

APPENDIX B

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I DEAN COOKE

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

S D Wines, 131 Bath Road, Slough,

Post town Slough

Post code (if known) SL1 3UW

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

Surinder Pal Singh Rajasansi

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

PL4439

Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

3) a member of the club to which this application relates (please complete (A) below)

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Dean Cooke, Senior Trading Standards Officer Slough Borough Council Trading Standards St Martin's Place, 51 Bath Road Slough SL1 3UF
Telephone number (if any) 01753 875255
E-mail address (optional) dean.cooke@slough.gov.uk

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

- | | |
|-----------------------------------------|---------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | ✓ |
| 2) public safety | ✓ |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | ✓ |

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

On the 29th June 2012, a Trading Standards test purchasing exercise was carried out by Slough Trading Standards and Thames Valley Police.

They visited a number of premises with underage volunteers, in an attempt to see if any of these traders would sell tobacco products to persons under the age of 18 years old.

During the exercise, the officers visited SD Wines, 131 Bath Road, Slough, SL1 3UW.

An underage volunteer, sent into the store by Trading Standards and the Police was able to purchase 1 pack of 10 x "Benson & Hedges Gold" cigarettes. At no time was the purchaser asked for proof of their age.

The volunteer had been sent into other premises previously in the evening and had been refused sales.

The person serving and making the sale was Mr Surinder Rajasansi (the part owner of the business) and Premises Licence Holder.

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

Following the test purchase of cigarettes, a further volunteer was sent into the store to purchase alcohol; this volunteer was asked for their age and refused the sale.

Statements are attached from Dean Cooke (the Investigating Officer) and the two observing officers from Thames Valley Police. The legal report is currently being compiled with a possible decision to prosecute these defendants.

A test purchasing exercise on 18th May 2006, carried out by Police and Trading Standards officers resulted in a sale of two bottles of Bacardi Breezer to an under age person. The sale was made also on this occasion by Mr Surinder Rajasansi (the Designated Premises Supervisor).

Mr Surinder Rajasansi was prosecuted by this department in October 2006 and was fined £300 with £800 costs.

This business has been provided with underage sales guidance Trader Packs on the following dates :-

- (i) 13th October 2005
- (ii) 11th January 2008
- (iii) 16th September 2009

The Trader Packs explain about the importance of Reasonable Precautions (i.e. a system in place to prevent offences occurring) and Due Diligence (i.e. monitoring those systems to make sure that they are working).

Over the past 10 years, SD Wines have been tested 11 times.

- for Alcohol - 8 sales attempted - 1 sale made
- for Fireworks 2 sales attempted - no sales made
- for Tobacco products - 1 sale attempted - 1 sale made

Both sales were made by Mr Surinder Pal Singh Rajasansi (the DPS)

The store has only a limited number of persons working on the tills - these being Mr Kulvinder Rajasansi (the DPS's son, who is running the business), Mr Surinder Rajasansi (the DPS) and his wife.

There is a concern that this business, although very stretched for staff also operate a late licence until 2am.

If these mistakes are occurring at 8:30pm in the evening, this could be further exacerbated later in the day.

We would recommend the following conditions on this licence :-

- (i) That the sale of any age restricted product cannot take place any later than 11.00pm,
- (ii) The introduction of an 'Over 21's only' policy for all age restricted products,
- (iii) Mr Surinder Rajasansi is prohibited from selling all or any age restricted products,

tick ✓ yes

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

Please

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

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

NB// Thames Valley Police previously made an application for the Review of the Premises Licence with supporting evidence supplied by Slough Borough Council Trading Standards Officers, regarding a prosecution for the under age sale of alcohol on 18th May 2006.

tick ✓ yes

Please

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature..... ..

Date 05/11/12
.....

Capacity **Senior Trading Standards Officer**
.....

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

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

STATEMENT OF WITNESS

(Criminal Procedure Rules r.27(2); C.J.Act 1967, s.9; M.C. Act 1980, ss5B)

STATEMENT OF: DEAN ANTHONY COOKE

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

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

This statement (consisting of 4 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 29th day of October 2012 Signed.....

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

At 17:00 hours on the 29th June 2012, I picked up the two male under age volunteers at their respective homes. After training them for the exercise and getting completed authorisation documentation from their parents. I transported them to the Slough Police Station on Windsor Road. After taking photographs of the volunteers, we met with the assisting officers from Thames Valley Police at 18:00hrs. Namely, Tracey Fenton-Smyth, Daniel Simpson and Debie Permain (Police Licensing Officer).

The volunteers and officers were briefed again, in relation to health and safety measures and conduct during the test purchasing exercise.

The volunteers were taken to a number of premises, where they attempted to purchase alcohol and tobacco products.

One of these premises was SD Wines, 131 Bath Road, Slough, SL1 3UW. Officers Simpson and Fenton-Smyth entered the store as observing officers 20:30hrs, to observe any transaction and hear what was being said.

Dated the 29th day of October 2012 Signed....

CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

One of the volunteers were accompanied to the front of the store by myself and entered the store at 20:32hrs.

The volunteer emerged from the SD Wines at 20:34 with a packet of "10 x Benson and Hedges Gold" cigarettes. The observing Police officers left the store shortly afterwards.

If met with the volunteer and we then returned to my vehicle, at 20:35hrs, where photographs were taken of the evidence and the cigarettes were sealed in an evidence bag with a tamper proof evidence seal number 003397421. The evidence was then secured in the boot of my car at 20:44hrs. This test purchase is presented as Exhibit : DCO/SDW/1.

A further test purchase was attempted with the other volunteer for alcohol. On this occasion, however, the volunteer was refused the sale.

I entered the store with Officers Fenton-Smyth and Permain at 20:50hrs and spoke to the person, who was identified as the seller of the cigarettes; who gave his name as Mr Surinder Pal Singh Rajasansi, address :

Mr Surinder Rajasansi was indentified as the seller by Officer Fenton-Smyth, he claimed that he'd asked for ID from the volunteer; however, I explained that this would be better discussed at interview. He was asked about CCTV footage, but could not provide this at the time. He said that his son would provide this. He has then asked for a Refusals Book, which he also could not find at the time of the visit.

I took the details of his Personal Licence – No. 004736 and expiry on 01/10/2015.

Dated the 29th day of October 2012 Signed..

CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

We all left the premises at 21:07hrs. Mr Surinder Rajasansi informed me that he was the owner of the business. The volunteers were returned home shortly afterwards.

The evidence remained in my possession for the journey home and was secured in a locked cupboard at 22:30hrs. On the 2nd July 2012, bag number 003397421 was then removed at 7:45hrs and transported to the Slough Borough Council offices and secured in an evidence store at 9:55hrs.

Records of previous advice provided to the company were checked the following day and receipts for three under age sales Trader Packs received on 13/10/2005, 11/01/2008 & 16/09/2009 are now presented as Exhibits DCO/SDW/8(a), 8(b) and 8(c) respectively.

A4 printouts of photographs taken of the test purchased item itself are presented as Exhibit : DCO/SDW/2.

After sending correspondence to Mr Surinder Rajasansi, I was then contacted by Aston Bond Solicitors; who then inform me that the joint owner of SD Wines is his son Mr Kulvinder Vir Singh Rajasansi. I advised that he would need to attend an interview as well.

All correspondence with Mr Surinder Rajasansi only is presented as Exhibit:
DCO/SDW/3(a).

All correspondence with Aston Bond solicitors is presented as Exhibit:
DCO/SDW/3(b).

All correspondence with both Mr Surinder and Mr Kulvinder Rajasansi is presented as Exhibit : DCO/SDW/3(c).

Dated the 29th day of October 2012 Signed.

CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

Both Mr Surinder and Kulvinder Rajasansi were interviewed under caution on the 10th September 2012. The evidence in bag number 003397421 was removed from secure storage at 13:30hrs and returned at 15.55hrs after the interviews had been concluded.

A notice to persons whose interview has been recorded, signed by Mr Surinder Rajasansi on the 10th September 2012, is presented as Exhibit : DCO/SDW/4.
A copy of the Interview Transcript with Mr Surinder Rajasansi is presented as Exhibit : DCO/SDW/5.

A notice to persons whose interview has been recorded, signed by Mr Kulvinder Rajasansi on the 10th September 2012, is presented as Exhibit : DCO/SDW/6.
A copy of the Interview Transcript with Mr Kulvinder Rajasansi is presented as Exhibit : DCO/SDW/7.

A copy of the Alcohol Licence for SD Wines, confirming Mr Surinder Rajasansi as the Designated Premises Supervisor, is presented as Exhibit : DCO/SDW/9.

Evidence presented by Mr Kulvinder Rajasansi at his PACE interview and via the post are presented as follows :-

- Letters from Camelot, confirming test purchase refusals for National Lottery under age test purchases (4 letters relating to 3 x test purchases) provided at interview are presented as Exhibits : DCO/SDW/10.
- Copies of the Refusals Register being operated by SD Wines, provided via the post are presented as Exhibit : DCO/SDW/11.

Master and working CD copies of Mr Surinder Rajasansi's PACE interview are presented as Exhibit : DC/SD/1

Master and working CD copies of Mr Kulvinder Rajasansi's PACE interview is presented as Exhibit : DC/SD/2.

Dated the 29th day of October 2012 Signed...

Witness Statement

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

URN: [] [] [] []

Statement of: **D. Simpson**

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

Occupation: **A/PS 7486**

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.

[Handwritten signature]

Signature:

Date: **28/09/2012**

I am acting sergeant Daniel Simpson, a police officer employed by Thames Valley police, and currently stationed at Slough police station. I am making this statement in reference to my attendance at a shop called SD wines, Bath Road, Slough, on June 29th 2012.

On the above date, I was plain clothes, and crewed with PC 3922 Fenton-Smyth. We were on a test purchasing operation, with two trading standards volunteers. At approximately 2030hrs I entered the store, and was quickly followed by one of the volunteers. I was present when the male was sold a packet of 10 Benson and Hedges Gold Cigarettes several minutes later.

I was aware that the male volunteer was under 18, and in my opinion, that was quite evident from his appearance. At no point throughout the transaction was the volunteer asked for identification, which he would not have been able to provide. He was also not asked his age.

I then left the store, before returning with a trading standards operative. Since this time, I have had nothing further to do with the incident.

[Handwritten signature]

Signature:

Signature Witnessed by: **N/A**

Witness Statement

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

URN:

Four empty rectangular boxes for the URN number.

Statement of: Tracey Fenton-Smyth

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

Occupation: Police Constable 3922

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:

3922

Date: 11/10/2012

I am P.C. 3922 Fenton-Smyth currently stationed at Slough Police Station in the Town Centre Unit. On Friday 29th June 2012 I was on duty in plain clothes conducting a test purchase operation with P.C. 7486 Simpson and a licensing officer from the Thames Valley Police and a member of Trading Standards. Working along with us we had two males under the age of 18 years old. I will refer to these males as male A and B. Around 20:30 hours we attended a shop called S.D.Wines on the Bath Road, Slough. I selected an item and stood in the queue next to P.C. Simpson who in turn was next to male A. Male A asked the shopkeeper for ten cigarettes. The shopkeeper took the cigarettes off display and did not ask male A his age or date of birth or for any identification. We left the shop and a short while later returned while male B attempted to make a purchase but this time the shopkeeper asked him for proof of age. I would describe the shopkeeper as an Asian male, in his late 50's to early 60's with greying hair. He was wearing a green colour t-shirt. I returned to the store at 20:50 hours, with Dean Cooke from Slough Trading Standards, where Mr Cooke took the details of the seller and owner of the business, Mr Surinder Rajasansi. I asked Mr Rajasansi about the CCTV footage, but he was unable to access the requested segment of the recording, he informed us that his son would do this. We then left the store at around 21:10 hours.

Signature:

3922

Signature Witnessed by: N/A