

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

**Drinks Direct Supermarket Ltd,
256 High Street, Langley
Slough, SL3 8HA**

Post town **Slough**

Post code (if known) **SL3 8HA**

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

Charanjeet Singh Arura

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

PL004630

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)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

✓

✓

✓

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

On the 10th April 2013, Trading Standards Enforcement Officers visited Drinks Direct at 256 High Street, Langley, following intelligence that the business was selling illicit tobacco products.

During inspection of the premises, Trading Standards Officers found :-

- (i) 36 x packs of cigarettes, with non-English health warnings
- (ii) 16 x pouches of hand rolling tobacco (50g) with non-English health warnings.
- (iii) 9 x packs of tobacco 'shisha', bearing no government health warnings
- (iv) Approximately, 100 x packets/pouches of 'smokeless' chewing tobacco (e.g. Gutkha, Khaini, Uda Pancchi, etc.) bearing no government health warnings.
- (v) 9 x bottles of counterfeit Jacob's Creek wine
- (vi) Plus packets of imported prescription only medicines, that have been referred over to the MHRA (Medicines & Healthcare products Regulatory Agency).

All items were seized by officers awaiting potential enforcement action under the following legislation :-

- Trade Marks Act 1994
- Consumer Protection from Unfair Trading Regulations 2008
- Tobacco Products (Manufacture, Presentation & Sale)(Safety) Regulations 2002 (as amended)

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

The previous history of this business suggests a considerable disregard for the legal requirements of running a licensed premises :-

Last year, the business was prosecuted by Trading Standards under the **Licensing Act 2003** and the **Children & Young Persons Act 1933** for both the sale of alcohol and tobacco products to persons under the age of eighteen years of age, on the 16th November 2011; resulting in a fine for Drinks Direct limited of £900 with £1005.74 costs and the seller Mr Ravinder Singh Grover fined £300.00 with costs of £150.00.

Advice on underage sales had been provided to the business on 28th October 2005 (provided to Ravinder Singh Arura), on the 17th January 2008 (provided to Ravinder Singh Arura) and 28 July 2009 (provided to a sale assistant Balbir Singh). This advice, from the evidence of the sales made above, was clearly ignored.

The company were also prosecuted at the same time for the sale of fireworks on the 17th November 2011; outside the allowed sale period for fireworks. For this offence (under the **Fireworks Act 2003** and the **Fireworks Regulations 2004**), the owner, Mr Charamjeet Singh Arura, was given a fine of £1000.00 and costs of £850.00.

Again, advice on fireworks sales and the permitted period was provided to Drinks Direct, but subsequently ignored.

In August 2008, a written warning was provided to Drinks Direct Limited, following the seizure of counterfeit vodka and durex condoms.

On 16 November 2007, during a counterfeit sweep of retailers in Slough, counterfeit Durex condoms and imported cigarettes were seized from the premises.

With regard to the imported cigarettes in 2007, there are revenue issues to be considered as there will be no excise duty, tax or VAT paid on this kind of product; as would also be the case with the recently seized items on the 10th April 2013.

With all counterfeit goods, there is always the possibility of public harm if the contents are not as described and not of satisfactory quality. This can vary from fiscal detriment to health issues.

It is clear from the history of this business that the business operators do not adhere to the law or take notice of advice it receives from the Trading Standards or the Licensing Team.

They continue to carry on the operation of the business with total disregard for their legal obligations and of the Mandatory Conditions of other conditions imposed on the Premises Licence.

From the previous licence review, a "Yellow Card" was issued for this business; which expires on the 26th April 2013.

I recommend that there is no alternative other than to issue a "Red Card" for Drinks Direct and revoke the premises licence immediately.

Supporting information:

1. Statement of Dean Cooke - Senior Trading Standards Officer
2. Copy of written warning - August 2008
3. Copy of 'Trading Standards Guidance - 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

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

NB// Slough Trading Standards previously made an application for the Review of the Premises Licence in February 2012, regarding a prosecution for under age sales and selling fireworks out of the allowed sale period. As a result of the licence review, a "Yellow Card" for this premises was issued for 12 months and is valid until 26th April 2013.

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 15/04/13
.....

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.