

Date of issue: Monday 7th August, 2017

MEETING:	LICENSING SUB-COMMITTEE Councillors Rasib (Chair), Wright and Davis
DATE AND TIME:	TUESDAY, 15TH AUGUST, 2017 AT 10.00 AM
VENUE:	VENUS SUITE 3, ST MARTINS PLACE, 51 BATH ROAD, SLOUGH, BERKSHIRE, SL1 3UF
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	SHABANA KAUSER 01753 787503

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



ROGER PARKIN
Interim Chief Executive

AGENDA

PART I

<u>AGENDA</u> <u>ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
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Apologies for absence.

CONSTITUTIONAL MATTERS

1. Declarations of Interest

All Members who believe they have a Disclosable Pecuniary or other Pecuniary or non pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 3 paragraphs 3.25 – 3.27 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 3.28 of the Code.

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

The Chair will ask Members to confirm that they do not have a declarable interest.

All Members making a declaration will be required to complete a Declaration of Interests at Meetings form detailing the nature of their interest.

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|----|--|-------|---|
| 2. | Guidance on Predetermination/ Predisposition - To Note | 1 - 2 | - |
| 3. | Minutes of the Last Meeting held on 16 January 2017 | 3 - 4 | - |

LICENSING ACT 2003 ISSUES

This 'Licensing Act 2003' Sub-Committee is convening under the Licensing Act 2003 to hear and decide matters arising under that Act and under the Gambling Act 2005. Such matters may include the sale by retail of alcohol; the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club; the provision of regulated entertainment; and the provision of late night refreshment.

- | | | | |
|----|---|---------|---------|
| 4. | Premises Licence Review - Grover Superstore, 2 Canterbury Avenue, Slough | 5 - 66 | Farnham |
| 5. | Premises Licence Application - Smarts Supermarket, 6 Upton Lea Parade, Slough | 67 - 92 | Elliman |

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Please contact the Democratic Services Officer shown above for further details.

The Council allows the filming, recording and photographing at its meetings that are open to the public. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings. Anyone proposing to film, record or take photographs of a meeting is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.



PREDETERMINATION/PREDISPOSITION - GUIDANCE

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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Licensing Sub-Committee – Meeting held on Monday, 16th January, 2017.

Present:- Councillors Davis (Chair), Sohal and Strutton

Officers Present:- Teresa Clark, Senior Democratic Services Officer, Alison Peters, Legal Representative, Mick Sims, Licensing Manager

PART 1

16. Declarations of Interest

Councillor Sohal declared that he had known Driver (Ref 03-16) by sight, for many years, but had never spoken to him. He would consider the matter with an open mind.

17. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

18. Minutes of the Last Meeting held on 5th December, 2016

Resolved- That the minutes of the last meeting held on 5th December, 2016, be approved as a correct record.

19. Exclusion of the Press and Public

Resolved – That the press and public be excluded from the remainder of the meeting as the items to be considered contained exempt information relating to individuals as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).

20. Private Hire Conduct Hearing- (Ref 03-16)

The Following is a Part 1 summary of the case:

The Licensing Sub-Committee was asked to consider whether Private Hire Driver (Reference 03-16) was a fit and proper person to continue to hold a Private Hire licence in Slough.

The Licensing Manager summarised the background to the case and discussed the relevant Policy and Legislative considerations. He advised Members that the Sub-Committee could only allow an Applicant to hold a Licence if it was satisfied that the applicant was a 'fit and proper' person to do so.

The Sub-Committee was advised that the Driver was the current holder of both a Private Hire Driver and Vehicle Licence, issued by Slough Borough Council. The Driver was convicted of an offence relating to a domestic

Licensing Sub-Committee - 16.01.17

incident and had voluntarily notified the Licensing Team of his conviction. No complaints had ever been received about his conduct as a taxi driver and he had not previously acquired any convictions or cautions. He was not judged by the police to be a danger to the public.

The Driver addressed the Sub-Committee, and presented evidence in mitigation.

The Sub-Committee carefully considered all the evidence at its disposal.

Resolved - That the Private Hire Driver's licence (ref 03-16) be suspended for 2 weeks and that the Driver be issued with a formal warning.

Chair

(Note: The Meeting opened at 10.00 am and closed at 10.40 am)

Licensing Sub Committee 15 th August 2017
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Contains Confidential or Exempt Information	No
Report Title	Premises Licence Review hearing
Premises Details	GROVER SUPERSTORE 2 Canterbury Avenue Slough Berkshire SL2 1EQ Premises Licence Number PL5847
Author(s)	Rachael Rumney Senior Licensing Officer Enforcement and Regulatory Services
Purpose of Report	Regulatory / Review Hearing for Premises Licence

1. SUMMARY

1.1 On **21st June 2017**, Michael Sims, the Licensing Manager on behalf of the Licensing Authority (“the Applicant”), brought a Review of the Premises Licence for GROVER SUPERSTORE, 2 Canterbury Avenue, Slough, SL2 1EQ.

2. RECOMMENDATIONS

2.1 The Sub Committee are asked to determine the Review.

2.2 Where the Sub Committee considers action is appropriate the options available are:

2.2.1 modify the conditions of the Premises Licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

2.2.2 exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);

2.2.3 remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

2.2.4 suspend the licence for a period not exceeding three months;

2.2.5 revoke the licence.

3. PRINCIPLES FOR MAKING DECISIONS

Context

3.1 As quasi-judicial body the Sub Committee is required to consider this matter on its merits and must act reasonably and rationally. The Sub Committee can

only take into account relevant factors and must ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of the relevant facts, or the likelihood or the unlikelihood of some future event, the occurrence of which would be relevant. The Sub Committee must give fair consideration to the contentions of all persons entitled to make representation to them.

- 3.2 The Sub Committee can only consider matters within the report.
- 3.3 Members should note that the Sub Committee is meeting on this occasion solely to perform the role of Licensing Authority. As such Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the Council's related policies and guidance.
- 3.4 Members will be aware of the Council's Code of Conduct which requires them to declare interests. The Code applies to members when considering licensing issues. In addition as a quasi-judicial body, Members are required to avoid both actual bias and the appearance of bias.

Human Rights & Equality Act Duties

- 3.5 In determining the case, the Sub Committee should be aware of and take into account any implications that may arise from the Human Rights Act 1998 and section 149 Equality Act 2010. The legislation makes it unlawful for a public authority to act in a manner which is incompatible with the European Convention of Human Rights.
- 3.6 When determining the case and considering imposition of conditions the Sub Committee must be satisfied that any decision which interferes with the rights of the Applicant or of others, only does so insofar as it is necessary to protect the rights of others and that no alternative decision would be appropriate.
- 3.7 The Sub Committee is specifically referred to the following Convention rights:
 - 3.7.1 Article 6 (the right to a fair trial),
 - 3.7.2 Article 8 (the right to respect for private and family life)
 - 3.7.3 Article 1 of the First Protocol (the protection of property)

4. RELEVANT POLICY AND LEGISLATION CONSIDERATIONS

- 4.1 The procedure to be followed for the Review hearing is attached at **Appendix H**.
- 4.2 The amended guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 was published in April 2017, section 11 and the salient points that the Sub Committee must have regard to for Review Applications are detailed below:

11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems

associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

11.2 *At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.*

11.10 *Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.*

Powers of a licensing authority on the determination of a review

11.16 *The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.*

11.17 *The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.*

11.18 *However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.*

11.19 *Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:*

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- suspend the licence for a period not exceeding three months;*
- revoke the licence.*

11.20 *In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.*

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 *There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:*

- *for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
- *for the sale and distribution of illegal firearms;*
- *for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- *for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;*
- *for prostitution or the sale of unlawful pornography;*
- *by organised groups of paedophiles to groom children;*
- *as the base for the organisation of criminal activity, particularly by gangs;*
- *for the organisation of racist activity or the promotion of racist attacks;*
- *for employing a person who is disqualified from that work by reason of their immigration status in the UK;*
- *for unlawful gambling; and*
- *for the sale or storage of smuggled tobacco and alcohol.*

4.3 The Sub Committee should also consider and make use of the 'Yellow and Red Card' system as directed and recommended by The Department of Culture, Media and Sport (DCMS) and as approved by the Licensing Committee.

5. LICENCE SUMMARY

5.1 Grover Superstore holds a Premises Licence number **PL5847** granted by Slough Borough Council. The Premises Licence Holder is Mr Kuljeet Singh Grover. The named Designated Premises Supervisor (DPS) is Mrs Parmeet Kaur Grover, who holds a Personal Licence (number PA007443) issued by Slough Borough Council.

5.2 The DPS is responsible for the day to day management of the premises.

5.3 The Premises Licence authorises the carrying out of the Relevant Licensable Activities as follows:

J – Supply of alcohol for consumption OFF the premises only

5.4 The times the Licence authorises the Licensable Activities are:

Monday to Sunday - 08.00am to 11.00pm

A copy of the current Premises Licence and Mrs Grover's Personal Licence are attached at **Appendix A**.

6. REASON FOR REFERRAL: REVIEW APPLICATION

6.1 The Applicant asking for the Review is the Council's Licensing Manager on behalf of the Licensing Authority. Any responsible authority may apply for a review of a Premises Licence if it is concerned about licenced activities. Where a Licensing Authority does act as a responsible authority and applies for a review, 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.

6.2 The Applicant points out that in light of the:

- (a) 3 separate seizures of illicit tobacco products in breach of the Tobacco Products (Manufacture, Presentation and Sale) Regulations 2002 (as amended) and the Consumer Protection Act 1987,
- (b) sale of alcohol to an underage person in breach of section 146 of the Licensing Act 2003,
- (c) breach of the mandatory Premises Licence condition on age verification,
- (d) breach of mandatory Premises Licence condition on a CCTV system operating to the satisfaction of the Thames Valley Police and the Licensing Authority

there are no additional conditions that could be imposed on the Premises Licence that would prevent further criminal activities taking place at the licensed premises.

The recommendation by the Applicant is that there is no other alternative than the licensed premises:

- 6.2.1 being issued with a "Red Card;" and
- 6.2.2 for the Premises Licence to be revoked.

The full Review Application and supporting evidence are contained at **Appendices B to G respectively.**

6.3 The Licensing Authority is satisfied that this application for Review meets the appropriate legislative requirements within the Licensing Act 2003 and is therefore a valid application to be considered by the Licensing Sub Committee

6.3 There are various grounds on which a Review Application may be triggered and these are as follows (but not limited to):

- 1 or more sales to minors of alcohol or any other age restricted product
- Reports of anti-social behaviour linked to the premises
- Evidence of proxy sales
- Sales of alcohol outside trading hours
- Other crime and disorder connected to the premises
- Sales of counterfeit or substitute goods
- Offences under the Licensing Act 2003 including breach of conditions

6.4 The grounds for the Review relate to the Licensing Objectives below;

1. The Prevention of Crime and Disorder,
2. Public Safety
3. The Protection of Children from Harm,

- 6.5 The grounds for the Review Application that are fully detailed in the Review Application are summarised as follows;
- 6.5.1 **On 9th September 2014** Trading Standards Officers attended Grover Superstore and seized illicit tobacco products, totalling 2010 x packs of cigarettes and 12 x 50g pouches of hand rolling tobacco.
- 6.5.2 All items seized bore no English Department of Health warnings and no statutory pictorial health warnings; as required by the Tobacco Products (Manufacture, Presentation and Sale) Regulations 2002 (as amended) and the Consumer Protection Act 1987.
- 6.5.3 **On 26th February 2015** Mr Kuljeet Singh Grover and his company Grover Store Limited were each issued with a Simple Caution for possession of the above items.
- 6.5.4 **On 24th September 2015** Trading Standards Officers again attended Grover Superstore and seized a quantity of pouches of chewing tobacco, Cutters Choice hand rolling tobacco, as well as out of date food products.
- 6.5.5 Possession of the above items constituted offences under the Tobacco Products (Manufacture, Presentation and Sale) Regulations 2002 (as amended) and the Consumer Protection Act 1987 (for tobacco issues) and the Food Safety and Hygiene (England) Regulations 2013 (for the out of date food).
- 6.5.6 **On 11th February 2016** Mr Kuljeet Singh Grover and his company Grover Store Limited were each issued with a further Simple Caution for possession of the above items.
- 6.5.7 **On 21st November 2015** Police Officers and Licensing Officers conducted an underage test purchase of operations using a 13year old female volunteer and 15 year old male volunteer.
- 6.5.8 The underage volunteers entered Grover Superstore and the 15 year old male volunteer was able to purchase a bottle of original Lambrini. The sale was made by Mr Kuljeet Singh Grover who did not ask either volunteer for any identification or clarify the age of the volunteers. This is a breach of mandatory conditions 4 and 13 of the Premises Licence which took effect from 1st October 2010.
- 6.5.9 **On 15th May 2017** Slough Borough Council Trading Standards Officers conducted an operation using a tobacco detection dog. The officers attended Grover Superstore with the tobacco detection dog, where again illicit tobacco products were seized.
- 6.5.10 On this occasion officers seized 3 x 50 gram pouches of Golden Virginia hand rolling tobacco, 5 x 50 gram pouches of Amber leaf hand rolling tobacco, 4 packs of 20 L&M cigarettes and one pack of 20 Marlborough Gold cigarettes, 7 packs of 20 Benson and Hedges cigarettes, 7 packs of 20 John Player Gold leaf cigarettes, 7 packs of Marlborough Gold cigarettes and one pack of 20 Pall Mall Blue cigarettes.

6.5.11 None of the tobacco products complied with the Tobacco and Related Products Regulations 2016.

6.5.12 The seizure of the above items is currently subject of legal proceedings

6.5.13 It was noted by Police Officers Cerrig James Shardlow in his statement of 2 December 2015 that during the visit to the licensed premises by Thames Valley Police and a member of the Licensing team to the licensed premise son 21 November 2015 that the CCTV system in the Licensed Premises was displaying an incorrect time which was out by over an hour. It is not satisfactory for the CCTV system to operate in this manner and a breach of mandatory Condition 1 of the Premises Licence.

7 BACKGROUND INFORMATION

7.1 The Premises have been subject to 3 seizures of illicit tobacco products and an underage sale. Despite legal action being taken against Mr Grover and his company criminal activities have continued. The Applicant, the Police and Trading Standards Officers continue to have concerns over the licensed premises and the persistent breach of the mandatory Premises Licence conditions by Mr Grover.

7.2 The Applicant has reviewed the current conditions on the Premises Licence and is of the opinion that due to the persistent nature of the illegal activities and on the basis that in the Applicant's view there are no other conditions or actions that can be imposed or taken on the Premises Licence which will prevent future illegal activities and that the licensed premises should be issued with a Red Card and the Premises Licence revoked.

8 REPRESENTATIONS RECEIVED

8.1 There has been no representations received to the Review Application, however, Trading Standards Officers and the Police Licensing Officer will be in attendance at the hearing.

APPENDICES

Appendix A - Copy of Premises Licence PL5847 [and Personal Licence of Mrs Grover]

Appendix B - Review Application made by Michael Sims - Licensing Manager

Appendix C - Supporting evidence - Statement from Dean Cooke - Senior Trading Standards Officer.

Appendix D - Supporting evidence – Statement from Peter Adshead – Senior Trading Standards Officer and photographs.

Appendix E - Supporting evidence – Statement from Debie Pearmain – Police Licensing Officer

Appendix F - Supporting evidence – Statement from PC 5050 Shardlow

Appendix G - Supporting Evidence – Statement from PC 0031 Adams

Appendix H - Procedure for a Review Hearing

Background papers

- The Licensing Act 2003
- Guidance issued under Section 182 of the Licensing Act 2003 - (Revised June 2014)
- Regulations (cited as the Licensing Act 2003 ([Various]) Orders 2005
- Slough Borough Council Statement of Licensing Policy - December 2014
- DCMS Guidance – Red and Yellow Card System
- LACORS Guidance to Trading Standards as a Responsible Authority: Reviews

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Licensing Act 2003
Premises Licence

PL5847

LOCAL AUTHORITY



Slough Borough Council

Licensing Team
 Landmark Place
 High Street
 Slough
 Berkshire
 SL1 1JL

tel: 01753 875664
 web: www.slough.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Grover Superstore

2 Canterbury Avenue, Slough, Berkshire, SL2 1EQ.

Telephone 01753 577154

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption	OFF the premises only Monday to Sunday	8:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:00am	11:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Kuljeet Singh Grover

2 Canterbury Avenue, Slough, Berkshire, SL2 1EQ.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)



Licensing Act 2003

Premises Licence

PL5847

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Parmeet Kaur GROVER

2 Canterbury Avenue, Slough, Berkshire, SL2 1EQ.
Telephone 01753 579299 or 01753 577154

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA007443

Issued by Slough



Premises Licence

ANNEXES

Annex 1 - Mandatory conditions

AUTHORISATION OF ALCOHOL

The supply or sale of alcohol is prohibited when:

- (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence
- (b) at a times when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence has been suspended

In addition every supply of alcohol must be made or authorised by a person who holds a Personal Licence.

Condition 4, with effect from 1st October 2010

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions consistent with your operating schedule

CCTV

1. A CCTV system has been installed and is working to the satisfaction of Thames Valley Police and the Licensing Authority.
2. Recordings will be maintained for an appropriate period of time to be agreed with the Police and the Licensing Authority).
3. If the CCTV equipment fails, the Police and the Licensing Authority will be informed immediately by telephone and immediate steps will be taken to put the equipment back into working order.
4. A notice will be displayed at the entrance to the premises advising that CCTV is in operation.
5. At least one CCTV camera will be in operation at the front of the premises at all times when the premises is in use.

Proof of age card

6. We have a proof of age policy that has been formulated in discussion with the Police and the Licensing Authority.

Fire Safety

7. Smoke detectors and fire alarms are fitted.
8. Fire doors are fitted.
9. One fire extinguisher is kept on the premises.
10. A first aid box is kept on the premises

THE PREVENTION OF PUBLIC NUISANCE

11. One litter bin is positioned outside the premises
12. Refuse is removed by contract with the Council.



ANNEXES continued ...

THE PROTECTION OF CHILDREN FROM HARM

13. Proof of age I. D. cards will be required from under age persons.
14. A refusals register will be maintained and kept available for inspection at the premises at all times.



Premises Licence Summary

LOCAL AUTHORITY

**Slough Borough Council**

Licensing Team
Landmark Place
High Street
Slough
Berkshire
SL1 1JL

tel: 01753 875664
web: www.slough.gov.uk

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Grover Superstore

2 Canterbury Avenue, Slough, Berkshire, SL2 1EQ.

Telephone 01753 577154

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only	Monday to Sunday	8:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:00am	11:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Kuljeet Singh Grover

2 Canterbury Avenue, Slough, Berkshire, SL2 1EQ.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Parmeet Kaur GROVER



Premises Licence Summary

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

no restriction on access by children



Licensing Act 2003
Personal Licence

PA7443

LOCAL AUTHORITY



Slough Borough Council
Licensing Team
Landmark Place
High Street
Slough
Berkshire
web: www.slough.gov.uk
tel: 01753 875664

Slough Borough Council has granted a Personal Licence to the person named on this licence who is authorised to sell or supply alcohol or to authorise the sale or supply of alcohol in accordance with the Licensing Act 2003.

RELEVANT DATES

Commences: 08 MAY 2009

NAME & ADDRESS OF HOLDER OF PERSONAL LICENCE

Parmeet Kaur GROVER

2 Canterbury Avenue
Slough
Berkshire
SL2 1EQ



ANNEX 1 : RELEVANT CONVICTIONS

Michael Sims
Licensing Manager

The Duties of a Personal Licence Holder

1. Change of Address

If you change address, you must notify the Licensing Section, Slough Borough Council as soon as reasonably practicable. Your licence must be returned with the notification and a new licence will be issued.

Note: Wherever in England and Wales you may now decide to live, your licence will be issued or renewed by Slough Borough Council. Do not send your licence to any other licensing authority even if you are no longer resident in the Slough Borough Council district. Failure to notify a change of address is an offence.

2. Duty to Produce Licence

- a) The Licensing Authority is required to update your personal licence whenever a change is required as a result of a notification from you or a court. The licensing authority may require you to produce your licence within a period of 14 days. Failure to provide your licence to the Licensing Authority is an offence.
- b) You must provide your personal licence for examination by a Constable or an authorised officer of the Licensing Authority whenever you are engaged in the supply or sale of alcohol. Failure to produce the licence for examination is an offence.

3. Theft, loss, etc of personal licence

Where your personal licence has been lost, stolen, damaged or destroyed, you may apply to the licensing authority for a copy of the licence. A fee is payable for this service.

4. Surrender of Licence

If you wish to surrender your personal licence you must return the licence to the Licensing Section, Slough Borough Council together with a signed letter stating that you wish to surrender the licence.

5. Convictions after Grant of Licence

- a) If you appear in court on a charge relating to a relevant offence, you must produce your licence to the court. If you cannot produce your licence, you must notify the court that you are a personal licence holder.
- b) If you are informed that you have been granted a personal licence after your first appearance in court, you must inform the court at the next hearing that you are now a personal licence holder.
- c) Where you have produced your licence to the court, or notified them of its existence, you must also notify the court at your next appearance, if any of the following events have occurred:
 - You have made or withdrawn an application for renewal of your personal licence,
 - You have surrendered your personal licence,
 - Your personal licence has been renewed,
 - Your personal licence has been revoked
- d) If you are convicted of a relevant offence the court may order the forfeiture or suspension of your licence. The court will notify the Licensing Authority.
- e) You are required to notify this Licensing Authority of any convictions for a relevant offence. The notification must provide the nature and date of conviction and the sentence imposed. Your personal licence must be returned with the notification. Failure to make this notification is an offence.

Licensing Team
Landmark Place
High Street
Slough
Berkshire
SL1 1JL

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 John Sims**

(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.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Grover Superstore 2 Canterbury Avenue, Slough, Berkshire, SL2 1EQ	
Post town	Post code (if known)
Slough	SL2 1EQ

Name of premises licence holder or club holding club premises certificate (if known)
Mr Kuljeet Singh Grover

Number of premises licence or club premises certificate (if known)
PL5847

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 John 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)

- 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)

This Review Application is being made under approved delegated powers on behalf of the Licensing Authority.

The grounds for is application being made relate to the licensing objectives of:

- 1) The prevention of crime and disorder,
- 2) Public safety,
- 3) The protection of children from harm.

Mr Kuljeet Singh Grover as the premises licence holder has been responsible for possession of illegal tobacco products on 3 separate occasions as well as the sale of alcohol to a minor i.e. a person under the age of 18 years.

Mr Grover continually undermines and shows complete disregard to the licensing objectives of the Licensing Act 2003.

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

On 22nd November 2006 a Premises Licence, number PL5847 was granted to Mr Kuljeet Singh Grover for premises called Grover Superstore, 2 Canterbury Avenue, Slough, SL2 1EQ. Mr Kuljeet Singh Grover was the premises licence holder and Designated Premises Supervisor (DPS).

On 28th February 2013 an application was made to replace Mr Kuljeet Singh Grover as the DPS with Mrs Parmeet Kaur Grover, Mr Grover's wife.

On 9th September 2014 trading standards officers attended Grover Superstore and seized:

- (i) Illegal cigarettes found in a stack of Heineken beer cans, in the middle of a pallet in the back store area, near the back door.
- (ii) Illegal cigarettes found in the toilet area of the back store area, inside a pallet of Special Brew beer cans, on the floor.
- (iii) A bag containing illegal cigarettes was found by Officer Adshead inside a filling cabinet in the back store area of the premises.
- (iv) Illegal cigarettes were found inside a wooden drinks cabinet, in the outbuilding outside the back of the store.
- (v) Illegal cigarettes were found in a hollowed out space between a large stack of energy drink cans, covered by a large multi-pack of toilet rolls.
- (vi) Illegal hand rolling tobacco packets (50g packs) were found in a plastic bag on a stack of boxes of beer and spirits, behind the doorway between the shop floor and the back store area.

The total amount of items seized are as follows :-

- 210 x packs of 20 cigarettes
- 12 x 50g pouches of hand rolling tobacco

All items seized bore no English Department of Health warnings and no statutory pictorial health warnings; as required by the Tobacco Products (Manufacture, Presentation and Sale) Regulations 2002 (as amended) and the Consumer Protection Act 1987.

On 26th February 2015 Mr Kuljeet Singh Grover and his company Grover Store Limited were each issued with a Simple Caution for possession of the above items.

on 24th September 2015 Trading Standards officers and Licensing officer again attended Grover Superstore and seized the following:

- (I) 1 x bag of 'Udta Panchhi' chewing tobacco, found in a storage cupboard to the right hand side of the room (looking into the room from the doorway). The bag contained 18 x pouches of chewing tobacco without the statutory department of health warning.
- (II) In a wooden cupboard on the left hand side of the room, the dog found a cardboard box containing 4 x 50g pouches of Cutters Choice hand rolling tobacco (bearing non-English and no pictorial health warnings) and 2 x bags of 'Udta Panchhi' chewing tobacco (36 pouches in total) without the statutory health warnings present.
- (III) During the Food Standards Inspection, two sandwiches were found in the chiller cabinet that were past their Use By durability dates. Namely, 1 x 'Cheese and Ham' sandwich (with use by date "22-Sept-15") and a 'Tuna and Sweetcorn' sandwich (also with use by date "22-Sept-15"). In addition, a 255g block of

'Vegetarian Cheddar' was found, with a Best Before date of "23.Aug.15".

Possession of the above items constituted offences under the Tobacco Products (Manufacture, Presentation and Sale) Regulations 2002 (as amended) and the Consumer Protection Act 1987 (for tobacco issues) and the Food Safety and Hygiene (England) Regulations 2013 (for the out of date food).

On 11th February 2016 Mr Kuljeet Singh Grover and his company Grover Store Limited were each issued with a further Simple Caution simple caution for possession of the Above items.

Prior to that, on 21st November 2015 Police officers and Licensing Officers conducted an underage test purchase of operations using 13 ½ year old female and 15 year old male volunteers.

The underage volunteers entered Grover Superstore and the 15 year old male volunteer was able to purchase a bottle of original Lambrini. The sale was made by Mr Kuljeet Singh Grover who did not ask for any identification or clarify the age from the volunteer.

On 15th May 2017 Slough Borough Council Trading Standards officers conducted an operation using a tobacco detection dog.

The officers attended Grover Superstore with the tobacco detection dog. The dog indicated that there may be tobacco products under the front counter. The officers investigated and found an open sweet box containing 3 x 50 gramm pouches of Golden Virginia hand rolling tobacco, 5 x 50 gramm pouches of Amber leaf hand rolling tobacco, 4 packs of 20 L&M cigarettes and one pack of 20 Marlborough Gold cigarettes. Also found was a closed sweet box containing 7 packs of 20 Benson and Hedges cigarettes, 7 packs of 20 John Player Gold leaf cigarettes, 7 packs of Marlborough Gold cigarettes and one pack of 20 Pall mall Blue cigarettes.

None of the tobacco products complied with the Tobacco and Related products Regulations 2016.

The seizure of the above items is currently subject of legal proceedings

The previous history of the premises and that of Mr Grover with regards to seizures of illicit tobacco products and an underage sale of alcohol are the main factors for the Review Application being made. In addition, in making the sale of alcohol to an underage person he has breached the mandatory age verification condition of the premises licence.

The Revised Guidance issued under Section 182 of the Licensing Act 2003 under – "Reviews arising in connection with crime and disorder", at points 27 and 28 state the following:

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- **for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;**
- for prostitution or the sale of unlawful pornography;

- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- **for the sale or storage of smuggled tobacco and alcohol.**

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

It is a major concern that Mr Grover is currently subject to yet a third seizure of illicit tobacco products currently being dealt with by Trading Standards, having already received 2 Simple Cautions.

Having reviewed the premises licence I do not believe that there are any conditions that could be imposed on the premises licence that would prevent further criminal activities taking place at the premises or by Mr Grover.

The Committee should have regard to the Section 182 Secretary of State's Guidance in particular at point 11.28 detailed above, as well as the Council approved 'Yellow and Red Card Scheme'

My recommendation is therefore that the premises should be issued with a RED CARD and the premises licence to be revoked.

Supporting Information:

Copy of Premises Licence PL5847
Statement from Dean Cooke – Senior Trading Standards Officer
Statement from Peter Adshead – Senior Trading Standards officer.
(Photographs)
Statement from Debie Pearmain – Police Licensing Officer
Statement from PC 5050 Shardlow
Statement from PC 0031 Adams

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

None

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 21/6/2017

.....

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

.....

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.

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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 9th day of June 2017 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 9th September 2014, a visit was made to Grovers Supermarket, 2 Canterbury Avenue, Slough, SL2 1EQ, in response to intelligence received about the sale of illegal tobacco products from this premises.

On the day of the visit, Slough Trading Standards had the additional facility of having tobacco detection dogs; provided by a company called Wagtail Limited. Also present at the time of the visit was Mr Peter Adshead (Senior Trading Standards Officer with Slough Borough Council), Mr Andrew Clooney (Trading Standards Manager) and Ms Tara O'Keefe (Slough Borough Council Licensing Officer).

We arrived at the premises at 13:45hrs and spoke to the owners wife, to explain the nature of our visit. An inspection of the premises commenced; during which the tobacco detection dog found four separate areas where illegal tobacco products were being hidden in the premises.

The owner of the business, Mr Kuljeet Singh Grover, arrived at the store. His home address was given as

Dated the 9th day of June 2017 Signed.....

CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

A full inspection of the back storage area and an outbuilding outside the back of the store, which was also being used for storage of stock, revealed various different hiding places for illegal cigarettes and tobacco products.

A total of 210 x packs of 20 cigarettes and 12 x 50g pouches of hand rolling tobacco were found, bearing either non-English or non-statutory health warnings. All items were seized, removed and secured in a locked evidence store at 14:55hrs on the 9th September 2014

Mr Grover attended a PACE recorded interview on the 16th October 2014..

On the 26th February 2015, Mr Kuljeet Singh Grover and his company Grover Store Limited were each issued with a Simple Caution for these criminal offences.

All evidence was also signed over to Slough Trading Standards for destruction.

On the 24th September 2015, a further visit was made to Grovers Supermarket, 2 Canterbury Avenue, Slough, SL2 1EQ; as a follow up to the previous visit and seizure. This inspection was also carried out with the assistance of tobacco detection dogs.

Officers at the time of this visit were Ms Lina Johnson (Senior Trading Standards Officer with Slough Borough Council), Mr Andrew Clooney (Trading Standards Manager) and Ms Tara O'Keefe (Slough Borough Council Licensing Officer).

We arrived at the premises at 16:02hrs and spoke to the owner Mr Kuljeet Singh Grover, to explain the nature of our visit.

An inspection of the premises commenced; during which the tobacco detection dog found two separate areas where illegal tobacco products were being hidden in the premises, in the outhouse at the back of the premises.

The following items were found in the outbuilding :-

Dated the 9th day of June 2017 Signed.....

CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

- 54 x pouches of chewing tobacco, bearing non-statutory health warnings.
- 4 x 50g pouches of hand rolling tobacco bearing non-English health warnings

In addition, 2 x out of date sandwiches (2 days past their Use By date) were found in the chiller cabinets on the shop floor.

Or items were either seized (with the tobacco) or sampled (the out of date food), removed from the store All seized and sampled items were removed from the premises at 16:55hrs and secured in my vehicle.

This evidence was transported to the secured evicence store by myself and Officer Johnson. The sampled food evidence was returned to the Slough Borough Council offices at The Centre, Farnham Road, SL1 4UT; where it was secured in a locked evidence freezer at 17:30hrs.

Mr Grover attended a PACE recorded interview on the 19th November 2015.

On the 11th February 2016, Mr Kuljeet Singh Grover and his company Grover Store Limited were each issued with a further Simple Caution for these criminal offences.

All evidence was also signed over to Slough Trading Standards for destruction.

On the 15th March 2017, another visit was made to Grovers Supermarket, 2 Canterbury Avenue, Slough, SL2 1EQ; with the assistance of tobacco dogs.

My colleague, Mr Peter Adshead Senior Trading Standards Officer, was the lead officer in this instance.

I arrived the premises at approximately 12:15hrs and met with Mr Kuljeet Singh Grover and a member of staff called Mr Jasbeer Singh.

Dated the 9th day of June 2017 Signed.....

CONTINUATION OF STATEMENT OF: DEAN ANTHONY COOKE

A further seizure was made by Mr Adshead, after the tobacco detection dog found the following behind the front counter :-

- 27 x packs of 20 cigarettes bearing non-English or non-statutory health warnings.
- 8 x 50g pouches of hand rolling tobacco, bearing non-English health warnings.

All items were seized by Officer Adshead and removed from the store and secured in his vehicle at approximately 13:00hrs, for transportation to secure storage.

Mr Grover attended a PACE recorded interview on the 11th May 2017.

This legal case is currently ongoing.

Dated the 9th day of June 2017 Signed.....

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF: Peter Adshead

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

OCCUPATION: Senior Trading Standards Officer

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 31st day of May 2017 Signed.....

Slough Borough Council employs me as a Senior Trading Standards Officer and as such I am authorised under the Consumer Protection Act 1987 and therefore the Tobacco and Related Products Regulations 2016.

On the 15th May 2017, I took part in an operation using a tobacco detection dog. I was working with Jaspal Singh, a Senior Enforcement Officer and Dean Cooke, a Senior Trading Standards Officer both of Slough Borough Council and similarly authorised.

One of the premises visited was Grover Superstore of 2 Canterbury Avenue, Slough SL2 1EQ. Previous intelligence indicated that the shop was selling illegal tobacco products. I arrived at about 12:10. Jaspal Singh had explained why we were visiting and issued a notice of powers and rights to the occupier. He gave his name as Jasbeer Singh and his position as cashier. The shop was closed while the tobacco detection dog was used.

The dog indicated that there may be tobacco products under the front counter. On investigation I found 1 open sweet box containing 3 x 50 gramme pouches of Golden Virginia hand rolling tobacco, 5 x 50 gramme pouches of Amber Leaf hand rolling tobacco, 4 packs of 20 L&M cigarettes and 1 pack of 20 Marlboro Gold cigarettes. Also found was a closed sweet box containing 7 packs of 20 Benson and Hedges

Dated the 31st day of May 2017 Signed.....

CONTINUATION OF STATEMENT OF: Peter Adshead

cigarettes, 7 packs of 20 John Player Gold Leaf cigarettes, 7 packs of 20 Marlboro Gold cigarettes and 1 pack of 20 Pall Mall Blue cigarettes.

None of the tobacco products complied with the Tobacco and Related Products Regulations 2016. As a result I seized and detained the products. The open box was bagged and sealed with seal number 003397963 and the closed box was bagged and sealed with seal number 003397962. I gave Jasbeer Singh a seized property record numbered 0297. The seized items were placed in the Trading Standards secure store.

On the 19th May 2017 I removed the 2 evidence bags and opened them to further examine the products. They were re-bagged and sealed; the open box with seal number 003397229 and the closed box with seal number 003397454. They were duly returned to the secure facility.

On the 24th May 2017, they were again removed from the secure store and each item was photographed. They were again re-sealed with the open box being given seal number 003397693 and the closed box with seal number 003397694. They were then returned to the secure facility.

I now produce as evidence copies of the following photographs each marked with the listed reference: -

- 1) Front view of 4 x L&M and 1 x Marlboro Gold cigarette packets – PAD/GS/01
- 2) Rear view of L&M and Marlboro Gold cigarette packets – PAD/GS/02
- 3) Front view of 5 x pouches Amber Leaf hand rolling tobacco – PAD/GS/03
- 4) Rear view of 5 x pouches Amber Leaf hand rolling tobacco – PAD/GS/04
- 5) Front view of 3 x pouches of Golden Virginia hand rolling tobacco – PAD/GS/05
- 6) Rear view of 3 x pouches of Golden Virginia hand rolling tobacco – PAD/GS/06
- 7) Front view of 7 x Marlboro Gold cigarette packs – PAD/GS/07
- 8) Rear view of 7 x Marlboro Gold cigarette packs – PAD/GS/08

Dated the 31st day of May 2017 Signed.....

CONTINUATION OF STATEMENT OF: Peter Adshead

- 9) Front view of 1 x Pall Mall cigarette pack – PAD/GS/09
- 10) Rear view of 1 x Pall Mall cigarette pack – PAD/GS/10
- 11) Front view of 7 x John Player Gold Leaf cigarette packs – PAD/GS/11
- 12) Rear view of 7 x John Player Gold Leaf cigarette packs – PAD/GS/12
- 13) Front view of 7 x Benson and Hedges cigarette packs – PAD/GS/13
- 14) Rear view of 7 x Benson and Hedges cigarette packs – PAD/GS/14
- 15) 3 photographs of the closed sweet box – PAD/GS/15, 16 & 17.
- 16) 1 photograph of the open sweet box – PAD/GS/18

Dated the 31st day of May 2017 Signed.....y.....

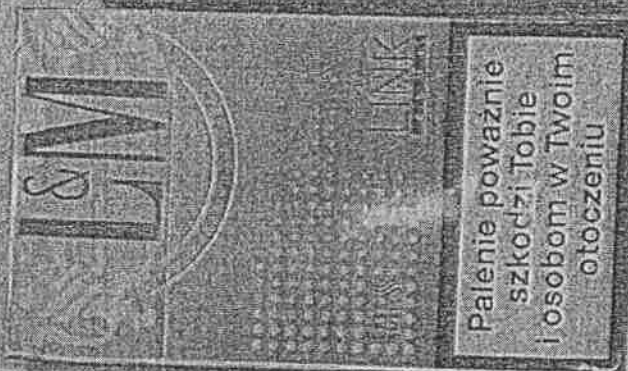
Page 3 of 3

Slough Borough Council
Trading Standards
St Martins Place
Bath Road
Slough
SL1 3QF

Date 31/5/17

Exhibit No P0015101

Signed: _____



Slough Borough Council
Trading Standards
St Martins Place
Bath Road
Slough
SL1 3QF

Date 31/5/17

Exhibit No P70/CS/02

Signed: _____

Dzwoniac
pod nr telefonu
08001108108,
uzyskasz pomoc
w rzuceniu palenia

Dym tytoniowy
zawiera benzen,
nitrozoaminy,
formaldehyd
i cyjanowodór

Palenie tytoniu
przyspiesza
starzenie się
skóry

Zaprzestanie
palenia zmniejsza
ryzyko groźnych
chorób serca i płuc

Palenie tytoniu
może uszkodzić
nasienie i zmniejszać
płodność

Slough Borough Council
Trading Standards
St Martins Place
Bath Road
Slough
SL1 3QF

Date 31/5/17

Exhibit No. P01/15/03

Signed: _____

Stop nu – blijf leven voor je
familie en vrienden
Arrêtez de fumer, restez en vie
pour vos proches
Das Rauchen aufgeben – für
Ihre Lieben weiterleben

0800 111 000

50g e

AMBER LEAF

Roken vermindert de
vruchtbaarheid
Fumer diminue la fertilité
Rauchen mindert Ihre
Fruchtbarkeit

0800 111 000

50g e

AMBER LEAF

Roken veroorzaakt 9 van de 10
gevallen van longkanker
Fumer provoque 9 cancers du
poumon sur 10
Rauchen verursacht 9 von 10
Lungenkarzinomen

0800 111 000

50g e

AMBER LEAF

Roken vergroot de kans op
blindheid
Fumer augmente le risque de
devenir aveugle
Rauchen erhöht das Risiko zu
erblinden

0800 111 000

50g e

AMBER LEAF

Roken vergroot de kans op
impotentie
Fumer augmente le risque
d'impuissance
Rauchen bedroht Ihre Potenz

0800 111 000

50g e

AMBER LEAF

Slough Borough Council
 Trading Standards
 St Martins Place
 Bath Road
 Slough
 SL1 3QF

Date 31/5/17
 Exhibit No PP/53/04

Signed: _____

Das Rauchen aufgeben – für Ihre Lieben weiterleben

☎ 0800 111 00

tabacco.be
 info@tabacco.be



5 010175 57884



vruchtbaarheid
Fumer diminue la fertilité
Rauchen mindert Ihre Fruchtbarkeit

☎ 0800 111 00

tabacco.be
 info@tabacco.be



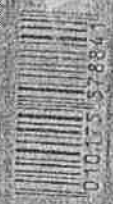
5 010175 57884



gevalen van longkanker
Fumer provoque 9 cancers du poulmon sur 10
Rauchen verursacht 9 von 10 Lungenkarzinomen

☎ 0800 111 00

tabacco.be
 info@tabacco.be



5 010175 57884



blindheid
Fumer augmente le risque de devenir aveugle
Rauchen erhöht das Risiko zu erblinden

☎ 0800 111 00

tabacco.be
 info@tabacco.be



5 010175 57884



impotentie
Fumer augmente le risque d'impuissance
Rauchen bedroht Ihre Potenz

☎ 0800 111 00

tabacco.be
 info@tabacco.be



5 010175 57884



Slough Borough Council
Trading Standards
St Martins Place
Bath Road
Slough
SL1 3QF

Date: 31/5/17
Exhibit No: P90/ES/05

Signed: _____

OPERACJA PŁUCA

**Palenie powoduje
90% przypadków
raka płuca**

Dowiedz się jak rzucić palenie:
801 108 108 www.jakrzucipalenie.pl

GOLDEN VIRGINIA

**Palenie
zmniejsza
płodność**

Dowiedz się jak rzucić palenie:
801 108 108 www.jakrzucipalenie.pl

GOLDEN VIRGINIA

**Palenie
zwiększa ryzyko
utrąty wzroku**

Dowiedz się jak rzucić palenie:
801 108 108 www.jakrzucipalenie.pl

GOLDEN VIRGINIA

Slough Borough Council

Date

31/5/17

Trading Standards

St Martins Place

Bath Road

Slough

SL1 3QF

Exhibit No

PA2/65/01

Signed:

Operacja Pluca
Palenie powoduje
...orzyppadkow

Dowiedz się jak rzucić palenie
801 108 108 www.jakrzucicpalenie.pl

Palenie
zmniejsza
płodność

Dowiedz się jak rzucić palenie
801 108 108 www.jakrzucicpalenie.pl

Palenie
zwiększa ryzyko
utrąty wzroku

Dowiedz się jak rzucić palenie
801 108 108 www.jakrzucicpalenie.pl

Slough Borough Council
 Trading Standards
 St Martins Place
 Bath Road
 Slough
 SL1 3QF

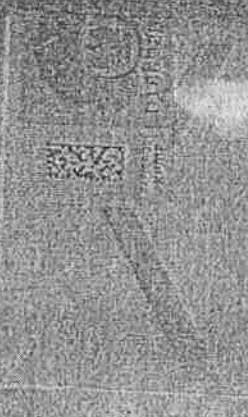
Date: 31/5/12
 Exhibit No: 107/5/12
 Signed: _____

Dzwoniąc pod nr telefonu 0801108108, uzyskasz pomoc w rzuceniu palenia

Dym tytoniowy zawiera benzen, nitrozoaminy, formaldehyd i cyjanowodor

Palenie tytoniu może spowodować powolną i bolesną śmierć

Palenie tytoniu przyspiesza starzenie się skóry



Palenie tytoniu może uszkodzić nasienie i zmniejszać płodność



Zaprzestanie palenia zmniejsza ryzyko groźnych chorób serca i płuc



Palenie tytoniu może zmniejszyć przepływ krwi i powodować

Slough Borough Council
 Trading Standards Date 31/5/17
 St Martins Place Exhibit No PA0/EX08
 Bath Road
 Slough
 SL1 3QF
 Signed: _____

**Palenie
zabija**

**Palenie
zabija**

**Palenie powaznie
szkodzi Tobie
i osobom w Twolm
otoczeniu**

**Palenie
zabija**

**Palenie powaznie
szkodzi Tobie
i osobom w Twolm
otoczeniu**

**Palenie
zabija**

**Palenie powaznie
szkodzi Tobie
i osobom w Twolm
otoczeniu**

Slough Borough Council
Trading Standards
SI, Martins Place
Bath Road
Slough
SL1 3QF

Date 31/5/17

Exhibit No. P20/15/109

Signed: _____

PALMALL

THE SMOKE FILTER

LOW SMOKE SMELL 

**Курі́ння
Бомбає**

Slough Borough Council
Trading Standards
St Martins Place
Bath Road
Slough
SL1 3QF

Date 31/5/17

Exhibit No P99/GS/10

Signed: _____



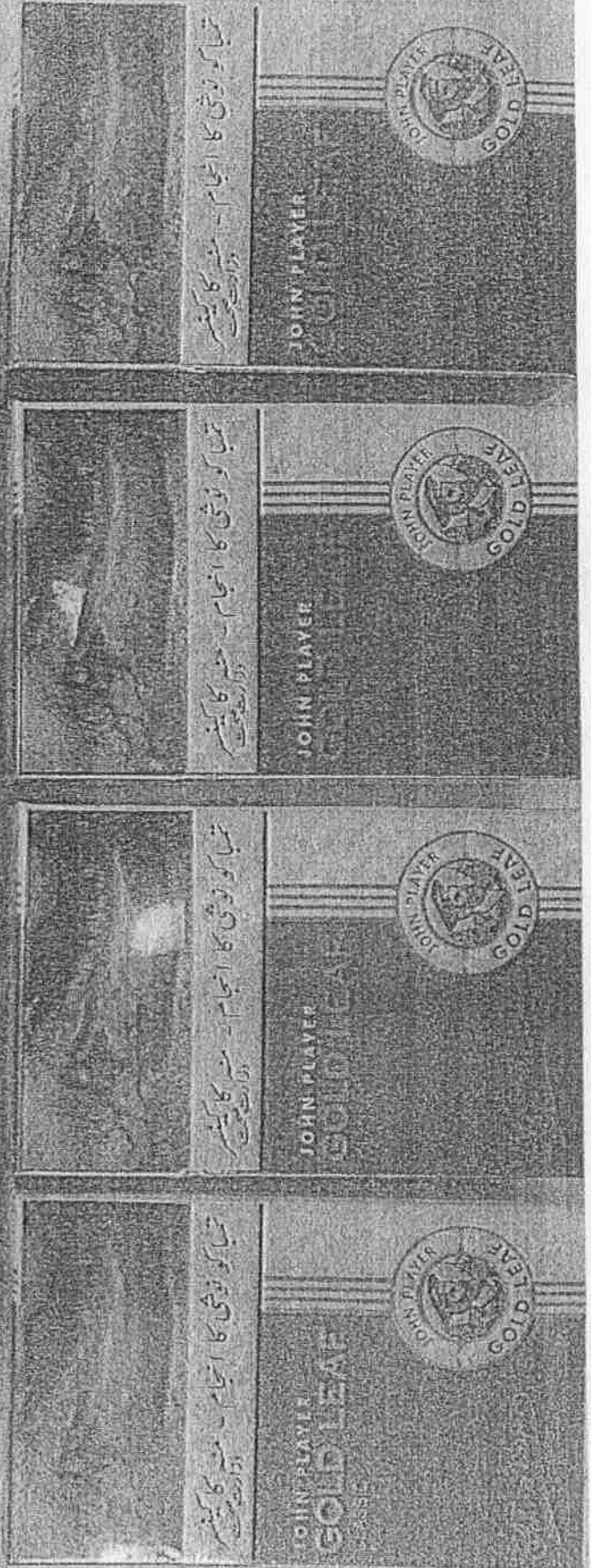
WORLDWIDE QUALITY,
ENJOYED IN MORE THAN 100 COUNTRIES



Куріння викликає
рак легенів

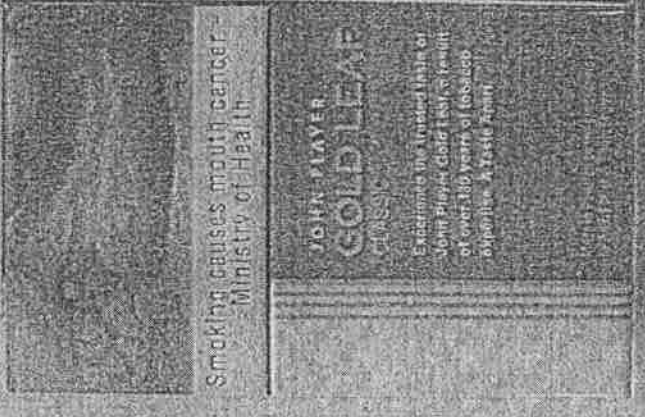
Slough Borough Council
Trading Standards
St Martins Place
Bath Road
Slough
SL1 3QF

Date: 31/5/17
Exhibit No: 100/55/11
Signed: _____



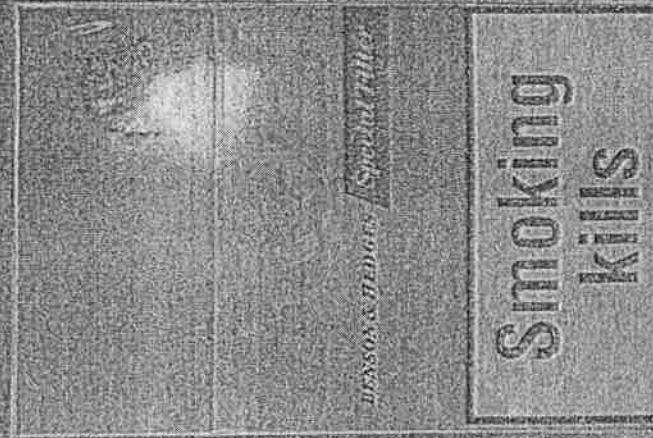
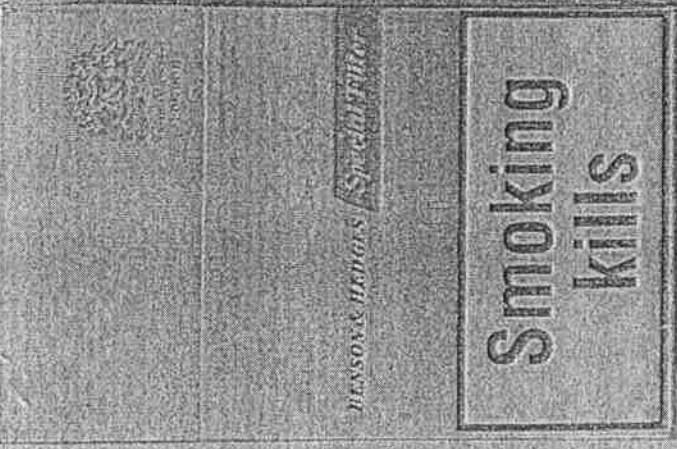
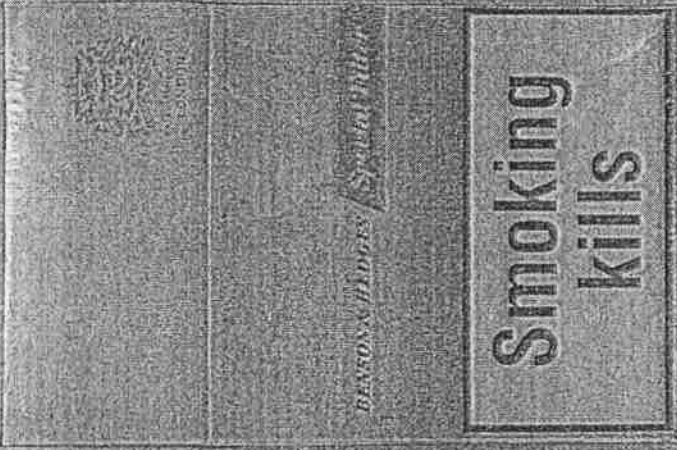
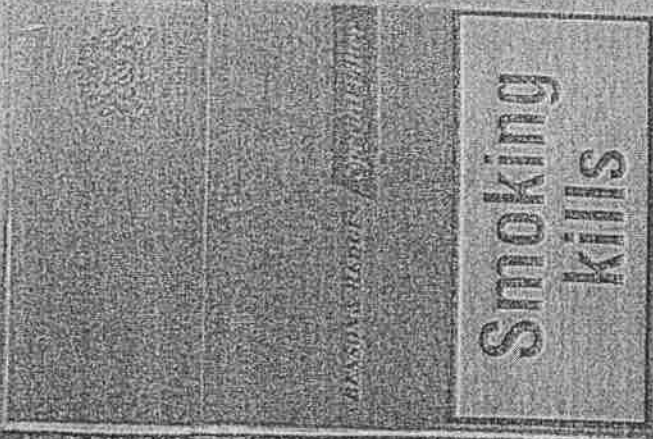
Slough Borough Council
Trading Standards
St Martins Place
Bath Road
Slough
SL1 3QF

Date: 31/5/17
Exhibit No: 100/65/12
Signed: _____



Slough Borough Council
Trading Standards
St Martins Place
Bath Road
Slough
SL1 3QF

Date 31/5/17
Exhibit No PA/65/13
Signed: _____

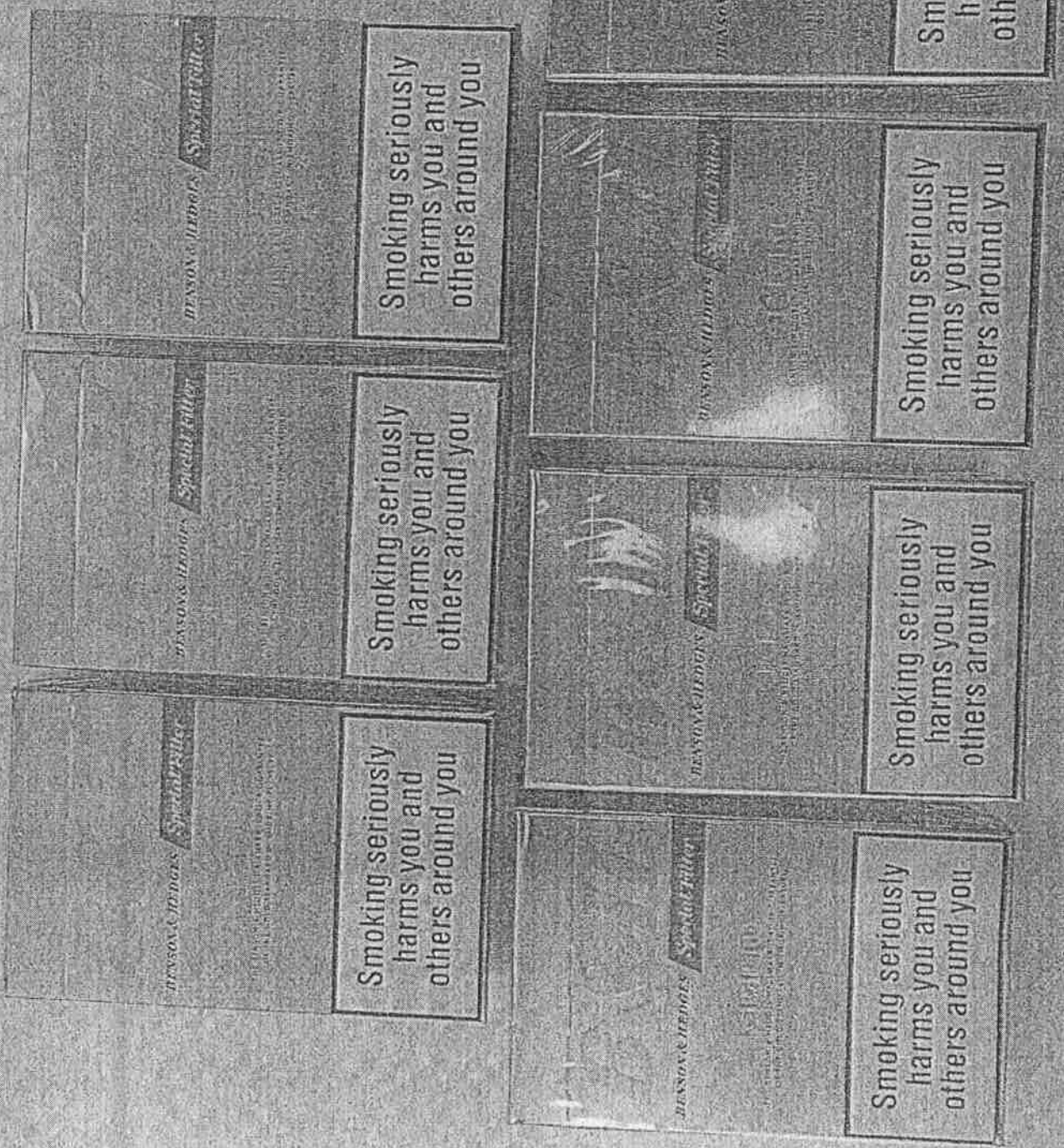


Slough Borough Council
Trading Standards
St Martins Place
Bath Road
Slough
SL1 3DF

Date 31/5/17

Exhibit No. P90/55/4

Signed: _____





WHITE CHOCOLATE

28 x 100g e packs

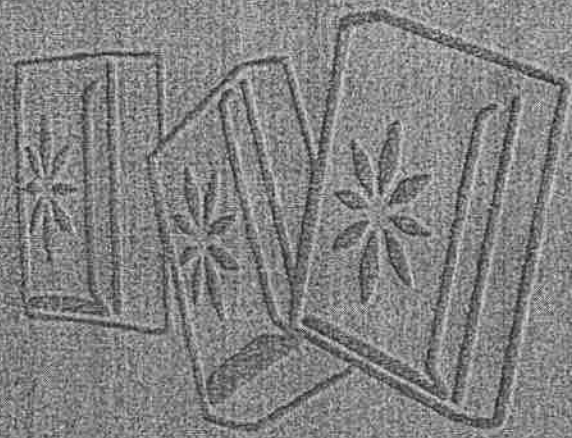


Slough Borough Council
Trading Standards
St Martins Place
Bath Road
Slough
SL1 3QF

Date: 31/5/17
Exhibit No: P20/55/15
Signed: _____

Price
marked
60p

Price
marked
60p



**WHITE
CHOCOLATE**
28 x 100g e packs

Slough Borough Council
 Trading Standards
 St Martins Place
 Bath Road
 Slough
 SL1 3OF

Date 31/5/17
 Exhibit No. P29/55/16
 Signed: _____

EUROPEAN FOODS

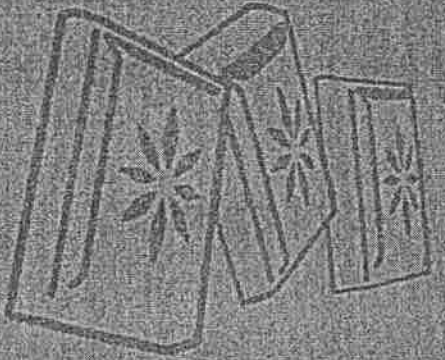
EUROPEAN
FOODS



WHITE CHOCOLATE

28 x 100g e packs

...ing me seriously
...art - you and
...eers around you



Special filter

in carefully

Price
marked
60p

Price
marked
60p

Slough Borough Council
Trading Standards
St. Martins Place
Bath Road
Slough
SL1 3QF

Date 31/5/17

Exhibit No. P20/55/17

Signed: _____



Slough Borough Council
Trading Standards
St Martins Place
Bath Road
Slough
SL1 3QF

Date 31/5/17
Exhibit No 100/ES/18
Signed: _____

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Witness Statement

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

URN: [] [] [] []

Statement of: Debie Pearmain

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

Occupation: Police Licensing Officer

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:

Date: 1st December 2015

I am the above named person and I am employed by Thames Valley Police as the Civilian Police Licensing Officer for the Royal Borough of Windsor & Maidenhead and Slough area. I am based at Windsor Police Station and part of my role is organising and working on licensing operations and enforcement of the Licensing Act 2003. On Saturday 21st November 2015, I was part of a joint test purchase operation with Slough Borough Council Licensing Officer, Tola Idowu, PC 5050 Shardlow, PC 6643 Wildridge, PC 0031 Adams and one 13 and a half year old female volunteer and one 15 year old male volunteer. PC 5050 Shardlow and PC 6643 Wildridge were both in plain clothes during the operation. PC 0031 Adams was in full uniform. The volunteers were given a briefing which was to try and purchase alcohol from each licensed premises that we attended. At 7.25pm the two volunteers entered Grover Superstore, 2 Canterbury Avenue, Slough, SL2 1EQ. The 15 year old male volunteer was sold a bottle of original Lambrini by a male I know to be Mr Kuljeet Singh Grover. No age or Identification was requested by Mr Kuljeet Singh Grover. Mr Kuljeet Singh Grover is the Premises Licence Holder. The Designated Premises Supervisor was not on site. At 7.30pm PC Adams cautioned Mr Kuljeet Singh Grover for the sale of alcohol under Section 146 (1) of the Licensing Act 2002. Mr Kuljeet Singh Grover stated that he thought he was 18. It was also noted that the CCTV timing was incorrect and was out by 1 hour and 10 minutes. During the operation we attended 9 premises with three premises selling alcohol to the two under- age volunteers, this premises being one of the three. The Protection of Children from harm licensing objective had clearly been undermined. D.P

Signature:

Signature Witnessed by:

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Witness Statement

Criminal Procedure Rules, r 27.1 & 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5A & 5B

URN:

[Empty boxes for URN]

Statement of: **Cerrig James SHARDLOW**

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

Occupation: **Police Constable 5050**

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:

Date: **02/12/2015**

I am the above named Police Constable employed by Thames Valley Police at Slough Police Station Windsor Road Slough Berkshire SL12HH. This statement relates to witnessing a sale of alcohol to underage volunteers whilst conducting a test purchasing operation.

On Saturday 21st November 2015 I was on duty in plain clothes crewed with PC6643 WILDRIDGE as part of a test purchase operation working in conjunction with the Thames Valley Police licensing officer, a representative from Slough Borough Council, and two volunteers one male who was 15 years of age, and a female who is 13 years of age.

At approximately 19:25hrs I entered Grover Superstore, 2 Canterbury Avenue, Slough, SL2 1EQ, and positioned myself within full view of the checkout area, and had a clear unobstructed view of the counter and the staff behind the counter. I can confirm that there was an Asian male behind the counter serving customers. A short period of time after id entered the store the two volunteers entered the store, where they selected a bottle of Lambrini, before then approaching the checkout where they placed the item onto the counter.

I can confirm that the male stood behind the counter who I now know to be Mr Kuljeet Singh Grover, didn't engage in any conversation with the volunteers, and entered the sale through the cash register, failing to ask for any identification, or clarifying their ages, and failing to make any challenges. The volunteers then left the premises with the bottle they had purchased. I remained within the store, and approximately 2 minutes I was then joined by the Licensing Officer, the Slough Borough Council representative, and PC 31 ADAMS. In my presence and hearing I heard the licensing officer inform Mr GROVER that he had made an underage sale, and then heard PC 31 ADAMS caution Mr GROVER for the offence.

I can also confirm that Mr GROVER was informed that their CCTV system was displaying the incorrect time, which was out by over an hour. I can confirm that I left the premises alongside the other officers and representatives. The entire check lasted approximately 10 minutes in total, the distance between where I was stood and the checkout was approximately 3-4 metres in total, and I had a clear unobstructed view. Mr GROVER is not known to me in any way, and I have not had any previous dealings with him.

I am willing to attend court and provide evidence should I be required to do so.

Signature:

Signature Witnessed by: **N/A**

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Witness Statement

Page 1 of 1

Criminal Procedure Rules, r 27.1 & 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5A & 5B

URN:

--	--	--	--

Statement of: **PC0031 ADAMS.**Age if under 18 (if over insert "over 18"): **Over 18**Occupation: **Police constable. 0031.**

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: _____

Date: **07/12/2015**

I am Police constable 31 ADAMS of Thames Valley Police and I am currently stationed at Langley Police Station as Part of the Neighbourhood team.

On Saturday the 21st of November 2015 I was on duty in full uniform and I was crewed with PC5050 SHARDLOW, PC6643 WILDRIDGE, Thames valley Police Licensing officer Debie PEARMAN, Mr Tola IDOWU who is the licensing officer from Slough Borough Council and two volunteers who were 13 ½ and 15 years old.

On the above date we carried out a joint test purchase operation in Slough, PC SHADLOW and PC WILDRIDGE were in plain clothes during the operation.

During the operation the volunteers were given a brief which was to try and purchase alcohol from each location that we attended.

At 19.25 hours we attended GROVER SUPER STORE, 2 CANTERBURY AVENUE, SLOUGH. Our two volunteers entered the store first and were sold a bottle of original Lambrini by member of staff who was behind the counter.

After the purchase of alcohol by our volunteers they exited the store and stated that they were not asked for any for their age or for any identification.

Acting on the information received from our volunteers myself and all the officers/staff on the operation then entered the store.

At 19.30 hours I cautioned the male in the store who served our volunteers under section 146 (1) of the licensing act using the now caution, he was the only person stood behind the counter.

Debie PEARMAN then explained and spoke to the male who she knew as a Mr Kuljeet Singh GROVER who served our volunteers that we were on a test purchase operation and that he had served two juveniles. Whilst we were in the store Mr IDOWU noticed that the time on the stores CCTV System was out by 1 hour and 10 mins.

After Debie and Mr IDOWU finished speaking to the female we left the store and moved on to the next location.

Signature: _____

Signature Witnessed by: **N/A**

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APPENDIX H

PROCEDURE FOR LICENSING SUB-COMMITTEE

1. The Chairman will open the meeting and introduce those present, including members of the Committee, and ensure that all parties are informed of the procedure to be followed.
2. The Committee will consider any request made by a party for permission for a person other than his representation as stated in his notice that he intends to attend or be represented at the hearing.
3. The Licensing Officer will introduce the report and outline the application.
4. The police, responsible authorities and interested parties if represented at the Committee may present relevant facts.
5. The Chairman will invite questions from the
 - Applicant or representative
 - Committee
6. The applicant or representative will present his case and call any other persons invited to appear to make representations.
7. The Chairman will invite questions from
 - The police, responsible authorities and interested parties
 - The Committee
8. The police, responsible authorities and interested parties will make any closing remarks to the Committee if they so wish.
9. The applicant or representative will make any closing remarks to the Committee if he so wishes.
10. The Committee may then decide the matter in private in which case all persons other than the legal adviser and Committee Clerk will then withdraw from the meeting.
11. The parties will be recalled and the Chairman will announce the Committee's decision and the reasons for reaching that decision.

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LICENSING SUB-COMMITTEE

15TH AUGUST 2017

LICENSING ACT 2003

Application for:	Grant of a new Premises Licence
Premises:	SMARTS SUPERMARKET, 6 Upton Lea Parade, Slough, SL2 5JU
Applicant:	Dilpreet Singh Arora
Reason for Referral:	Representations made

1. CURRENT POSITION

- 1.1 An application for a new Premises Licence has been made by Mr Dilpreet Singh Arora, for Smarts Supermarket, 6 Upton Lea Parade, Slough, SL2 5JU. 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:

**Supply of Alcohol for consumption OFF the premises only: –
Monday to Sunday: 08:00 – 23:00**

2. BACKGROUND INFORMATION

- 2.1 The application is for the grant of a new premises licence.

3. REPRESENTATIONS RECEIVED

- 3.1 One formal representation to the application has been received from the following:
 - Other Persons
- 3.2 Any person may make representations in relation to applications for the grant of a Premises Licence, so long as such representations relate to one or more of the licensing objectives and are not deemed to be frivolous or vexatious.
- 3.3 The representation details concerns under the Licensing Objectives as follows:
 - **The Prevention of Public Nuisance**

The area suffers from anti-social behaviour with groups congregating in the area consuming alcohol, resulting in urinating in the street and an accumulation of litter and that another off-licence in the area would only contribute to the problem.

- **The Protection of Children from Harm**

There is school near to the area.

The full representation is attached as **Appendix B**.

- 3.3 There have not been any representations made from any of the Responsible Authorities including the Police and Neighbourhood Enforcement Team or from any other persons.

4. RELEVANT GUIDANCE

- 4.1 The Sub-Committee must have regard to the amended Secretary of States guidance issued in April 2017 under Section 182 of the Licensing Act 2003 and in particular Chapters 9 (Determining applications) and 10 (Conditions attached to Premises Licences). Particular regard should be had to paragraphs 9.31 – 9.41 (Hearings) and 9.42 – 9.45 (Determining actions that are appropriate for the promotion of the licensing objectives).
- 4.2 The Sub-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 SUB-COMMITTEE

- 5.1 Following the hearing, having had regard to the representations made by the parties, the Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:
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 the mandatory conditions and conditions consistent with the applicant's operating schedule, but modified to the extent the committee consider appropriate for the promotion of the licensing objectives. (Conditions are modified if any of them is altered or omitted or any new condition is added. Conditions must be reasonable, proportionate and appropriate in order to meet one or more of the licensing objectives).
 3. Exclude from the scope of the licence any of the licensable activities to which the application relates (for example excluding the sale of alcohol beyond a specified time).
 4. Refuse to specify a person in the licence as the Designated Premises Supervisor.
 5. Refuse the application.

APPENDICES

Appendix 'A' – Copy of Premise Licence application.

Appendix 'B' – Copy of representation.

Background papers

- The Licensing Act 2003
- Guidance issued under Section 182 of the Licensing Act 2003 (April 2017)
- Regulations (cited as the Licensing Act 2003 ([Various]) Orders 2005
- Slough Borough Council Statement of Licensing Policy – January 2014

Contact Officer

Michael Sims
Licensing Manager
Consumer Protection & Business Compliance Services
01753 477338

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APPENDIX A



Application for a premises licence to be granted
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/We **MR DILPREET SINGH ARORA**

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description SMARTS SUPERMARKET 6 UPTON LEA PARADE WEXHAM ROAD			
Post town	SLOUGH	Postcode	SL2 5JU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 11,500.00

Part 2 - Applicant details

- | | |
|---|---|
| Please state whether you are applying for a premises licence as | Please tick as appropriate |
| a) an individual or individuals * | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| f) a health service body | <input type="checkbox"/> please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname ARORA			First names DILPREET SINGH		
Date of birth		I am 18 years old or over		<input checked="" type="checkbox"/>	Please tick yes
Nationality BRITISH					
Current residential address if different from premises address					
Post town	SOUTHALL			Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Current residential address if different from premises address					
Post town				Postcode	

Daytime contact telephone number	
E-mail address (optional)	

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
□	□	□
□	□	□

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
□	□	□
□	□	□

Please give a general description of the premises (please read guidance note 1)

OFF LICENCE AND CONVENIENCE STORE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	23:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name DILPREET SINGH ARORA	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known) EALING COUNCIL	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

Empty space for highlighting adult entertainment or services.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	23:00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p>
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	23:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

1. Strict implementation of challenge 25 policy
2. CCTV to be installed and 31 days recording system
3. All staff to be trained in responsible alcohol retailing
4. Training manual will be available at the premises

b) The prevention of crime and disorder

1. The premise license holder shall ensure that CCTV camera and recorders are installed at the premises and are of a standard acceptable to and approved by the police
2. The system shall be maintained in good working order and at all times the premise is open to the public, be fully operational covering both internal and external areas of the premises to which the public have access. All images should be stored for a minimum of 31 days
3. The CCTV views are not to be obstructed, at least one CCTV camera is to be placed near to the exit in order to capture clear facial images of all patrons leaving the premises
4. Signage will be prominently displayed advising customers that they are being filmed on CCTV
5. A suitable trained staff member will be able to show and provide police or council licensing officers recent data footage with the minimum delay when requested.
6. All goods, including those subject to duty payments i.e. alcohol and tobacco products will be brought from cash and carries only, invoices will be available upon request. No alcoholic drinks or tobacco will be purchased by the premises from unannounced sellers calling at the premises
7. All alcohol shall be purchased from AWRS registered cash & carry and wholesalers.

c) Public safety

1. Installation of appropriate safety equipment
2. Fire exit signs displayed
3. To comply with all current, fire, health and safety laws
4. CCTV working at all times

d) The prevention of public nuisance

1. Notice displayed asking customers to leave quietly from premises also customers will be told in person to leave quietly and not to disturb the local neighbourhood
2. Strict policy in place to tell all staff not to serve alcohol to drunks at all
3. Appropriate signage will be displayed, in prominent position informing customers they are being recorded on CCTV

e) The protection of children from harm

1. A challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. Challenge 25 posters displayed where alcohol is sold.
2. The only acceptable ID will be those with photographic identification documents; including passport, photo-card, driving license or proof of age card bearing the PASS hologram.
3. An incident/refusal log shall be kept at the premises, and made available for inspection on request to an authorized officer of the council of the police which will record the following:
 - a) All crimes reported at the venue
 - b) Any complaints received, any faults in the CCTV system
 - c) Any refusal of the sale of alcohol, any visit by a relevant authority
 - d) CAD reference number where police are called
4. The licensee will ensure that staff are trained regularly as appropriate in respect to the Licensing Act 2003 legislation, staff to be trained regularly in underage sales prevention.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	[Redacted]
Date	27-06-2017
Capacity	DULY AUTHORISED AGENT

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) MR MANPREET S KAPOOR PERSONAL LICENCE COURSES LTD INFOTREE HOUSE NEWPORT			
Post town	HAYES	Postcode	UB4 8JX
Telephone number (if any)	[Redacted]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) info@personalllicencecourses.com			

RECEIVED
27 JUN 2017

Consent of individual to being specified as premises supervisor

MR DILPREET SINGH ARORA

I
[full name of prospective premises supervisor]

of
[Redacted]

.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

NEW PREMISES

.....
[type of application]

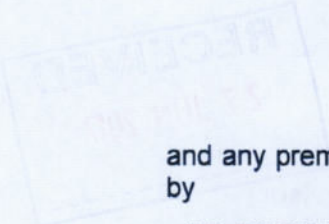
by
MR DILPREET SINGH ARORA

.....
[name of applicant]

relating to a premises licence **N/A**
.....
[number of existing licence, if any]

for
SMARTS SUPERMARKET
6 UPTON LEA PARADE
WEXHAM ROAD
SLOUGH
SL2 5JU

.....
[name and address of premises to which the application relates]



and any premises licence to be granted or varied in respect of this application made by

MR DILPREET SINGH ARORA

[name of applicant]

concerning the supply of alcohol at

SMARTS SUPERMARKET
6 UPTON LEA PARADE
WEXHAM ROAD
SLOUGH
SL2 5JU

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

LN/000015414

[insert personal licence number, if any]

Personal licence issuing authority

EALING COUNCIL

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Name (please print)

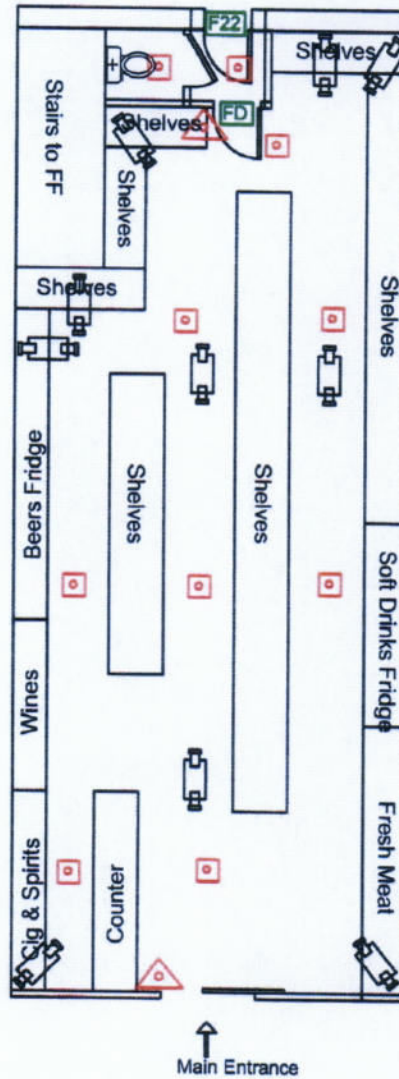
MR DILPREET SINGH ARORA

Date

27-06-2017

Proposed Licence Plan

RECEIVED
27 JUN 2017



Property Address:
8 Upton Lea Parade
Wexham Road
Slough
SL2 5JU

Drawing no: P/HBS/95		Date: 18/05/2017	
Key		Scale: 1:100	Paper: A4
	FIRE EXTINGUISHER		
	FIRE EXIT SIGNS		
	EMERGENCY LIGHTING		
	Fire Checkl Door		
	CCTV CAMERAS		
CCTV RECORDING 31 DAYS			
SHUTTERS PROVIDED			
ALARM SYSTEM TO AOISPEC OR SIMILAR FITTED			



LICENSING ACT 2003

Representations

Under the Licensing Act 2003 objections can be raised against an application for a new premises licence or a variation of an existing licence. The term used in the 2003 Act, regulations, and associated guidance is 'relevant representations'.

In brief 'relevant representations' is an expression used in the Act for comments, including objections on applications. For a representation to be relevant it must relate to the effect of the grant of the licence on the promotion of one or more of the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The key documents upon which Local Authorities rely is the Guidance issued under section 182 of the Licensing Act 2003 published by the Home Office and the Council's own Statement of Licensing Policy. These documents can be found at:

www.gov.uk/government/publications/section-182-of-the-licensing-act-2003-amended-guidance

Making a relevant representation

Any persons and responsible authorities can make representations to the licensing authority, if they wish to do so. Representations must be made in writing to Licensing at Landmark Place, High Street, Slough Borough Council, High Street, Slough, SL1 1JL or by email to licensing@slough.gov.uk

Your representations must reach us within the 28 day statutory consultation period. If you are unsure when the end date for consultation is, you can check on the Council's website for a list of current applications for Premises Licences which can be found at:

<https://www.slough.gov.uk/business/licences-and-permits/representations.aspx>

Your representation must relate to the premise which is the subject of the application and the Licensing Objectives. If your representation does not relate to one or more of the Objectives and does not relate to the premises or application in question, it will be invalid and rejected.

Your representation must also be based on evidence or your experience and not on fear or speculation. Representations which are considered to be frivolous, vexatious or relating to competition from other businesses will not be considered.

What happens next?

If your representation is deemed to be relevant a copy will be sent to the applicant. The applicant may offer to change their application to try to satisfy your concerns.

If your concerns cannot be alleviated and you choose not to withdraw your representation, the application will be determined at a meeting of the Council's Licensing Sub-Committee and your representation and personal details will form part of the report and recorded decision, which are all public documents.

The Hearing

The Hearing will take place before a Licensing Sub-Committee which is made up of three Councillors selected from the full Licensing Committee. The applicant, objectors / representatives of objectors, and any responsible authority, will receive a Notice of Hearing. The Notice will set out the date, time and location and explains the procedure to be followed at the Hearing.

In making decisions the Sub-Committee will take into account all of the written and verbal evidence before them. They also have a duty to take into account the Licensing Objectives set out in the Licensing Act 2003, the Council's Statement of Licensing Policy and Guidance issued by the Secretary of State.

The Decision

The Committee has five working days to make their decision and written confirmation will be distributed to all parties. If any party is unhappy about the decision, there is a right of Appeal to the Magistrates Court within 21 days of receipt of the decision.



LICENSING ACT 2003

Representations

Details of the representee:

Name - **Mr. Harpreet Singh Virk**

Address -

Postcode -

Telephone Number -

Email address -

Please note the Council is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations made.

Details of the application to make representation(s) on:

Name of Applicant - **Mr. Dilpreet Singh Arora**

Name of Premises - **Smarts Supermarket**

Premises Address - **6 Upton Lea Parade, Slough, Berkshire**

Postcode - **SL2 5JU**











Frequent spot used for urination behind parade of shops. Constant complaints are being made by residents and landlords (commercial and residential).

