

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 **Michael Sims**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / 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, if none, ordnance survey map reference or description

METRO FOOD AND WINE (SLOUGH) LIMITED
193 Farnham Road
Slough
Berkshire
SL1 4XS

Post town Slough.

Post code (if known) SL1 4XS

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

Mr Kulwant Singh GABA

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

PL5277

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 Michael Sims Licensing Manager Slough Borough Council (Licensing Authority) Landmark Place High Street Slough SL1 1JL
Telephone number (if any) 01753 477387
E-mail address (optional) Michael.sims@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 | <input type="checkbox"/> |

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

This Review Application is being made under approved Delegated Powers on behalf of the Licensing Authority.

The grounds for the Review being made are in relation to The Prevention of Crime and Disorder and Public Safety.

On the 8th January 2014, a routine Food Standards Inspection was carried out by Slough Trading Standards Officers at Metro Food and Wine (Slough) Limited, 193 Farnham Road, Slough, SI1 4XS.

During the visit 150 x packs of illegal cigarettes were seized, which were being hidden underneath shelving in the front store.

The items seized were as follows:-

- (i) 100 x packets of Marlboro Gold cigarettes (10 x packs of 200)
- (ii) 30 x packets of L&M Blue Label cigarettes (3 x packs of 200)
- (iii) 20 x packets of L&M Link cigarettes (2 x packs of 200)

All the cigarettes carried no English health warnings and bore no statutory pictorial health warnings.

Possession of the above items constitute offences under the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002, Tobacco Products (manufacture, Presentation and Sale)(Safety) Regulations 2007 and the Consumer Protection Act 1987.

Mr Kulwant Singh Gabba as the Director and Premises Licence Holder of Metro Food and Wine (Slough) Limited will be subject to legal proceedings by Trading Standards for possession of the above items.

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

Metro Food and Wine (Slough) Limited was previously licensed under the name of Metro Food and Wine Limited with the Premises Licence holder being a Mr Pal Singh Arora. These premises have a proven record of possession of counterfeit alcohol and illegal cigarettes.

In 2007 the previous licence holder was convicted of possession of counterfeit alcohol (vodka)

In 2009 the previous licence holder, a member of staff and the company itself were convicted of possession of illegal cigarettes.

Mr Kulwant Singh Gaba became the owner of the business in November/December 2009.

On 29th April 2010 Trading Standards Officers attended the premises and seized Bollinger Champagne which was identified as being counterfeit alcohol. At that time Mr Kulwant Singh Gaba was the named Company Director.

Mr Gaba and Metro Food and Wine Limited were subsequently prosecuted by Trading Standards in relation to possession of counterfeit alcohol and convicted as follows;

Mr Gaba - 1 offence under the Food Safety Act and 3 offences under the Consumer Protection Regulations - Conditional Discharge on each - ordered to pay £125 cost and £15 Victim Surcharge

Metro Food and Wine Limited - 1 offence under the Food Safety Act and 3 offences under the Consumer protection Regulations - £50 fine on each (Total £200)-ordered to pay £125 cost and £15 victim surcharge

On 5th May 2010 Mr Kulwant Singh Gaba made applications to transfer the premises licence, vary the Designated Premises Supervisor (DPS) into his name and change of name of the premises. The change of name of the premises was to Metro Food and Wine (Slough) Limited. All applications were subsequently granted with Mr Gaba being the Premises Licence holder and DPS.

As outlined previously, on the 8th January 2014, a routine Food Standards Inspection was carried out by Slough Trading Standards Officers at Metro Food and Wine (Slough) Limited where illegal cigarettes were seized and Mr Gaba will now be subject to legal proceedings.

Mr Gaba has stated that his staff had bought the illegal cigarettes from a seller that goes from door to door however, the important factor of this case is that illegal cigarettes were hidden away underneath shelving units on the shop floor and this clearly indicates that Mr Gaba was fully aware of their existence and that the cigarettes were illegal.

This is the second such occasion that Mr Gaba has been subject of possession of illegal products and clearly shows his total disregard for the law and for public health and safety as counterfeit alcohol, and illegal cigarettes can pose a serious health hazard to any member of the public that purchases them.

My recommendation because of the illegal activities that continue to take place at the premises is that the Premises should be issued with a Red Card and the premises Licence revoked.

My reasoning for this is the previous track record of the premises, particularly with regards to Mr Gaba's involvement in the business.

The grounds for the Review Application being made are the Licensing Objectives of The Prevention of Crime and Disorder and Public Safety. I do not feel that there are any conditions that can be imposed on the licence by the Licensing Sub Committee that would promote the four Licensing Objectives and combat the illegal activities taking place.

Supporting information:

Copy of premises Licence PL5277

Statement from Dean Cooke - Senior Trading Standards Officer

Please

tick ✓ yes

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

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

NA

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 **2nd July 2014**

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Capacity **Licensing Manager - On behalf of the Licensing Authority**

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Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

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 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 26th day of June 2014 Signed.....

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

On the 8th January 2014, a visit was made to Metro Food & Wine, 193 Farnham Road, Slough, SL1 4XS for a routine Food Standards and General Inspection at the premises. The visit was carried out with Mr Peter Adshead (Senior Trading Standards Officer with Slough Borough Council).

We arrived at the premises at 13:10hrs and carried out a inspection of the business. During the inspection a number of items were found, that contravened consumer protection legislation.

Behind the main counter, five pouches of 'Udta Panchhi' chewing tobacco were found without the correct statutory health warnings on the packaging.

On inspecting the shelving where the spirits and wines were displayed; to the left hand side of the front counter, I noticed that there was something underneath the shelving. Upon closer inspection it became clear that the space was being used to store illegal cigarettes. I found 4 x packs of 200 Marlboro Gold cigarettes (i.e. 40 x packs of 20 cigarette 'sticks') at 13:24hrs. These cigarettes, which bore no English

Dated the 26th day of June 2014 Signed.

CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

health warnings or pictorial labelling, along with the chewing tobacco were seized and sealed in an evidence bag with tamper proof seal number 003397560.

Following this discovery, a Code B notice was issued (at 13:30hrs) and was signed by the person in charge at the time (a Mr Mander Singh).

Mr Adshead also found 8 x bottles of 'Russian Standard Vodka', which bore a UK import label, that we suspected could be counterfeit. 4 x 1 litre bottles were seized in an evidence bag with the seal number 003397673. A further 4 x 70cl bottles were seized and seal in a bag with the seal number 003397559.

At 13:45hrs, I spoke to the owner (Mr Kulwant Singh Gaba) on the telephone, to explain the purpose of our visit and what we had found. Mr Gaba gave his date of birth as 1st January 1974 and his birthplace as Afghanistan.

While we were speaking, Mr Adshead found a further amount of illegal cigarettes under another shelving unit at the back of the store, to the left of the back storage area entrance, where dried pasta was being displayed. There were visible scratch marks on the floor tiles, to indicate that the kick boards had been opened and closed quite frequently.

Items seized from this area include :-

- (i) 6 x packs of 200 Marlboro Gold (i.e. 60 x packs of 20 cigarette sticks).
- (ii) 3 x packs of 200 L&M Blue lable (i.e. 30 packs of 20 cigarette sticks)
- (iii) 2 x packs of 200 L&M "Link Blue Stix" (i.e. 20 packs of 20 cigarette sticks)

All items from this area were seized and sealed in an evidence bag with a tamper proof seal number 003397558.

All seized items were removed from the premises at 14:25hrs and secured in my vehicle at 14:27hrs. All evidence remained in my locked boot until 16:00hrs, when it was taken to the secure store.

Dated the 26th day of June 2014 Signed....

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CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

On returning to the store, the Russian Vodka was examined more closely by Mr Adshead and confirmed to be genuine. These items were stored pending return to the owner at the PACE interview.

A "Seized Property Record" form was issued by Mr Adshead, for this seizure.

On the 22nd January 2014, I visited the secure store at 11:25hrs, to pick up the Russian Vodka for return to Mr Gaba at his PACE interview. Bag numbers 003397673 (4 x 1L bottles) and 003397559 (4 x 70cl bottles) removed from the store, transported back to the Slough offices and secured in a locked evidence cupboard at 11:50hrs pending the interview at 14:00hrs.

At 13:55hrs, bags 003397673 and 003397559 were removed from the locked storage and taken to the PACE interview with Mr Kulwant Singh Gaba. At the end of the interview, the items were returned to Mr Gaba. Mr Gaba signed a declaration that the items had been received and in the condition that they were seized.

All correspondence with Mr Kulwant Singh Gaba is presented as exhibit :
DC/MFW/06.

A number of photographs were taken during the inspection. These photographs are a true representation of what was seen by myself on the 8th January 2014.

A Companies House search on the 30th May 2014, for Metro Food and Wine Slough Limited was carried out. The Companies House company number is 07158676.

Dated the 26th day of June 2014 Signed...