

LICENSING SUB-COMMITTEE

20th January 2011

LICENSING ACT 2003

HARSHINI FOOD AND WINE,
9 Belgrave Parade, Bradley Road, Slough,
Berkshire, SL1 3PR

Review of Premises Licence – **Number PL004620**
Application made by Thames Valley Police

1. CURRENT POSITION

- 1.1 Harshini Food and Wine operates under a Premises Licence which is held by Mr Manickam Rajeetharan. The Designated Premises Supervisor (DPS) at the time, a test purchase operation was carried out at the premises on 12th October, was Mr Baskaran Thisoban who held a Personal Licence number **006962** issued by Slough Borough Council.
- 1.2 On the 29th October 2010 following the test purchase operation an application was made to vary the DPS into the name of Mr Manickam Rajeetharan, the Premises Licence holder, as Mr Thisoban had returned to Sri Lanka some 4 months previously.
- 1.3 The DPS is responsible for the day to day management of the premises.
- 1.4 The Premises Licence authorises the carrying out of the Relevant Licensable Activity – The sale by retail of alcohol for consumption OFF the premises only

The latest terminal hour for this Licensable Activities is 11.00pm.
A copy of the current Premises Licence is attached at **APPENDIX 6.**

2. BACKGROUND INFORMATION

- 2.1 On 29th November 2010 Thames Valley Police submitted an application for a Review of the Premises Licence on the grounds of the Prevention of Crime and Disorder and The Protection of Children from Harm. The full Review Application is contained at **APPENDIX 1.**
- 2.2 The grounds for the Review Application although contained fully within the application itself can be summarised as follows;
 - Alcohol being sold to a 16 year old boy during a test purchase operation
 - CCTV not in working order or operation
 - The named DPS at the time alcohol was sold to an underage person was not at or on the premises as he has returned to Sri Lanka some 4 months previously.
- 2.3 All relevant evidence and information supporting the Police Review Application are contained within **APPENDICES 1 to 5.**

3. **APPLICATION – REVIEW OF PREMISES LICENCE**

- 3.1 The Licensing Authority is satisfied that this application for Review meets the appropriate legislative requirements within the Licensing Act 2003 and is therefore a valid application to be considered by the Licensing Sub-Committee.
- 3.2 The Review Application requested that the DPS Mr Thisoban be removed as the DPS and replaced by a person acceptable to the Police and the Licensing Authority. However as outlined above an application has been made to vary the named DPS to Mr Rajeetharan which has been approved. The Police are also asking that a total of 12 conditions be attached to the Premises Licence in order to uphold the Licensing Objectives.
- 3.3 Condition 7 as requested by the Police is now included in new **Mandatory Condition 4** on the Premises Licence which took effect from the 1st October 2010. However the Police will be asking for a suitable **written**, age verification policy document to be prepared and supplied to the Police and the Licensing Authority for inclusion on the licence and to be displayed and made readily available at the premises.

4. **REPRESENTATIONS RECEIVED**

- 4.1 Miss Pat Leroy of the Local Safeguarding of Children's Board has responded to the Review Application as follows: "Having viewed the papers, I fully endorse the application made by Jim Ferguson for the review of the licence. I would add that the conditions suggested are appropriate and would ensure that the welfare of children and young people is better safeguarded and monitored".
- 4.2 The remaining responsible authorities have not made representations in respect of this application.

5. **RELEVANT GUIDANCE AND POLICIES**

- 5.1 The proceedings set out in the 2003 Act for Reviewing of Premises Licence represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a Premises Licence. Where a request to Review the licence is made by a Responsible Authority, the Licensing Authority will hold a hearing in respect of this, unless it, the applicant and the Responsible Authorities agree that a hearing is not necessary
- 5.3 Section 52 of the Licensing Act 2003 provides that the Sub-Committee must, having regard to the Review application and any relevant representations, take such of the steps listed below as it considers necessary for the promotion of the licensing objectives. The steps are:
- (a) to modify the conditions of the licence, (which includes adding new conditions or any alteration or omission of an existing condition), for example , by reducing the hours of opening or by requiring door supervisors at particular times;
 - (b) to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded

- music (where it is not within the incidental live and recorded music exemption);
- (c) to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - (d) to suspend the licence for a period not exceeding three months;
 - (e) to revoke the licence.
- 5.4 However, the Sub-Committee may consider it is not necessary to take any of the steps listed above to promote the licensing objectives. These are matters for the Sub-Committee to determine having regard to the evidence of all parties.
- 5.5 There is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. However, where responsible authorities like the Police, Environmental Health or Trading Standards Officers have already issued oral or written warnings requiring improvement, licensing authorities should not merely repeat that approach.
- 5.6 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.
- 5.7 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial act taken should generally be directed at these causes and should always be no more than as necessary and proportionate response.
- 5.8 The Sub-Committee should also consider and make use of the 'Yellow and Red Cards' system as directed and recommended by The Department of Culture, Media and Sport (DCMS).

APPENDICES

- Appendix 1 Application for the Review of a Premises Licence by Thames Valley Police
- Appendix 2 MG 11 (statement form) Dean Cooke
- Appendix 3 MG 11 (statement form) Jaspal Singh
- Appendix 4 MG 11 (statement form) Jim Ferguson 28/10/2010
- Appendix 5 MG 11 (statement form) Jim Ferguson 29/10/2010
- Appendix 6 Copy of Premises Licence for Harshini Food and Wine.

Background papers

- The Licensing Act 2003
- Guidance issued under Section 182 of the Licensing Act 2003 - (Revised 2010)
- Regulations (cited as the Licensing Act 2003 ([Various]) Orders 2005
- Slough Borough Council statement of Licensing Policy - December 2007
- DCMS Guidance – Red and Yellow cards system

Contact Officer

Michael Sims
Licensing Manager
01753 477387

**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.

IJIM FERGUSON..... apply
for the review of a premises licence under section 51 or – 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 club premises, or if none, ordnance survey map reference
or description

HARSHINI FOOD & WINE
9 BELGRAVE PARADE
BRADLEY ROAD

Post town
SLOUGH

Post code (if known)
SL1 3PR

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

MANICKAM RAJEETHARAN

Number of premises licence or club premises certificate (if known)
PL004620

Part 2 – Applicant Details

I am

Please tick ✓ yes

1) an interested party [please complete (A) or (B) below]

- | | |
|--|--------------------------|
| (a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| (b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| (c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| (d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

- 2) a responsible authority [please complete (C) below] ☒
- 3) a member of the club to which this application relates
[please complete (A) below] ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title ☐
(for example, Rev)

Surname First names

Please tick ✓ yes

I am 18 years old or over ☐

Current address

Post Town

Post code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

JIM FERGUSON SLOUGH POLICE STATION WINDSOR ROAD SLOUGH SL1 8HH
Telephone number (if any) 01753 506157
E-mail (optional) jim.ferguson@thamesvalley.pnn.police.uk

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

Please tick ✓ one or more boxes Y

- | | |
|--|--------------------------|
| (1) The prevention of crime and disorder | Y |
| (2) Public safety | <input type="checkbox"/> |
| (3) The prevention of public nuisance | <input type="checkbox"/> |
| (4) The protection of children from harm | Y |

Please state the ground(s) for review (please read guidance note 1)

"Harshini Food & Wine" is a small newsagents/grocery store with the benefit of a Premises Licence to make off premise sales of alcohol to the public. The store is located on the north side of Bradley Road about 60 yards west of Stoke Poges Lane. It is situated in a residential area in a small parade of shops. It is also in an "Alcohol Consumption Order" area which in effect makes it an offence to consume alcohol in any of the streets named in the order.

The Premise Licence holder is Mr Manickam Rajeetharan,
& has been since 2/2/2009.

The Designated Premises Supervisor is Mr Baskaran Thisoban,
has been since 2/2/2009. His Personal Licence number is 006962 &
it was issued by Slough Borough Council.

On Tuesday 12th October 2010 Slough Borough Council Trading Standards Officers & Thames Valley Police Licensing Officer Jim Ferguson carried a test purchase operation at the premises. A 16 year old boy volunteer entered the off licence & purchased a bottle of WKD vodka & packet of 10 Marlborough Lites cigarettes. He was not asked for his age nor was he asked for any form of ID to verify his age. The seller at the time was a man called Mr Kunalan Sivarajah, He does not have a Personal Licence to sell alcohol.

The sale was witnessed by Trading Standards Officer Jaspal Singh.

On Thursday 28th October 2010, Jim Ferguson attended the shop & spoke to the seller Mr Sivarajah & asked him for a copy of the CCTV footage covering the under age sale of alcohol & cigarettes. Mr Sivarajah was unable to provide it saying that the video recorder was broken & had been for about 3 weeks. When asked by Mr Ferguson where the Designated Premise Supervisor was, he stated that he had returned to Sri

Lanka & did not know when he would be returning.

On Friday 29th October 2010 at 09:45 hrs at Slough police Station, Jim Ferguson saw Mr Manickam Rajeetharan, the Premises Licence holder. When he was asked where the Designated Premises Supervisor, Mr Baskaran Thisoban was, he stated that he was in Sri Lanka & had been there for about 4 months & did not know when he would be returning.

In view of the above, Police ask that Mr Baskaran Thisoban be removed as the Designated Premises Supervisor & replaced by someone who is acceptable to Police & the Licensing Authority. He is clearly not in day to day control of the running of these premises & has not been for at least 4 months. Further, Police would ask that the following conditions be placed on the licence in order that the Licensing objectives may be better met: -

1. A C.C.T.V. system has been installed and is working to the satisfaction of Thames Valley Police and the Licensing Authority
2. Recordings will be maintained for an appropriate period of time to be agreed with the Police and the Licensing Authority, i.e. 31 days.
3. If the C.C.T.V. equipment fails, the Police and the Licensing Authority will be informed immediately by telephone and immediate steps will be taken to put the equipment back into working order.
4. A notice will be displayed at the entrance to the premises advising that C.C.T.V. is in operation.
5. At least one C.C.T.V. camera will be in operation at the front of the premises at all times when the premise is in use.
6. The CCTV system will be time & date stamped at all times
7. A proof of age policy to be agreed with Thames Valley Police in writing & implemented
8. A personal licence holder must be in attendance at all times when a licensable activity is taking place
9. All persons authorised to sell alcohol shall be trained to the BIIAB Level Award in Responsible Alcohol Retailing (ARAR) or any other similarly recognised nationally approved accreditation.
- 10 The premises Licence holder or Designated Premises Licence holder shall ensure 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.
- 11 The Premises Licence holder shall provide written training schedules and written confirmation from members of staff to the effect that such training has been given.

- 12 That the Licensing Sub Committee 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.

Please provide as much information as possible to support the application (please read guidance note 2)

MG11 Dean Cooke

MG11 Jaspal Singh

MG11 Jim Ferguson dated 28/10/2010

MG11 Jim Ferguson dated 29/10/2010

Please tick ✓ Yes

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

☐

If yes, please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please tick ✓ 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.
- I understand that if I do not comply with the above requirements my application will be rejected

Y

Y

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 3)

Signature of applicant or applicant's solicitor or other duly authorised agent [please read guidance note 4]. If signing on behalf of the applicant please state in what capacity.

Signature: Jim Ferguson

Date: 29/11/10

Capacity: Licensing Officer Thames Valley Police

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)

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. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address we shall use to correspond with you about this application.

STATEMENT OF WITNESS

(Criminal Procedure Rules r.27.1(1); C.J.Act 1967, s.9; M.C. Act 1980, ss5B)

STATEMENT OF: DEAN ANTHONY COOKE

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

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

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 8th day of November 2010 Signed.....

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

I was given full authorisation by Mr Keith Eaglestone, Chief Weights and Measures Inspector, under the Licensing Act 2003, to act as a Lead Officer in implementing an alcohol & tobacco test purchasing exercise, on the 19th October 2010, around the Slough borough, using an underage volunteer.

At 12:00 hours on the 19th October 2010, I met with the volunteer at the Slough Borough Council offices at the St Martin's Place, 51 Bath Road, Slough, SL1 3UF.

The volunteer had been previously trained in relation to health and safety measures and conduct during the test purchasing exercise. The relevant documentation had been signed by the volunteer and one of their parents. Photographs were taken of the volunteer, prior to the commencement of the exercise.

The volunteer was taken to a number of premises, with the assistance of another colleague of mine, where the volunteer attempted to purchase alcohol products. I then met with another colleague of mine, Mr Jaspal Singh (Senior Enforcement Officer with Slough Trading Standards) at 15:15hrs.

Dated the 8th day of November 2010 Signed.....

CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

Further visits were made with the volunteer with Mr Singh. One of these premises was "Harshini Food & Wine", at 9 Belgrave Parade, Slough, SL1 3PR.

I entered the store at 15:45hrs. The volunteer was accompanied to the front of the store by Mr Singh and entered the store at 15:46hrs.

The volunteer proceeded to select a bottle of "WKD Vodka Iron Brew" from a chiller fridge in the store (please see the "Layout Plan of Harshini Food & Wine on 19/10/10", which is presented as Exhibit DCO/HAR/1).

The volunteer was served by a man possibly of African origin, approximately late 20's, early 30's in age, wearing a baseball cap; who I now know to be Mr Kunalan Sivarajah. The sale was made at 15:46hrs, shortly after the volunteer entered the store. The seller did not challenge the volunteer for their age or ask for proof of age.

The volunteer then left the store and was met by Mr Singh. On leaving the store myself at 15:48hrs, Mr Singh passed the test purchased evidence to me.

The evidence remained in my possession until we returned to our vehicle.

We returned to the car at approximately 15:55hrs, where further photographs of the volunteer with the evidence were taken and my notebook updated. The evidence was then placed into an evidence bag and secured closed with a tamper proof evidence seal number at approximately 16:00hrs.

For the bottle of "WKD Iron Brew" the tamper proof seal number was 002996902. The evidence was then secured in the boot of Mr Singh's vehicle at 16:02hrs.

I returned to Harshini Food & Wine, at 16:04hrs, to speak to the seller and the person in charge to explain to them that the seller and owner would be called into our offices for a PACE recorded interview.

Dated the 8th day of November 2010 Signed.....

..

CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

I spoke to the seller, who declared himself as Mr Kunalan Sivarajah (the seller and brother in law of the owner) his address was given as :

During my conversation with the seller, at 16:15hrs, the owner of the store arrived and declared himself as Mr Rajeetharan Sivarajah (owner and designated premises supervisor). He advised that his home address was also

I advised that they would both be called to our offices for a recorded interview under caution. I left my contact details and advised that we would be in touch in writing I left at 16:19hrs.

The volunteer was returned home at the end of the exercise. The evidence was returned to the Slough Borough Council offices at the St Martin's Place. It was then transferred (still sealed in bag number 002996902) to a locked evidence cupboard at 16:35hrs.

On speaking with the Slough Borough Council Licensing Team, I was provided with a copy of their premises licence for Harshini Food & Wine (No. PL004620), which cites the current designated premises supervisor as being : Manickam Rajeetharan.

A letter was sent on the 21st October 2010 to Mr Kunalan (the seller), and Mr Rajeetharan Sivarajah (owner) inviting them to our offices for a PACE recorded interview. I present this letter as Exhibit DCO/HAR/2.

The remainder of the documentation and evidence, was on the 21st October 2010, then provided to Mr Jaspal Singh, as the investigating officer in this case.

Dated the 8th day of November 2010 Signed....

STATEMENT OF WITNESS

(Criminal Procedure Rules r.27.1(1); C.J.Act 1967, s.9; M.C. Act 1980, ss5B)

STATEMENT OF: Jaspal Singh

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

OCCUPATION: Senior Technical Enforcement Officer

This statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 3rd day of November 2010

Signed..

..

I am employed as a Senior Technical Enforcement Officer by Slough Borough Council Trading Standards Department. On 19 October 2010, I accompanied Dean Cooke, also an Officer with the Department, on an alcohol test purchase exercise. We were assisted on the day by a 16 year old volunteer. At approximately 15:45 hours, I observed Dean Cooke walking into Harshini Food and Wine store, situated at 9 Belgrave Road, Slough. The volunteer walked into the same shop a few moments later. I waited outside near to the shop. A few minutes later I saw the volunteer walk out of the shop. He was carrying something in a black plastic bag. I looked inside the bag and saw that it contained a 275 ml bottle of WKD original Vodka iron brew. We were joined a few minutes later by Mr Cooke and we all returned to where my car was parked. I placed the bottle of WKD Vodka in a clear evidence bag and sealed it with seal 002996902 and it was secured in the boot of my vehicle. I produce this bottle in evidence as exhibit JS/HFW/1. Photographs of the volunteer holding the bottle of vodka were taken. Mr Cooke returned to the shop to speak to the proprietor. When Mr Cooke returned a few minutes later, we made our way back to Slough Borough Council Offices.

Dated the 3rd day of November 2010

Signed...

Witness Statement

Page 1 of 1

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN:

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Statement of: **JIM FERGUSON**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **LICENSING OFFICER**

This statement (consisting of1..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: _____

Date: **28/10/2010**Tick if witness evidence is visually recorded: ☒

(Supply witness details on last page)

I am a Licensing Officer for Thames Valley Police & I am based at Slough Police Station.

On Thursday 28th October 2010 at about 09:00 hrs I went to "Harshini Food & Wine" 9, Belgrave Parade, Bradley Road, Slough, SL1 3PR. There I saw a man standing behind the counter who I now know to be Mr Kunalan Sivarajah, I introduced myself to him & said, "Can you tell who was serving here on Tuesday 19th October in the afternoon, please?" He said, "Yes, it was me. You are on about the underage boy I sold to? The Trading Standards man is going to send a letter." I said, "Yes, that's correct. Are you able to give me a copy of the CCTV footage covering this incident?" He said, "No. The video machine is broken down." I said, "When did it break down?" He said, "About 3 weeks ago. My brother has called an engineer to fix it?" I said, "When?" He said, "I don't know." I said, "Do you hold a personal licence to sell alcohol?" He said, "No sir." I said, "Where is the Designated Premise Supervisor?" He said, "He has gone home to Sri Lanka." I said, "How long has he been gone for?" He said, "I don't know." I said, "Do you know when he is coming back here?" He shook his head & said, "No." I said, "Can you confirm that it is Mr Baskaran Thisoban who is the Designated Premise Supervisor & has gone to Sri Lanka?" He said, "Yes." I then said, "I'll be in touch later." & then left the shop.

Signature: _____

Signature Witnessed by: **N/A**

Witness Statement

Page 1 of 1

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN:

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Statement of: **JIM FERGUSON**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **LICENSING OFFICER**

This statement (consisting of1..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true

Signature: _____

Date: **29/10/2010**Tick if witness evidence is visually recorded: ☒☐ (Supply witness details on last page)

I am a Licensing Officer for Thames Valley Police & I am based at Slough Police Station.

On Friday 29th October 2010 at 09:45 hrs at Slough police Station, I saw Mr Manickam Rajeetharan, the Premises Licence holder for "Harshini Food & Wine" 9, Belgrave Parade, Bradley Road, Slough, SL1 3PR.

I said to him, "Mr Rajeetharan, "Are you aware that Trading Standards & me carried out an underage test purchase operation at your shop on the 19th October when a 16 year old boy was sold a bottle of "WKD Vodka Iron Brew?" He said, "Yes." I said, "Who was the Designated Premise Supervisor at the time?" He said, "Mr Baskaran Thisoban." I said, "I understand that he was not there. Where was he?" He said, "He is in Sri Lanka on holiday." I said, "How long has he been there?" He said, "Four months." I then informed him that I would be preparing papers to take him to a Licensing Review. The meeting then ended.

Signature: _____

Signature Witnessed by: **N/A**

Licensing Sub-Committee – Meeting held on Thursday, 20th January, 2011.

Present:- Councillors MacIsaac (Chair) and Dodds

Officers Present:- Ms Channa (Legal Services), Mrs Cook (Democratic Services) and Ms Rumney (Licensing Officer)

Apology for Absence:- Councillor S K Dhaliwal

PART I

1. Declarations of Interest

None.

2. Application for Review of the Premises Licence for Harshini Food and Wine, 9 Belgrave Parade, Bradley Road, Slough

The Chair welcomed all parties to the meeting; asked those present to introduce themselves and explained the procedure for the hearing.

The Licensing Officer introduced the report stating that Harshini Food and Wine operated under a Premises Licence which was held by Mr Manickam Rajeetharan. At the time a test purchase operation was carried out at the premises on 12th October, 2010 the Designated Premises Supervisor (DPS) was Mr Baskaran Thisoban.

On 29th November 2010 the Thames Valley Police submitted an application for a Review of the Premises Licence on the grounds of the prevention of crime and disorder and the protection of children from harm. All relevant evidence and information supporting the Police Review application which included copies of the witness statements of the Police Officer, the Trading Standards Officer and test operation volunteer were submitted to the Sub Committee. The Review application had been made on the following grounds:-

- Alcohol had been sold to a 16 year old boy during a test purchase operation.
- The CCTV system was not in working order or operation.
- The named DPS at the time alcohol was sold to an underage person was not at or on the premises as he had returned to Sri Lanka some 4 months previously.

The Review application requested the removal of Mr Thisoban as the DPS and his replacement by a person acceptable to the Police and the Licensing Authority. This request had already been met as an application had been submitted on 29th October 2010 to vary the named DPS to Mr Rajeetharan which had been approved.

Licensing Sub-Committee - 20.01.11

The Police had also asked for a total of 11 conditions to be attached to the premises licence and for a "yellow card" to be issued in respect of the premises. The conditions requested by the Police had been endorsed by the Local Safeguarding Children's Board. The Licensing Officer referred to the relevant guidance and policies and in particular to the various steps that the Sub-Committee could take if it considered them necessary for the promotion of the licensing objectives.

Mr Ferguson representing the Thames Valley Police outlined the events which took place on 12th October 2010 when he and a Slough Borough Council Trading Standards Officer had carried out a test purchase operation at the premises which was situated in an "Alcohol Consumption Order" area. In response to a question from a member of the Sub-Committee Mr Ferguson indicated that Mr Rajeetharan had not reported prior to the test operation that the DPS was out of the country.

Mr Sufiaan Manzoor who accompanied Mr Rajeetharan to the meeting explained that the DPS, Mr Thisoban had been absent for far longer than had originally been expected and that Mr Rajeetharan had not appreciated that it was a requirement of the licence that the DPS had to be available at all times. He thought that he, as the Premises Licence holder would be able to provide cover for Mr Thisoban.

Mr Rajeetharan accepted that the CCTV equipment had not been working but in mitigation stated that 2/3 weeks before the test operation he had reported the fault to the company with whom he had a maintenance contract. The company had advised him that the equipment was recording satisfactorily and that the problem was with the monitor. However, when they were approached after the test operation they indicated that it was the recording equipment which was faulty and not the monitor. The equipment had since been repaired by another company. Mr Rajeetharan gave an assurance to the Sub-Committee that he would make arrangements to ensure that a suitably qualified person was be available at all times alcohol was sold on the premises and that the CCTV system and Refusal Register were both properly maintained. He confirmed that he accepted all the conditions requested by the Police.

The Licensing Officer, Thames Valley Police representative and the Premises Licence holder were given the opportunity to sum up whereupon all parties then left the room to enable the Sub-Committee to deliberate.

All parties were then asked to rejoin the meeting.

Having considered all the written information submitted and having listened carefully to the representations made by all the parties at the meeting the Sub-Committee

Licensing Sub-Committee - 20.01.11

Resolved –

- (a) That the following additional conditions be placed on the premises licence in respect of Harshini Food and Wine:-
 - (1) A CCTV system to be installed and working to the satisfaction of Thames Valley Police and the Licensing Authority.
 - (2) Recordings will be maintained for an appropriate period of time to be agreed with Thames Valley Police and the Licensing Authority i.e.31 days.
 - (3) If the CCTV equipment fails, Thames Valley Police and the Licensing Authority will be informed immediately by telephone and immediate steps will be taken to put the equipment back into working order.
 - (4) A notice will be displayed at the entrance to the premises advising that CCTV is in operation.
 - (5) At least one CCTV Camera will be in operation at the front of the premises at all times when the premises are in use.
 - (6) The CCTV system will be time & date stamped at all times.
 - (7) A suitable written age verification policy document to be prepared and supplied to the Police and the Licensing Authority for inclusion on the licence and to be displayed and made readily available at the premises.
 - (8) A personal licence holder must be in attendance at all times when a licensable activity is taking place.
 - (9) All persons authorised to sell alcohol shall be trained to the BIIAB Level Award in Responsible Alcohol Retailing (ARAR) or any other similarly recognised nationally approved accreditation.
 - (10) The premises Licence holder or Designated Premises Licence holder shall ensure staff receive 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.
 - (11) The Premises Licence holder shall provide written training schedules and written confirmation from members of staff to the effect that such training has been given.

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- (b) That a "yellow card" be issued in respect of the licensed premises as a warning that if a further Review is necessary and matters have not improved the premises licence may be revoked.

24th January 2011

Department: Resources
Contact Name: Mrs June Cook
Contact No: 01753 875019
Fax: 01753 875171
Email: June.cook@slough.gov.uk
Our Ref:
Your Ref:

Mr Manickam Rajeetharan
9 Belgrave Parade
Bradley Road
Slough
Berkshire
SL1 3PR

Dear Mr Rajeetharan

**Application for a Review of the Premises Licence for Harshini Food and Wine,
9 Belgrave Parade, Bradley Road, Slough SL1 3PR**

With reference to the above and the meeting of the Licensing Sub-Committee held on Thursday, 20th January, 2011 I write to formally advise you of the Sub-Committee's decision.

Members were provided with details relating to the incident which occurred at the above premises on 12th October 2010 as outlined by Thames Valley Police and Officers of the Council which had prompted the application for the Review of the Premises licence on the grounds of the prevention of crime and disorder and the protection of children from harm. The Sub-Committee carefully considered all the written and oral submissions made at the meeting including the report of the Licensing Officer, the submission made on behalf of the Thames Valley Police and representations made by you as the premises licence holder and Mr Sufiaan Manzoor on your behalf.

In determining this matter the Sub-Committee Members took into account your appointment as the Designated Premises Supervisor in place of Mr Baskaran Thisoban; your undertaking to ensure that a suitably qualified person is available at all times alcohol is sold on the premises and your assurance that the CCTV system and the refusal register will both be properly maintained in the future.

Having carefully considered all the information submitted, the Sub-Committee decided that the following 11 additional conditions requested by the Police should be included on the premises licence:-

- (1) A CCTV system to be installed and working to the satisfaction of Thames Valley Police and the Licensing Authority.
- (2) Recordings will be maintained for an appropriate period of time to be agreed with Thames Valley Police and the Licensing Authority i.e. 31 days.
- (3) If the CCTV equipment fails, Thames Valley Police and the Licensing Authority will be informed immediately by telephone and immediate steps will be taken to put the equipment back into working order.


- (4) A notice will be displayed at the entrance to the premises advising that CCTV is in operation.
- (5) At least one CCTV Camera will be in operation at the front of the premises at all times when the premise is in use.
- (6) The CCTV system will be time & date stamped at all times.
- (7) A suitable written age verification policy document be prepared and supplied to the Police and the Licensing Authority for inclusion on the licence and be displayed and made readily available at the premises.
- (8) A personal licence holder must be in attendance at all times when a licensable activity is taking place.
- (9) All persons authorised to sell alcohol shall be trained to the BIIAB Level Award in Responsible Alcohol Retailing (ARAR) or any other similarly recognised nationally approved accreditation.
- (10) The premises Licence holder or Designated Premises Licence holder shall ensure staff receive 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.
- (11) The Premises Licence holder shall provide written training schedules and written confirmation from members of staff to the effect that such training has been given.

In accordance with Central Government guidance and due to the seriousness of the incident highlighted the Sub-Committee also decided to issue the premises with a "Yellow Card". Please let this serve as a warning that if a further review is necessary and matters have not improved, the premises licence may be revoked.

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

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

Yours sincerely,



June Cook
Clerk to the Sub-Committee

cc: Rachael Rumney, Licensing Office
Jim Ferguson, Thames Valley Police

YELLOW CARD

Harshini Food and Wine – Belgrave Parade, 9 Bradley Road, SLOUGH, SL1 3PR

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

The Review application was heard by the Slough Borough Council Licensing Sub Committee on 20th January 2011 who have imposed tough new conditions on the licence as well as to issue the premises with a Yellow Card in accordance with Central Government Guidance, due to the seriousness of the incidents highlighted as a warning that if a further review is necessary and matters have not improved, the premises licence may be revoked.

The new conditions imposed are as follows:

- (1) A CCTV system to be installed and working to the satisfaction of Thames Valley Police and the Licensing Authority.
- (2) Recordings will be maintained for an appropriate period of time to be agreed with Thames Valley Police and the Licensing Authority i.e.31 days.
- (3) If the CCTV equipment fails, Thames Valley Police and the Licensing Authority will be informed immediately by telephone and immediate steps will be taken to put the equipment back into working order.
- (4) A notice will be displayed at the entrance to the premises advising that CCTV is in operation.
- (5) At least one CCTV Camera will be in operation at the front of the premises at all times when the premise is in use.
- (6) The CCTV system will be time & date stamped at all times.
- (7) A suitable written age verification policy document be prepared and supplied to the Police and the Licensing Authority for inclusion on the licence and be displayed and made readily available at the premises.
- (8) A personal licence holder must be in attendance at all times when a licensable activity is taking place.
- (9) All persons authorised to sell alcohol shall be trained to the BIIAB Level Award in Responsible Alcohol Retailing (ARAR) or any other similarly recognised nationally approved accreditation.
- (10) The premises Licence holder or Designated Premises Licence holder shall ensure staff receive 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.
- (11) The Premises Licence holder shall provide written training schedules and written confirmation from members of staff to the effect that such training has been given.

In accordance with Central Government guidance and due to the seriousness of the incident highlighted the Sub-Committee also decided to issue the premises with a "Yellow Card". Please let this serve as a warning that if a further review is necessary and matters have not improved, the premises licence may be revoked.

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