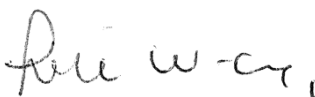


Date of issue: Friday, 18<sup>th</sup> January, 2019

<b>MEETING:</b>	<b>LICENSING SUB-COMMITTEE</b> (Councillors S Parmar (Chair), M Holledge and Strutton)
<b>DATE AND TIME:</b>	MONDAY, 28TH JANUARY, 2019 AT 10.00 AM
<b>VENUE:</b>	JUPITER SUITE 1 - ST MARTIN'S PLACE, 51 BATH ROAD, SLOUGH, SL1 3UF
<b>DEMOCRATIC SERVICES OFFICER:</b> (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.



**JOSIE WRAGG**  
Chief Executive

AGENDA

PART I

<u>AGENDA</u> <u>ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		
	<b>CONSTITUTIONAL MATTERS</b>		
1.	Declarations of Interest	-	-
	<i>All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 4 paragraph 4.6 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.</i>		
2.	Guidance on Predetermination/ Predisposition - To Note	1 - 2	-

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
3.	Minutes of the Last Meeting held on 10th December 2018	3 - 10	-

### **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.	Review of Premises Licence - Chalvey Off Licence, Unit 4, Alexandra Plaza, Chalvey Road West, Slough, SL1 2NJ	11 - 54	Chalvey
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### **GENERAL LICENSING ISSUES**

*This 'General' Licensing Sub-Committee is convening to hear and decide licensing matters other than those arising under the Licensing Act 2003 and Gambling Act 2005. This includes (amongst others) applications for hackney carriage/private hire drivers' licences, hackney carriage/private hire vehicle licences and street trading consents.*

5.	Application for Street Trading Consent - Anjum's, Service Road outside 220 Farnham Road, Slough	55 - 86	Farnham
6.	Exclusion of the Press and Public	-	-

*It is recommended that the press and public be excluded from the remainder of the meeting as the items to be considered contain exempt information relating to individuals as defined in Paragraphs 1 and 2 of Part I of Schedule 12A to the Local Government Act 1972.*

### **PART II**

7.	Private Hire Driver Application (Appellant Reference 04-18)	87 - 94	-
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#### **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, 10th December, 2018.**

**Present:-** Councillors B Bains (Chair), Davis and Strutton.

**Officers Present:-** Sinead Clifford (Legal Services), Tolani Idowu (Licensing), Shabana Kauser (Democratic Services) and Michael Sims (Licensing).

**PART 1**

**28. Declarations of Interest**

Agenda Item 4: Review of Premises Licence Bar H – Councillor Davis declared that he was a Member of the Sub-Committee that had considered a review of the premises licence in 2010 but would consider the matter with an open and clear mind. Mr Warne, Bar H's legal representative confirmed that he was happy for Councillor Davis to remain on the Sub-Committee.

**29. Guidance on Predetermination/ Predisposition - To Note**

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

**30. Minutes of the Last Meeting held on 25th June 2018**

**Resolved** – That the minutes of the meeting held on 25<sup>th</sup> June 2018 be approved as a correct record.

**31. Review of Premises Licence - Bar H, 254 High Street, Langley, Slough.**

All parties were welcomed to the meeting and it was confirmed that they had received a copy of the paperwork. Prior to the commencement of the hearing, additional paperwork, regarding proposed conditions to be added to the premises licence, was distributed by the Licensing Manager and the Applicant also submitted a written statement. All parties agreed that the information be circulated.

Introduction by the Licensing Manager

Mr Sims, Licensing Manager, outlined that a review had been submitted by responsible authority - the Neighbourhood Enforcement Services team and related to the prevention of crime and disorder and public safety licensing objectives. The review had been brought following a number of complaints received by local residents regarding noise emanating from the Premises. Due to persistent noise complaints, the Housing and Enforcement Officer was recommending that the premises licence be revoked.

The Sub-Committee were reminded that the premises were subject to a review in 2010, which had been made by Thames Valley Police and that the

## Licensing Sub-Committee - 10.12.18

premises licence was revoked. However, following an appeal against revocation in 2011 the premises licence was re-issued.

Members were also informed that no representations were received to the review application from any other Responsible Authority.

Options available to the Sub-Committee were highlighted, which included modifying the current premises licence with additional conditions, removing the designated premise supervisor, excluding a licensable activity from the scope of the licence, suspension of the licence or revocation.

### Questions to the Licensing Manager

None.

### Representations by the Housing and Enforcement Officer

Mr Stride detailed the reasons as to why a review of the premises licence had been submitted. Between January 2009 and September 2018 the Neighbourhoods Services department had opened 7 cases of noise related nuisance, that had been centred primarily around occupants and customers of Bar H. Due to the unacceptable levels of noise emanating from the premises, the Council issued a Noise Abatement Notice on 17<sup>th</sup> August 2018. However, further complaints of noise were received in the early hours of 21<sup>st</sup> August, 25<sup>th</sup> August and 31<sup>st</sup> August 2018, details of which were outlined for Members.

Officers met with the Premise Licence Holder and Designated Premises Supervisor in August to discuss the concerns raised by local residents and the possibility of a review of the premises licence. However, similar incidents of noise nuisance were also recorded during September 2018.

Referring to the proposed additional conditions to be added to the premises licence, Mr Stride stated that there were two conditions which had been submitted which the Premises Licence Holder had not agreed to namely – customers would not be permitted to take drinks into the smoking area at the rear of the premises or into the outside area to the front of the premise after 22:00 hours and a variation in the current operating hours. The proposal to reduce the hours of operation were being submitted due to the fact that the premises' were situated in a residential area and the numerous complaints received regarding noise nuisance caused by amplified music breaking out from the slow closure mechanism on the back door and from the behaviour of individuals standing outside the front of the premises.

The Sub-Committee heard submissions made by Mr Richard Palacio, Enforcement Team Leader, relating to his observations made on 31<sup>st</sup> August 2018. It was submitted that noise nuisance was caused by the loud amplified music that could be heard from the property and patrons congregating outside the front of the premises. Mr Palacio stated that in his opinion the groups of individuals congregating outside of the premises was intimidating.

## Licensing Sub-Committee - 10.12.18

### Questions to the Housing and Enforcement Officer

A Member queried why a noise limiter was not installed at the venue given that this was a condition on the current premises licence and requested details regarding provisions for litter in and around Bar H. The Applicant's legal representative, Mr Warne, explained that although a noise limiter had previously been installed at the premises it was currently out of order due to a fault. However, this was being replaced imminently (11<sup>th</sup> December 2018). It was clarified that the noise levels were set by the engineer and the applicants. It was noted that there were a number of bins located in the immediate area outside the property and regular patrols carried out by management.

### Representations by the Applicant's Legal Representative, Mr Warne

Sub-Committee Members were provided with a written statement by Mr Ajay Jnagal which addressed a number of points raised in connection with noise nuisance, police incident reports and operating practises at the venue. The allegations of intimidation were strongly denied by Mr Warne on behalf of his client. This was supported by the number of residents and patrons of the Premises who made written representations and additionally attended the hearing to make oral submissions in support of the Premises.

Mr Warne highlighted the fact that no police representations had been received in respect of crime and disorder and as such it would be difficult to class the Premises and/or its patrons as intimidating. Furthermore, no representations had been received from the Environmental Health team. Mr Warne submitted that the Premises had worked hard with residents since the complaints were received in March 2018 to resolve the issue of noise nuisance. He further submitted that a number of allegations were unsubstantiated and importantly no audio recordings of noise from resident's properties to evaluate the noise level were produced.

Mr Warne highlighted that there have been no complaints in the last 6 weeks. In addition, the Premises Licence holder had taken a number of steps to limit the noise emanating from the Premises including:

- a) Installation of a noise limiter at 11am on 11th December 2018.
- b) Rear door had been sound proofed.
- c) Installation of an acoustic lobby to the front of the Premises in January 2019.

Mr Warne made submissions in respect of whether the additional conditions proposed by Mr Stride were proportionate. He submitted that by enabling the DPS/manager to risk assess events held at the premises and where deemed necessary will not permit customers to take drinks outside for times specified in the risk assessment would enable better management of the Premises and give better protection. Additionally, to reduce the operating hours would have a detrimental effect on the business of Bar H and was wholly disproportionate given the proactive steps taken by the Premises Licence holder to reduce the impact of noise on local residents.

## **Licensing Sub-Committee - 10.12.18**

He submitted that there was no case to answer in respect of reducing the operating hours and the reduction of the same would be disproportionate in the circumstances. He submitted that the reduction of hours would serve no other purpose than to penalise the business.

### Questions to the Applicant's Legal Representative, Mr Warne

A Member queried whether the risk assessment should be carried out by the Designated Premises Supervisor (DPS), as suggested by the Applicant. Mr Warne responded that the DPS was best suited to make an assessment and ensure that the appropriate number of staff were there if required. Mr Jnagal confirmed that there was currently no limit on the number of people permitted to the outside area of the premises.

Members raised the possibility of introducing fingerprint identification for larger events. However, Mr Warne submitted that this was not a feasible option as it raised a number of issues regarding data protection.

### Submissions by Interested Parties

The Sub-Committee heard submissions from two local residents who made representations in support of Bar H. It was submitted that they had not experienced any issues regarding noise nuisance and that Bar H continue to operate in accordance with its current premises licence.

### Decision

Having carefully considered the representations of all the parties, the Sub-Committee discussed the matter and

### **Resolved –**

- a) To amend condition 15 on the current premises licence to read, "Noise limiter to be installed and set at a level agreed by the SBC EHO noise officer and to be monitored and maintained regularly. Maintenance records to be made available on request. In the event of the noise limiter failing, the issue to be resolved as soon as possible."
- b) The following conditions to be added to the Premises Licence:
  - 1) The external areas shall be managed as far as practicable to ensure that customers do not behave in a manner that is likely to cause a public nuisance. For the avoidance of doubt, this condition does not seek to prevent customers from engaging socially as would be expected at premises, but requires a degree of management of customers should their behaviour become overly loud or deemed to be offensive. If customers behaviour is not able to be managed and is causing a nuisance then the Police will be called for assistance.



## Licensing Sub-Committee - 10.12.18

- 2) At least two prominent signs will be displayed in the front external area and one to the area to the rear of the premises reminding customers to respect the fact that there are residents living nearby.
- 3) The smoking area to the rear of the premises will be closed to customers from 22:00 hours.
- 4) A complaints log will be maintained by the DPS ('the log'). The log will be used to record any complaints made by residents in relation to the operation of the premises. The log will record the date, time and nature of the complaint, along with the name of the person making the record and any action taken in relation to that complaint. A dedicated telephone number will be made available to residents during trading hours.
- 5) A dispersal policy setting out the management practices to be used to ensure as far as practicable the quiet and effective dispersal of customers upon leaving the premises is to be drawn up and implemented. This policy is to be reviewed annually and made available to the responsible authorities on request.
- 6) At the commencement of live or recorded music played within the premises, the DPS or designated manager will undertake noise checks at the boundary of the nearest noise sensitive properties surrounding the premises to ensure that the music levels will not amount to a public nuisance. Levels will be turned down if they are deemed to be likely to cause a public nuisance and further checks undertaken until the levels are deemed to be appropriate for compliance with this condition. A record of the checks will be maintained at the premises and shall be available for inspection by licensing and other responsible authority officers.
- 7) Doors and windows will not be permitted to be opened during live or recorded music (excluding incidental background music), except for access and egress. Signs will be displayed on fire exits asking customers not to open them and signs displayed on any doors used for public access and egress reminding customers to close the door after use. Self closing mechanisms will be fitted to the doors to the rear external area. Regular checks will be made during regulated entertainment to ensure as far as practicable that this condition is being complied with.
- 8) Customers will not be permitted to take drinks onto the pavement at any time and a notice will be displayed to that effect.
- 9) All staff shall be trained in relation to the conditions on the premises licence and in relation to the law in relation to the service of alcohol to intoxicated persons as required for the proper

## Licensing Sub-Committee - 10.12.18

undertaking of their roles. Such training shall be recorded as having been given and kept as part of the employees records

- 10) An incident book ('the book') will be kept and maintained at the premises. All incidents and refusals of sale of alcohol will be recorded in the book. The following details will be recorded: date, time and details of incident/ refusal, name of person making record and action taken as a result of the incident/ refusal.
- 11) The DPS or manager will ensure as far as practicable that the external areas of the premises are kept clear of rubbish and that bins are properly secured.
- 12) Customers will not be permitted to take drinks into the smoking area at the rear of the premises or into the outside area to the front of the premises after 22:00 hours.

### 32. 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).

### 33. Private Hire Driver Conduct Hearing (Appellant Reference 01-18)

The following is a Part 1 summary of the case.

The Appellant was welcomed to the meeting who was in attendance with his brother. It was confirmed that they had received a copy of the paperwork. The procedure for the hearing was outlined by the Chair.

The Licensing Manager introduced the report and it was noted that the Appellant had held a Private Hire Vehicle (PHV) Licence since February 2016 which was due to expire on 30<sup>th</sup> July 2019. The matter had been referred to a hearing following an email received from Thames Valley Police (TVP) advising that the Appellant had been witnessed driving without due care and attention. Options available to the Sub-Committee were highlighted which included suspension or revocation of the PHV licence.

The Appellant detailed the circumstances relating to the matter referred to in July 2018 and apologised for the error in judgment. It was confirmed that he had undertaken a TVP driver awareness course. Responding to why he had not reported the incident to the Licensing Team within seven days, the Appellant stated that this had been an oversight and he would ensure full compliance with the terms and conditions of his PHV licence in future.

## Licensing Sub-Committee - 10.12.18

Both parties were given an opportunity to provide a brief summary following which they left the meeting. The Sub Committee considered both the written and verbal information provided and -

**Resolved** – That Appellant Reference 01-18's Private Hire Driver Licence be suspended for four weeks.

### 34. Private Hire Driver Conduct Hearing (Appellant Reference 02-18)

The Following is a Part 1 summary of the case:

The Licensing Sub-Committee was asked to consider whether Private Hire Driver (Reference 02-18) was a fit and proper person to continue to hold a Private Hire driver 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 matter had been referred to a hearing following two email complaints from members of the public regarding a motor vehicle altercation, involving the Appellant, where it was submitted that he had been aggressive and verbally abusive. The Licensing Manager reminded Members that this was the second incident of a similar nature that had been reported to the Licensing Office, the previous matter which took place in February 2010. Options available to Members were also highlighted.

The Appellant addressed the Sub-Committee, and presented evidence in mitigation. Allegations of being verbally abusive were strongly denied and it was submitted that he was the victim having received verbal abuse from the other parties involved. It was further stated that after the initial incident in October 2018, the Appellant was stopped in November 2018 by the partner of the complainant and an altercation followed. The Appellant stated that he had felt threatened and in his opinion had been targeted because he was a private hire driver.

A Member asked whether the matter in November 2018 had been reported to the police. The Appellant stated that he did not wish to escalate matters but the incident had been witnessed by an individual, who was also present at the meeting and outlined details for Members information.

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

**Resolved** – That Appellant 02-18's Private Hire Driver licence be suspended for six months.

## Licensing Sub-Committee - 10.12.18

### 35. Private Hire Driver Conduct Hearing (Appellant Reference 03-18)

The Following is a Part 1 summary of the case:

The Licensing Sub-Committee was asked to consider whether Hackney Carriage Driver (Reference 03-18) was a fit and proper person to hold a Hackney Carriage licence in Slough. The Driver was represented at the hearing and circulated a witness statement.

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 the 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 Licensing Team had received an email complaint and photographs from a member of the public of something of a sexually explicit nature displayed on the infotainment system on the vehicle's dashboard.

Members sought clarification as to whether the video was playing when the customer entered the vehicle and the Appellant confirmed that although he had watched a clip of the video this was prior to the customer entering the vehicle.

The Licensing Manager reminded the Sub-Committee that it had the power to revoke, or suspend the Licence, Issue a Warning or take no further action.

In summary, the Appellant acknowledged that he had watched the video but argued that apart from this particular incident there had no been complaints regarding his conduct as a hackney carriage driver and that he had held his licence for over 20 years.

The Sub-Committee adjourned to reach its decision and carefully considered the evidence.

**Resolved** - That the Hackney Carriage Driver's (ref 03-18) Licence be revoked.

Chair

(Note: The Meeting opened at 10.12 am and closed at 2.16 pm)

<b>Licensing Sub Committee: 28<sup>th</sup> January 2019</b>
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<b>Contains Confidential or Exempt Information</b>	No
<b>Report Title</b>	Premises Licence Review hearing
<b>Premises Details</b>	Chalvey Off Licence Unit 4 Alexandra Plaza Chalvey Road West Slough Berkshire SL1 2NJ  Premises Licence Number <b>PL0004</b>
<b>Author(s)</b>	Michael Sims Licensing Manager Regulatory Services
<b>Purpose of Report</b>	Regulatory / Review Hearing for Premises Licence

## 1. SUMMARY

On **3<sup>rd</sup> December 2018**, Debie Pearmain, Police Licensing Officer – Thames Valley Police, (“the Applicant”), brought a Review of the Premises Licence for Chalvey Off Licence, Unit 4, Alexandra Plaza, Chalvey Road West, Slough, Berkshire, SL1 2NJ

## 2. RECOMMENDATIONS

- 2.1 The Sub Committee are asked to determine the Review.
- 2.2 Where the Sub Committee considers action is appropriate the statutory 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 D**.

4.2 The amended guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 was published in April 2018, section 11 provides guidance on reviews and the salient points of that section 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.*

**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.*

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** Chalvey Off Licence holds a Premises Licence number **PL0004** granted by Slough Borough Council. The Premises Licence holder and named Designated Premises Supervisor is a Mr Arandeep Padda, who holds a Personal Licence (number **PA7970**) also issued by Slough Borough Council. A copy of the premises licence is attached at **Appendix A**.

- 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 Activity as follows:

*J – Supply of alcohol for consumption OFF the premises only*

- 5.4 The times the Licence authorises the Licensable Activities are:

*Sunday to Thursday - 08.00am to 11.00pm*  
*Friday and Saturday - 08.00am to 11.30pm*

## **6. REASON FOR REFERRAL: REVIEW APPLICATION**

- 6.1 The Applicant asking for the Review is the Police Licensing Officer for Thames Valley Police. Thames Valley Police are a Responsible Authority under the Licensing Act 2003. Any responsible authority may apply for a review of a Premises Licence if it is concerned about licenced activities.
- 6.2 The Applicant highlights a series of events concerning the premises from March 2014 to November 2018 that include;
- a) *The manager was found in possession of suspected illegal/counterfeit tobacco and alcohol, as well as UK Alcohol Duty Paid stickers.*
  - b) *Serving alcohol outside of permitted licensing hours.*
  - c) *CCTV timing being incorrect.*
  - d) *An ASP extendable baton being found in a private area of the premises*
  - e) *Alleged intelligence of staff selling cigarettes and alcohol to underage children, selling single cigarettes and handing out plastic cups to members of the public who were using them to drink alcohol in the street.*
  - f) *Mr Padda selling a bottle of white wine to an underage person during a joint agency test purchase operation without any questions as to their age or to request ID, and for which he was cautioned on the day and subsequently issued with a Police warning;*
  - g) *At the time of the underage sales, Mr Padda was the only member of staff on the premises, which is in breach of condition 6 of the premises licence which states that there must be 2 members of staff at the premises after 6.00pm*
  - h) *Mr Padda stating at a Police interview on 14.11.2018 that he does reject people quite often for alcohol and cigarettes and had refused someone the day before, but a review of the Refusals Register during the meeting showed no entries between 13.08.2018 – 17.10.2018..*

The applicant is recommending, because of the concerns of the management of the premises with Mr Padda being the DPS, the premises licence should be suspended for a period of time for the following conditions to implemented and checked by the Thames Valley Police Licensing Officer and Slough Borough Council Senior Licensing Officer.

1. Removal of Arandeep Padda as the DPS
2. Only multi-packs as produced by the manufacturer, of alcohol to be sold.
3. The Licensing Sub-Committee to issue a 'Yellow Card' to the licensed premises as a warning that if a further review is required and matters have not

improved the premises licence may be revoked. A 'Yellow Card' will be clearly displayed at the premises for a period of 12 months detailing the imposition of new conditions and that this warning has been given.

The full Review Application and supporting evidence are contained at **Appendices B and C 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. The protection of children from harm

## **7 BACKGROUND INFORMATION**

7.1 The review application details the background history of the premises.

## **8 REPRESENTATIONS RECEIVED**

8.1 There has been no representations received to the Review Application from any Responsible Authorities or from any other persons.

## **9 APPENDICES**

- Appendix A - Premises Licence
- Appendix B - Review Application
- Appendix C - Supporting information
- Appendix D - Procedure for Review hearing

## **10 Background papers**

- The Licensing Act 2003
- Guidance issued under Section 182 of the Licensing Act 2003 - (Revised April 2018)
- Regulations (cited as the Licensing Act 2003 ([Various]) Orders 2005
- Slough Borough Council Statement of Licensing Policy - December 2014-2019
- DCMS Guidance – Red and Yellow Card System

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# APPENDIX A

Licensing Act 2003

## Premises Licence

PL0004

### 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

### Chalvey Off Licence

Unit 4, Alexandra Plaza, Chalvey Road West, Slough, Berkshire, SL1 2NJ.

Telephone 01753 770027

#### 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	Sunday to Thursday	8:00am	11:00pm
	Friday to Saturday	8:00am	11:30pm

#### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	8:00am	11:00pm
Friday to Saturday	8:00am	11:30pm

#### 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

Arandeep Padda

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



Licensing Act 2003

PL0004

# Premises Licence

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

Arandeep PADDA



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. PA7970

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 3, with effect from 1st October 2014**

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18years 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 either -
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

**With effect from 28th May 2014 the following mandatory condition applies:**

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 1- 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

**'permitted price' is the price found by applying the formula where-**

- P is the permitted price,
- D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- V is the rate of value added tax chargeable in relation to the alcohol as if the

**Value added tax were charged on the date of the sale or supply of the alcohol;**

- 'relevant person' means, in relation to premises in respect of which there is in force a premises licence-
- the holder of the premises licence,
- the designated premises supervisor (if any) in respect of such a licence, or
- the personal licence holder who makes or authorises a supply of alcohol under such a licence;

'relevant person' means, in relation to premises in respect of which there is in force a Club Premises Certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question and 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994(7).

- (3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

**ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

# Premises Licence

**ANNEXES continued ...**

1. In the absence of the Designated Premises Supervisor (DPS) a personal licence holder to be on site during the sale of alcohol.
2. CCTV to be installed and maintained to Thames Valley Police standard.
3. CCTV images to be kept for 31 days and made available upon the request of Thames Valley Police employees and authorised persons as defined in sections 13 & 69 of the Licensing Act 2003.
4. DPS and/or nominated person to be trained on how to work the CCTV system to a standard where the nominated person can download any potential evidence required by Thames Valley Police employees and authorised persons as defined in sections 13 & 69 of the Licensing Act 2003. Nominated person will be responsible in supplying the necessary media (discs, data stick) containing any downloaded content.
5. All staff to successfully pass the store alcohol training course before selling alcohol, written training records will be kept and made available for inspection by Police, Trading Standards Officers and Local Authority Licensing Officers
6. Two members of staff to be on the premises each evening from 6.00pm until close.
7. The DPS and Management shall adopt measures to ensure groups of persons do not congregate and loiter outside the premises to include the use of the Police non-emergency number 101.
8. Refusals Register to be on the premises and kept up to date and made available upon the request of Police, Trading Standards Officer and Local Authority Licensing Officers.
9. A 'Challenge 25' age verification policy will be implemented.
10. Every sale/supply of alcohol will be made or authorised by a personal licence holder.
11. A management policy is in place to take into account the external areas of the premises and the conduct of customers.
12. A notice will be displayed asking customers to be considerate to local residents.
13. Will join retailwatch schemes.





**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

**Chalvey Off Licence**

Unit 4, Alexandra Plaza, Chalvey Road West, Slough, Berkshire, SL1 2NJ.

Telephone 01753 770027

## 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	Sunday to Thursday	8:00am	11:00pm
	Friday to Saturday	8:00am	11:30pm

## THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Thursday	8:00am	11:00pm
Friday to Saturday	8:00am	11:30pm

## 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

Arandeep Padda

## 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

Arandeep PADDA



# Premises Licence Summary

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

No restrictions.



# APPENDIX B

## Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**I, Debie Pearmain, on behalf of the Chief Constable of Thames Valley Police,**

*(Insert name of applicant)*

**apply for the review of a Premises Licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).**

### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Chalvey Off Licence Unit 4, Alexandra Plaza Chalvey	
<b>Post town</b> Slough	<b>Post code (if known)</b> SL1 2NJ

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Arandeep Padma
---

<b>Number of premises licence or club premises certificate (if known)</b> PL0004
---

### Part 2 – Applicant details

- I am
- |   | Please tick ✓ yes                   |
|---|-------------------------------------|
| 1) an interested party (please complete (A) or (B) below)                             | <input type="checkbox"/>            |
| a) a person living in the vicinity of the premises                                    | <input type="checkbox"/>            |
| b) a body representing persons living in the vicinity of the premises                 | <input type="checkbox"/>            |
| c) a person involved in business in the vicinity of the premises                      | <input type="checkbox"/>            |
| d) a body representing persons involved in business in the vicinity of the premises   | <input type="checkbox"/>            |
| 2) a responsible authority (please complete (C) below)                                | <input checked="" type="checkbox"/> |
| 3) a member of the club to which this application relates (please complete (A) below) | <input type="checkbox"/>            |

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

Surname

First names

Please tick  yes

I am 18 years old or over

Current address

Post Town

Postcode

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 <b>Debie Pearmain</b> <b>Thames Valley Police</b> <b>Windsor Police Station</b> <b>Alma Road</b> <b>Windsor</b> <b>Berkshire SL4 3ES</b>
Telephone number (if any) <b>01865 854022</b>
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

Tick one or more boxes ✓

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

**Please state the ground(s) for review** (please read guidance note 1)

Thames Valley Police is requesting a review of the Premise Licence of Chalvey Off Licence, Unit 4, Alexandra Plaza, Chalvey Road West, Slough, Berkshire, SL1 2NJ, under the Prevention of Crime and Disorder and the Protection of Children from Harm Licensing Objectives.

Arandeep Padda is the Premise Licence Holder and Designated Premises Supervisor of the premise. Arandeep Padda has been the Premise Licence Holder and Designated Premises Supervisor since 25/02/2014.

I have detailed the relevant incidents which have occurred since October 2014 which has now led to Thames Valley Police applying to review this premise licence.

**06/03/2014**

Report from PC Miller informing that a trader's van was seen parked the wrong way on the road. Trader found in store and challenged about parking. Tobacco products and new clothes were seen on the front seat. Trader stated that he had brought the coat on loan from someone for £10.00. Trader also stated that the tobacco had been given/sold to him by another male and that he was selling the items to people. He had further tobacco and spirits in his van, that he had no invoice for. He also had UK Alcohol Duty Paid stickers in his van. Trading Standards were called and seized the items from his store and van which they believed to be illegal, counterfeit, non-compliant with UK law or illegals imports avoiding UK duty. Avtar Singh ( Manager) initially tried to make claim that the items were not his. When challenged that they were in his van he said that someone must have left them there. When challenged again, he said that he had brought the coat from someone for £10.00 and the cigarettes from a Polish male, so that he could sell them. He was challenged about the alcohol and could not produce receipts for them. When he was told that Trading Standards were coming, he no longer provided any excuses. Mr Avtar Singh was asked who the Premise Licence Holder was, he said a cousin who had disappeared to Birmingham or somewhere like that. He had not seen them for a long time. The items were seized by Trading Standards.

**Gen40 dated 08/03/2014 refers**

**01/10/2014 at 11.18pm**

Report from Police Sergeant Luff that whilst they were passing the premises, they observed the shop was closed with the door shutter half down. A Polish male was seen to duck down and enter the store. At 11.18pm he was served with a large bottle of Glen Vodka by the Manager, George Singh. The Polish male put the bottle inside his jacket and left the shop. Sergeant Luff approached the male and checked the bottle of vodka and confirmed it was a bottle of Glen Vodka. The male did not want to supply his name to the Officers. The Officers then approached the store and spoke to George. George was informed that he

had been seen to have served alcohol at 11.18pm when his licence states he should close at 11.00pm. Sergeant Luff informed George that he would be making a report to the Licensing Officer, Mrs Pearmain.  
**Gen40 dated 01/10/2014 refers**

#### 10/11/2014

Licensing meeting with Mr Arandeep Padda, PLH & DPS, Mr Panchal, Licensing Agent, Rachael Rumney, Senior Licensing Officer, SBC and Debie Pearmain, Police Licensing Officer. Meeting arranged to discuss the Gen40 dated 06/03/14 tobacco and spirits found in a van outside the shop and no invoice could be shown. Avtar Singh (also known as George who is the father of the DPS) who works in the shop. He also had UK Alcohol Duty Paid stickers in the van. Arandeep appeared to not know anything about this.

We also spoke about George Singh (Avtar Singh) selling alcohol after their permitted hours at 23.18 hours on the 1st October 2014. I asked Arandeep if he knew the hours of the licence, to which he informed me were 11.00pm. Arandeep stated that this never normally happens, the lights are off at 11.00pm. He informed us that he does have some customers who want to buy alcohol after 11.00pm, but this will not happen again. Arandeep was informed that he must keep to the hours and conditions of the licence and if this happens again, TVP will take action and the licence may be reviewed and Slough Borough Council may also prosecute.

We then discussed the recent application for this premises to extend the sale of alcohol. Mr Panchal was informed that TVP may object to the application. Debie stated she will speak to the Neighbourhood Officer and inform Mr Panchal of the outcome.

**Gen40 dated 10/11/2014 refers**

#### 23/12/2014 at 1250pm

Licensing check completed by Debie Pearmain and PC Robinson – CCTV timing out by one hour – advice given to ensure that this is corrected ASAP

**Gen40 dated 23/12/2014 and Licensed Premises Checklist refers**

#### 16/01/2015

Licensing check completed by Sergeant Luff and PC Bond.

**Licensed Premise Inspection checklist dated 16/01/2015 refers**

#### 09/02/2016 at 1.00pm

Report from HM Customs to Police as they had attended the premise as part of an operation checking Off – Licences in the area for contraband goods. Nothing of note was found, however, they found an ASP extendable baton behind the counter. HM Customs Officers called Police who attended the premise and seized the baton. Avtar Singh (George) was alone in the shop and offered no excuse. Baton was seized and advice given. As the baton was found in a private area to which the public do not have access to Avtar was not arrested for Possession of an Offensive Weapon. This has to take place in a public area.

**Gen 40 dated 09/02/2016 and photograph of the baton found refers**

#### 22/02/2016

Pre-arranged meeting for the Premise Licence Holder/Designated Premises Supervisor, to attend Windsor Police Station. PC Bond informed me that he had already spoken to the Owner about the extendable baton found at the premise during the HM Customs check. The DPS did not attend this meeting

**Gen 40 dated 22/02/2016 refers**

**02/03/2016**

Telephone call from the DPS informing Debie Pearmain that he did not turn up for the meeting as there had been a mix up with the letter and he had only received it on the 1<sup>st</sup> March 2016. Strongly worded advice given to the DPS to not have such weapons on the Licensed area and he was also updated of what could happen if he was arrested for being in possession of an offensive weapon. This is in relation to his Personal Licence and Premise Licence.

**Gen40 dated 02/03/2016 refers**

**01/10/2018 at 11.40am**

Licensing check as part of the CRED day of Action in Chalvey. Nicola Keegan, Licensing Officer, SBC and Debie Pearmain, Police Licensing Officer attended the premise. We spoke with Arandeep Padda, PLH and DPS. After the check had been completed Debie informed Arandeep that Thames Valley Police had received alleged information of staff selling cigarettes and alcohol to children, selling single cigarettes and selling paper cups of scotch. Arandeep informed us that he does not sell to under age and that he has given out plastic cups to customers but not with scotch in them. He seemed to think that there was no issue in doing this. Debie advised Arandeep that he must stop giving out plastic cups to his customers as they are then standing in the street, drinking alcohol and this is having a knock on effect to the anti- social behaviour in Chalvey. He said he would not give out any more cups. I also informed Arandeep that his premise may be test purchased at some point. We observed single packs of alcohol on the counter and that single cans are being sold from multi-packs.

**Gen40 dated 01/10/2018 refers**

**18/10/2018 at 5.50pm**

Joint Test Purchase Operation with SBC Trading Standards Officer, Lina Johnson, Tola Idowu, Licensing SBC, PS Kiran Basra , SC 8030 Bainbridge, SC 8448 Rehman, 2 x 16 and a half female volunteers and Debie Pearmain, Police Licensing Officer.

Bottle of Gallo white wine was sold alcohol by Mr Arandeep Padda. No questions in relation to age or ID was requested.

We re-entered the premises at 1800 hours and informed Arandeep, who is the DPS and informed him of what had happened. I observed Challenge 25 Posters on display. I informed Arandeep that I had already spoken to him about under- age a few weeks ago.

At 18.05 Sergeant Basra cautioned the seller for the offence of selling alcohol to an under- age person under Section 146 (1) of the Licensing Act 2003.

CCTV was requested from 1745 - 18.00 hours to be downloaded and given to me at the Licensing meeting that is to be arranged to discuss this sale.

As we entered the premise I observed a male who had put his money, including a £5.00 note and some change on the counter. As soon as Arandeep saw us all come into the shop, he then began to try to get the male to leave, saying he didn't have any. I found this behaviour quite strange and before we left the premises I asked Arandeep what the man had wanted to buy. Arandeep said some Nurofen which he didn't have.

Whilst we were leaving the shop, Sergeant Basra observed male customers trying to purchase single cans of alcohol. I believe that due to us being on the premise and in particular the Sergeant watching, Arandeep did not sell the single cans. As we left the shop, a man became very aggressive with the Licensing officer from the Council and Sergeant Basra had to take the male to one side to speak to him.

As we walked away from the shop there were a lot of men loitering and hanging around the outside of the shop. We do have concerns around this shop.

**Gen40 dated 18/10/2018 and MG11 from Sergeant Basra refers**

### 23/10/2018

Appointment letter sent to Arandeep Padda from Debie Pearmain, Police Licensing Officer, inviting him to a Licensing meeting to discuss the failed test purchase on the 18/10/2018. Meeting arranged for Wednesday 14<sup>th</sup> November 2018

### **Appointment letter dated 23/10/2018 refers**

### 14/11/2018 at 1.30pm

Pre-arranged meeting with Arandeep Padda held at Windsor Police Station. Mr Arandeep Padda, Premise Licence Holder & DPS, PC Fry, Neighbourhood Officer, Rachael Rumney, Senior Licensing Officer and Debie Pearmain, Police Licensing Officer in attendance.

Meeting arranged to discuss the recent failed test purchase on Thursday 18<sup>th</sup> October 2018. Alcohol was sold to two under- age girls with no ID being requested or age asked. The sale was made by the DPS, Mr Arandeep Padda. The Gen40 of the incident was read out by Debie Pearmain. Arandeep was informed that Trading Standards would be taking their own action against him and that Trading Standards would be in contact with him.

Arandeep was given the opportunity to respond back to what had happened. He informed us that he had not sold the alcohol on purpose and didn't do it intentionally. It was a lack of concentration on the day. He informed us that he does reject people quite often for alcohol and cigarettes. He also said he was sorry that it had happened. He informed us that he had refused someone the day before. He also said it was not something that happens regularly at all. Arandeep also said that the man mentioned in my report was wanting to buy red Nurofen and he did not have any. He also said that groups do stand outside the shop with soft drinks and he doesn't encourage them to intentionally stand outside and drink. He also asked us to clarify about him selling single cans. He was informed that there is no condition on the licence which states that he is unable to do this, but by doing this, it does encourage street drinking, which is adding to the anti-social behaviour in Chalvey. Arandeep was also informed that he had committed an offence by selling alcohol to under age children.

I also reminded Arandeep that I had been in the shop several weeks before the test purchase date and informed him that Thames Valley Police had received information of under- age sales of cigarettes and alcohol. We were also informed that staff were giving the customers plastic cups for them to drink their alcohol from. Arandeep had informed me at the time of the visit that he had been giving out the plastic cups, but he would not do it anymore.

The Refusals Register was checked during the meeting by Rachael Rumney and it was noted that there were no entries made between 13/08/18 - 17/10/18.

Arandeep was also informed that he has a condition on the licence stating that two members of staff have to be on the premises from 6.00pm until close. When we left the premises at 6.10pm there was no second staff member seen. Arandeep informed us that the staff member came soon after we had gone.

I then informed Arandeep that he was being issued with a Police Warning. Warning letter was then read out. Arandeep was then informed that I on behalf of Thames Valley Police, would be applying to review the Premises Licence under the Crime and Disorder and Protection of Children from Harm Licensing Objectives being undermined.



Arandeep was surprised that this action was being taken and it was explained to him that the Premise Licence is already heavily conditioned and that he as the DPS, had made the sale, which is extremely concerning.

Rachael Rumney explained the review process to Arandeep.

**Gen40 and Police Warning Letter dated 14/11/2018 refers**

You can see from the above reports that we have tried to work with the current Premise Licence Holder and Designated Premise Supervisor, Mr Arandeep Padda. It is the view of Thames Valley Police that nothing will change with the current owner being the Designated Premise Supervisor and having him named as the DPS is very concerning to the Police. The DPS must take full responsibility and be showing due diligence as far as possible to ensure that the Licensing Objectives are not being undermined and age restricted products are not being sold to under age children.

Due to the evidence outlined above Thames Valley Police are requesting a suspension of the Premises Licence until such time that the following conditions can be implemented and checked by the Thames Valley Police licensing officer and Slough Borough Council Senior Licensing Officer.

- Removal of Araneep Padda as the DPS
- Only multi-packs as produced by the manufacturers , of alcohol to be sold
- The licensing sub committee to issue a 'Yellow Card' to the licensed premises as a warning that if a further review is required and matters have not improved the premises licence may be revoked. A 'Yellow Card' will be clearly and visibly displayed at the Premises for a period of 12 months detailing the imposition of new conditions and that this warning has been given.

Sergeant Basra and Sergeant Barkham will attend the hearing, to support the review of this licence.

**Please provide as much information as possible to support the application** (please read guidance note 2)

**Please tick ✓ yes**

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

If yes please state the date of that application

Day                      Month                      Year

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**If you have made representations before relating to this premises please state what they were and when you made them**  
N/A

**Please tick ✓ yes**

- 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 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature \_\_\_\_\_

Date            30<sup>th</sup> November 2018

Capacity        Police Licensing Officer

**Contact name (where not previously given) and address for correspondence associated with this application**  
(please read guidance note 5)

<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application

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# APPENDIX C



## LICENSED PREMISES INCIDENT REPORT

Submitting Officer:		
<b>Shoulder No/Name:</b> 3198 Miller	<b>Station:</b> Slough	<b>LPA:</b> Slough

Incident Reference:			
<b>Premises Name/Location:</b>	Alexandra Wines, Chalvey		
<b>Incident Date:</b>	06.03.2014	<b>Incident Time:</b>	14.00
<b>Command &amp; Control URN:</b>	788 06.03.2014	<b>Crime Report(s):</b>	
<b>CCTV Seized?</b>	No		
<b>Sources of Information:</b>	Miller		

**Nature of Incident - what happened?**

Trader's van seen parked the wrong way on the road. Trader found in store and challenged about parking. Tobacco products and new clothes seen on the front seat. Trader state that he had brought the coat on loan from someone for £10. Trader also stated that the tobacco had been given/sold to him by another male and that he was selling the items to people. He had further tobacco and spirits in his van that he had no invoice for. He also had UK Alcohol Duty Paid stickers in his van.

Trading standards were called and seized the attached list of items from his store and van which they believed to be illegal, counterfeit, non compliant with UK law or illegal imports avoiding UK duty.

**Premises Response - what did you say? How did they react, any comments on staff or poor performance?**

Avtar Singh initially tried to make claim that the items were not his. When challenged that they were in his van he said that someone must have left them their. When challenged again he said that He had brought the coat from someone for £10 and the cigarettes from a Polish male so that he could sell them. He was challenged about the alcohol and could not produce and receipts for them. When he was told that trading standards were coming he no longer provided any excuses.

He was asked who the premise licence holder was he said a cousin who had disappiare to Birmingham or somewhere like that. He had not seen them for a long time.

**Police Response - what action was taken? Please identify the main officers who dealt with the incident.**

The items in the attached excel file were seized by Trading Standards who wish to launch a joint investigation with HMIC and TVP Licensing.

**Persons Involved - to add more rows click into the final cell of this table**

Name	Date of Birth	Role	Action Taken	Ref No. <small>(e.g. Custody, PND etc)</small>
Avtar Singh	10.09.1961	Responsible for premise.		

**When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)**

**Submitting Officer**
**Shoulder No/Name:** 3814 LUFF

**Station:** SLOUGH

**LPA:** SLOUGH

**Incident References**
**Premises Name/Location:** CHALVEY WINES ( ALEXANDRA WINES) CHALVEY ROAD WEST , CHALVEY SLOUGH

**Incident Date:** 01/10/14

**Incident Time:** 23.18 HRS

**Command & Control URN:** NONE

**Crime Report(s):**
**CCTV Seized?** NO

**Sources of Information:** SEEN BY POLICE

**Nature of Incident – what happened?**

Officers were passing Chalvey wines , the store was closed with the door shutter half down. A Polish male was seen to duck down and enter the store . At 23.18 hrs he was served with a large bottle of Glen Vodka by the manager , George. The Polish male put the bottle inside his jacket and left the store. PS luff approached the male and checked the bottle of vodka and confirmed it was a bottle of Glen Vodka. the male did not want to supply his name. the officers then approached the store and spoke to George, saying he had been seen to serve alcohol at 23.18rs when his licence states he should close at 23.00 hrs . I said I would make a report for Mrs Pearmain at licensing , he started to beg me not to report him to licensing .

**Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?**

The manager served alcohol to a customer after hours

**Police Response – what action was taken? Please identify the main officers who dealt with the incident.**

The manager was spoken to and told a report would be submitted. Pocket book entries made by Luff and PCSO marway.

**Persons Involved - to add more rows click into the final cell of this table**

Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)
George SINGH		manager	report submitted	none

**When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)**

<b>Submitting Officer</b>		
<b>Shoulder No/Name:</b> C3232 Debie Pearmain	<b>Station:</b>	<b>LPA:</b> Slough

<b>Incident References</b>		
<b>Premises Name/Location:</b>	Chalvey Off- Licence, Unit 4 Alexandra Plaza, Chalvey Road West	
<b>Incident Date:</b>	1.30pm 10/11/2014	<b>Incident Time:</b>
<b>Command &amp; Control URN:</b>	<b>Crime Report(s):</b>	
<b>CCTV Seized?</b>		
<b>Sources of Information:</b>		

<b>Nature of Incident – what happened?</b>
<p>Mr Arandeep PADDA, PLH and DPS, Mr Panchal, Licensing Agent, Rachael Rumney, SBC Licensing and Debie Pearmain, Police Licensing Officer. Meeting arranged to discuss the Gen40 dated 08/03/14 tobacco and spirits found in a van outside the shop and no invoice could be shown. Avtar Singh ( also known as George and is the father of the DPS ) and works in the shop, he also had UK Alcohol Duty Paid stickers in the van. Arandeep appeared to not know anything about this. Debie and Rachael stated they would find out an update on this.</p> <p>We also spoke about George Singh (Avtar Singh) selling alcohol after their permitted hours at 23.18 hours on the 1<sup>st</sup> October 2014. I asked Arandeep if he knew the hours of the licence, to which he informed me were 11.00pm. Arandeep stated that this never normally happens, the lights are off at 11.00pm. He does have some customers who want to buy alcohol after 11.00pm, but this will not happen again. Arandeep was informed that he must keep to the hours and conditions of the licence and if this happens again, TVP will take action and the licence may be reviewed and Slough Borough Council may also prosecute.</p> <p>We then discussed the recent application for this premises to extend the sale of alcohol. Mr Panchal was informed that TVP may object to the application. Debie stated she will speak to the Neighbourhood Officer and inform Mr Panchal of the outcome.</p>

<b>Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?</b>

<b>Police Response – what action was taken? Please identify the main officers who dealt with the incident.</b>

<b>Persons Involved - to add more rows click into the final cell of this table</b>				
<b>Name</b>	<b>Date of Birth</b>	<b>Role</b>	<b>Action Taken</b>	<b>Ref No.</b> <small>(e.g. Custody, PND etc)</small>

<b>Submitting Officer</b>		
<b>Shoulder No/Name:</b> C3232 Debie Pearmain	<b>Station:</b>	<b>LPA:</b> Slough

<b>Incident References</b>	
<b>Premises Name/Location:</b> Chalvey Off Licence	
<b>Incident Date:</b> 1250 hours 23/12/2014	<b>Incident Time:</b>
<b>Command &amp; Control URN:</b>	<b>Crime Report(s):</b>
<b>CCTV Seized?</b>	
<b>Sources of Information:</b>	

<b>Nature of Incident – what happened?</b>
<p>PC Sam Robinson and Debie Pearmain, Police Licensing Officer attended the premises to conduct a Licensing check DPS on site -</p> <p>CCTV timing out by one hour - advice given to ensure that this is corrected ASAP.</p> <p>Refusals Register checked - Last entry was dated 19/12/14</p>

<b>Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?</b>

<b>Police Response – what action was taken? Please identify the main officers who dealt with the incident.</b>

<b>Persons Involved - to add more rows click into the final cell of this table</b>				
Name	Date of Birth	Role	Action Taken	Ref No. <small>(e.g. Custody, PND etc)</small>

**When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)**



**Licensed Premises Checklist: Pubs & Clubs**

Premises Name: <b>CHALVEY OFF-LICENCE</b>	Officer Checking: <b>C3232</b>
Street and Town: <b>CHALVEY ROAD WEST</b>	Time and Date: <b>12.50 . 23/12/2014</b>
Premise Licence Holder: <b>ARANDEEP PADDA</b>	Licence Number: <b>PL0004</b>

Please complete the following check list, expanding on any responses in the additional comments fields if you wish to.

Management and Premises			
Name of the DPS: <b>ARANDEEP PADDA</b>		Are they present?	YES <input type="checkbox"/> NO <input type="checkbox"/>
If no DPS is present, is there a personal licence holder on the premises? <small>(this is not a legal requirement)</small>			YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
If no DPS is present, is there a written consent delegating authority to sell alcohol? <small>(verbal authority is allowed, but written authority is better – preferably a list of authorised persons)</small>			YES <input type="checkbox"/> NO <input type="checkbox"/>
Member of staff spoken to during check (Premise Licence Holder/DPS/name of other):	<b>MR AVTAR SINGH</b>		
Is a summary of the premises licence ('Part B') displayed prominently, with each page visible?			YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Fire exits checked and accessible?			YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
	YES	NO	
Gents toilets checked?	<input type="checkbox"/>	<input type="checkbox"/>	Any evidence of drug use? <input type="checkbox"/> <input type="checkbox"/>
Ladies toilets checked?	<input type="checkbox"/>	<input type="checkbox"/>	Any evidence of drug use? <input type="checkbox"/> <input type="checkbox"/>
Disabled toilets checked?	<input type="checkbox"/>	<input type="checkbox"/>	Any evidence of drug use? <input type="checkbox"/> <input type="checkbox"/>
Additional comments:			

Security Measures			
How many door staff are on duty?		Are they Licensed by SIA?	YES <input type="checkbox"/> NO <input type="checkbox"/>
			SIA badges on display? <input type="checkbox"/> <input type="checkbox"/>
Is CCTV present, operational and of a suitable evidential standard?			YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
			Staff able to work CCTV? <small>(can they demonstrate?)</small> <input checked="" type="checkbox"/> <input type="checkbox"/>
Additional comments:			
<b>CCTV KEPT FOR 31 DAYS. CCTV TIMING OUT BY ONE HOUR- ADVICE GIVEN TO ENSURE THIS IS CORRECTED ASAP.</b>			
<b>LAST ENTRY IN REFUSALS REGISTER - 19/12/2014</b>			

## Officer Initiated Licensed Premise Inspection

Premises Name	Chalvey Off Licence , Chalvey road west Slough Berkshire	
1	<b>Licensee on Site</b> Name to be recorded, or if no licensee on site, who is in charge?	George manager / owner on duty
2	<b>Licensee type and operating hours</b> Licensee to be asked and details documented	Open till 2230
3	<b>Door supervisors employed</b> Check number on duty, number on the door, Valid badges displayed, wearing hi Vis jacket(if applicable)	None
4	<b>Incident/ accident recording</b> Check incident book and record details of incidents of note	
5	<b>Check emergency communication</b> Available Check premises have a radio or telephone. If city Link radio ensure it is in working order	No personal radios, any incidents reported to police by phone
6	<b>Premises has an age policy</b> Document age policy and check for under age drinking, proof of age signs and ID accepted	Id age policy in place, ID Age signs on show on till
7	<b>Drugs policy</b> Check on premises search policy and for evidence of drug taking in premise	none
8	<b>Promotion drinking</b> Document any promotions/drunkenness	None at present
9	<b>Premises Capacity</b> Document capacity, licensee to be asked for numbers present, check for over crowding	N/A
10	<b>CCTV in working order</b> Type of recording and time retained top be documented	CCTV operation and working. checked
11	<b>Correct till display time</b> Type of tills and date-time recorded.	yes
	<b>OFFICER ATTENDING:</b>	(SIGNED) Ps 3814 Luff PC 2896 Bond 16/01/15

<b>Submitting Officer</b>		
<b>Shoulder No/Name:</b> PC 2896 BOND	<b>Station:</b> SLOUGH	<b>LPA:</b>

<b>Incident References</b>			
<b>Premises Name/Location:</b>	CHALVEY OFF LICENCE, CHALVEY ROAD WEST , SLOUGH		
<b>Incident Date:</b>	9 <sup>th</sup> FEB '16	<b>Incident Time:</b>	1300
<b>Command &amp; Control URN:</b>	<b>Crime Report(s):</b>		
<b>CCTV Seized?</b>			
<b>Sources of Information:</b>	HM CUSTOMS		

<b>Nature of Incident – what happened?</b>
HM CUSTOMS attended CHALVEY OFF LICENCE as part of an operation checking various Off Licences in the area for contraband goods. No contraband of note was found , however, Officers found an ASP extendable baton behind the counter. Officers called Police who attended and seized the baton.

<b>Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?</b>
Avtar SINGH (aka : 'GEORGE') was alone in the shop. He offered no excuse.

<b>Police Response – what action was taken? Please identify the main officers who dealt with the incident.</b>
Baton seized and advice given. The baton was found behind the counter, therefore a private area to which the public don't have access. Based on this he was not arrested for possession of an offensive weapon as this has to take place in a public place.

<b>Persons Involved - to add more rows click into the final cell of this table</b>				
<b>Name</b>	<b>Date of Birth</b>	<b>Role</b>	<b>Action Taken</b>	<b>Ref No.</b> (e.g. Custody, PND etc)
Avtar SINGH	n/k	Shop Owner		

**When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)**



<b>Submitting Officer</b>		
<b>Shoulder No/Name:</b> C3232 Debie Pearmain	<b>Station:</b>	<b>LPA:</b> Slough

<b>Incident References</b>		
<b>Premises Name/Location:</b> Chalvey Off Licence		
<b>Incident Date:</b> 22/02/2016	<b>Incident Time:</b>	
<b>Command &amp; Control URN:</b>	<b>Crime Report(s):</b>	
<b>CCTV Seized?</b>		
<b>Sources of Information:</b>		

<b>Nature of Incident – what happened?</b>
<p>Pre-arranged meeting for the DPS/PLH to attend Windsor Police Station . PC Bond informed me that he had already spoken to the Owner about the extendable baton found at the premise during the HM Customs check.</p> <p>DPS did not attend this meeting.</p>

<b>Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?</b>

<b>Police Response – what action was taken? Please identify the main officers who dealt with the incident.</b>

<b>Persons Involved - to add more rows click into the final cell of this table</b>				
Name	Date of Birth	Role	Action Taken	Ref No. <small>(e.g. Custody, PND etc)</small>

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

Submitting Officer		
<b>Shoulder No/Name:</b> C3232 Debie Pearmain	<b>Station:</b>	<b>LPA:</b> Slough

Incident References		
<b>Premises Name/Location:</b>	Chalvey Off Licence , Chalvey Road West	
<b>Incident Date:</b>	02/03/2016	<b>Incident Time:</b>
<b>Command &amp; Control URN:</b>	<b>Crime Report(s):</b>	
<b>CCTV Seized?</b>		
<b>Sources of Information:</b>		

Nature of Incident – what happened?
<p>Telephone call from the DPS informing me that he did not turn up as thee had been a mix up with the letter and he only received it on 1<sup>st</sup> March 2016.</p> <p>Strongly worded advice given to the DPS to not have such weapons on the Licensed area and he was updated of what could happen if he was arrested for being in possession of an offensive weapon. This is in relation to his personal Licence and Premise Licence.</p>

Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?

Police Response – what action was taken? Please identify the main officers who dealt with the incident.

Persons Involved - to add more rows click into the final cell of this table				
Name	Date of Birth	Role	Action Taken	Ref No. (e.g. Custody, PND etc)

When complete, please forward to the Licensing Officer for the area (and anyone else as per local instructions)

**Submitting Officer****Shoulder No/Name:** C3232 Debie Pearmain**Station:****LPA:** Slough**Incident References****Premises Name/Location:** Chalvey Off- Licence, Chalvey Road West**Incident Date:** 11.40am 01/10/18**Incident Time:****Command & Control URN:****Crime Report(s):****CCTV Seized?****Sources of Information:****Nature of Incident – what happened?**

Licensing check as part of the CRED day. Nicola Keegan, Licensing Officer, SBC and Debie Pearmain, Police Licensing Officer attended the premises.

DPS on site - Arandeep Padda.

Summary on display

CCTV working - kept for 31 days, date and time correct  
DPS can download

Challenge 25 poster visible and on display

Refusals Register checked with last entry being 05/07/18

We were informed that alcohol is refused to drunk people at night and under aged.

We observed single packs of alcohol on the counter and that single cans are being sold from multi-packs.

I informed Arandeep that we had received alleged information of the staff selling cigarettes and alcohol to children, selling single cigarettes and selling paper cups of scotch.

Arandeep informed us that he does not sell to under age and that he has given out plastic cups to customers but not with scotch. He seemed to think that there was no issue in doing this. I advised Arandeep that he must stop giving out plastic cups to his customers as they are then standing in the street, drinking alcohol and this is having a knock on effect to the anti social behaviour in Chalvey. He said he would not give out any more cups. I also informed Arandeep that his premise may be test purchased.

**Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?****Police Response – what action was taken? Please identify the main officers who dealt with the incident.**

<b>Shoulder No/Name:</b> C3232 Debie Pearmain	<b>Station:</b>	<b>LPA:</b> Slough
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<b>References</b>		
<b>Premises Name/Location:</b>	Chalvey Off-Licence, Unit 4, Alexandra Plaza, Chalvey Road West	
<b>Incident Date:</b>	1750 18/10/18	<b>Incident Time:</b>
<b>Command &amp; Control URN:</b>	<b>Crime Report(s):</b>	
<b>CCTV Seized?</b>		
<b>Sources of Information:</b>		

<b>Nature of Incident – what happened?</b>
<p>Joint Test Purchase Operation with SBC Trading Standards, Licensing, PS Kiran Basra , SC 8030 Heather Bainbridge, SC 8448 Habib Rehman, 2 x 16 and a half female volunteers and Debie Pearmain, Police Licensing Officer.</p> <p>Bottle of Gallo white wine was sold alcohol by Mr Arandeep Padda. No questions in relation to age or ID was requested.</p> <p>We re-entered the premises at 1800 hours and informed Arandeep, who is the DPS and informed him of what had happened. I observed Challenge 25 Posters on display. I informed Arandeep that I had already spoken to him about under age a few weeks ago.</p> <p>At 18.05 Sergeant Basra cautioned the seller for the offence of selling alcohol to an under age person under Section 146 (1) of the Licensing Act 2003.</p> <p>CCTV was requested from 1745 - 18.00 hours to be downloaded and given to me at the Licensing meeting that is to be arranged to discuss this sale.</p> <p>As we entered the premise I observed a male who had put his money, including a £5.00 and some change on the counter. As soon as Arandeep saw us all come into the shop, he then began to try to get the male to leave, saying he didn't have any. I found this quite strange and before we left the premises I asked Arandeep what the man had wanted to buy. Arandeep said some nurofen which he didn't have.</p> <p>Whilst we were leaving the shop, Sergeant Basra observed male customers trying to purchase single cans of alcohol. I believe that due to us being on the premise and in particular the Sergeant watching, Arandeep did not sell the single cans. As we left the shop, a man became very aggressive with the Licensing officer from the Council ( Tola) and Sergeant Basra had to take the male to one side to speak to him.</p> <p>As we walked away from the shop there were a lot of men loitering and hanging around the outside of the shop. We do have concerns around this shop.</p>

<b>Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?</b>

<b>Police Response – what action was taken? Please identify the main officers who dealt with the incident.</b>
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Witness Statement


Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s.9

URN:	43	SW	07614	17
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Statement of: **KIRAN BASRA**

Age if under 18 (if over insert "over 18"): **Over 18** Occupation: **5910**

This statement (consisting of .....2..... 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: **18/10/2018**

I am Police Sergeant Kiran Basra 5910 currently based Slough Police Station.

On the 18/10/2018 I was part of a trading standards Operation with the Licensing officer Debbie Pearmain and Slough Borough Council

At approximately 17.50 hours I went into a store CHALVEY OFF LICENCE UNIT 4 ALEXANDRA PLAZA CHALVEY ROAD WEST SLOUGH.

I was then followed by two 16 year old females volunteer who bought sweets and a bottle of white wine, they were not challenged to their age or ID and left the store with the wine after payment.

I then went back into the store at about 1800 hours the same day with the receipt, wine and the licensing officers and I then cautioned the owner Arandeep under Section 146 of the Licensing Act and he stated he made a mistake and that he thought they were young and should have questioned them, he also added that the second DPS person stipulated on his licensing was not present but would be there soon as he was stuck in traffic but were there for another 15 minutes and no person arrived

We then told him he would be contacted for a meeting at the police station and to bring the cctv of the sale with him.

I would also like to add that when I entered the store there was a male there with a £5.00 note and Mr Padda was giving him something from under the counter which I could not see what it was but it did seem odd it was not on the tills and nothing went through the tills it was handed over and £5.00 taken.

Then 3 IC3 males entered the store and went straight to the fridge area and there was a 4 pack of beer/lager and each once took one can off the pack and walked to the till and I believe had I not challenged this then Mr Padda would have sold the cans individually .

As I left the store there is a large alley way and there were many males hanging around waiting for us to leave as I could hear a male say there Police in the shop.

These are my original notes.

Signature: **KIRAN**  Signature Witnessed by: **N/A**

**Debie Pearmain  
Licensing Officer**

Windsor Police Station  
Alma Road  
Windsor  
Berkshire SL4 3ES  
Tel. [REDACTED]  
Fax. [REDACTED]

Arandeep Padda  
c/o Chalvey Off Licence  
Unit 4, Alexandra Plaza  
Chalvey Road West  
Slough  
SL1 2NJ

Date: 23rd October 2018

Dear Arandeep Padda

An appointment has been made for you to attend Windsor Police Station, Alma Road, Windsor, Berkshire, SL4 3ES on Wednesday 14<sup>th</sup> November 2018 at 1.30pm.

The meeting is to discuss an issue/incident in relation to Chalvey Off Licence, Chalvey Road West, Slough.

If you fail to attend this meeting, non-attendance could be used in evidence if at any time your premises licence is reviewed.

Please telephone the above number to confirm your attendance.

Yours sincerely

[REDACTED]

Debie Pearmain  
Licensing Officer, Thames Valley Police

Cc  
Rachael Rumney, Senior Licensing Officer, SBC  
Sergeant Barkham, Thames Valley Police

**Submitting Officer****Shoulder No/Name:** C3232 Debie Pearmain**Station:****LPA:** Slough**Incident References****Premises Name/Location:** Chalvey Off-Licence, Unit 4, Alexandra Plaza Chavley Road West**Incident Date:** 1.30pm 14/11/18**Incident Time:****Command & Control URN:****Crime Report(s):****CCTV Seized?****Sources of Information:****Nature of Incident – what happened?**

Mr Arandeep Padda, Premise Licence Holder & DPS, PC Chri Fry, Neighbourhood Officer, Rachael Rumney, Senior Licensing Officer and Debie Pearmain, Police Licensing Officer.

Meeting arranged to discuss the recent failed test purchase on Thursday 18<sup>th</sup> October 2018. Alcohol was sold to two under age girls with no ID being requested or age asked. The sale was made by the DPS, Mr Arandeep Padda. The Gen40 of the incident was read out by Debie Pearmain. Arandeep was informed that Trading Standards would be taking their own action against him and that they would be in contact with him.

Arandeep was given the opportunity to respond back to what had happened. He informed us that he had not sold the alcohol on purpose and didn't do it intentionally. It was a lack of concentration on the day. He informed us that he does reject people quite often for alcohol and cigarettes. He also said he was sorry that it had happened. He informed us that he had refused someone the day before. He also said it was not something that happens regularly at all.. Arandeep also said that the man mentioned in my report was wanting to buy red nurofen and he did not have any. He also said that groups do stand outside the shop with soft drinks and he doesn't encourage them to intentionally stand outside and drink. He also asked us to clarify about him selling single cans. He was informed that there is no condition on the licence which states that he is unable to do this, but by doing this, it does encourage street drinking, which is adding to the anti-social behaviour in Chalvey. Arandeep was also informed that he had committed an offence by selling alcohol to under age children.

I also reminded Arandeep that I had been in the shop several weeks before the test purchase date and informed him that Thames Valley Police had received information of under age sales of cigarettes and alcohol. We were also informed that staff were giving the customers plastic cups for them to drink their alcohol from. Arandeep had informed me at the time of the visit that he had been giving out the plastic cups, but he would not do it any more.

The Refusals Register was checked during the meeting by Rachael Rumney and it was noted that there were no entries made between 13/08/18 - 17/10/18.

Arandeep was also informed that he has a condition on the licence stating that two members of staff have to be on the premises from 6.00pm until close. When we left the premises at 6.10pm there was no second staff member seen. Arandeep informed us that the staff member came soon after we had gone.

I then informed Arandeep that he was being issued with a Police Warning (Copy attached) . Warning letter was then read out. Arandeep was then informed that I on behalf of Thames Valley Police, would be applying to review the Premises Licence under the Crime and Disorder and Protection of Children from Harm Licensing Objectives being undermined.

Arandeep was surprised by this action being taken and it was explained to him that the Premise Licence is already heavily conditioned and there are no other conditions to be added to the Licence to assist in the Licensing Objectives not being undermined. Also, he as the DPS, had made the sale, which is extremely concerning.

Rachael Rumney explained the review process to Arandeep.

**Premises Response – what part did staff play? How did they react/assist (include good/poor performance)?**

**Debie Pearmain**  
Police Licensing Officer

Windsor Police Station  
Alma Road  
Windsor  
Berkshire SL4 3ES  
Tel. 0 [REDACTED]  
Fax. [REDACTED]

Arandeep Padda  
c/o Chalvey Off-Licence  
Unit 4, Alexandra Plaza  
Chalvey Road West  
Slough  
SL1 2NJ

Date 14<sup>th</sup> November 2018

Dear Arandeep Padda

I would like to confirm in writing that you as the Premises Licence Holder and Designated Premises Supervisor of Chalvey Off-Licence, Unit 4, Alexandra Plaze, Chalvey Road West, Slough Berkshire, SL1 2NJ, have been informed that in relation to you, selling alcohol to an under aged person on Thursday 18<sup>th</sup> October 2018, at Chalvey Off-Licence, this will now be classed as an official Police Warning.

This letter will now be placed on Chalvey Off-Licence, Unit 4, Alexandra Plaza, Chalvey Road West, Slough, Berkshire, SL1 2NJ, premises licensing file and will be used in evidence at a licensing panel hearing.

Yours sincerely

[REDACTED]  
**Debie Pearmain**  
Police Licensing Officer

Cc  
Mr M Sims, Licensing Manager, SBC  
Mr A Clooney, Trading Standards Manager, SBC

**Debie Pearmain**  
Police Licensing Officer  
Thames Valley Police  
Windsor Police Station  
Alma Road  
Windsor  
Berkshire SL4 3ES  
Tel. ( [REDACTED] )  
Fax. [REDACTED]

Date 30<sup>th</sup> November 2018

Mr Arandeep Padda  
c/o Chalvey Off Licence  
Unit 4, Alexandra Plaza  
Chalvey Road West  
Slough  
Berkshire  
SL1 2NJ

Dear Mr Arandeep Padda

I am writing to inform you as the Premise Licence Holder and DPS of Chalvey Off Licence, Unit 4, Alexandra Plaza, Chalvey Road West, Slough, Berkshire that Thames Valley Police are applying for a review of this premises licence.

The Police are applying for a review of the premises licence under the Prevention of Crime and Disorder and Protection of Children from harm Licensing Objectives.

If you wish to discuss the matter please contact me on the above telephone number.

Yours sincerely

Debie Pearmain  
Police Licensing Officer

Cc  
The Licensing Department, SBC  
Trading Standards, SBC  
Food & Safety Department, SBC  
Neighbourhood Enforcement Team, SBC  
Royal Berkshire Fire & Rescue Service  
Planning Department, SBC  
Local Safeguarding Children Board – Independent Chair  
Consultant in Public Health  
The Home Office Alcohol Licensing Team

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## **APPENDIX D**

### **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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<b>Licensing Sub Committee: 28<sup>th</sup> January 2019</b>
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<b>Contains Confidential or Exempt Information</b>	NO
<b>Report Title</b>	Application for a Street Trading Consent: Anjum's, The service road o/s 220 Farnham Road.
<b>Responsible Officer(s)</b>	Michael Sims – Licensing Manager, Regulatory Services
<b>Author(s)</b>	Tola Idowu –Licensing Officer, Regulatory Services
<b>Purpose of Report</b>	Regulatory/Determination of Application for a Street Trading Consent

## 1. RECOMMENDATIONS

- 1.1 That Licensing Sub Committee is asked to determine a new application for a Street Trading made by Mr Sabastine Anjum.
- 1.2 The Sub Committee may:
- (a) Grant the Application subject to the Slough Borough Council Standard Terms and Conditions.
  - (b) Grant the Application subject to the Slough Borough Council Standard Terms and Conditions, and any specific or extra conditions, or restrictions that the Committee consider reasonably necessary to:
    - Maintain public safety.
    - Prevent nuisance and anti-social behaviour.
    - Preserve the amenity of the specific locality.
  - (b) Refuse the Application.

## 2. PRINCIPLES OF DECISION MAKING

### 2.1 Context

- 2.1.1 As a quasi-judicial body the Committee is required to consider the application on its merits and must act reasonably and rationally. The 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 Committee must give fair consideration to the contentions of all persons entitled to make representation to them.
- 2.1.2 The Committee can only consider matters within the application that have been raised through representations.
- 2.1.3 Members should note that the 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.

2.1.4 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 applications. In addition as a quasi-judicial body, members are required to avoid both actual bias and the appearance of bias.

## **2.2 Human Rights & Equality Act Duties**

2.2.1 In determining the application the Committee should be aware of and take into account any implications that may arise from the Human Rights Act 1998 and S. 149 Equality Act 2010. The Act makes it unlawful for a public authority to act in a manner which is incompatible with the European Convention of Human Rights.

2.2.2 When determining the application and considering imposition of conditions the 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 decisions would be appropriate.

2.2.3 The Committee is specifically referred to the following Convention rights:

- (a) Article 6 (the right to a fair trial);
- (b) Article 8 (the right to respect for private and family life); and
- (c) Article 1 of the First Protocol (the protection of property).

## **3. RELEVANT POLICY AND LEGISLATION CONSIDERATIONS**

### **3.1 Section 7 Schedule 4 (Part 4) of the Local Government (Miscellaneous provisions) Act 1982. (Street Trading Consents)**

- (1) An application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.
- (2) Subject to sub-paragraph (3) below, the council may grant a consent if they think fit.
- (3) A street trading consent shall not be granted—
  - (a) to a person under the age of 17 years; or
  - (b) for any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.
- (4) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.
- (5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent—
  - (a) obstruction of the street or danger to persons using it; or
  - (b) nuisance or annoyance (whether to persons using the street or otherwise).
- (6) The council may at any time vary the conditions of a street trading consent.

- (7) Subject to sub-paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.
- (8) The council may include in a street trading consent permission for its holder to trade in a consent street—
  - (a) from a stationary van, cart, barrow or other vehicle; or
  - (b) from a portable stall.
- (9) If they include such a permission, they may make the consent subject to conditions—
  - (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
  - (b) as to the times between which or periods for which he may so trade.
- (10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- (11) The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

- 3.2** In addition, in determining the application the Council must have regard to;
- 1. The nature of the business e.g. product sold.
  - 2. The appearance and suitability of the trading unit.
  - 3. The impact the trading may have on the local area.

**4. APPLICATION SUMMARY**

4.1 Application for: Street Trading Consent.

4.2 Applicant: Mr Sabastine Anjum

4.3 Name of Business: Anjum's

4.4 Proposed business: Sale of fast food, grilled chicken, chips, drinks

4.5 Site location: The service road on Farnham Road outside 220 Farnham Road, Slough SL1 4XE

4.6 Hours of operation: Monday to Sunday: 19:00 – 23:00

4.7 Consent duration: Annual

4.8 Operating history: The Applicant is not trading at present.

4.9 Trading vehicle: Iveco Daily.SF04PWE

4.10 Site history A Street Trading Consent for the site has previously been granted and an individual had been trading from 2006 until October 2015.

A new consent was granted in 2016 with specific

conditions of:

1. A limit on the hours of trade which can be undertaken (hours of operation Monday to Saturday from 19:00 hrs to 23:00 hrs and on Sunday from 17:00 hrs, to 23:00 hrs.
2. A bin must be placed on the site and a litter pick of a 25 metre radius of the site and a litter pick undertaken on a daily basis.
3. Removal of all rubbish daily.
4. A prohibition on leaving vehicles at the site overnight.

However the trader never traded and the consent was revoked.

- 4.11 Objections A total of 4 objections from local residents have been received to the application .

## **5. Background**

- 5.1 On 24 November 1987, Slough Borough Council adopted street trading powers under section 3 and Schedule 4 of Local Government (Miscellaneous Provisions) Act 1982. The Council has designated all streets in their Borough as consent streets. Street trading is only allowed in consent streets with the consent of the Council. The Council may limit the number of consents issued and may attach appropriate conditions to consents.
- 5.2 An individual wishing to offer goods or services for sale, from a fixed stall or location on the public highway, must have Street Trading Consent issued by the local authority.
- 5.3 Mr Sabastine Anjum has submitted an application for a Street Trading Consent as detailed in Section 3 and attached at **Appendix A**
- 5.4 The site is located on the map at **Appendix B** and photographs of the site for which the applicant seeks the consent are attached at **Appendix C**.

## **6. Consultation**

- 6.1 Copies of all applications are sent to the following for comment:
- (a) Thames Valley Police
  - (b) Royal Berkshire Fire and Rescue Service
  - (c) Ward Members
  - (d) Slough Borough Council – Planning
  - (e) Slough Borough Council – Highways
  - (f) Slough Borough Council – Transport
  - (g) Slough Borough Council – Trading Standards
  - (h) Slough Borough Council – Parking and Development
  - (i) Slough Borough Council – Food and Safety Team
  - (j) Slough Borough Council – Neighbourhood Enforcement Team

- (k) Owners or occupiers of any property within 100 meters of the proposed site. This consultation was by way of sending a copy of the Notice of Application to the relevant property owners
- 6.2 A copy of the Council's consultation letter to local residents and businesses is attached at **Appendix D**. Following the consultation exercise, the Council has received 4 objections to the application. Copies of the objections are attached at **Appendix E**.
- 6.3 In summary the objections raise the following matters:
  - (a) The granting of this application would result in noise and anti-social activities.
  - (b) Increase in litter in the form of food waste and drinks cans and bottles.
  - (c) Loss of view to current shop holders if the Consent is granted.
- 6.4 Responses have been received from Planning and the Police with no objections to the application.

## **7. Conditions**

- 7.1 The Council has a schedule of Standard Terms & Conditions which apply to any Street Trading Consent.
- 7.2 The Council may also attach any specific or extra conditions, or restrictions that the Committee consider reasonably necessary as referred to at Point 1.2 (b).

## **8. Appendices**

**Appendix A** – Application forms

**Appendix B** – Map of the site B

**Appendix C** – Photos of the site C

**Appendix D** – Notice of Application letter

**Appendix E** – Objections

## **9. Background Information**

Section 3 and Schedule 4 of the Local Government Miscellaneous Provisions Act 1982

Minute 24 November 1987 of Slough Borough Council adopting powers under Section 3 of the Local Government Miscellaneous Provisions Act 1982

Slough Borough Council Street Trading Consents Standard Terms & Conditions

Slough Borough Council Street Trading Consent Guidance

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## APPLICATION FOR A STREET TRADING CONSENT (LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982)

### Grant / Renewal

**RETURN TO: LICENSING  
 LANDMARK PLACE  
 HIGH STREET  
 SLOUGH  
 SL1 1JL**

I / ~~WE~~ apply under the provisions of the above Act for a street trading consent and submit the following particulars. I / ~~WE~~ undertake to comply in full with the Council's general conditions applying to street trading consents and with any special conditions which may be specified in the consent.

#### APPLICANT (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname <i>ANJUM</i>			First names <i>SABASTINE</i>		
Date of birth [REDACTED]					
Current address [REDACTED]					
Post Town	<i>SLOUGH</i>			Postcode	[REDACTED]
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)		[REDACTED]			
National Insurance Number		[REDACTED]			

#### SECOND APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname				First names	

<b>Date of birth</b>			
<b>Current address</b>			
<b>Post Town</b>		<b>Postcode</b>	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			
<b>National Insurance Number</b>			

Is the application being made on behalf of a partnership?  
 If 'yes' please complete the following section;

Yes  No

**PARTNER (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>					
<b>Current address</b>					
<b>Post Town</b>		<b>Postcode</b>			
<b>National Insurance Number</b>					

**SECOND PARTNER (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>					
<b>Current address</b>					
<b>Post Town</b>		<b>Postcode</b>			
<b>National Insurance Number</b>					



**PROOF OF IDENTITY & RIGHT TO WORK**

**Photographic identification and proof of right to work is required for all applicants & partners.** A passport (and appropriate visa where necessary) **MUST** be produced along with 2 of the following:

- Driving Licence
- Birth Certificate / Marriage Certificate
- Utility Bill / Bank statement
- National Insurance Number or any other form of identification the Council deems fit

Sole Trade r <input checked="" type="checkbox"/>	Limited Compan y <input type="checkbox"/>	Partnershi p <input type="checkbox"/>	Other(pleas e specify)
<b>Business Name</b>		ANJUM'S	
<b>Business Address</b>			

**DURATION OF CONSENT BEING APPLIED FOR:**

Annual  6 months  3 months  1 month  Weekly  Daily

Is the applicant trading at present? Yes  No

How long has the applicant been trading? N/A

**CURRENT / PROPOSED TRADING SITES(s)** - precise location(s) to be specified along with an acceptably prepared plan.

<b>Address of trading location</b>	
------------------------------------	--

Plan attached: Yes  No

Is trading taking place on private land? Yes  No

Has the owner's permission been given?  
(Please submit written consent) Yes  No

**LAND OWNERS DETAILS** (to be completed if trading is taking place on private land)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
<b>Surname</b>				<b>First names</b>	
<b>Current address</b>					
<b>Post Town</b>				<b>Postcode</b>	
<b>Contact telephone number</b>					
<b>E-mail address</b>					

**PROOF OF IDENTITY & RIGHT TO WORK**

**Photographic identification and proof of right to work is required for all nominated assistants.** A passport (and appropriate visa where necessary) **MUST** be produced along with **2** of the following:

- Driving Licence
- Birth Certificate / Marriage Certificate
- Utility Bill / Bank statement
- National Insurance Number or any other form of identification the Council deems fit.

**FIRST NOMINATED ASSISTANT**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
<b>Surname</b>				<b>First names</b>	
<b>Date of birth</b>					
<b>Current address</b>					
<b>Post Town</b>				<b>Postcode</b>	
<b>National Insurance Number</b>					

**SECOND NOMINATED ASSISTANT**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
<b>Surname</b>				<b>First names</b>	
<b>Date of birth</b>					

<b>Current address</b>			
<b>Post Town</b>		<b>Postcode</b>	
<b>National Insurance Number</b>			

**THIRD NOMINATED ASSISTANT**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>					
<b>Current address</b>					
<b>Post Town</b>		<b>Postcode</b>			
<b>National Insurance Number</b>					

**FOURTH NOMINATED ASSISTANT**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>					
<b>Current address</b>					
<b>Post Town</b>		<b>Postcode</b>			
<b>National Insurance Number</b>					

**FIFTH NOMINATED ASSISTANT**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
<b>Surname</b>			<b>First names</b>		
<b>Date of birth</b>					
<b>Current address</b>					
<b>Post Town</b>		<b>Postcode</b>			
<b>National Insurance Number</b>					

Do the applicant(s) or nominated assistants have the necessary food safety training to meet current legal requirements? - Evidence **MUST** be produced at time of application.

Yes  No

**REQUESTED TRADING TIMES (please use 24 hour clock).**

	Start time	Finish time
Monday	19:00 pm	23:00
Tuesday	19:00	23:00
Wednesday	19:00	23:00
Thursday	19:00	23:00
Friday	19:00	23:00
Saturday	19:00	23:00
Sunday	19:00	23:00
Seasonal Variations:		

Has the applicant been licensed with another local authority?

Yes  No

If 'yes', please specify: \_\_\_\_\_

Has the applicant ever had a Street Trading Consent/Licence suspended or refused?


Yes  No

If 'yes', please specify the Licensing Authority: \_\_\_\_\_

Does the applicant have the required Public Liability Insurance (£5m)? - Evidence **MUST** be produced at time of application.

Yes  No

<p><b>Full details of any vehicles, stall, trolley stand etc to be used in the course of trading.</b> (Include registration/fleet number, height, width, length, colour)</p>	<p>Mobile Catering van Iveco Daily, white SF04 PWE</p>
<p><b>Description of goods / articles</b></p>	<p>Food (grilled chicken, chips, drinks)</p>

<b>to be sold.</b> (E.g. hot / cold food, fruit and vegetables etc).	
<b>Address of premises or location where vehicle, stall, trolley, stand and any food will be stored when not in use.</b>	

**INSPECTION**

The vehicle / stand / stall / trolley where trading is taking place must be inspected by a Licensing Officer prior to a Street Trading Consent being issued. Please contact the Licensing Office to arrange an inspection.

Please specify your preferred inspection location: 

**Application Check List**

- I have enclosed the completed application form.  
(New applicants will be required to submit 9 copies)
- I have enclosed a plan of the site / location.  
(New applicants will be required to submit 9 copies)
- I have enclosed the completed declaration of convictions & cautions for applicant(s) & nominated persons.
- I have enclosed payment of fee.
- I have enclosed the basic Criminal Record Bureau disclosure (if applicable) for applicant(s) and nominated persons.
- I have enclosed a passport size photograph of applicant(s) and nominated persons.  
(A digital image can be emailed to [licensing@slough.gov.uk](mailto:licensing@slough.gov.uk))
- I have enclosed proof of right to work for all applicant(s) and nominated persons.
- I have enclosed 2 additional forms of identification for each applicant & nominated persons.
- I have enclosed a copy of the Public Liability Insurance.
- I have enclosed Food Safety / Hygiene certificates for all nominated persons.
- I have enclosed a colour photograph of any vehicles, stall, trolley, stand etc.  
(A digital image can be emailed to [licensing@slough.gov.uk](mailto:licensing@slough.gov.uk)) *emailed to account*
- I understand that if I do not comply with the above requirements my application will be rejected.

Please note that digital images of the applicant, nominated persons and vehicle etc may be emailed to [licensing@slough.gov.uk](mailto:licensing@slough.gov.uk). Images should be named and referenced to your application.

**TO BE COMPLETED BY ALL APPLICANTS**

Please ensure that you have checked the application form fully before submission AND that you have read the revised – Street Trading Consents – General Conditions.

**DECLARATION**

The information contained in this form is correct to the best of my knowledge and belief. (It is an offence knowingly or recklessly to make a false statement. A person is to be treated as making a false statement if he/she produces, furnishes, signs or otherwise makes use of a document that contains a false statement)

Applicant Name:.....*SABASTINE ANJUM*.....

Signed..........Dated.....*02/09/18*.....

Applicant Name:.....

Signed:.....Dated:.....

Applicant Name:.....

Signed:.....Dated:.....



## Street Trading Consent Application Declaration of Convictions & Cautions

### TO BE COMPLETED BY ALL APPLICANTS, PARTNERS & NOMINATED ASSISTANTS

When submitting an application for Street Trading Consent, you are required to declare all convictions and cautions you may have by virtue of the Rehabilitation of Offenders Act 1974. Any spent convictions must be disclosed.

Have you ever had any;

- a) Convictions      Yes       No
- b) Cautions          Yes       No

### TO BE COMPLETED BY ALL APPLICANTS, PARTNERS & NOMINATED ASSISTANTS

<b>Date</b>	<b>Offence</b>
<b>Court</b>	<b>Result / Sentence</b>
<b>Date</b>	<b>Offence</b>
<b>Court</b>	<b>Result / Sentence</b>
<b>Date</b>	<b>Offence</b>
<b>Court</b>	<b>Result / Sentence</b>
<b>Date</b>	<b>Offence</b>
<b>Court</b>	<b>Result / Sentence</b>

Please continue on separate sheet if necessary.

Are you currently on bail or subject of any outstanding charge or summons? If 'YES', please give full details below.

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Name: SABASTINE ANJUM      Signature:

Date: 7/11/18

## Application For street trading consent

Location for Mobile catering van



The parking spaces are regulated between 8am-7pm. Our proposed time is after 7pm.







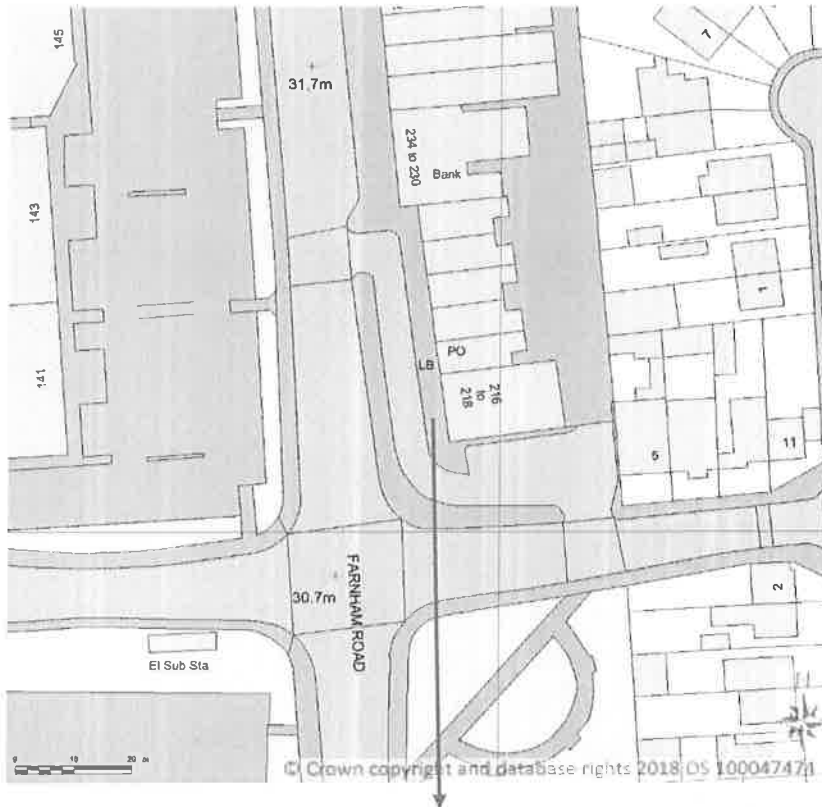
Another view of the location.

**SITE LOCATION PLAN**

**AREA 2 HA**

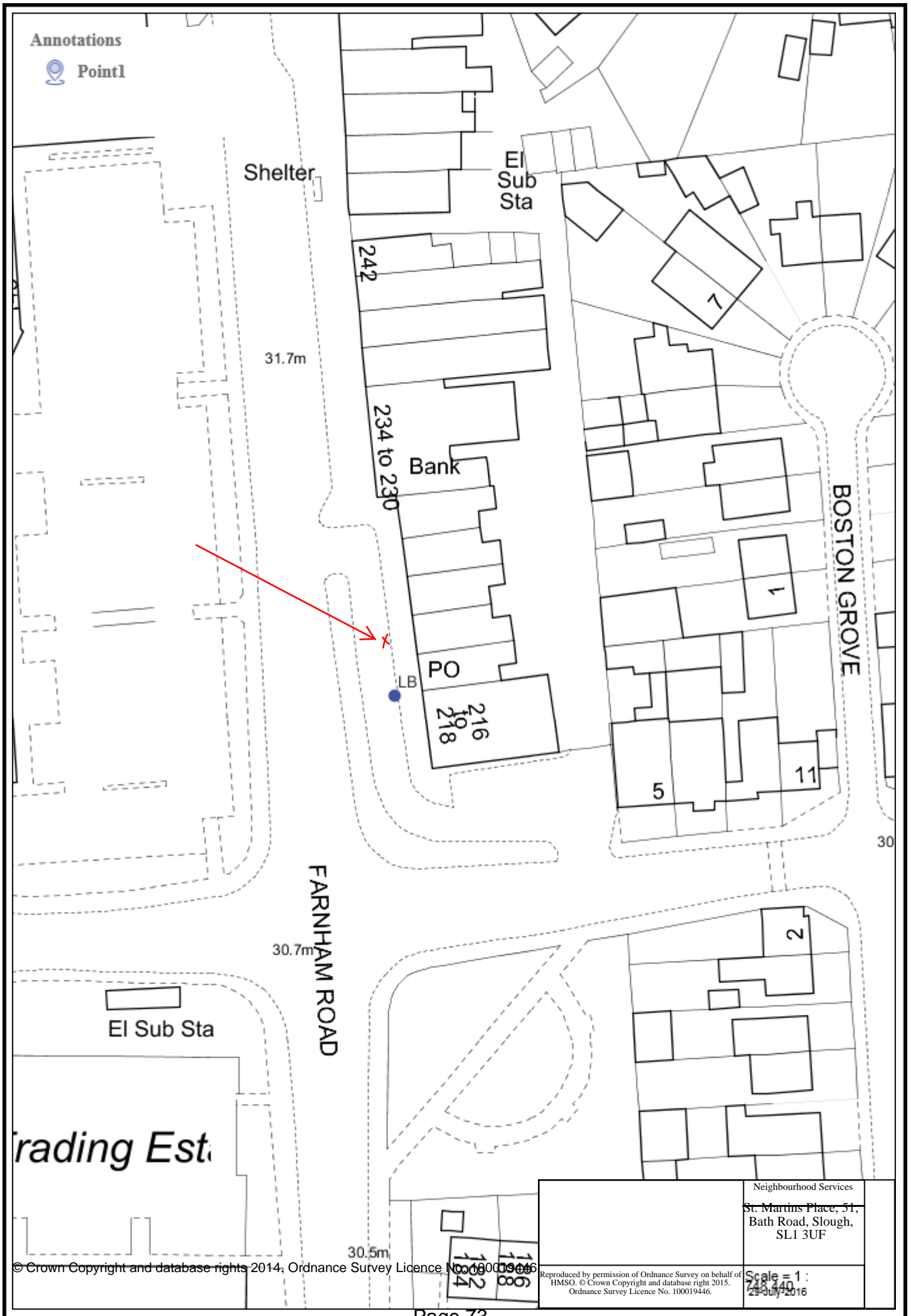
**SCALE 1:1250 on A4**

**CENTRE COORDINATES: 496186, 181325**



Location as shown on the map, is a side road, from the main from road (Farnham road). The location has a set of shops with parking outside, the proposed location is a parking area, where a previous pitch was set up.

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Ladbrokes

Tops Pizza DELIVERY

Post Office postoffice.co.uk

KOPERNIK POLISH SUPERMARKET

VAPE SLOUGH





Tops Pizza DELIVERY

Post Office POST OFFICE postoffice.co.uk

VAPOR SLUGG  
LIQUID - MOD KIT - COIL - TANK - ACCESSORIES - 01753 520 057

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WELCOME TO KOPERNIK



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W  
WRIGHT ACCOUNTANTS  
WRIGHT ACADEMY

Page 78

Lebon  
Jasmine Superstore

FARMHAM ROAD  
**PHARMACY**  
H.A. ROPERLAND LTD

**Ladbrokes**

**Tops Pizza**  
DELIVERY  
WWW.TOPSPIZZA.CO.UK

Post Office  
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23<sup>rd</sup> November 2018

**Department:** Public Protection Services  
**Contact Name:** Mick Sims  
**Contact No:** 01753 875664  
**Email:** [licensing@slough.gov.uk](mailto:licensing@slough.gov.uk)  
**Our Ref:**  
**Your Ref:**

To  
The Occupier

Dear Sir / Madam

**Consultation – Application for a Street Trading Consent – Farnham Road - South (Service Road), Slough, SL2 1DE**

Slough Borough Council is responsible for the licensing of Street Trading Consents in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Where new applications for Street Trading Consents are made, in line with Council policy, it is necessary to consult formally with relevant parties and local residents and or businesses in the vicinity of the proposed area where the trading has been requested to take place.

On 14<sup>th</sup> November 2018, an application was made for a Street Trading Consent for trading to take place in the service road off Farnham Road, outside 222 Farnham Road, (please see attached map).

The type of trading to be carried out is the sale of hot food, Monday to Sunday between the hours of 19:00 and 23:00.

Where the proposed trading to take place is to be defined as 'Late Night Refreshment' i.e. hot food and drink between the hours of 11.00 pm and 05.00 am, an application will also have to be made for a Premises Licence under the Licensing Act 2003, which will be subject to a separate statutory consultation.

I would therefore be grateful if you could forward any objections or representations you may have, in writing, to the application to – **The Licensing Team, Landmark Place, High Street, Slough, SL1 1JL** or by email to [licensing@slough.gov.uk](mailto:licensing@slough.gov.uk), no later than 20 days from the date of this letter quoting the address of the proposed trading site.

If objections or representations are received to the application the matter will be referred to a Licensing Sub Committee for determination with a hearing to take place normally between 4 to 8 weeks from the date of the application being made.

The Licensing Sub Committee is made up of local Councillors who will determine each application on its own individual merits. At the Committee hearing the applicant(s) and objectors will be given the opportunity to put their case forward. The Committee are empowered to grant, refuse or apply any relevant conditions in addition to the **General Conditions** to any licence application put before them.

Yours sincerely,

Mick Sims  
Licensing Manager  
Public Protection Services

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# Appendix E

Via Email

Angela Wilga

Telephone:

Mobile:

Dear Mr Sims

Many thanks for your letter concerning the above application.

I would like to object to this for the following reasons:

- There are already numerous food outlets along the parade where the mobile unit is likely to be placed. There is always a revolting smell in the area and I notice the current food shops do not dispose of their rubbish well. I frequently walk around the back of the shops and am astounded at the rubbish that the vendors store at the back of their premises. It attracts rats - I've seen them! The van, being open, will smell even worse.
- There are already a few shops along the parade that sell alcohol. I do not think it is necessary to have another one (from 11.00 pm - 5.00 selling alcohol), especially as people are not disposing of their bottles/cans in the bins provided. Instead I find them in Boston Grove filled with urine! Also, I believe drinking and driving needs to be discouraged, not encouraged as this van would do.
- The memorial garden across the road from the service area (on the corner of Sheffield Road/Farnham Road) is beautifully kept by the Council - thank you. Unfortunately, people just hang out in it late at night drinking and leaving their rubbish. A food/drink van will just add fuel to the fire. I understand that the garden is there for all to use but I think it's unfair when it is left with rubbish.
- There has been a van in the service area for a while and I notice groups of people hang out outside the van and in the car park right next to it. I believe it makes people feel uncomfortable when they have to walk by. Again, rubbish from the van is left everywhere!

Many thanks for the opportunity to express my concerns regarding this application and should you require further information, please do not hesitate to contact me at any time (details above).

Yours sincerely  
Angela Wilga

## Appendix E

Via Email

K Tilby

I object to the application outside 222 farnham road as there have been food trucks there before and people acted stupid. Police had to be called multiple times due to loud music cars racing and revving. The customers would come down the road and go to toilet and throw there food rubbish and alcohol. We could never get to sleep as there was shouting and overall being idiots. If this application goes through we would never get any peace or sleep due to the noise the street would be full of alcohol food rubbish and urine (this has happened before and had rats). My mum and others down the street goes to work at 5am they would not get any sleep if this goes through. The off-licence down farnham road sell alcohol late at night and people sit in the little Park across and get loud and abusive and overall dangerous we finally got some peace when the last food truck went of off business.

[Sent from Yahoo Mail on Android](#)

## Appendix E

Via Email

Dear Mick,

I am writing to you in response to the consultation letter sent to us by you dated 23<sup>rd</sup> November 2018 regarding the Application for a Street Trading Consent-Farnham Road-South (Service Road, Slough. SL2 1DE).

We as residents of XX Sheffield Road, Slough have got **serious concerns** on this proposal. We are already experiencing issues with individuals who use the Farnham Road off-licenses/eateries; they frequently gather on the corner of Sheffield Road/Boston Grove in a **drunk** manner, causing commotion and **urinating openly** as well as throwing their thrash i.e. beer cans and take away boxes in our bins and driveways.

This already occurs at night and having this proposed late night service will only serve to increase the occurrence of these kind of activities and will affect our quality of lives. We have **young children** and this is not the kind of environment we want our children to be exposed to while they are in the “supposed” security of their own home. So we **strongly object** this application.

Feel free to contact me if any further discussion on this is required.

Kind Regards,  
Kamran Ahmed

## Appendix E

Via Email

As a resident of Boston Grove, I would wish to express complete objection to any such plan for food trade on Farnham road.

I have discussed the matter with other family members who live with us, who also agree that we are subjected to a constant unwelcome smell of takeaway food throughout the day, 11am onwards. There was a kebab van on the proposed site for a number of years and the smell it created was terrible. Also it led to an increase of litter around the area from people not disposing of rubbish responsibly.

There has also been a growing problem of rats in this general area and I daren't say the growing number of food shops has been a major contributing factor.

I sincerely hope we are not subjected to any more food trading ventures around here. Surely there are already enough places to feed the obesity epidemic on Farnham road without more being added.

Kind regards Shazia Khushi

Sent from my Samsung Galaxy smartphone.



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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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of the Local Government Act 1972.

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