

Growing a place of opportunity and ambition

Date of issue: Tuesday, 18th April 2023

MEETING:	LICENSING SUB-COMMITTEE (Councillors Sandhu (Chair), P. Bedi and Kaur)
DATE AND TIME:	WEDNESDAY, 26TH APRIL, 2023 AT 10.00 AM
VENUE:	GROUND FLOOR MEETING ROOM 2, OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
DEMOCRATIC SERVICES	SHABANA KAUSER
(for all enquiries)	07821 811 259
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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.

STEPHEN BROWN Chief Executive

AGENDA

PART 1

AGENDA ITEM REPORT TITLE

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APOLOGIES FOR ABSENCE

CONSTITUTIONAL MATTERS

1. Declarations of Interest

All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 9 and Appendix B of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.



AGENDA ITEM	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
2.	Guidance on Predetermination/ Predisposition - To Note	1 - 2	-
3.	Minutes of the Meeting held on 7th March 2023	3 - 6	-
LICENSING	ACT 2003 ISSUES		
the Li under may i by or club;	Licensing Act 2003' Sub-Committee is convening under censing Act 2003 to hear and decide matters arising that Act and under the Gambling Act 2005. Such matters nclude the sale by retail of alcohol; the supply of alcohol on behalf of a club to, or to the order of, a member of the the provision of regulated entertainment; and the sion of late night refreshment		
4.	Review of Premises Licence - New Bettola Restaurant & Colnbrook Lodge, Meadowbrook Bungalow, Old Bath Road, Slough	7 - 44	Colnbrook with Poyle
5.	Exclusion of the Press and Public	-	-
	It is recommended that the press and public be excluded from the remainder of the meeting as the items to be considered contain exempt information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime as defined in paragraph 7 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) and individuals as defined in Paragraphs 1 and 2 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).		
	PART II		
decide licen Act 2003 an applications	al' Licensing Sub-Committee is convening to hear and sing matters other than those arising under the Licensing of Gambling Act 2005. This includes (amongst others) for hackney carriage/private hire drivers' licences, rriage/private hire vehicle licences and street trading		

6. Revocation or Suspension of a Personal Licence 45 - 66 All







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Press and Public

Attendance and accessibility: 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 any items in the Part II agenda are considered. For those hard of hearing an Induction Loop System is available in the Council Chamber.

Webcasting and recording: The public part of the meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The footage will remain on our website for 12 months. A copy of the recording will also be retained in accordance with the Council's data retention policy. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

In addition, the law allows members of the public to take photographs, film, audio-record or tweet the proceedings at public meetings. Anyone proposing to do so is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

Emergency procedures: The fire alarm is a continuous siren. If the alarm sounds Immediately vacate the premises by the nearest available exit at either the front or rear of the Chamber and proceed to the assembly point: The pavement of the service road outside of Westminster House, 31 Windsor Road.



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.

Licensing Sub-Committee – Meeting held on Tuesday, 7th March, 2023.

Present:- Councillors Sandhu (Chair), P. Bedi and S. Malik

Officers Present:- Mrs Ali (Legal), Mr Idowu (Licensing) and Mrs Kauser (Democratic Services)

PART 1

13. Declarations of Interest

None declared.

14. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

15. Minutes of the Last Meeting held on 16th November 2022

Resolved – That the minutes of the meeting held on 16th November 2022 be approved as a correct record.

16. Application for a Street Trading Consent - Fastway Food Corner, Land at Bowles House, Blackthorne Road, Poyle

Following introductions and confirmation that all parties had received a copy of the paperwork, the Chair outlined the procedure for the hearing.

Introduction by the Licensing Officer

The Senior Licensing Officer, introduced the report to the Sub-Committee. An application for a Street Trading Consent had been submitted for the sale of hot food, consisting of burgers, fried chicken and chips, coffee, and tea and that the proposed hours of operation would be Monday to Sunday: 06.00 to 23.00 hours.

The Sub-Committee was advised that three objections to the application had been received, namely from a local business, Slough Borough Council's Parking and Planning teams. In summary, the objections related to:

- Concerns about road conditions and traffic congestion.
- The plans submitted do not reflect what is at the site.
- No parking is available for customers.
- No planning permission.

The Licensing Officer explained that he had carried out various site inspections, at different times of the day, to monitor the flow of traffic and concluded that it was a very busy area especially during the hours 4:30pm to

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6:30pm. Members were also informed that there were no car parking facilities at the site. Immediately behind the van there was only concrete land over which HGVs used to enter and exit the site. It was likely that customers would have to park on the pavement which was narrow and likely to cause traffic problems.

Submissions by the Applicant

The Applicant's husband, Mr Singh, presented the reasons why an application for Street Trading Consent had been submitted. Mr Singh explained the type of food that was proposed to be sold and how it would be prepared.

When addressing the car parking arrangements at the site, Mr Singh explained that there were at least 3 car parking spaces in from the van and that there were plenty of car parking spaces (almost 8) behind the van. He informed the Sub-Committee that you had applied for planning in 2022 and that it was the Council's Planning Team that advised you to put up barriers around the site that you proposed to trade from. Mr Singh explained that the barriers were not yet in place and that you proposed to do this in the future to create enclosed parking space.

Questions to the Applicant

Mr Singh confirmed that trading was currently taking place at the site even though Street Trading Consent had not been given. It was explained that when the Council's Health and Safety Team inspected the proposed site and van in February 2023 and awarded you Grade 4 for food and hygiene standard, which the Applicant thought amounted to the Council granting permission to start street trading.

In response to Members question as to how clear the guidelines are in relation to exactly what an applicant needs to apply for before they can start trading, the licensing officer explained that the Council's guidelines are clear and it stated that an applicant needed to consider obtaining the relevant permission from planning, food safety and licensing before they could start trading. It was also highlighted that the Food and Hygiene Team are not able to consider and/or grant license for a premises licence or street trading consent. It was clarified that the Licensing team cannot refuse a trading licence if an applicant does not have planning or food safety certificate/grading.

Responding to the Sub-Committee Member's question, Mr Singh once again explained that his wife was mistaken by the grant of the food and hygiene certificate and believed it to amount to the grant of Street Trading Consent. The Licensing Officer pointed out to Members that there should have been no confusion because he met with Mr Singh in December 2022 and advised on what documents needed to be submitted and that at the time the applicant had an agent who was dealing with her Street Trading Consent application.

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Mr Singh informed Sub-Committee Members that he previously had an agent but as the agent was wrongly advising them they decided to terminate the use of the agent's services and as such, the applicant genuinely did not appreciate that the grant of a food and hygiene certificate did not mean that she could start trading.

Representations by Responsible Authorities / Interested Party

The Sub-Committee relied on the written representations made by the Council's Highway and Parking Team and a local business in the vicinity of the site location.

Summing Up

The Licensing Officer reminded Members that the Applicant had started trading without a Street Trading Consent. Mr Idowu drew the Sub-Committee's attention to the fact that in December 2022 he had discussed and advised the Applicant on the steps required to take to obtain a Street Trading Consent and as such, you should not have started trading without the proper consent of the Council in February 2023.

In Mr Singh's closing remark, he stated that he had spoken to neighbours in the immediate vicinity of the site and that they were happy with food being sold at the location. Furthermore, other than objection from one local business, there were no other objections to the application and that everyone they spoke to were of the view that it was good to have the food on site as there were no other food sites in the immediate vicinity of the location.

All parties were asked to leave the meeting whilst the Sub-Committee deliberated.

Decision

The Sub-Committee carefully considered all the evidence before it and:

Resolved – That a Street Trading Consent be granted (for 12 months) for Monday to Sunday 0600 hours to 2300 hours. The consent was subject to the Council's Street Trading Consents standard general conditions.

Chair

(Note: The Meeting opened at 11.00 am and closed at 11.57 am)

Slough Borough Council

Report To:	Licensing Sub-Committee
Date:	26 th April 2023
Subject:	Premises Licence Review - New Bettola Restaurant & Colnbrook Lodge, Meadowbrook Bungalow, Old Bath Road, Slough
Chief Officer:	Richard West, Executive Director Place & Community
Contact Officer:	Melanie Sagar, Licensing Officer
Ward(s):	Colnbrook with Poyle
Exempt:	NO
Appendices:	Appendix A – Review application form Appendix B – Email from Debie Pearmain confirming copy of review application has been posted to the premises licence holder and DPS dated 14/03/22 Appendix C – Copy of the Premises Licence Appendix D - TVP GEN40 licensed premises incident report dated 16/02/23 Appendix E - TVP appointment letter dated 20/02/2023 Appendix F – Witness Statement of Caroline Laird dated 04/03/23 Appendix G - TVP licensed premises incident report 06/03/2023 Appendix H – Authorisation for DPS Otlion Mataj dated 06/03/23

1. Summary and Recommendations

1.1 This report sets out Thames Valley Police grounds to review the premise licence for New Bettola Restaurant & Colnbrook Lodge, Meadowbrook Bungalow, Old Bath Road, Slough, SL3 0NZ. The review application has been made in accordance with section 51 of the Licensing Act 2003.

Recommendations:

The Sub-Committee is recommended to:

Having had regard to the representations made by all parties, the Sub-Committee must consider appropriate action for the promotion of the licensing objectives.

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

- (a) Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition).
- (b) Exclude a licensable activity from the scope of the licence.
- (c) Remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management.
- (d) Suspend the licence for a period not exceeding three months.
- (e) Revoke the licence.
- **Reason:** The Licensing Team cannot disregard or overturn a decision made by the Licensing Sub-Committee.

2. Report

Introductory paragraph

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

Options considered

2.5 Consideration has been given to how the decision sought will help the Council meets its vision and corporate priorities, however the nature of the review application is outside the scope of these priorities.

Background

2.6 On 14 March 2023, Thames Valley Police submitted a review application for New Bettola Restaurant & Colnbrook Lodge, Meadowbrook Bungalow, Old Bath Road, Slough, SL3 0NZ, PL4631. The review application is on the grounds that the following licensing objectives are not being met.

- The prevention of crime and disorder
- Public safety
- 2.6.1 The full review application is attached at **Appendix A** and the application can be summarised as follows.
- 2.6.2 16 February 2023 Joint Immigration and Thames Valley Police visit to premises following receipt of intelligence received by Immigration of alleged illegal workers at the premises. During the visit two staff members were detained by Immigration Officers as they had no right to work in the UK and a third person was working in breach of her conditions. GEN40 Licensed Premises Incident Report for 16 February 2023 is attached at **Appendix D**.
- 2.6.3 20 February 2023 Thames Valley Police wrote to Oltion Mataj, the premises licence DPS for New Bettola Restaurant and Colnbrook Lodge, to attend a meeting at Windsor Police Station on 06 March 2023 to discuss the matter. A copy of the letter is attached at **Appendix E**.
- 2.6.4 04 March 2023 Witness statement regarding the joint visit to New Bettola Restaurant and Colnbrook Lodge by Thames Valley Police and Immigration received by Debie Pearmain, Thames Valley Police Licensing Officer from Caroline Laird 1876, Assistant Immigration Officer. The Witness Statement dated 04 March 2023 is attached at **Appendix F** and states that 3 arrests were made on 06 March 2023 (1 x entry in breach of a Deportation Oder, 1 x illegal entrant and 1 x working in breach of her allowed occupations with an outstanding asylum claim).
- 2.6.5 06 March 2023 –Meeting held at Windsor Police Station with the Premises' DPS, Mr Oltion Mataj, to discuss the joint visit to New Bettola Restaurant and Colnbrook Lodge by Thames Valley Police and Immigration. The meeting notes are attached at **Appendix G**.
- 2.6.6 At the meeting Mr Mataj confirmed he did not make any checks before employing these persons although he had asked for the documents and was going to check at the end of the month when staff are paid. Mr Mataj admitted and apologised for this mistake.
- 2.6.7 06 March 2023 Email received by the Licensing Team from Arta Nerguti, sole director of Premises Licence Holder Su Kokku Ltd, authorising the DPS Oltion Mataj 'to take care of anything in need' in respect of PL4631 New Bettola Restaurant and Colnbrook Lodge. A copy of the email authorisation is attached at **Appendix H**.
- 2.6.8 15 March 2023 the statutory notice for the review was published on the Slough Borough Council website in the Representation – Slough Borough Council information pages and also displayed at the premises.

3. Implications of the Recommendation

3.1 Financial implications

3.1.1 There are no financial implications to the Council.

3.2 Legal implications

- 3.2.1 The Sub-Committee must have regard to the Secretary of State's Revised guidance issued under Section 182 of the Licensing Act 2003 and in particular, Chapter 11 Reviews. Particular regard should be had to paragraphs 11.24-11.27 (Reviews arising in connection with crime), which includes the following:
 - *"11.25* Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
 - 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
 - 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
 - for employing a person who is disqualified from that work by reason of their immigration status in the UK."
- 3.2.2 The Sub-Committee must also have regard to the Council's Statement of Licensing Policy 2019-2024.

3.3 Risk management implications

3.3.1 Consideration has given to risk management implications however the nature of the decision is outside the scope of these priorities.

3.4 Environmental implications

3.4.1 Consideration has given to environmental implications however the nature of the decision is outside the scope of these priorities.

3.5 Equality implications

- 3.5.1 The Sub-Committee should be aware of and consider any implications that may arise from the Human Rights Act 1998 and section 149 Equality Act 2010. The legislation makes it unlawful for a public authority to act in a manner which is incompatible with the European Convention of Human Rights.
- 3.5.2 When determining the case and considering imposition of conditions the Sub-Committee must be satisfied that any decision which interferes with the rights of the applicant or of others, only does so insofar as it is necessary to protect the rights of others and that no alternative decision would be appropriate.
- 3.5.3 The Sub-Committee is specifically referred to the following Convention rights:
 - (i) Article 6 (the right to a fair trial),
 - (ii) Article 8 (the right to respect for private and family life)
 - (iii) Article 1 of the First Protocol (the protection of property)

4. Background Papers

- The Licensing Act 2003
- Guidance issued under Section 182 of the Licensing Act 2003 (December 2022)
- Regulations (cited as the Licensing Act 2003 ([Various]) Orders 2005)
- Slough Borough Council Statement of Licensing Policy January 2019-2024

Borough SlöughCouncil ______ lak:ng orcce in our OM MUNITIES and town Application for the review of a premises licence or club premises certificate

under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Debie Pearmain — Thames Valley Police

(Insert name of applicant) apply for the review of a premises licence under section 51 1 apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 — Premises or club premises details

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

New Bettola Restaurant & Colnbrook Lodge Meadowbrook Bungalow Old Bath Road

Post town Slough

Post code (if known) SL3 ONZ

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

Su Kokku Ltd

Number of premises licence or club premises certificate (if known) PI-4631

Part 2 - Applicant details

I am

Please tick v/ yes

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1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates

(please	com	olete	(A)	below)
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(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick v/ yes			
Mr Mrs	Miss	Ms	Other title
Ľ			(for example,
Surname		First r	names Rev)
	1 ⁴¹		Please tick vyes
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Daytime contact tele	phone number		
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I am 18 years old or	· over		
Current			
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address if	2		
different	fi -		
from			
premises		é	
address			
Post town			
E-mail address (optional)			
(B) DETAILS OF C	THER APPLICA	ANT	

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Debie Pearmain Police Licensing Officer Windsor Police Station Alma Road Windsor Berkshire SL4 3ES

Telephone number (if any) 097970145624

E-mail address (optional)

Debie.pearmain@thamesvalley.police.uk

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

1) the prevention of crime and disorder

Please tick one or more boxes v/ $\sqrt{}$

 $\sqrt{}$

2) public safety

3) the prevention of public nuisance

4) the protection of children from harm

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

This application to review this premises licence is necessary, as Thames Valley Police believe that the Crime and Disorder Licensing Objective and Public Safety Licensing Objectives have been undermined.

I have detailed below the incident/visit and meetings relevant to this premises below:

<u>16/02/2023 - 8.000m</u>

Joint Immigration and Thames Valley Police Licensing visit. Joint visit planned due to intelligence received by Immigration of alleged illegal workers at this premises.

During the visit two staff members were detained by Immigration Officers as they had no right to work in the UK and the third person was working in breach of her conditions.

I conducted a Licensing inspection with **Description of the General Manager**. I was informed by **Description** that the DPS, Mr Olton Mataj was away on holiday, returning back to work on the 28th February 2023.

No Premises Summary was being displayed.

No written authorisation was in place.

CCTV checked with date and time being correct.

No other staff member apart from the DPS is able to download CCTV.

Before we left the premise I updated Olga of the situation and that the staff members were being dealt with by Immigration Officers.

Gen40 dated 16/02/2023 refers

20/02/2023

Appointment letter sent to the DPS and Premises Licence Holders to attend a Licensing meeting on the 6th March 2023 at Windsor Police Station.

Appointment letter dated 20/02/2023 refers

06/03/2023 - 10.30am

Licensing meeting with Oltion Mataj, DPS, Melanie Sagar, Senior Licensing Officer, Sergeant Gray and Debie Pearmain, Police Licensing Officer. Meeting arranged to discuss the recent joint visit to the premise on the 16th February 2023 with Immigration Officers.

Gen40 dated 06/03/2023 refers

04/03/2023

Witness Statement dated 04/03/2023 from the Immigration Officer.

Witness statement dated 04/03/2023 refers

No relevant checks had been conducted by the DPS or the Premises Licence Holder to ensure the right to work for their staff members. The DPS should be taking responsibility and showing due diligence.

This is his Premises Licence and he must not be undermining any of the four Licensing Objectives. Due to these staff members not having the relevant checks completed on them by the Premise Licence Holder and DPS, Thames Valley Police believe that the Management of this premises, have complete disregard for the law. Thames Valley Police believe that due to this failure, the Crime and Disorder and the Public Safety Licensing Objectives have been undermined.

The decision of the future of this Premises Licence is down to Council members.

However, if members decide not to revoke this Premises Licence we would like the below conditions added to the Premises Licence:

Digital CCTV monitoring system to be installed and maintained to Thames Valley Police standard. Recording to be kept securely for 31 days and made available to Thames Valley Police employees and Authorised Persons as defined by Sections 13 & 69 Licensing Act 2003 upon request.

DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person is able to download any potential evidence required by Thames Valley Police employees and Authorised Persons as defined by Sections 13 & 69 Licensing Act 2003

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

If the CCTV equipment fails, the Police and the Licensing Authority will be informed immediately by telephone and immediate steps will be taken to put the equipment back into working order.

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

Refusals Register to be in place, kept up to date and made available upon request of Thames Valley Police, Trading Standards or Slough Borough Council Licensing Officers.

Before any person is employed at the premises sufficient checks will be made to ensure they are legally entitled to employment in the UK.

The Premises Licence Holder shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to Thames Valley Police and authorised Officers of Slough Borough Council.

The Licensing Sub Committee to issue a 'Yellow card' to the licensed premises as a warning that if a further review is necessary and matters have not improved the Premises Licence may be revoked. A 'Yellow card' will be clearly and visibly displayed at the Premises for a period of 12 months detailing the imposition of new conditions on the Premises Licence and that this warning has been given.

Premises Licence to be suspended for a period of time to ensure that all the requested conditions are in place and a full Licensing inspection has been completed by the Police Licensing Officer and Senior Licensing Officer, Slough Borough Council.

A representative from Immigration will also be attending the hearing to support the application.

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

If yes please state the date of that application Day Month Year

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

tick v/ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate $\sqrt{}$
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 — Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature Debie Pearmain

Date 14/03/2023

Capacity Police Licensing Officer

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

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

- 1 . A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
- 2 The ground(s) for review must be based on one of the licensing objectives.
- 3 Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 4 The application form must be signed.

Nicholas Pontone

From: Sent: To: Cc: Subject: Pearmain, Debie (C3232) <debie.pearmain@thamesvalley.police.uk> 14 March 2023 14:03 _Licensing Melanie Sagar FW: MyQ: scanned document

Good Afternoon

Please find the attached Review application for New Bettola, Colnbrook.

I can confirm that the PLH and DPS have been sent there copy today by Recorded Delivery.

Regards

Debie

This email contains information which is confidential and may also be privileged. It is for the exclusive use of the addressee(s) and any views or opinions expressed within are those of the originator and not necessarily those of the Force. If you are not the intended recipient(s) please note that any form of distribution, copying or use of this email or the information contained is strictly prohibited and may be unlawful. If you have received this communication in error please forward a copy to informationsecurity@thamesvalley.police.uk and to the sender. Please then delete the email and destroy any copies of it. DO NOT use this email address for other enquiries as it will not be responded to, nor any action taken upon it. If you have a non-urgent enquiry, please call the Police non-emergency number 101. If it is an emergency, please call 999. Thank you.

LOCAL AUTHORITY



Slough Borough Council Licensing Team Observatory House 25 Windsor Road Slough Berkshire SL1 2EL

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

New Bettola Restaurant & Colnbrook Lodge

Meadowbrook Bungalow, Old Bath Road, Slough, SL3 0NZ.

Telephone 01753 681600

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music

- any playing of recorded music
- a performance of dance
- 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	
E. Performance of live music (Indoors)				
	Friday	7:00pm	10:30pm	last Friday of each month
F. Playing of recorded music (Indoors)				
	Friday	7:00pm	10:30pm	last Friday of each month
G. Performance of dance (Indoors)				
	Friday	7:00pm	10:30pm	last Friday of each month
J. Supply of alcohol for consumption ON	I the premises only			
	Monday to Saturday	11:00am	Midnight	
	Sunday	Noon	11:30pm	
	Good Friday	Noon	11:30pm	
	Christmas Day	Noon	11:30pm	
	New Years Eve	11:00am	Midnight	

THE OPENING HOURS OF THE PREMISES Description Time From Time To Monday to Saturday 10:00am 11:30pm 11:30pm Sunday Noon 11:30pm Good Friday Noon 11:30pm Christmas Day Noon Midnight New Years Eve 11:00am



10661794

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

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

Part 2

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

Su Kokku Ltd

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

Su Kokku Ltd

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

Oltion MATAJ

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. PA8161

Issued by Slough



PL4631

ANNEXES

to-

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 1, with effect 6th April 2010

1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

Condition 2, with effect 6th April 2010

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Condition 3, with effect 6th April 2010



ANNEXES continued ...

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

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.

Condition 5, with effect from 1st October 2010

The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: 1/2 pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating schedule

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises

Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises

The premises must be bona fide used for the purpose of:

- (a) habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises; and
- (b) habitually providing for reward board and lodging including breakfast and one other at least of the customary meals

Licence conditions and Undertakings

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such persons as ancillary to his meal and/or the intoxicating liquor shall not be sold or



PL4631

ANNEXES continued ...

supplied on the premises otherwise than to persons residing there or to their private friends bona fide entertained by them at their own expense and for consumption by such a person or his private friend so entertained by him either on the premises or with a meal supplied at but not to be consumed off the premises

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the Premises Licence
- (2) He resides in the premises, but is not employed there
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals



Licensing Act 2003 Premises Licence Summary

LOCAL AUTHORITY



Slough Borough Council

Licensing Team Observatory House 25 Windsor Road Slough Berkshire SL1 2EL

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

Premises Details

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

New Bettola Restaurant & Colnbrook Lodge

Meadowbrook Bungalow, Old Bath Road, Slough, SL3 0NZ.

Telephone 01753 681600

PL4631

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

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	Christmas Day	Noon	11:30pm	
	New Years Eve	11:00am	Midnight	

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	10:00am	11:30pm
Sunday	Noon	11:30pm
Good Friday	Noon	11:30pm
Christmas Day	Noon	11:30pm
New Years Eve	11:00am	Midnight



Licensing Act 2003 **Premises Licence Summary**

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Su Kokku Ltd

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

Su Kokku Ltd

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

Oltion MATAJ

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

no restriction on access by children



PL4631

10661794



(e.g. Custody, PND etc)

LICENSED PREMISES INCIDENT REPORT

Submitting Officer Shoulder No/Name: C3232	St	ation:	LPA: Slough	
			El M. Olough	TANK - A AMPORT IN F IN THE IMPORT
Incident References				
Premises Name/Location:	New Bettola Restaura	nt & Colnbrook Lodge, Old	Bath Road, Slough	
Incident Date:	2000 16/02/2023	Incident Time:		
Command & Control IIRN·		Crime Report(s):		
	+			
CCTV Seized?				
		No. 100 NO. 100 NO. 1000 N		
Sources of Information:				

Nature of Incident - what happened?

Joint Immigration & TVP Licensing visit with Immigration Officers headed up by Caroline Laird, PC 4524 Matharro, PC 7577 Sanders and Debie Pearmain, Police Licensing Officer.

Visit planned due to intelligence of illegal workers at this premises received by Immigration

During the visit 2 staff members persons were detained by Immigration Officers as they had no right to work in the UK and the third person was working in breach of her conditions.

Licensing inspection conducted with Ms **Exercise 19**, General Manager. She informed me that the DPS Mr Oiton Mataj was on holiday and will be returning back to work on the 28/02/2023

Ms **manufacture** is a non- personal Licence holder

No Premises Summary was being displayed

No Written Authorisation was in place

CCTV checked with time and date correct.

No-one apart from the DPS can download the CCTV.

was updated of the suspected illegal workers before we left the premises. The staff members were Kitchen staff x 2 and the pizza chef

Premises Response - what part did staff play? How did they react/assist (include good/poor performance)?

Police Response — what action was taken ^QPlease identify the main officers who dealt With the incident

Name	Date of Birth	Role	Action Taken	Ref No.

PI-H and DPS to be invited into the Police Station once the DPS returns back from holiday - meeting arranged for Monday 6th March 2023



DPS – Oltion Mataj c/o New Bettola Restaurant & Colnbrook Lodge Meadowbrook Bungalow Old Bath Road Slough SL3 0NZ

Debie Pearmain Licensing Officer

Windsor Police Station Alma Road Windsor Berkshire SL4 3ES Tel. 07970145624 Fax.

Date: 20th February 2023

Dear Oltion Mataj

An appointment has been made for you to attend **Windsor Police Station**, Alma Road, Windsor, SL4 3ES on Monday 6th March 2023 at 10.30am.

The meeting is to discuss a licensing issue at New Bettola Restaurant & Colnbrook Lodge, Meadowbrook Bungalow, Old Bath Road, Slough, SL3 0NZ.

If you fail to attend this meeting, non-attendance could be used in evidence if at any time your premises licence is reviewed.

Please telephone the above number to confirm your attendance.

Yours sincerely

Debie Pearmain Licensing Officer, Thames Valley Police

Сс

Su Kokku Ltd, Premises Licence Holder Licensing Department, Slough Borough Council

GEN 40 (01/2013)	
RESTRICTED (when completed)	
Form	MG 11
WITNESS STATEMENT	
(CJ Act 1967, s.9 MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)	
Statement of Caroline LAIRD 18876	
Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Assistant Immigration Offi	cer
This statement (consisting of:5 pages each signed by me) is true to the best of my knowledge and belief ar I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything it which I know to be false or do not believe to be true.	id in
Signature: Date: 4th March 2023	
Tick if witness evidence is visually recorded (supply witness details on rear)	
I am an Immigration Officer, working as part of the SOUTH CENTRAL ICE immigration	
enforcement team, which is based at	
On Thursday 16 th February 2023, I led an enforcement visit to New Bettola, Colnbrook Lodge, Ol	d Bath
Road, Colnbrook, SL3 ONZ. Officers from Thames Valley Police were also in attendance with us.	1 Dam
Entrance to the premise was gained via Section 179 of Licensing Act 2003 at approx. 20:03 we carri	ed out
this visit to locate and process any identified immigration offenders.	
On arrival I asked a male who I had observed working behind the pizza oven area who was in charge	ge,
he directed me to the manager to enable me to advise her of why we were there, and what our intentio	ns
would be during the time we are at the restaurant.	
This lady confirmed her name as a second second of ROMANIAN nationality. She confirmed that	ıt
she was in charge, but when asked later stated that she was not in charge of employment and that	it
was the responsibility of the owner.	
She stated that he was currently out of the country, so we were unable to ask him further questions reg	arding
the employees found to be working illegally.	
The male who was first encountered (s,
and was unwilling to co operate when asked questions at first. He later on admitted to entering the U	K

There was a further 2 arrests made by Immigration Officers for employees working with no right to do

illegally in 2016.

Page all witnessed by:....

RESTRICTED (when completed)

MGI I(C)

Page 3... of...5...

Continuation of Statement of Caroline LAIRD......

In total 3 arrests were made (Ix entry in breach of Deportation Order, Ix illegal entrant and I x Working in Breach of her allowed occupations with an outstanding Asylum claim)

All arrested persons have an Albanian nationality with 2x being detained and Ix being walked off of the address and warned she is not to be working outside of her permitted occupations.

At around 22:05 all officers departed the address, and the manager was given a Referral Notice to advise that due to illegal working being found a Civil Penalty will be considered by Home Office's Civil Penalty team.

This is an accurate record of events, where the interview was recorded on the Home Office Pronto mobile

application. I'm writing this statement on Saturday 4th March.

POLICELICENSED PREMISES INCIDENT REPORT

Submitting Officer			
Shoulder No/Name: C3232	Stati	on:	LPA: Slough
Incident References			
Premises Name/Location: N	ew Bettola Restaurant &	: Colnbrook Lodg	e, Old Bath Road, Slough
Incident Date:	10.30am 06/03/2023	Incident Time:	
Command & Control URN:		Crime Report(s	5):
CCTV Seized?	•• • • • • • • • • • • • • • • • • • •	1. International I internation	
Sources of Information:		4	
Nature of Incident what had Licensing meeting held at Win SBC, Sergeant Gray and Debi	ndsor Police Station with M	Ir Oltion Mataj, DP ng Officer.	PS, Melanie Sagar, Senior Licensing Officer,
Meeting held to discuss the red	cent joint visit with Immig	ration to the premis	es on the 16 th February 2023.
We were informed that the Pro The Gen40 of the visit was read and 1 worker who had breached	d out by Debie, concluding	that 2 illegal worke	ers where detained by Immigration Officers
needed staff and no checks had During discussions he than inf	d been done, he admitted the formed us that he had asked then informed us that he	hat he hadn't been verd d for the paperwork had a 1 year old cl	aff's right to work. He informed us that he ery cafeful and apologised for this mistake. and was going to wait until the end of the hild and his wife was pregnant and that he
Melanie informed him that che employs staff has to check the		a legal requiremen	t. Debie also stated that every business who
Debie informed the DPS that Safety Licensing Objectives ha		sues found during t	he visit, the Crime and Disorder and Public
Debie then informed Mr Mata Licence and would also be req			e would be applying to review the Premises ace.
Melanie informed Mr Mataj that and this was for the Premise L			w to request a replacement Premises Licence er.
Premises Response — what pa	urt did sta play ^Q How did th	vey react/assist(inclu	ude good/poor performance)?

Melanie Sagar

From:	arta nerguti
Sent:	06 March 2023 11:35
То:	_Licensing
Subject:	Fw: Premises Licences Grant, Ann u al Fee and Variation
Attachments:	28.02.23 PL4631 New Bettola Notice of Suspension.pdf
Categories:	Melanie

To Whom it may consern.

I Authorise mr Oltion Mataj regards the licence for colnbrook lodge old bath road colnbrook. SL30NZ to take care of anything in need.

My name Arta Nerguti Dob Address

Please dont hesitate to contact me via email as i am out of the country and my phone does not work here. Kindest regards.

A Nerguti

From: toni m <oltion_mataj Sent: 06 March 2023 10:53 To: arta nerguti Subject: Fwd: Premises Licences Grant, Annual Fee and Variation

Sent from my iPhone

Begin forwarded message:

From: toni m <oltion_mataj Date: 28 February 2023 at 12:33:27 GMT To: Kathirasapillai Thangarajah Subject: Fwd: Premises Licences Grant, Annual Fee and Variation

Sent from my iPhone

Begin forwarded message:

From: _Licensing <Licensing@slough.gov.uk>
Date: 28 February 2023 at 11:33:44 GMT
To: info@newbettola.co.uk, toni m <oltion_mataj
Subject: RE: Premises Licences Grant, Annual Fee and Variation</pre>

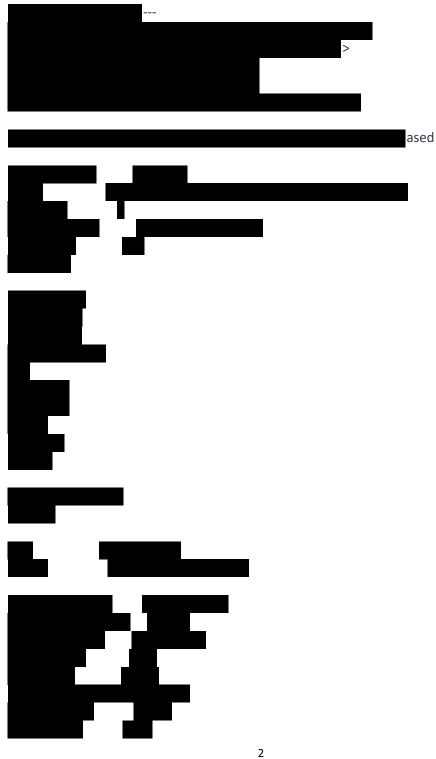
Dear Mr Mataj

Further to your emails of 27 February 2023 I note you are the DPS, not the premises licence holder and instructions regarding PL46312 can only be accepted from the licence holder. As PL4631 is in a company name instruction must be from a company director.

Additionally, I note that the 2022 annual premises licence fee due 17 October 2022, remains outstanding and I therefore attach a notice of suspension for the licence holder's urgent attention.

Kind regards

Melanie Sagar Principal Licensing Officer Place | Regulation – Public Protection Slough Borough Council Tel <u>01753 875664</u> www.slough.gov.uk Please don't print this email unless you really need to - think of the environment



Amount :10.50Additional Instructions :For more details of licence pricing, visit our website