

LICENSING ACT 2003

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

1. CURRENT POSITION

- 1.1 An application for a new premises licence has been made by Mr Raghbir Singh GULATI, for 18 High Street, Slough (a copy of the application is attached at **Appendix A**).
- 1.2 In summary, the application is for the following licensable activities at the following times:
**Sale by retail of alcohol for consumption OFF the premises only: –
Monday to Sunday: 07:00 – 00:00**
- 1.4 The proposed designated premises supervisor (DPS) is Mr Raghbir Singh GULATI. The DPS consent form is attached at **Appendix B**.

2. BACKGROUND INFORMATION

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 Following a review application, the premises licence for Roshni Food and Wine was revoked on the 30th January 2014, however an appeal against the revocation has been lodged and is currently pending.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

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

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

3. REPRESENTATIONS RECEIVED

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

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

- 3.2 The Council, as Licensing Authority, is a 'responsible authority' under the Licensing Act 2003 and as such is entitled to make representations regarding applications for premises licences. The Council's Licensing Manager has made such representations in relation to this application. Where a Licensing Authority does act as a responsible authority and makes a representation, there must be a separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest. The Council has complied with the guidance issued under section 182 of the Licensing Act 2003 (see paragraph 4.2 below).

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

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

- (j) DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police employees or relevant Agencies.
- (k) Nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content.
- (l) Refusals Register to be on the premises and kept up to date and made available upon the request of Police, Trading Standards and Local Authority Licensing Officers.
- (m) All persons trained to sell alcohol shall be trained to the BIIAB level 1 award in Responsible Alcohol Retailing (ARAR).
- (n) The Premises Licence Holder or DPS shall ensure all staff receives training on a regular basis in relation to the four licensing objectives contained within the Licensing Act 2003 for those authorised to sell alcohol. Written training records will be kept and made available for inspection by Police, Trading Standards Officers and Local Authority Licensing Officers.
- (o) The applicant and their staff are able to converse with customers, the public, and representatives of Statutory Agencies to a level that satisfies Police, Trading Standards and Local Authority Licensing Officers, that they are able to meet the four licensing objectives.
- (p) The Designated Premises Supervisor or nominated person must attend the local Town Centre Pub watch scheme where in existence.
- (q) No single cans of any type of alcohol to be sold.
- (r) That the requirement put forward by the Neighbourhood Enforcement Team with regards to the 'Smart Water marking Scheme to be condition on the new Premises Licence.

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

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

- (i) Refusals Register to be on the premises and kept up to date and made available upon the request of Police, Trading Standards and Local Authority Licensing Officers.
- (j) All persons trained to sell alcohol shall be trained to the BIIAB level 1 award in Responsible Alcohol Retailing (ARAR).
- (k) The Premises Licence Holder or DPS shall ensure all staff receives training on a regular basis in relation to the four licensing objectives contained within the Licensing Act 2003 for those authorised to sell alcohol. Written training records will be kept and made available for inspection by Police, Trading Standards Officers and Local Authority Licensing Officers.
- (l) The applicant and their staff are able to converse with customers, the public, and representatives of Statutory Agencies to a level that satisfies Police, Trading Standards and Local Authority Licensing Officers, that they are able to meet the four licensing objectives.
- (m) The Designated Premises Supervisor or nominated person to attend the local Town Centre Pub watch scheme where in existence.
- (n) No single cans of any type of alcohol to be sold.

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

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

4. RELEVANT GUIDANCE

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

5. DETERMINATION – OPTIONS AVAILABLE TO THE COMMITTEE

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

3. Refuse the application.

APPENDICES

Appendix 'A' - copy of premise licence application.

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

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

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

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

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

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

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

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

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

Appendix 'K' – Hearing Procedure.

Background papers

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

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