

APPENDIX C

Responsible Authority Representation Form

Thames Valley Police, Royal Berkshire Fire and Rescue Service, Health and Safety Executive, Area Child Protection Committee, Slough Borough Council [SBC] Commercial Services (Health and Safety and Trading Standards), Planning and Development Control Services [SBC], Public Health Services [SBC].

APPLICATION DETAILS

Name of Premises	SLOUGH FOOD AND WINE
Address of Premises & Tel: No.	18 HIGH STREET, SLOUGH, SL1 1EQ
Applicant Details (Name, address, Tel: No.) if different from above	Mr Ragbir Singh Gulati
Company Name (if different from Applicant)	None
Application type (state fully)	New application for a Premises Licence, where the previous licence (Roshni Food and Wine) was revoked
Date Application received	5 th March 2014

REPRESENTATION SUBMISSION

Please tick

There are no representations to the granting of this licence	
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If you are making representations to the application identify which of the four licensing objectives your representation relates to:

Please detail your representation and the reason together with your supporting evidence, as appropriate. *(If replying by hard copy, please attach separate sheet(s) if necessary).*

	Please tick	
Prevention of Crime and Disorder	<input checked="" type="checkbox"/>	Although this application is for a new Premises Licence, the premises have previously been subject to two review applications for under age sales, breaches of conditions and persistent non-compliance resulting in the revocation of the Premises Licence in January 2014. There is also a close business association between the previous Premises Licence holder and the new applicant. Therefore there is concern that although this is new application the previous licence holder will have involvement in the operation of the business resulting in further non-compliance.
Public Safety	<input checked="" type="checkbox"/>	See comments above and as overleaf
Prevention of Public Nuisance	<input type="checkbox"/>	
Protection of Children from Harm	<input checked="" type="checkbox"/>	See comments above and as overleaf

Please provide advice to the Licensing Sub-Committee on how you believe they should consider the representation.

If appropriate, recommend conditions that could be added to the Licence to remedy your representation or other suggestions you would like the Licensing Sub-Committee to take into account.

If replying by hard copy, please attach separate sheet(s), if necessary.

Please refer to the Responsible Authority Guidance Note.

The application is being made by a Mr Raghbir Singh Gulati for Slough Food and Wine, 18 High Street, Slough, SL1 1EQ. Mr Gulati is applying as the Premises Licence holder and the Designated Premises Supervisor (DPS)

The premises is currently operating as Roshni Food and Wine with the Premises Licence holder and (DPS) being Mr Jagmohan Singh Chopra. The licence was revoked by the Licensing Sub Committee on 30th January 2014 following a second review application being made. The revocation is currently subject of an appeal by Mr Chopra.

The history of these premises and the close association of Mr Gulati and Mr Chopra are a concern to the Licensing Authority and Thames Valley Police.

With regards to the history of the premises the following facts are relevant.

On 10th May 2011 Trading Standards officers attended Roshni Food and Wine and seized 159 packs of cigarettes and 36 x 50gram packs of hand rolling tobacco which were illicit tobacco products with no English health warnings. On 16th December 2011 Mr Chopra was prosecuted convicted at Maidenhead Magistrates Court where he was fined a total of £600.00 and ordered to pay £750 costs.

With regard to the illicit cigarettes, there are revenue issues to be considered as there will be no excise duty, tax or VAT paid on this kind of product. There is also the possibility of public harm as the cigarette packets do not carry English Health Warnings.

On 12th September 2011 Thames Valley Police submitted an application to Review the Premises Licence under Section 51 of the Licensing Act 2003. The Review Application submitted by Thames Valley Police was on the grounds of **Prevention of Crime and Disorder**, and **the Protection of Children from Harm**, and related to:

- Alcohol being sold to a 16 year old boy during a test purchase operation on 4th August 2011
- Breach of Mandatory Condition 4 with regards to non compliance with age verification
- The named DPS at the time alcohol was sold to an underage person was not at or on the premises

The Review Application was heard by the Council's Licensing Sub Committee on 9th November 2011, who imposed a total of 11 new conditions on the Premises Licence, suspended the Premises Licence until the conditions had been implemented and issued the premises with a Yellow Card.

On 26th July 2013 an underage sales operation was conducted at Roshni Food and Wine. Underage volunteers were able to purchase one can of Gaymers Olde English Cider (500ml) and one can of Reds Premium Beer-Pineapple and Grapefruit Flavour (500ml).

In addition a Licensing Officer entered the premises and purchased one single can of Special Brew lager in breach of a specific condition imposed by a Licensing Sub Committee on 9th November 2011 following a previous Review Application.

2011. An inspection of the premises was conducted and 24 packets of 'Jin Ling' cigarettes were found in various locations. These cigarettes were illicit cigarettes and bore no English health warnings. The inspection of the premises also identified breaches of a number of conditions on the premises licence and importantly being conditions imposed by the Licensing Sub Committee on 9th November 2011.

The breaches of conditions identified on 26th July 2013 all related to conditions imposed by the Licensing Sub Committee on 9th November 2011. The underage sale of alcohol on 26th July was the second such offence committed at the premises.

Mr Chopra and Mr Kapoor the assistant responsible for the underage sale on 26th July 2013 have since been subject of prosecution, pleaded guilty and convicted for all offences identified on 26th July.

I initiated a review application on behalf of the Licensing Authority under Section 51 of the 2003 Act, following the operation on 26th July 2013 which was heard before the Licensing Sub Committee on 30th January 2014 where the Premises Licence were issued with a Red card and the Premises Licence was revoked.

On the day of the review hearing, Mr Chopra was represented by a Mr Harmohan Singh Gulati who resides at _____ which is the same home address as Mr Raghbir Singh Gulati, the current applicant.

Following the new application being made for Slough Food and Wine, I asked Mr Dean Cooke from the Councils Trading Standards Service to conduct checks on Mr Gulati and Mr Chopra as I had concerns there was a close business association between them.

I also asked Thames Valley Police if a PNC Check could be carried out on Mr Gulati to establish if he had any relevant convictions of a similar nature to Mr Chopra.

Due to concerns by myself and Thames Valley Police a meeting was arranged with Mr Gulati, his representative Mr Surendra Panchal, Thames Valley Police, Mr Cook and Mrs Pearmain Police Licensing Officer as well as a representative from the Neighbourhood Enforcement Team.

At the meeting Mr Gulati was asked if he had any previous convictions, to which he said he had not. Thames Valley Police put to Mr Gulati that he did have convictions in 2004 for selling goods bearing false trade marks and infringement of copy right offence.

Mr Gulati was also asked if he had any current or previous business connection with Mr Chopra to which he said he had not.

Mr Cook then produced copies of documentation showing that Mr Gulati had previous and current business associations with Mr Chopra by way of company directorships of retail outlets.

Following the meeting Mr Panchal stated that he would speak to Mr Gulati regarding the application and the matters that had come to light at the meeting. A copy of the minutes of this meeting was provided to Mr Panchal for his information.

Recently it has become a common practice that where a Premises Licence has been revoked following a review application being made, primarily in relation to underage sales, seizures of illicit tobacco products and counterfeit alcohol, an appeal against the revocation has been made to the Magistrates Court.

Whilst the appeal is pending a new premises licence application will be made and if the application is granted the appeal will subsequently be withdrawn. Although this practice is quite legitimate, on two recent occasions this process has been followed by the new applicant representative and then the new premises have also then been subject to seizures of illicit tobacco products and counterfeit alcohol. In addition it was established that the previous licence holders where the licence was revoked had still been heavily involved the operation of the new premises. The same concerns apply to this application.

Mr Gulati has nominated himself to be the DPS for this new application. The Secretary of States Guidance is clear in that a person nominated as the DPS should normally be an individual who is in the day-to-day control of the premises, and the idea being that there should be a single point of accountability within the premises, a designated person who is easily identifiable to officers of the relevant responsible authorities, should there be a problem at the premises. I have concerns that with Mr Gulati's other business interests he would not be in a position to perform the duties of the DPS to its full extent.

I also have concerns that due to the association between Mr Gulati and Mr Chopra, that Mr Chopra will undoubtedly have an involvement in the operation of the premises.

My primary concern, with Mr Gulati denying any association with Mr Chopra and denying he had any previous convictions, is that his integrity is clearly in doubt. In addition I believe Mr Chopra **will have** involvement in the operation of the premises.

Due to these concerns I do believe that there may well be further criminal offences at the premises as there has been previously, which will undermine the Licensing Objectives of the Prevention of Crime and Disorder, Public Safety and the Protection of Children from harm.

In relation to the application itself and taking into account the previous history of the premises, there is clearly insufficient steps detailed in order to promote the four Licensing Objectives and is not fit for purpose.

Taking all the above into account I object to the application as it currently stands and would ask that consideration should be given to application being refused.

Should a decision be made that the application is to be granted I would recommend that the following should be seriously considered:-

Sale of Alcohol to be from 0900 hours and 2300 hours each day of the week.

If Mr Gulati is to be the DPS, then he must be at or visit the premises on a daily basis.

If Mr Gulati is the DPS at any other premises he should not be the DPS at these premises.

A Personal Licence holder (other than) the DPS must be at the premises when all sales of alcohol take place.

Two members of staff to be on site in the premises each evening from 6.00pm until close.

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.

Challenge 25 policy to be in place.

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.

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.

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.

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

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.

All persons trained to sell alcohol shall be trained to the BIIAB level 1 award in Responsible Alcohol Retailing (ARAR).

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.

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.

The Designated Premises Supervisor or nominated person must attend the local Town Centre Pub watch scheme where in existence.

No single cans of any type of alcohol to be sold.

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.

Name of Officer completing Representation	Michael Sims
Job Title	Licensing Manager
Name of Responsible Authority	On behalf of the Licensing Authority
E-mail address:	Michael.sims@slough.gov.uk
Tel: No.	01752 477387

N.B. If you do make a representation you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

Signed: ..

Dated: 01/04/2014 .

Please return this form along with any additional sheets, if replying by hard copy to:

The Licensing Team
Public Protection Services
Landmark Place
High Street
Slough
SL1 1JL Or E-mail to Licensing@Slough.gov.uk