licensee was engaged in Licensing schemes including ‘Challenge 25’.

Officers gave witness statements and made representations to the Sub Committee as follows:

Representations made by Mr Cooke, Senior Trading Standards Officer, Slough BC

The Officer advised that Slough Trading Standards participated in a Crime Reduction Enforcement Day on 26th July 2013 when trained under age volunteers (aged 15 yrs and 16 yrs) visited a number of premises in the Chalvey Ward. Two volunteers were able to purchase two cans of alcohol from the Roshni Food and Wine premises. Ms O’Keefe, Assistant Licensing Officer was also successful in purchasing a single can of alcohol from the premises and this was prohibited by the conditions of the licence.

Mr Cooke advised that he requested to view the Refusals Register but this contained no entries. When Officers inspected the store, illegal cigarettes and tobacco products were found and removed from the premises. The Sub-Committee was advised that a legal prosecution would be instigated. The Officer supported a revocation of the Licence in view of the seizures, the failed test purchase and having regard to the previous history and management of the premises.

Representations made by Ms O’Keefe, Assistant Licensing Officer, Slough BC

Ms O’Keefe summarised her witness statement (set out in report) and confirmed the events relating to the test purchase exercise when alcohol was sold to underage volunteers. She also confirmed that she was able to purchase a single can of alcohol in the premises on 26th July, 2013 and advised that she had prevented the shop assistant from selling a further single can to a customer.

Questions to Ms O’Keefe

A Member questioned whether the single can of alcohol was priced and Ms O’Keefe was unable to confirm this.

Licensing Sub-Committee - 30.01.14

Representations made by Ms Pearmain, Thames Valley Police (TVP)

Ms Pearmain, Licensing Officer, TVP, advised that on 6th November, 2013, she was on duty with two colleagues. She witnessed a man who appeared to be a street drinker purchase 2 cans of beer from Roshni Food and Wine. The man then walked away from the shop with a friend and was later observed drinking the alcohol on the street. Ms Pearmain approached the shop assistant who had purchased the alcohol to discuss this matter but was unable to pursue her questions as the vendor (Mr Kapoor) did not understand her. Ms Pearmain was concerned that Mr Kapoor was unable to converse with customers or challenge anyone that was drunk or under age.

Representations made by Ms Corcoran, Neighbourhood Enforcement Officer, Slough BC

Ms Corcoran discussed issues around the prevention of public nuisance and disorder which had arisen since 2010. Police had patrolled the surrounding area of Roshni Food and Wine due to on going resident's concerns which included anti social behaviour and empty cans and litter. There had also been concerns raised that the number of street drinkers had increased particularly in the Burlington Road area.

Representations made by the Premises Licence Holder

Mr Singh, on behalf of Mr Chopra, stated that the reported issues had arisen due to problems with staff at the premises. Mr Chopra advised that staff had purchased goods against his wishes. This was also due to the inability of a family member to speak English.

The Sub-Committee was asked by Mr Chopra to take into account the fact that he had a mortgage to pay and ran a business. He requested that Members give him a second chance for a three month period.

Questions to Mr Chopra, the Licence Holder.

Mr Chopra was asked why he had not complied with the previous warning, the issue of the yellow card and why he had not fulfilled his responsibilities. He stated that this was due to staff failings and family members.

Summing Up

The Trading Standards Officer submitted that the Licence Holder was obliged to take reasonable precautions to fulfil the obligations of his licence. This included the provision of appropriate staff training and ensuring due diligence at all times. He reminded the Sub-Committee that the refusals register had not been completed as required and that selling cheap illegal cigarettes was a disadvantage to other Traders. It should not be necessary to break the law to compete.

Licensing Sub-Committee - 30.01.14

The Licensing Officer reminded the Sub-Committee of the options available when determining the application.

The Licensing Officer, TVP, was concerned that Mr Chopra appeared to be laying the blame with his staff when he was personally responsible as the Designates Premises Supervisor. She highlighted that a yellow card had been issued previously but Mr Chopra had failed to adhere to the conditions imposed.

Mr Mick Sims, Applicant

Mr Sims was satisfied that the evidence clearly showed that Mr Chopra and his staff did not observe the requirements of the Licensing Act and had failed to adhere to the conditions applied following the previous review. The Sub-Committee was reminded that the under aged sale of alcohol and the sale of illegal tobacco were serious incidents. He re-iterated that Mr Chopra was the Licence Holder and Designated Premises Supervisor. It was therefore his responsibility to comply with the conditions of his Licence and not the responsibility of his staff.

Mr Sims reminded the Sub-Committee that guidance from the Secretary of State indicated that failures which could lead to the prevention of children from harm were completely unacceptable. Mr Sims therefore concluded that the Sub-Committee should issue a red card and revoke the Licence.

Mr Chopra, Licence Holder

Mr Chopra requested that the Sub-Committee allow him three months to improve the areas at fault.

Following the summing up, the parties left the meeting at 11.00 am in order for the Sub-Committee to deliberate and reconvened at 11.25 am.

Decision of the Licensing Sub-Committee

The Sub-Committee carefully considered all of the evidence submitted. In reaching its decision the Sub-Committee had regard to the following Licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Protection of Children from Harm

The Sub-Committee was mindful that it was an offence under Section 146 of the Licensing Act 2003 if a person sold alcohol to a child under 18. In regard to the finding of illicit cigarettes bearing no English health warning, Members were mindful that supplying such products was an offence under the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002, as amended by the Consumer Protection Act 1987. The Sub-Committee was

Licensing Sub-Committee - 30.01.14

also concerned that a single can of Lager was sold to a Licensing Officer in breach of a specific condition placed on the Premises Licence.

The Sub-Committee was mindful that a total of six breaches of the Licence conditions were identified, some of which may also have constituted offences under the Licensing Act 2003, and that Thames Valley Police had instigated a previous Review of the Premises Licence in 2011, resulting in the Licensing Sub-Committee imposing 11 new conditions on the Licence, and a suspension of the Licence. Members were also mindful that a yellow card was issued and the Licence Holder was advised that if a further review was necessary and matters had not improved then the Licence could be revoked in future.

The Sub-Committee noted that when the premises were visited in July, 2013, a member of staff was unable to produce CCTV footage or an up to date refusals register and the retention of these was a required condition of the Licence.

The Sub-Committee was satisfied that the application for a review had been brought on legitimate grounds and noted the Applicant's submission that in view of the recent under aged sales, seizure of illicit cigarettes, breach of conditions and the history and management of the premises that there was no alternative sanction other than the premises being issued with a Red Card and the revocation of the Premises Licence. Although the Appellant had highlighted that he had not been provided with a Trader Pack, Members were mindful that since the Licence was transferred into his name, Mr Chopra would have been fully aware of his legal responsibilities, following the suspension of his Licence and imposition of conditions in 2011.

The Sub-Committee considered the Appellant's request that the Sub-Committee afford him a further three months opportunity to address the issues which had led to the Licence Review and noted that the only defence submitted by the Appellant was that the highlighted breaches were the result of actions taken by members of his staff.

The Sub-Committee was satisfied that as the Premises Licence Holder, Mr Chopra was the individual who had the legal responsibility to ensure that the terms and conditions of the Licence were adhered to. Members were also mindful that the illegal sale of alcohol to minors was a criminal offence and that Guidance from the Secretary of State stipulated that it was completely unacceptable to sell alcohol to children. The Sub-Committee decided that in view of the continued disregard shown by Mr Chopra and his staff in complying with the conditions of the licence, there was no alternative but to issue a red card and revoke the Licence with immediate effect.

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

Licensing Sub-Committee - 30.01.14

Resolved- That the premises be issued with a red card and that the Licence be revoked with immediate effect.

Chair

(Note: The Meeting opened at 10.00 am and closed at 11.28 am)

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LICENSING SUB-COMMITTEE
29th APRIL 2014

LICENSING ACT 2003

Application for: Grant of a new premises licence
 Premises: SLOUGH FOOD & WINE, 18 High Street, Slough, SL1 1EQ
 Applicant: Raghbir Singh GULATI
 Reason for Referral: Representations made

1. CURRENT POSITION

- 1.1 An application for a new premises licence has been made by Mr Raghbir Singh GULATI, for 18 High Street, Slough (a copy of the application is attached at **Appendix A**).
- 1.2 In summary, the application is for the following licensable activities at the following times:

**Sale by retail of alcohol for consumption OFF the premises only: –
 Monday to Sunday: 07:00 – 00:00**
- 1.4 The proposed designated premises supervisor (DPS) is Mr Raghbir Singh GULATI. The DPS consent form is attached at **Appendix B**.

2. BACKGROUND INFORMATION

- 2.1 Concerns were raised by the Licensing Authority, Thames Valley Police, Trading Standards and the Neighbourhood Enforcement Team regarding this application for the grant of a new premises licence. The concerns relate to the previous history of the premises which is currently trading as Roshni Food and Wine. Following a review application, the premises licence for Roshni Food and Wine was revoked on the 30th January 2014, however an appeal against the revocation has been lodged and is currently pending.
- 2.2 The concerns raised are in relation to the association between the applicant, Mr Gulati and the current premises licence holder for Roshni Food and Wine, Mr Chopra and the lack of enforceable conditions to promote the four licensing objectives detailed in the applications operating schedule. The responsible authority response form submitted by the licensing manager, on behalf of the Licensing Authority, details these concerns fully (attached at **Appendix C**).
- 2.3 A mediation meeting took place on 19th March 2014 between the applicant, his representative Surendra Panchal, Michael Sims (Licensing Manager) Melanie Sagar (Licensing Officer), Debie Pearmain (Thames Valley Police Licensing Officer), Rachael Rumney (Senior Licensing Officer), David Stride (Neighbourhood Enforcement Team) and Dean Cooke (Trading Standards). The purpose of the meeting was to review the application and the responses to it from the Licensing Authority, Thames Valley Police,

Neighbourhood Enforcement and Trading Standards and to discuss the association between the Mr Chopra and the new applicant Mr Gulati. A copy of the meeting minutes are attached at **Appendix G**.

- 2.4 The applicant has agreed to all the conditions proposed by Thames Valley Police, a challenge 25 policy will be implemented and that quarterly training will take place by an independent trainer. They have also stated that Mr Chopra (the current licence holder for Roshni Food & Wine) will have no involvement in the running of the premises (see emailed attached at **Appendix J**)

3. REPRESENTATIONS RECEIVED

- 3.1 Formal representations to the application have been received from the following Responsible Authorities:

- The Licensing Authority
- Thames Valley Police
- Trading Standards
- Neighbourhood Enforcement

- 3.2 The Council, as Licensing Authority, is a 'responsible authority' under the Licensing Act 2003 and as such is entitled to make representations regarding applications for premises licences. The Council's Licensing Manager has made such representations in relation to this application. Where a Licensing Authority does act as a responsible authority and makes a representation, 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 section 182 of the Licensing Act 2003 (see paragraph 4.2 below).

- 3.3 The Licensing Authority has requested consideration be given to refusing the premises licence application. However, should the application be granted, the following recommendations should be seriously considered;

- (a) Sale of Alcohol to be from 0900 hours and 2300 hours each day of the week.
- (b) If Mr Gulati is to be the DPS, then he must be at or visit the premises on a daily basis.
- (c) If Mr Gulati is the DPS at any other premises he should not be the DPS at these premises.
- (d) A Personal Licence holder (other than) the DPS must be at the premises when all sales of alcohol take place.
- (e) Two members of staff to be on site in the premises each evening from 6.00pm until close.
- (f) That Mr Chopra nor any of the staff currently know to be working at the premises of Rshin Food and Wine are to be involved in any way with the operation of the new premises.
- (g) Challenge 25 policy to be in place.
- (h) CCTV to be installed and maintained to Thames Valley Police standard and CCTV images to be kept for 31 days and made available upon the request of Thames Valley Police employees, relevant Agencies and Local Authority Licensing Officers.
- (i) One of the CCTV cameras is to cover the front door of the premises so as to give a full facial view of persons entering the premises.

- (j) 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 employees or relevant Agencies.
- (k) Nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content.
- (l) Refusals Register to be on the premises and kept up to date and made available upon the request of Police, Trading Standards and Local Authority Licensing Officers.
- (m) All persons trained to sell alcohol shall be trained to the BIIAB level 1 award in Responsible Alcohol Retailing (ARAR).
- (n) 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 training records will be kept and made available for inspection by Police, Trading Standards Officers and Local Authority Licensing Officers.
- (o) The applicant and their staff are able to converse with customers, the public, and representatives of Statutory Agencies to a level that satisfies Police, Trading Standards and Local Authority Licensing Officers, that they are able to meet the four licensing objectives.
- (p) The Designated Premises Supervisor or nominated person must attend the local Town Centre Pub watch scheme where in existence.
- (q) No single cans of any type of alcohol to be sold.
- (r) That the requirement put forward by the Neighbourhood Enforcement Team with regards to the 'Smart Water marking Scheme to be condition on the new Premises Licence.

3.3 Thames Valley Police have requested the following conditions be attached to the grant of the premises licence;

- (a) Sale of Alcohol to be from 0900 hours and 2300 hours each day of the week.
- (b) In the absence of the Designated Premises Supervisor, (DPS), a Personal Licence Holder to be on the premises during the sale of alcohol.
- (c) Two members of staff to be on the premises each evening from 6.00pm until close.
- (d) Challenge 21 policy to be in place.
- (e) CCTV to be installed and maintained to Thames Valley Police standard and CCTV images to be kept for 31 days and made available upon the request of Thames Valley Police employees, relevant Agencies and Local Authority Licensing Officers.
- (f) One of the CCTV cameras to cover the front door of the premises so as to give a full facial view of persons entering the premises.
- (g) 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 employees or relevant Agencies.
- (h) Nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content.

- (i) Refusals Register to be on the premises and kept up to date and made available upon the request of Police, Trading Standards and Local Authority Licensing Officers.
- (j) All persons trained to sell alcohol shall be trained to the BIIAB level 1 award in Responsible Alcohol Retailing (ARAR).
- (k) 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 training records will be kept and made available for inspection by Police, Trading Standards Officers and Local Authority Licensing Officers.
- (l) The applicant and their staff are able to converse with customers, the public, and representatives of Statutory Agencies to a level that satisfies Police, Trading Standards and Local Authority Licensing Officers, that they are able to meet the four licensing objectives.
- (m) The Designated Premises Supervisor or nominated person to attend the local Town Centre Pub watch scheme where in existence.
- (n) No single cans of any type of alcohol to be sold.

The full written response from Thames Valley Police is attached at **Appendix F**.

- 3.4 The Neighbourhood Enforcement team has requested that all alcohol products sold by Slough Food and Wine should be marked with Smart Water. The full written representation is attached at **Appendix E**.
- 3.5 Trading Standards object to Mr Gulati being nominated as the Designated Premises Supervisor. The full written representation is attached at **Appendix D**
- 3.6 The Royal Berkshire Fire and Rescue Service confirmed that they do not propose to make a representation. This response is attached at **Appendix H**.
- 3.7 There have not been any responses from any other Responsible Authorities.

4. RELEVANT GUIDANCE

- 4.1 The committee must have regard to section 9 of the amended guidance issued under section 182 of the Licensing Act 2003 and in particular to paragraphs 9.17-9.19 (Licensing authorities acting as responsible authorities) and paragraphs 9.27 – 9.40 (hearings).
- 4.2 The committee must also have regard to the Council's Statement of Licensing Policy 2014-2019, including paragraph 4.27 (hours of sales in off licences).

5. DETERMINATION – OPTIONS AVAILABLE TO THE COMMITTEE

- 5.1 The available options to the committee are:
 - 1. Grant the application as it stands in which case it would be issued subject to the relevant mandatory conditions and conditions consistent with the applicant's operating schedule
 - 2. Grant the application subject to further conditions which are reasonable, proportionate and appropriate in order to meet one or more of the four licensing objectives i.e. the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

3. Refuse the application.

APPENDICES

Appendix 'A' - copy of premise licence application.

Appendix 'B' - copy of Designated Premises Supervisor consent form.

Appendix 'C' - copy of the Licensing Authorities formal response.

Appendix 'D' – copy of Trading Standards formal response.

Appendix 'E' – copy of Neighbourhood Enforcement formal response.

Appendix 'F' – copy of Thames Valley Police formal response.

Appendix 'G' – copy of mediation meeting notes dated 19.03.14.

Appendix 'H' –RBFRS 'no objections' response.

Appendix 'I' – Roshni Food & Wines premises licence.

Appendix 'J' – Email dated 02.04.14 confirming agreed conditions.

Appendix 'K' – Hearing Procedure.

Background papers

- The Licensing Act 2003
- Guidance issued under Section 182 of the Licensing Act 2003 (June 2013)
- Regulations (cited as the Licensing Act 2003 ([Various]) Orders 2005
- Slough Borough Council Statement of Licensing Policy – January 2014

Contact Officer

Rachael Rumney
Senior Licensing Officer
Consumer Protection & Business Compliance
01753 477338

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RECEIVED

05 MAR 2014

Application for a premises licence to be granted 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/We **RAGHBIR SINGH GULATI**

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

**SLOUGH FOOD & WINE
18 HIGH STREET**

Post town

SLOUGH

Postcode

SL1 1EQ

Telephone number at premises (if any)

Non-domestic rateable value of premises

£11,750

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | | |
|----|---|-------------------------------------|-----------------------------|
| a) | an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual * | | |
| | i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| | ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| | iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| | iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) | a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) | a charity | <input type="checkbox"/> | please complete section (B) |
| e) | the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname GULATI			First names RAGHBIR SINGH		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD MM YYYY

Please give a general description of the premises (please read guidance note 1)
MODERN LOCAL COMMUNITY CONVENIENCE STORE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish		
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) NONE					
Mon	07:00	00:00						
	HRS	HRS						
Tue	07:00	00:00						
	HRS	HRS						
Wed	07:00	00:00						
	HRS	HRS						
Thur	07:00	00:00				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) NONE		
	HRS	HRS						
Fri	07:00	00:00						
	HRS	HRS						
Sat	07:00	00:00						
	HRS	HRS						
Sun	07:00	00:00						
	HRS	HRS						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name RAGHBIR SINGH GULATI	
Address	
Postcode	
Personal licence number (if known) LBHIL 2030	
Issuing licensing authority (if known) LONDON BOROUGH OF HILLINGDON	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) NONE
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) NONE
Mon	07:00	00:00	
	HRS	HRS	
Tue	07:00	00:00	
	HRS	HRS	
Wed	07:00	00:00	
	HRS	HRS	
Thur	07:00	00:00	
	HRS	HRS	
Fri	07:00	00:00	
	HRS	HRS	
Sat	07:00	00:00	
	HRS	HRS	
Sun	07:00	00:00	
	HRS	HRS	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

**STRICT IMPLEMENTATION OF CHALLENGE 25 POLICY
ALL STAFF TO BE TRAINED IN RESPONSIBLE ALCOHOL RETAILING
CCTV TO RECORD FOR 24HRS.
JOINING RETAILWATCH SCHEMES & KEEPING IN TOUCH WITH THE POLICE
REFUSAL AND INCIDENT BOOKS KEPT AT PREMISES
TRAINING MANUAL WILL BE KEPT AT PREMISES**

b) The prevention of crime and disorder

**CCTV INSTALLED INSIDE AND OUTSIDE THE PREMISES
CCTV TO RECORD FOR 24HRS
ALL PURCHASES MADE FROM REPUTABLE WHOLESALERS/CASH AND CARRY'S
JOIN RETAIL WATCH SCHEMES
INCIDENT BOOK AVAILABLE ON PREMISES AT ALL TIMES**

c) Public safety

**INSTALLATION OF APPROPRIATE SAFETY EQUIPMENT.
INSTALLATION OF EMERGENCY LIGHTING
TO COMPLY WITH ALL CURRENT, FIRE AND HEALTH AND SAFETY LEGISLATION
STAFF TO BE TRAINED ON FIRE SAFETY AND EMERGENCY EVACUATIONS**

d) The prevention of public nuisance

**A MANAGEMENT POLICY IN PLACE TO TAKE INTO ACCOUNT THE EXTERNAL AREAS
OF THE PREMISES AND THE CONDUCT OF THE CUSTOMERS .
TO MONITOR ANTI-SOCIAL BEHAVIOUR BY USE OF CCTV
ASKING CUSTOMERS TO LEAVE PREMISES IN A QUIET AND ORDERLY MANNER
POSTERS DISPLAYED ASKING CUSTOMER TO LEAVE QUIETLY**

e) The protection of children from harm

**STRICT IMPLEMENTATION OF CHALLENGE 25 POLICY
ALCOHOL TO BE KEPT AWAY FROM CHILDRENS CONFECTIONERY SHELVES
CHALLENGE 25 POSTERS DISPLAYED ACROSS THE PREMISES
SPIRITS & CIGARETTES TO BE KEPT BEHIND THE COUNTER
REFUSAL BOOK IN PLACE**

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	25-02-2014
Capacity	AGENT

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

**PERSONAL LICENCE COURSES LTD
STUDIO 8
HAYES BUSINESS STUDIO
HAYES CAMPUS
COLLEGE WAY**

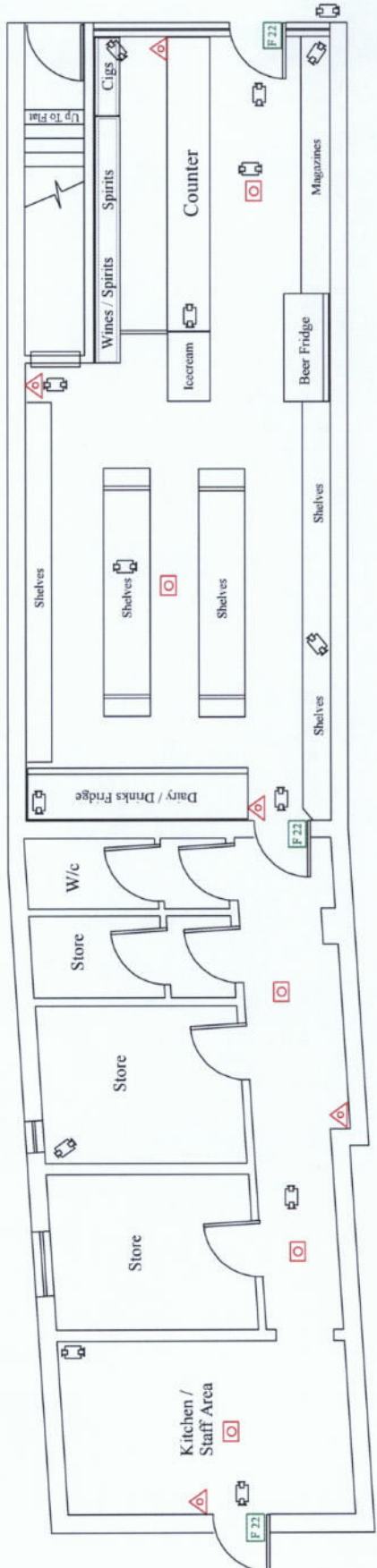
Post town **HAYES** Postcode **UB3 3BB**

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

RECEIVED
05 MAR 2014

PROPOSED LICENSING PLAN



SCALE : 1 : 100

KEY

	FIRE EXTINGUISHERS
	FIRE EXIT SIGNS
	EMERGENCY LIGHTING
	CCTV CAMERAS
	CCTV RECORDING 31 DAYS
	SHUTTERS PROVIDED
	ALARM SYSTEM TO AOI SPEC OR SIMILAR FITTED

Slough Food & Wine
18 High Street
Slough, West Berkshire
SL1 1EQ



Consent of individual to being specified as premises supervisor

RAGHBIR SINGH GULATI

I
[full name of prospective premises supervisor]

of

18 HIGH STREET
SLOUGH
SL1 1EQ

.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

NEW PREMISES

.....
[type of application]

by

RAGHBIR SINGH GULATI

.....
[name of applicant]

relating to a premises licence N/A
.....
[number of existing licence, if any]

for

SLOUGH FOOD & WINE
18 HIGH STREET
SLOUGH
SL1 1EQ

.....
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

RAGHBIR SINGH GULATI

[name of applicant]

concerning the supply of alcohol at

SLOUGH FOOD & WINE
18 HIGH STREET
SLOUGH
SL1 1EQ

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

LBHIL 2030

[insert personal licence number, if any]

Personal licence issuing authority

LONDON BOROUGH OF HILLINGDON

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Name (please print)

RAGHBIR SINGH GULATI

Date

25-04-2014

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	SLOUGH FOOD AND WINE
Address of Premises & Tel: No.	18 HIGH STREET, SLOUGH, SL1 1EQ
Applicant Details (Name, address, Tel: No.) if different from above	Mr Ragbir Singh Gulati
Company Name (if different from Applicant)	None
Application type (state fully)	New application for a Premises Licence, where the previous licence (Roshni Food and Wine) was revoked
Date Application received	5 th March 2014

REPRESENTATION SUBMISSION

Please tick

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

If you are making representations to the application identify which of the four licensing objectives your representation relates to:

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

	Please tick	
Prevention of Crime and Disorder	✓	Although this application is for a new Premises Licence, the premises have previously been subject to two review applications for under age sales, breaches of conditions and persistent non-compliance resulting in the revocation of the Premises Licence in January 2014. There is also a close business association between the previous Premises Licence holder and the new applicant. Therefore there is concern that although this is new application the previous licence holder will have involvement in the operation of the business resulting in further non-compliance.
Public Safety	✓	See comments above and as overleaf
Prevention of Public Nuisance	<input type="checkbox"/>	
Protection of Children from Harm	✓	See comments above and as overleaf

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

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

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

Please refer to the Responsible Authority Guidance Note.

The application is being made by a Mr Raghbir Singh Gulati for Slough Food and Wine, 18 High Street, Slough, SL1 1EQ. Mr Gulati is applying as the Premises Licence holder and the Designated Premises Supervisor (DPS)

The premises is currently operating as Roshni Food and Wine with the Premises Licence holder and (DPS) being Mr Jagmohan Singh Chopra. The licence was revoked by the Licensing Sub Committee on 30th January 2014 following a second review application being made. The revocation is currently subject of an appeal by Mr Chopra.

The history of these premises and the close association of Mr Gulati and Mr Chopra are a concern to the Licensing Authority and Thames Valley Police.

With regards to the history of the premises the following facts are relevant.

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. On 16th December 2011 Mr Chopra was prosecuted convicted at Maidenhead Magistrates Court where he was fined a total of £600.00 and ordered to pay £750 costs.

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.

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.

On 26th July 2013 an underage sales operation was conducted at Roshni Food and Wine. Underage volunteers 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.

2011. 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 breaches of conditions identified on 26th July 2013 all related to conditions imposed by the Licensing Sub Committee on 9th November 2011. The underage sale of alcohol on 26th July was the second such offence committed at the premises.

Mr Chopra and Mr Kapoor the assistant responsible for the underage sale on 26th July 2013 have since been subject of prosecution, pleaded guilty and convicted for all offences identified on 26th July.

I initiated a review application on behalf of the Licensing Authority under Section 51 of the 2003 Act, following the operation on 26th July 2013 which was heard before the Licensing Sub Committee on 30th January 2014 where the Premises Licence were issued with a Red card and the Premises Licence was revoked.

On the day of the review hearing, Mr Chopra was represented by a Mr Harmohan Singh Gulati who resides at _____ which is the same home address as Mr Raghbir Singh Gulati, the current applicant.

Following the new application being made for Slough Food and Wine, I asked Mr Dean Cooke from the Councils Trading Standards Service to conduct checks on Mr Gulati and Mr Chopra as I had concerns there was a close business association between them.

I also asked Thames Valley Police if a PNC Check could be carried out on Mr Gulati to establish if he had any relevant convictions of a similar nature to Mr Chopra.

Due to concerns by myself and Thames Valley Police a meeting was arranged with Mr Gulati, his representative Mr Surendra Panchal, Thames Valley Police, Mr Cook and Mrs Pearmain Police Licensing Officer as well as a representative from the Neighbourhood Enforcement Team.

At the meeting Mr Gulati was asked if he had any previous convictions, to which he said he had not. Thames Valley Police put to Mr Gulati that he did have convictions in 2004 for selling goods bearing false trade marks and infringement of copy right offence.

Mr Gulati was also asked if he had any current or previous business connection with Mr Chopra to which he said he had not.

Mr Cook then produced copies of documentation showing that Mr Gulati had previous and current business associations with Mr Chopra by way of company directorships of retail outlets.

Following the meeting Mr Panchal stated that he would speak to Mr Gulati regarding the application and the matters that had come to light at the meeting. A copy of the minutes of this meeting was provided to Mr Panchal for his information.

Recently it has become a common practice that where a Premises Licence has been revoked following a review application being made, primarily in relation to underage sales, seizures of illicit tobacco products and counterfeit alcohol, an appeal against the revocation has been made to the Magistrates Court.

Whilst the appeal is pending a new premises licence application will be made and if the application is granted the appeal will subsequently be withdrawn. Although this practice is quite legitimate, on two recent occasions this process has been followed by the new applicant representative and then the new premises have also then been subject to seizures of illicit tobacco products and counterfeit alcohol. In addition it was established that the previous licence holders where the licence was revoked had still been heavily involved the operation of the new premises. The same concerns apply to this application.

Mr Gulati has nominated himself to be the DPS for this new application. The Secretary of States Guidance is clear in that a person nominated as the DPS should normally be an individual who is in the day-to-day control of the premises, and the idea being that there should be a single point of accountability within the premises, a designated person who is easily identifiable to officers of the relevant responsible authorities, should there be a problem at the premises. I have concerns that with Mr Gulati's other business interests he would not be in a position to perform the duties of the DPS to its full extent.

I also have concerns that due to the association between Mr Gulati and Mr Chopra, that Mr Chopra will undoubtedly have an involvement in the operation of the premises.

My primary concern, with Mr Gulati denying any association with Mr Chopra and denying he had any previous convictions, is that his integrity is clearly in doubt. In addition I believe Mr Chopra **will have** involvement in the operation of the premises.

Due to these concerns I do believe that there may well be further criminal offences at the premises as there has been previously, which will undermine the Licensing Objectives of the Prevention of Crime and Disorder, Public Safety and the Protection of Children from harm.

In relation to the application itself and taking into account the previous history of the premises, there is clearly insufficient steps detailed in order to promote the four Licensing Objectives and is not fit for purpose.

Taking all the above into account I object to the application as it currently stands and would ask that consideration should be given to application being refused.

Should a decision be made that the application is to be granted I would recommend that the following should be seriously considered:-

Sale of Alcohol to be from 0900 hours and 2300 hours each day of the week.

If Mr Gulati is to be the DPS, then he must be at or visit the premises on a daily basis.

If Mr Gulati is the DPS at any other premises he should not be the DPS at these premises.

A Personal Licence holder (other than) the DPS must be at the premises when all sales of alcohol take place.

Two members of staff to be on site in the premises each evening from 6.00pm until close.

That Mr Chopra nor any of the staff currently know to be working at the premises of Rshin Food and Wine are to be involved in any way with the operation of the new premises.

Challenge 25 policy to be in place.

CCTV to be installed and maintained to Thames Valley Police standard and CCTV images to be kept for 31 days and made available upon the request of Thames Valley Police employees, relevant Agencies and Local Authority Licensing Officers.

One of the CCTV cameras is to cover the front door of the premises so as to give a full facial view of persons entering the premises.

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 employees or relevant Agencies.

Nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content.

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

All persons trained to sell alcohol shall be trained to the BIIAB level 1 award in Responsible Alcohol Retailing (ARAR).

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 training records will be kept and made available for inspection by Police, Trading Standards Officers and Local Authority Licensing Officers.

The applicant and their staff are able to converse with customers, the public, and representatives of Statutory Agencies to a level that satisfies Police, Trading Standards and Local Authority Licensing Officers, that they are able to meet the four licensing objectives.

The Designated Premises Supervisor or nominated person must attend the local Town Centre Pub watch scheme where in existence.

No single cans of any type of alcohol to be sold.

That the requirement put forward by the Neighbourhood Enforcement Team with regards to the 'Smart Water marking Scheme to be condition on the new Premises Licence.

Name of Officer completing Representation	Michael Sims
Job Title	Licensing Manager
Name of Responsible Authority	On behalf of the Licensing Authority
E-mail address:	Michael.sims@slough.gov.uk
Tel: No.	01752 477387

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: .

Dated: 01/04/2014 .

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

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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	SLOUGH FOOD & WINE (previously Roshni Food & Wine)
Address of Premises & Tel: No.	18 HIGH STREET, SLOUGH, SL1 1EQ
Applicant Details (Name, address, Tel: No.) if different from above	MR RAGHBIR SINGH GULATI
Company Name (if different from Applicant)	Not applicable
Application type (state fully)	Application to take over the alcohol premises licence from the previous owner, who had their licence revoked.
Date Application received	Not known

REPRESENTATION SUBMISSION

Please tick

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

If you are making representations to the application identify which of the four licensing objectives your representation relates to:

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

	Please tick	
Prevention of Crime and Disorder	<input checked="" type="checkbox"/>	We do not believe that the new application will be a complete change of ownership, as the new applicant has carried out a long business association with the previous DPS and currently employs him at another of his stores. We have concerns that further issues of non-compliance may occur in the future.
Public Safety	<input checked="" type="checkbox"/>	Please see comments above
Prevention of Public Nuisance	<input type="checkbox"/>	
Protection of Children from Harm	<input checked="" type="checkbox"/>	Please see comments above.

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.

At a meeting on the 19th March 2014, with the new applicant for the Premises Licence of 18 High Street, Slough, SL1 1EQ, concerns were raised regarding the new applicant having had a close business association with the previous DPS (Mr Jagmohan Singh Chopra) who is currently being prosecuted for the under age sale of alcohol, breach of licence conditions and possession of illegal tobacco products.

At the meeting Mr Raghbir Singh Gulati denied having any previous association with Mr Chopra. However, evidence gained from Companies House, suggests quite the contrary.

A summary of other Directorships and other Appointed Officers is provided in the attached "Appendix A".

Considering the fact that Mr Gulati lied about this previous association (as well as about his previous convictions) at his first meeting with the Slough Licensing Team, Trading Standards, Neighbourhood Enforcement and the Police; we would have no choice but to object to the suitability of this applicant as the new Designated Premises Supervisor at 18 High Street, Slough, SL1 1EQ.

Name of Officer completing Representation	DEAN COOKE
Job Title	SENIOR TRADING STANDARDS OFFICER
Name of Responsible Authority	SLOUGH BOROUGH COUNCIL
E-mail address:	Dean.cooke@slough.gov.uk
Tel: No.	01753 477911

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:

Dated:02/04/2014.....

APPENDIX A :-

Evidence of prior business association between Mr Raghbir Singh Gulati and Mr Jagmohan Singh Chopra (all information obtained courtesy of "Companies House")

Summary of other Directorships and other Appointed Officers :-

FIELD FOOD & WINE LIMITED (Active) – Company No. 06041306

85-87 Oldfield Circus, Northolt, Middlesex, UB5 4RU

Appointed officer (s):

Director : Mr Jagmohan Singh Chopra

Secretary : Mr Raghbir Singh Gulati

Both appointed from **4th Jan 2007 to present**

Mr Jagmohan Singh Chopra is also the **DPS** and **Licensee** of this business (as advised by Licensing Team at LB of Ealing)

M&M FOOD & WINE LIMITED (Active) – Company No. 06346783

73 Camden Road, London, NW1 9EU

Appointed officer (s):

Secretary : Mr Jagmohan Singh Chopra

Director : Mr Raghbir Singh Gulati

Both appointed from **17th August 2007 to present**

Mr Gulati is the Licence holder, but neither he or Mr Chopra are the DPS for this business (as advised by Licensing Team at LB of Camden)

ROSHNI SUPERSTORE LIMITED (Active) – Company No. 07424022

48 Ringway, Southall, Middlesex, UB2 5ST (Mr Chopra's home address)

Trading in Slough until October 2013 at 18 High Street, Slough.

Appointed officer (s):

Director : Mr Jagmohan Singh Chopra

Director : Mr Raghbir Singh Gulati

Both appointed from **29th October 2010 to present (for Mr Chopra only)**

Mr Gulati resigned as Director of this company on the 22nd November 2010.

IN STYLE JEWELLERS (Dissolved) – no connection to Mr Chopra

65 The Broadway, Southall, Middlesex, UB1 1LB

Dissolved in 2005

LOOKS LIMITED (Dissolved) – Company No. 05530085

59 Camden High Street, London, NW1 7JL

Appointed officer (s):

Secretary & Director : Mr Jagmohan Singh Chopra

Director : Mr Raghbir Singh Gulati

Both appointed from **8th August 2005**

Dissolved in 2006

M&M SUPERSTORE LIMITED (Dissolved) – Company No. 07411375

37 Orchard Way, Uxbridge, Middx, UB8 2BW (Mr Gulati's Home Address)

Appointed officer (s):

Director : Mr Jagmohan Singh Chopra

Director : Mr Raghbir Singh Gulati

Both appointed from **18th October 2010**

Dissolved in 2010

SUDBURY HEIGHTS CONVENIENCE STORE LIMITED

(Dissolved) – Company No. 07920798

2 The Parade, Sudbury Heights Avenue, Greenford, Middx, UB6 0LZ

Appointed officer (s):

Director : Mr Jagmohan Singh Chopra

Director : Mr Raghbir Singh Gulati

Both appointed from **24th January 2012**

Dissolved in 2012

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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	Slough Food and Wine (formally Roshni Food & 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	O	

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.

U.S. Customs and Border Protection
 Sub-Committee for the United Kingdom
 1000 Pennsylvania Avenue, N.W.
 Washington, D.C. 20536
 Tel: 202-325-8000
 Fax: 202-325-8001
 E-mail: uk@cbp.dhs.gov

Signature: _____
 Date: _____

Please return this form to the appropriate office. Thank you for your cooperation.

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

THAMES VALLEY POLICE

Division/Station : HQ Local Policing - Slough area

From : Debie Pearmain
Police Licensing OfficerTo : Michael Sims
Licensing Manager, SBC

Ref :

Date : 19th March 2014

Tel.No. 01753 835571

Subject :

New Premise Application – Slough Food & Wine, 18 High Street, Slough, Berkshire, SL1 1EQ

Due to the history of problems at this premises, formerly known as Roshni, Food & Wine, Thames Valley Police **object** to the requested hours for the above premise licence and request the following hours for the sale of alcohol and the following conditions are added to the premise licence:

Sale of Alcohol to be from 0900 hours and 2300 hours each day of the week.

In the absence of the Designated Premises Supervisor, (DPS), a Personal Licence Holder to be on the premises during the sale of alcohol.

Two members of staff to be on the premises each evening from 6.00pm until close.

Challenge 21 policy to be in place.

CCTV to be installed and maintained to Thames Valley Police standard and CCTV images to be kept for 31 days and made available upon the request of Thames Valley Police employees, relevant Agencies and Local Authority Licensing Officers.

One of the CCTV cameras to cover the front door of the premises so as to give a full facial view of persons entering the premises.

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 employees or relevant Agencies.

Nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content.

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

All persons trained to sell alcohol shall be trained to the BIIAB level 1 award in Responsible Alcohol Retailing (ARAR).

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 training records will be kept and made available for inspection by Police, Trading Standards Officers and Local Authority Licensing Officers.

The applicant and their staff are able to converse with customers, the public, and representatives of Statutory Agencies to a level that satisfies Police, Trading Standards and Local Authority Licensing Officers, that they are able to meet the four licensing objectives.

The Designated Premises Supervisor or nominated person to attend the local Town Centre Pub watch scheme where in existence.

No single cans of any type of alcohol to be sold.

After meeting with the new proposed Designated Premises Supervisor today, Wednesday 19th March 2014, I do have concerns in relation to Mr Raghbir Singh Gulati becoming the DPS of these premises, a premises that has had a history of disregard for the Law and the licensing objectives. The concerns are as follows:

Mr Gulati has previous convictions for selling goods bearing false trade mark x 4 in December 2004 and Infringe Copyright x 2 in October 2004. Although these convictions are now spent convictions under the Rehabilitation of Offenders Act 1974, they are Relevant Offences under Schedule 4 of the Licensing Act 2003. When Mr Gulati was asked if he had any previous convictions he stated he did not have any.

I believe that Mr Gulati still has an association with the previous Premises Licence Holder and Designated premises Supervisor, Mr Jagmohan Singh Chopra. Again, this is something that Mr Gulati denied when asked.

Mr Gulati did not converse well in English and was particularly hard to understand. This is of concern to Thames Valley Police and we would question how Mr Gulati could challenge under age persons or drunken persons?

I submit this report for your information and any necessary action.

Regards

Debie Pearmain
Police Licensing Officer

MEDIATION MEETING MINUTES**19th March 2014****Landmark Place**

Meeting began 13:00

Meeting ended 13:25

Present:	Mick Sims (MS)	SBC Licensing
	Debie Pearmain (DP)	Thames Valley Police
	Rachael Rumney (RR)	SBC Licensing
	Melanie Sagar (MJS)	SBC Licensing
	Dean Cooke (DC)	SBC Trading Standards
	Dave Stride (DS)	SBC Neighbourhood Enforcement
	Ragbir Gulati (RG)	Applicant
	Surendra Panchal (SP)	Agent

Apologies: None**1. Minutes of Last meeting/ Actions**

None

Matters Arising

MS began the meeting by outlining that the meeting had been arranged to discuss the concerns Thames Valley Police, SBC Licensing, Neighbourhood Enforcement and Trading Standards have in view of the previous history of the premises currently trading as Roshni; specifically due to

- the persistent non-compliance by owner of the premises Mr Chopra regarding underage sales and breaches of the premise licence conditions,
- complete disregard for the law,
- premise licence appeal pending following the licence being revoked after a review of the licence being made,,
- Roshni licence holder, Jagmohan Singh Chopra (JSC), is awaiting sentencing having pleaded guilty to 14 offences.

MS asked RG to confirm that RG had been a director for Roshni Superstore Limited when the company was set up in 2010.

RG confirmed that he had been director.

MS continued that the SBC Licensing Committee members take a dim view of the way premises within the borough have

ACTION

N/A

been run – selling of illicit goods i.e. cigarettes, breaking licence conditions, underage sales and of the fact that when a premise licence is revoked an appeal is lodged; a new application is submitted and the appeal is withdrawn when the new licence is granted. MS cited Alexandra Wines and Drinks Direct as examples of when this practice has happened and said a stance must be taken. MS then asked SP if this was the intention for the Roshni appeal.

SP responded that he did not know as he has not received instruction on this from his client.

MS asked RG if he lived at [REDACTED] and if he held a personal licence.

RG confirmed he does live at [REDACTED] and he does hold a personal licence.

MS asked if RG has any previous convictions of any sort.

RG said no.

MS asked again if RG had convictions for anything.

RG again said no, no convictions.

DP said she had information that RG did have convictions and produced a Police PNC printout.

RG said yes but it was a long time ago for DVD's.

DP asked RG to explain what the convictions were for and confirmed they were from 2004.

RG said it was for DVD's.

DP elaborated – 5 offences for selling goods with a false trademark and copyright infringement. DP asked RG were the offences all relating to DVD sales.

RG confirmed they were.

MS asked RG what his association is with JSC.

RG said nothing. He used to be a friend but now nothing.

MS said no current or previous business connection.

RG said no and he won't have any involvement with Slough Food and Wine.

DC asked RG if he was Raghbir Singh Gulati of :

RG confirmed he is.

DC said he had done a business search on directorships for RG and found various businesses, dissolved and active; for which both he and JSC were directors going back to 2005.

DC passed SP a copy of the information.

Sudbury Heights Convenience Store Limited
Looks Limited
Roshni Superstore Limited
M&M Food & Wine Limited - active
Field Food & Wine Limited – active

RG confirmed yes has business connection with JSC.

MS addressed SP – where MS is coming from is he is not convinced this is a bone fide premise licence application for Slough Food and Wine; the Licensing Committee takes a dim view of people convicted in respect of underage sales, counterfeit goods and illicit tobacco products; RG has in front of all persons present at the meeting made false declarations and statements with regard to his convictions history and his relationship with JSC and MS does not like being deliberately misled. MS also stated he is not satisfied the premise licence application for Slough Food and Wine should proceed and would SP like to comment.

SP said not going to comment as only just found out about RG convictions and business interests. SP needs to look over the information provided by DP and DC, talk it over with his client and then can respond.

DC said he had only found the business information approximately one hour before the meeting today.

SP again said will not comment on the information revealed during the meeting but willing to discuss what was detailed in MS meeting request email of 6th March 2014.

DP advised SP that in relation to the application Thames Valley Police (TVP) will be requesting that all the times and conditions currently on the Roshni premise licence to be applied to the Slough Food and Wine premise licence.

SP said he can discuss the conditions but nothing else and that

he was under the impression the meeting was only going to be about what was detailed in the meeting request email of 6th March 2014.

MS confirmed initially that was the purpose of the meeting as the operating schedule for the Slough Food and Wine application

- was not fit for purpose;
- some of the conditions offered had nothing to do with the four licensing objectives and should not be on there;
- the operating schedule was, to be polite, thin in content;
- based on the information now known about RG it was not fit for purpose;
- Licensing, Trading Standards, Neighbourhood Enforcement and TVP would all ask for all Roshni licence conditions to be imposed on the Slough Food and Wine licence with the exception of the can marking which would be replaced with a SMART water condition.

SP confirmed RG would agree to SMART water condition but would need to have other requested conditions sent to him for consideration and discussion with his client. SP would then send a response to MS. SP also said aware not many conditions but application and schedule completed and submitted in accordance with the Licensing Act 2003 requirements.

MS said to SP he wanted to be open and frank – RG was involved with the start up of the business Roshni Superstore Limited, with JSC, in 2010 and RG has been deliberately misleading during the meeting to which MS takes offence. MS personal opinion is that the application should be withdrawn however MS/DP/DC & DS will consider the required conditions.

MS stated the application will go before the Licensing Sub-Committee, regardless of whether RG agrees to the requested conditions, to advise members of the details of this meeting and for the Licensing Sub-Committee to determine the application.

SP asked that MS send him the requested conditions, SP will speak to his client and respond to MS.

MS said will do that but again stated the application will go before the Licensing Sub-Committee for determination.

DP asked RG if he is Designated Premises Supervisor (DPS) at any other premises.

SP intervened and asked RG if he is DPS anywhere else.

RG replied no. SP confirmed no to DP

DC confirmed he has not found any information that RG is DPS anywhere else.

DP asked RG when he got his personal licence.

RG said from Hillingdon.

DP said not where you got it when. How long have you had your personal licence?

RG said 2 years before.

DP said so in 2012.

RG said yes.

SP asked MS to send a copy of the meeting minutes and the requested conditions today or tomorrow.

MS said of course SP will get a copy of the minutes and conditions.

SP and RG left the meeting 13:25. MS showed them back to reception.

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ROYAL BERKSHIRE FIRE AND RESCUE SERVICE



My reference: CH/ALL/231258
Your reference:

When dialling ask for: Colin Herbst
Direct telephone line: 07979921386
Email address: herbstc@rbfrs.co.uk

Personal Licence Courses Ltd
Studio 8
Haynes Business Studio
Hayes Campus
College Way
Hayes
UB3 3BB

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

Telephone: 01753 547997
Web www.rbfrs.co.uk

*Chief Fire Officer
Andy Fry*

Monday 10th March 2014

LICENSING ACT 2003 REGULATORY REFORM (FIRE SAFETY) ORDER 2005 SLOUGH FOOD & WINE 18 HIGH STREET SLOUGH BERKSHIRE SL1 1EQ

Dear Sir/Madam

The Fire Authority has considered your application dated 25th February 2014 and does not propose to make a representation. This should not be interpreted as meaning that the fire precautions in the premises are satisfactory. The primary piece of legislation for achieving satisfactory standards of fire safety in licensed premises is the Regulatory Reform (Fire Safety) Order 2005. This legislation requires the Responsible Person to undertake a suitable and sufficient fire risk assessment to identify the general fire precautions which need to be taken to protect relevant persons.

The Department for Communities and Local Government (CLG) has developed a set of guides which explain what you must do in order to comply with fire safety law, help you carry out a fire risk assessment and identify the general fire precautions which you should have in place. The guides are available via the following link:-

<http://www.communities.gov.uk/fire/firesafety/firesafetylaw>

Failure to comply with the Order, irrespective of any requirements which may be imposed by the Licensing Authority in connection with your application, may result in enforcement action being taken by this Authority under the Regulatory Reform (Fire Safety) Order 2005. Your premises will be included in our risk based inspection programme and audited for compliance in due course.

Cont'd



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

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

Yours faithfully

Colin Herbst
Fire Safety Inspecting Officer

On behalf of Royal Berkshire Fire Authority

Cc. Mike Simms
Licensing Officer
My Council
Landmark Place
High Street
Slough
Berkshire
SL1 1JL



Licensing Act 2003
Premises Licence

PL4859

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 supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply 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

- J. Supply 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

PL4859

Premises Licence

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 1800hours 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 Valey Police and the Licensing Authority.

In accordance with Central Government guidance and due to the serbusness 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.



Premises Licence Summary

LOCAL AUTHORITY

**Slough Borough Council**

Licensing Team
Landmark Place
High Street
Slough
Berkshire
SL1 1JL

tel: 01753 875664
web: www.slough.gov.uk

Premises Details

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

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 supply of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply 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 AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Jagmohan Singh Chopra

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

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

Jagmohan Singh CHOPRA



Premises Licence Summary

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

No restrictions on access by children.



Rumney Rachael

From: Sims Michael
Sent: 03 April 2014 07:48
To: Surendra Panchal
Cc: Rumney Rachael; Pearmain Debie
Subject: RE: new premises licence application - 18 High Street, Slough

Dear Mr Panchal

Thank you for your response to this application.

I accept that you have agreed to the conditions as recommended by the Police however there are still concerns as raised at the meeting over Mr Gulati's association with Mr Chopra and we will refer this application to the Licensing Sub Committee for determination.

You will be notified as soon as possible once the date for the hearing has been set.

Kind regards

Mick Sims
Licensing Manager

Slough Borough Council
Tel: 01753 477387
Fax: 01753 875890
www.slough.gov.uk

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From: Surendra Panchal
Sent: 02 April 2014 16:51
To: Sims Michael
Subject: RE: new premises licence application - 18 High Street, Slough

Dear Michael Sims

Further to your email and after discussions with my clients please find the following

My client agrees to the conditions set by the Thames Valley Police.

My client has no association with the previous owners as far as this premises are concerned and will have no involvement in running this premises.

A challenge 25 scheme will be in place and regular training take place by an independent trainer every quarterly.

Regards

Mr. S.Panchal

From: Sims Michael [mailto:Michael.Sims@slough.gov.uk]
Sent: 31 March 2014 13:48
To:
Cc: Sagar Melanie; Rumney Rachael
Subject: RE: new premises licence application - 18 High Street, Slough
Importance: High

Dear Mr Panchal

We still have not received any response from you regarding this matter in which case if we do not receive

anything by 2nd April the application will be referred to the Licensing Sub Committee as it stands.

Kind regards

Dear Mr Panchal

Further the below email sent to you last Friday, can you confirm if you have had time to review the contents with regards to the current application.

Kind regards

For the Attention of Mr Surenda Panchal

Dear Mr Panchal

Thank you for both yourself and Mr Gulati attending the meeting on Wednesday 19th March 2014 regarding the new Premises Licence application for Slough Food and Wine, 18 High Street, Slough.

As requested and discussed with you at the meeting, attached are the minutes of the salient points of the meeting together with objections from Thames Valley Police and the concerns over Mr Gulati.

Can you please advise me as soon as possible how you wish to proceed with the application as the last day for representations to the application and for a decision to be made regarding referring the application to the Licensing Sub Committee in 2nd April.

Kind regards

Mick Sims

Licensing Manager

Slough Borough Council

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From: Sims Michael

Sent: 17 March 2014 10:50

To: ' [REDACTED]

Subject: FW: new premises licence application - 18 High Street, Slough

Dear Mr Kapoor

Can you please bring the below comments to the attention of Mr Gulati and Panchel for this Wednesday's meeting.

Regards

Mick Sims

Licensing Manager

Slough Borough Council

Tel: 01753 477387

Fax: 01753 875890

www.slough.gov.uk

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From: Sagar Melanie

Sent: 17 March 2014 10:43

To: Sims Michael

Subject: FW: new premises licence application - 18 High Street, Slough

FYI

Melanie Sagar
 Licensing Officer
 Consumer Protection and Business Compliance
 Slough Borough Council
 Tel: 01753 875110
www.slough.gov.uk

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From: Blake Ian
Sent: 13 March 2014 11:00
To: Sagar Melanie
Cc: Corcoran Linda
Subject: RE: new premises licence application - 18 High Street, Slough

Melanie,

I have reviewed the attached License Application and have noted that the comments made in section M meeting the licensing objectives part (d) prevention of public nuisance do not address the issues raised by the NET in the License Review document where it was stated –

An 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.

This issue was also verbally raised at the License Review committee meeting so the then DPS and his representatives are aware that this is an issue that needs to be addresses in a sustainable and clearly structured manner.

In reading the new Premises Licence Application by Raghbir Singh Gulati that was sent to me on the 6/3/14 I can see no attention has really been paid to this issue or any clear statement of actually what is being proposed. There are points stating a policy will be put in place and monitoring will be carried out, however this is simply not good enough. This premise has been made continually aware of the problems it creates in the locality and clearly has not shown any demonstration in its most recent License Application that it takes the matter seriously and is prepared to actually do something about it.

Therefore, based on this, the Neighbourhood Enforcement Team would object to this application on the grounds stated above.

Regards,

Ian

From: Sagar Melanie
Sent: 06 March 2014 14:35
To: Cooke Dean; Blake Ian
Subject: new premises licence application - 18 High Street, Slough

Hi

For your comments I have attached a new premises licence application for Slough Food & Wine, 18 High Street, Slough (currently Roshni Food & Wine). The last day for objections is 02.04.14.

Kind regards

Melanie Sagar
Licensing Officer
Consumer Protection and Business Compliance
Slough Borough Council
Tel: 01753 875110
www.slough.gov.uk

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APPENDIX K

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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