

# Public Document Pack



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Committee:** Licensing Sub Committee  
**Date:** Tuesday 29 October 2019  
**Time:** 10.00 am  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

## Membership

Councillor Richard Mould  
Councillor Bryn Williams

Councillor Douglas Webb

## AGENDA

1. **Appointment of Chairman of the Sub-Committee**
2. **Declarations of Interest**

Members are asked to declare any interest and the nature of that interest that they may have in any of the items under consideration at this meeting.

**Note:** Any Member with a disclosable pecuniary interest will not be able to participate in the hearing, and should therefore notify the Director: Law and Governance in advance so that arrangements may be made for an alternate Member to attend.

3. **Premises Licence Review Hearing** (Pages 1 - 90)

Report of Environmental Health & Licensing Manager

### **Purpose of report**

To consider a request from Oxfordshire Trading Standards (OTS) for a review of the premises licence relating to:

Banbury Express Food and Wine, 179 Warwick Road, Banbury, OX16 1AS.

## **Recommendations**

- 1.1 There are no recommendations, but in considering the representations received and what is appropriate for the promotion of the licensing objectives, the steps the Sub-Committee can take are outlined in paragraph 6.2.

**Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.**

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwellandsouthnorthants.gov.uk](mailto:democracy@cherwellandsouthnorthants.gov.uk) or 01295 227956 prior to the start of the meeting.

### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

### **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

### **Evacuation Procedure**

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

### **Access to Meetings**

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

### **Mobile Phones**

Please ensure that any device is switched to silent operation or switched off.

### **Queries Regarding this Agenda**

Please contact Aaron Hetherington, Democratic and Elections  
[democracy@cherwellandsouthnorthants.gov.uk](mailto:democracy@cherwellandsouthnorthants.gov.uk), 01295 227956

**Yvonne Rees**  
**Chief Executive**

Published on Monday 21 October 2019





## Cherwell District Council

### Licensing Sub-Committee

29 October 2019

#### Premises Licence Review Hearing

### Report of Environmental Health & Licensing Manager

This report is public.

#### Purpose of report

To consider a request from Oxfordshire Trading Standards (OTS) for a review of the premises licence relating to:

Banbury Express Food and Wine, 179 Warwick Road, Banbury, OX16 1AS.

#### 1.0 Recommendations

- 1.1 There are no recommendations, but in considering the representations received and what is appropriate for the promotion of the licensing objectives, the steps the Sub-Committee can take are outlined in paragraph 6.2.

#### 2.0 Introduction

- 2.1 To consider an application to review a premises licence submitted by OTS.

#### 3.0 Report Details

- 3.1 Banbury Express Food and Wine is a small convenience store on the Warwick Road in Banbury. The store currently benefits from a premises licence ("the Licence") issued in accordance with the Licensing Act 2003 ("the Act"), covering the off sale of alcohol by retail.
- 3.2 A premises licence is granted once the applicant has satisfied the licensing authority that their proposed business will meet all of the licensing objectives, as prescribed in the Act.

For the promotion of the licensing objectives, mandatory conditions are attached on all premises licences, and premises' may also propose conditions to their licence which demonstrate their ability for their business to meet the requirements under the Act.

A copy of the Licence, listing the licensing conditions, is attached to this report as appendix 1.

- 3.3 Any sale of alcohol must be authorised by a person who holds a personal licence issued under the Act, and every premises selling in these circumstances must have a designated premises supervisor (DPS) in place. This is a person holding a personal licence who is ultimately responsible for all alcohol sales.
- 3.4 The premises licence was first granted on 31 August 2016 and was transferred to a private limited company on 3 September 2019 having received an application from Mr Narinder Singh Malhotra. Mr Malhotra is listed on companies house as the sole Director of the limited company.
- 3.5 On the 17<sup>th</sup> September 2019 Cherwell District Council Licensing Department received an application from OTS requesting a review of the Licence. The grounds for the review were based on the Licensing objectives in relation to Crime and Disorder and Protection of children from harm.

A copy of the licence review application submitted by OTS is attached to this report as appendix 2; the details of which will be presented to the committee by the review applicant.

## **4.0 Consultation**

- 4.1 When an application to review a premises licence is received the licensing authority must display a notice at or near the relevant premises, at the council offices and on the council's website. The consultation period runs for 28 days from the day after the application is received. This gives interested parties and responsible authorities the opportunity to make representations in relation to the application. Full compliance requirements have been met in respect of this review.
- 4.2 Representations have been received from the following responsible Licensing authorities: Thames Valley Police, Cherwell District Council and Oxfordshire Public Health, details of which are attached to this report as appendix 3, 4 and 5. Under section 13(4) of the Act the Licensing Authority may submit representations as one of the responsible authorities.
- 4.3 Environmental Health, Planning, Health Protection and Compliance and the Secretary of State responded with 'no objections' or 'no comments' to make'. No response was received from:
- Oxfordshire Fire and Rescue Service
  - Oxfordshire Safeguarding Children's Board
- 4.4 All information and evidence from the License holder, interested parties, and responsible Authorities will be presented to the committee by the respective representative present.

## **5.0 Conclusion and Reasons for Recommendations**

5.1 There is no recommendation.

## **6.0 Alternative Options and Reasons for Rejection**

6.1 At the end of the consultation period the licensing authority must hold a hearing. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

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

6.2 The steps the Sub-Committee can take are to:

- take no action;
- modify the conditions of the Licence;
- remove the designated premises supervisor;
- exclude a licensable activity from the Licence;
- suspend the licence for a period not exceeding 3 months;
- revoke the licence.

## **7.0 Implications**

### **7.1 Financial and Resource Implications**

There are no financial implications arising directly from this report.  
Comments to be checked by Kelly Wheeler, Finance Business Partner,  
01295 221570,  
[kelly.wheeler@cherwell-dc.gov.uk](mailto:kelly.wheeler@cherwell-dc.gov.uk)

### **7.2 Legal Implications**

The determination of this application must be made in accordance with the relevant legislation, statutory guidance and the Council's licensing policy.

Comments checked by Sophie Phillips, Solicitor 01295 753701  
[Sophie.phillips@cherwell-dc.gov.uk](mailto:Sophie.phillips@cherwell-dc.gov.uk)

## **8.0 Decision Information**

### **Wards Affected**

Banbury Ruscote

### **Links to Corporate Plan and Policy Framework**

Not applicable

## Lead Councillor

Not applicable

## Document Information

Appendix No	Title
1	Banbury Express Food and Wine premise Licence PRM0712
2	Copy of application to review a premises licence issued by Oxfordshire Trading Standards, received 17 September 2019.
3	Copy of representation received from Thames Valley Police dated 11 October 2019.
4	Copy of representation received from Cherwell District Council received 2 October 2019.
5	Copy of representation received from Oxfordshire Public Health 11 October 2019.
6	Map of the location and vicinity of Banbury Express Food and Wine.
<b>Background Papers</b>	None
<b>Report Author</b>	Michael Sands, Licensing Enforcement Officer.
<b>Contact Information</b>	01295 753744 <a href="mailto:licensing@cherwell-dc.gov.uk">licensing@cherwell-dc.gov.uk</a>

**LICENSING ACT 2003  
PREMISES LICENCE**



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**PART A – Part 1**

<b>Banbury Express Food and Wine 179 Warwick Road Banbury OX16 1AS</b>	<b>Licence Ref:</b>	PRM0712
	<b>Date Granted:</b>	04.09.2019
	<b>Valid from: Valid to:</b>	Not Time Limited
	<b>Issue date:</b>	03.09.2019
	<b>Tel No.:</b>	

<b>Premises Licence Holder</b>	<b>Banbury Express Food And Wine LTD 179 Warwick Road Banbury OX16 1AS</b>
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**Licensable Activities - Alcohol Sales**

<b>Activity</b>	<b>Days of Week</b>	<b>Open</b>	<b>Close</b>
<b>Sale of Alcohol Alcohol is supplied for consumption off the Premises</b>	Sunday to Thursday	07:00	22:30
	Friday and Saturday	07:00	23:00

**Opening Hours**

<b>Days of Week</b>	<b>Open</b>	<b>Close</b>
Friday and Saturday	07:00	23:00
Sunday to Thursday	07:00	22:30

**PART A - Part 2**

**Registered number of holder, for example company number, charity number**

Registered Company Number 10365830

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Narinder Singh Malhotra  
Banbury Express Food And Wine  
179 Warwick Road  
Banbury  
OX16 1AS

**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 Number:   
Licensing Authority: Hillingdon District Council



Charlotte Lindop  
Licensing Enforcement Officer  
3 September 2019

## Annex 1 – Mandatory conditions

### All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No Supply of alcohol may be made under the Premises Licence -
  - a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
  - b) At a time when then the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence
- 3.1 The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- 3.2 In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
  - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
    - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
  - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available
- 5.1 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.
- 5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- 5.3 The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
  - a. a holographic mark or
  - b. an ultraviolet feature
6. The responsible person must ensure that -
  - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
    - i. beer or cider: ½ pint;
    - ii. gin, rum, vodka or whiskey: 25ml or 35ml; and
    - iii. still wine in a glass: 125ml; and
  - b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## Minimum Drinks Pricing

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 -
  - a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - b. "permitted price" is the price found by applying the formula -

$$P=D+(D \times V)$$

Where: -

- i. P is the permitted price
  - ii. 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 alcohol, and
  - iii. 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 alcohol;
- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- i. The holder of the premises licence
  - ii. The designated premises supervisor (if any) in respect of such a licence, or
  - iii. The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. "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
- e. "value added tax" means value added tax charged in accordance with Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the 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.

4.1 Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax

4.2 The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

## **Annex 2 – Conditions consistent with the operating schedule**

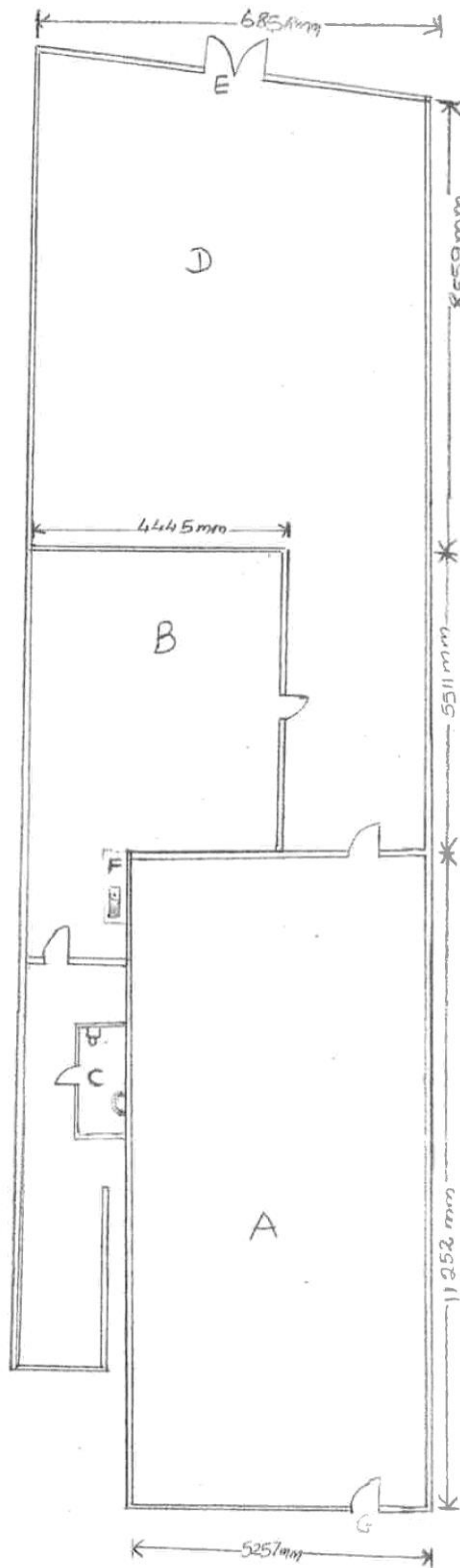
Strict Implementation of Challenge 25, on staff at all times will have knowledge how to operate the CCTV and download images if needed  
CCTV to be installed and 31 days recording system  
All Staff to be trained in responsible alcohol retailing  
Training manual will be available at the premises  
Cash in tills to be kept to a minimum  
All stock to be bought from reputable Cash \_ Carry/Wholesalers  
All alcohol and tobacco products will be purchased from established and bona fide VAT registered traders  
Incident book available on the premises and filled out when needed  
Training records in place for inspection of staff, staff training refreshed every 6 months  
Installation of appropriate safety equipment  
Fire exit signs displayed  
To comply with all current, fire and health and safety law  
CCTV working at all times  
Posters to be displayed to show CCTV monitoring anti-social behaviour  
Notice displayed asking customers to leave quietly from the premises also customers will be told in person to leave quietly and not to disturb the neighbourhood  
Staff to be trained regularly in underage sales prevention  
Challenge 25 policy in place and posters displayed where alcohol is sold  
"No proof of age - No Sale" sign age displayed  
Refusal book will be updated every time when someone is asked for ID

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

**Conditions Required by Committee**



# Annex 4 – Plans



COSTCUTTER  
179 WARWICK ROAD  
BANBURY  
OXON  
OX16 1AS  
1 : 100 SCALE  
A : SHOP  
B : KITCHEN & OFFICE  
C : TOILET  
D : STORE  
E : FIRE EXIT  
F : SINK  
G : MAIN ENTRANCE

**LICENSING ACT 2003  
PREMISES LICENCE**

**PART B**

<b>Banbury Express Food and Wine 179 Warwick Road Banbury OX16 1AS</b>	<b>Licence Ref:</b>	PRM0712
	<b>Date Granted:</b>	04.09.2019
	<b>Valid to:</b>	Not Time Limited
	<b>Issue date:</b>	03.09.2019
	<b>Tel No.:</b>	

<b>Premises Licence Holder</b>	<b>Banbury Express Food And Wine LTD 179 Warwick Road Banbury OX16 1AS</b>
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**Licensable Activities - Alcohol Sales**

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<b>Days of Week</b>	<b>Open</b>	<b>Close</b>
Friday and Saturday	07:00	23:00
Sunday to Thursday	07:00	22:30

**Registered number of holder, for example company number, charity number**

Registered Company Number 10365830

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Narinder Singh Malhotra

**State whether access to the premises by children is restricted or prohibited**

Not Specified



Charlotte Lindop  
Licensing Enforcement Officer  
3 September 2019

**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 Russell Sharland

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 (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> Banbury Express Food & Wine 179 Warwick Road	
<b>Post town</b> Banbury	<b>Post code (if known)</b> OX16 1AS

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Narinder Singh Malhotra
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<b>Number of premises licence or club premises certificate (if known)</b> PRM1609
--

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A)  below)

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

**Please tick**

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

I am 18 years old or over

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Russell Sharland Tobacco Control Officer Oxfordshire County Council Graham Hill House Electric Avenue Ferry Hinksey Road Oxford OX2 0BY
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

The grounds for review are as follows:

1. On 16<sup>th</sup> December 2018, Oxfordshire County Council Trading Standards conducted a covert test purchase visit at Banbury Express and purchased 20 illegal smuggled cigarettes for £6.50. The purchaser was not asked their age or for proof of age.
2. On 3<sup>rd</sup> March 2019, Oxfordshire County Council Trading Standards conducted a covert test purchase visit at Banbury Express and purchased 20 illegal smuggled cigarettes for £6.50. The purchaser was not asked their age or for proof of age.
3. On 9<sup>th</sup> June 2019, Oxfordshire County Council Trading Standards conducted an announced enforcement visit at Banbury Express. 300 illegal smuggled cigarettes were identified in a chocolate bar box behind the till point and seized. 2540 illegal smuggled cigarettes were also identified within two boxes in the shop storeroom and seized. A further single packet of illegal smuggled hand-rolling tobacco was identified in an additional storeroom and seized.
4. Breaches of licence conditions have been detected during the course of investigations into the above matters.
5. The premises licence holder / designated premises supervisor has been complicit in the unlawful conduct.

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

1. This review is being brought due to evidence that the licensed premises Banbury Express has been used to sell and store illegal tobacco. Further, this submission will show that this activity has been ongoing for a significant amount of time and an aggravating factor is that Mr Narinder Singh Malhotra, the owner and sole director of the Company that owns and runs the shop, has been directly involved in the criminality. Mr Malhotra is also now the premises licence holder and designated premises supervisor.
2. Banbury Express was granted its premises licence on 31 August 2016. The premises licence was granted to Mr Gurmeet Singh who also was appointed as the designated premises supervisor at this time.
3. However, the business itself is operated by Banbury Express Food and Wine Ltd and its director Mr Malhotra. Mr Singh is Mr Malhotra's brother-in-law. Mr Malhotra is a personal licence holder and, at the time of this submission, is also the premises licence holder and designated premises supervisor of another convenience store in Wokingham, albeit a business he does not own or work in.
4. On 4<sup>th</sup> October 2018, Trading Standards received intelligence alleging that Banbury Express was selling illegal tobacco. The intelligence alleged that "the shopkeeper/assistant goes through into the back of the shop to get it".
5. After receiving judicial authorisation from Oxford Magistrates' Court, on 16<sup>th</sup> December 2018, 1 x 20 Marlboro Gold cigarettes were retrieved from under the counter and sold for £6.50 at Banbury Express to a covert operative working on behalf of Trading Standards. The cigarettes were labelled in a foreign language, do not comply with standardised plain packaging requirements and are non-UK duty paid. The purchaser was not asked their age or for proof of age. The seller was described as an Asian male, aged in his 30s, with a black beard and wearing a patka.
6. After receiving further judicial authorisation from Oxford Magistrates' Court, on 3<sup>rd</sup> March 2019, 1 x 20 Marlboro Gold cigarettes were retrieved from under the counter and sold for £6.50 at Banbury Express to a covert surveillance operative working on behalf of Trading Standards. The cigarettes were labelled in a foreign language, do not comply with standardised plain packaging requirements and are non-UK duty paid. The purchaser was not asked their age or for proof of age. The seller was described as an Asian male but was not the same Asian male that sold on the earlier occasion.
7. On 9<sup>th</sup> June 2019, officers from Oxfordshire Trading Standards conducted an announced visit at Banbury Express in order to inspect the premises for tobacco products. A white male, who identified himself as "redacted - person A", was the sole person present in the premises. A short time later, Narinder Singh Malhotra arrived at the premises.
8. Mr Malhotra was asked, other than the legitimate tobacco products in the gantry, were there any other tobacco products in the premises. He directed officers to a box of (legal) cigarettes in a box in a rear storeroom. He did not indicate any other storage of tobacco products in the premises. The inspection then commenced and shortly afterwards smuggled and suspected counterfeit cigarettes were identified concealed in a "Snickers box" on a shelf in the counter area. Mr Malhotra made the unsolicited comment that he had bought them from a Polish guy the day before. The search continued and further smuggled and suspected counterfeit cigarettes were

identified in two boxes within the main storeroom.

9. The following items were subsequently seized:

From counter area:

3 x 20 Marlboro Red  
10 x 20 Marlboro Gold  
2 x 20 L&M Blue

From rear storeroom:

47 x 20 Marlboro Gold  
33 x 20 L&M Blue  
23 x 20 Vogue LA  
6 x 20 Vogue Clic  
10 x 20 LD Green  
8 x 20 Marlboro Red

A total seizure of 2840 illegal cigarettes. The Marlboro Red cigarettes appeared to be counterfeit as each packet was marked with an identical code whereas each packet should have a unique code.

10. In order to obtain evidence of the person who had allegedly supplied the illegal cigarettes the day before the seizure, the CCTV was requested. However Mr Malhotra was unable to get the system to work at the time of the request.

11. Subsequent enquiries determined that, at the material time, the then premises licence holder and designated premises supervisor, Mr Gurmeet Singh, did not work at the shop, had no financial involvement in the shop, had not met "person A" and runs a Vape shop in Birmingham. He had not had any involvement with the business for over a year.

12. Mr Malhotra was interviewed under caution on 26<sup>th</sup> July 2019. He was asked what he understood the law to be in relation to selling smuggling or counterfeit tobacco from a shop and answered "It means I should not be selling counterfeits because they are not duty paid" and subsequently added "If the police catches me then I am in trouble".

13. Initially he said that he had bought some of the seized cigarettes from a Polish man on 8<sup>th</sup> June, the day before the seizure. He explained that the Polish man had approached him around 2 and a half months previously and he had bought illegal cigarettes from him on 3 or 4 occasions. Mr Malhotra said that he had first purchased illegal cigarettes from the Polish man at the start of April 2019. He was asked how sure he was of this and he replied "I'm sure, sir, 'cause obviously if I buy something then I should be sure".

14. Mr Malhotra initially said that it was only him who sold the illegal cigarettes and not any of his staff. He sold between 30-40 packets of illegal cigarettes per week. He said he only sold them to 4 or 5 regular Polish customers. He was asked how sure he was that he had only sold to these 4 or 5 customers and he answered that he was sure as they were his regular customers and he knew them personally.

15. The test purchase of illegal cigarettes which was made on 3<sup>rd</sup> March 2019 was then disclosed to Mr Malhotra. When challenged that he had previously said that he had purchased the illegal cigarettes for the first time from the Polish man in early April, he adjusted his answer to say that it could have been March. He then said he hadn't purchased any illegal cigarettes before March.

16. Mr Malhotra was shown an image of the physical seller on 3<sup>rd</sup> March taken from the covert camera which recorded the transaction. The seller was neither Mr Malhotra or person A.

17. Mr Malhotra explained that this person was a customer who had happened to be in the shop one day when he needed to go to London to the cash and carry. He said he was a Pakistani-Asian and he only knew him by his nickname of "Sam". He did not know his surname or have a contact number for him. He no longer frequented the shop.

18. When asked what training he had given "Sam" on age-restricted sales, Mr Malhotra said "I told him like the person looks under 25 or 21, he must ask for the ID and stuff. Even the system, the EPOS till does tell you as well that you must check for the ID and anything you must sell over 18". However, the test purchaser was aged 21 and was not asked their age or for proof of age.

19. Mr Malhotra could not explain how "Sam" came to know that illegal tobacco was sold at the premises, where it was stored or the price it was sold for.

20. Mr Malhotra was then asked if he wanted to think again about any of the answers he had given so far. He answered "I think I stick to my answers, sir".

21. The test purchase from 16<sup>th</sup> December 2018 was then disclosed to Mr Malhotra. He stated "It can't be true to be honest. 2018, can't be true. Can't be true. I know you said you did it but it can't be true" and "We didn't have any in 2018".

22. Mr Malhotra was shown the covert footage from the test purchase and identified himself as the physical seller. He adjusted his earlier statements and stated that "maybe it was October or November something like that" in respect of when the shop started selling illegal cigarettes.

23. He said he was now "100% sure" that he had started buying them in October or November and had bought them every 2-3 weeks. He explained that he said April 2019 initially "Because I got really scared, to be honest"

24. The evidence contradicts Mr Malhotra's account that the shop followed a Challenge 25 policy and that the illegal cigarettes were only sold to 4-5 Polish customers he knew personally. The two test purchasers were aged 21 and 22 respectively at the time of the sales, neither are Polish and neither had been in the shop before. Mr Malhotra apologised saying "It's a big mistake. It can never happen again sir. I apologise for that. Sorry. To be honest I say, I say, if they look like Polish or something" and added "It's a big mistake, I agree with my mistake, it can never happen again sir. I apologise for that sir".

25. It was put to Mr Malhotra that he had consistently lied during the interview and he replied "To be honest, you are right. I agree with you". He later added "All I can say is that I am so sorry for what I did. I made a mistake and it will never happen again".

26. The premises licence currently includes the following conditions within its operating schedule:

- strict implementation of Challenge 25

- on (sic) staff at all times will have knowledge how to operate the CCTV and download images if needed



- All staff to be trained in responsible alcohol retailing
- All stock to be bought from reputable Cash & Carry / Wholesalers
- All alcohol and tobacco products will be purchased from established and bona fide VAT registered traders.

27. As has been explained, there is prima facie evidence to indicate that these conditions have been breached.

28. The revised statutory guidance provides some assistance in determining the seriousness of the sale and storage of illegal tobacco in licensed premises.

At para 11.26 it states:

"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"

At para 11.27 it states:

"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 (and includes):

- for the sale or storage of smuggled tobacco and alcohol

And at para 11.28 it states that:

"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."

29. In R (Bassetlaw District Council) v Worksop Magistrates' Court (2008) EWHC 3530, MJ Slade found on the application for review of a premises licence in circumstances involving criminal conduct connect with licensed premises, consideration must be given to what was necessary to promote the objective of crime prevention, and to the needs of the wider community, and not to be limited to guidance and remedial action and to the needs of the licence-holders. Deterrence is an appropriate consideration when the paragraphs specifically directed to dealing with reviews where there has been activity in connection with crime are applicable.

30. The evidence shows that Mr Malhotra, the sole director of the Company and now the premises licence holder and designated premises supervisor, has been directly involved in alleged criminal conduct. The evidence also shows that he has lied when given the opportunity to do so. Existing conditions have been wilfully ignored over an extended period. The Trading Standards Service regards these as aggravating factors of particular concern. Given the statutory guidance and supporting precedent, it is the recommendation of this Service that the premises licence be revoked.

31. If revocation is strongly considered but not deemed appropriate, it is recommended that a period of suspension with appropriate conditions would act as a necessary deterrent to promote the crime prevention objective and to protect the needs of the wider community including law-abiding businesses as well as adults and young people. Those conditions to amend/replace any similar existing conditions as

follows:

## 1. Tobacco Products

1.1 All staff who are authorised to buy tobacco products must take all reasonable precautions and exercise due diligence in order to avoid buying illegal goods. This will include but not limited to the following:

- a) All authorised staff responsible for the purchase of tobacco products shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of the delivery
- b) The authorised buyers shall ensure that all receipts for tobacco products bought include the following details:
  - i. Seller's name and address
  - ii. Seller's company details, if applicable
  - iii. Seller's VAT details, if applicable
  - iv. Seller's vehicle registration details, if applicable

1.2 Legible copies of invoices/receipts shall be retained on the premises and made available for inspection by Police or Trading Standards on request.

1.3 Where anyone working within the premises becomes aware that any non-duty tobacco may have been offered for purchase, they shall inform the Police or Trading Standards immediately and keep a written record of such action.

1.4 Smuggled or counterfeit tobacco products for personal use must not be stored on the premises.

## 2 Signage

A3 Illegal Tobacco Keep It Out posters including the illegal tobacco hotline reporting number shall be displayed prominently at the entrance and sales area of the licensed premises at all times.

## 3 Challenge 25

The premises shall operate in accordance with the "Challenge 25" scheme. This scheme operates on the basis that whilst alcohol or tobacco may be sold to persons aged 18 years and over, anyone who appears under 25 years of age will be asked for proof of age. Notices to this effect shall be displayed in a clear and prominent position at the entrance to the premises and at the point of sale.

## 3. Refusals Book

A refusals book shall be kept at the premises in which must be recorded forthwith the date, time and circumstances under which any attempted purchase of alcohol or tobacco by a customer has been refused. This book must be made available for inspection by any duly authorised officer of trading standards or licensing (including Police licensing) upon request.

4. All staff working at the premises (whether paid or unpaid) who sell alcohol or tobacco shall receive training in the responsible retail of alcohol/tobacco and this training will be repeated on at least an annual basis. The premises licence holder will consult with trading standards and the Police regarding the nature of that training. Such training shall be recorded and these records shall be made available upon the request of a duly authorised officer of trading standards or licensing (including Police licensing).

**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

--	--	--	--	--	--	--	--	--	--

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

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** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 17<sup>th</sup> September 2019

Capacity Tobacco Control Officer

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

Post town

Post Code

Telephone number (if any)

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**



**Notes for Guidance**

1. 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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**Куріння  
вбиває**

Case No. \_\_\_\_\_  
Exhibit No. \_\_\_\_\_

DATE \_\_\_\_\_

WITNESSED BY \_\_\_\_\_  
SIGNATURE \_\_\_\_\_  
REASON \_\_\_\_\_  
WITNE \_\_\_\_\_

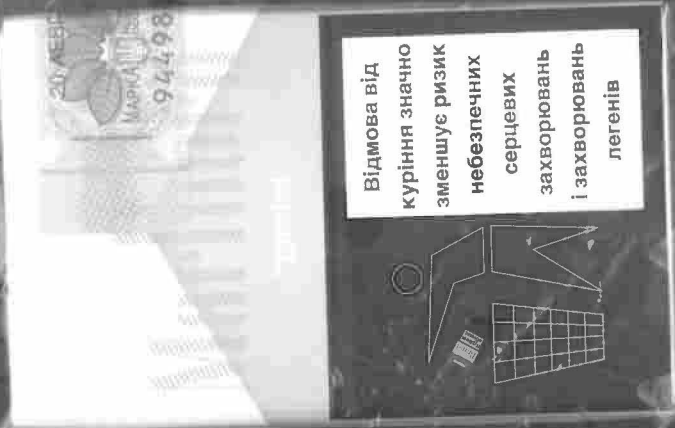


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# ANNEX 2



94498



Відмова від куріння значно зменшує ризик небезпечних серцевих захворювань і захворювань легенів

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Laboratory Ref. No. _____ Major Incident Exhibit No. _____ Incident/Chain of Custody No. _____ Signed: _____ Date: _____		Name/Rank/No. (Block Letters) _____ Date: _____ Signed: _____		Name/Rank/No. (Block Letters) _____ Date: _____ Signed: _____	
Reason: _____ Signature: _____ Time: _____ Date: _____		Reason: _____ Signature: _____ Time: _____ Date: _____		Reason: _____ Signature: _____ Time: _____ Date: _____	

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дужею рідкістю  
і вишуканим  
і вишуканим

EXTRA  
SLIM

SWAN

RIZLA

RIZLA

RIZLA

BLIND





Marlboro

M61 XHG JH5 2Q3  
38-10 ГРН 17.08.18

Marlboro

M61 XHG JH5 2Q3  
38-10 ГРН 17.08.18

Marlboro

M61 XHG JH5 2Q3  
38-10 ГРН 17.08.18









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Куріння  
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20 СИГАРЕТ З ФІЛЬТРОМ  
ГІРАТ "ФІЛІП МОРРІС УКРАЇНА"  
ВМІСТ В ДИМІ ОДНІЄЇ СИГАРЕТИ:  
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CIGARETTES  
ТВ-3Ф 1В/4  
МАРКА

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ВМІСТ В ДИМІ ОДНІЄЇ СИГАРЕТИ:  
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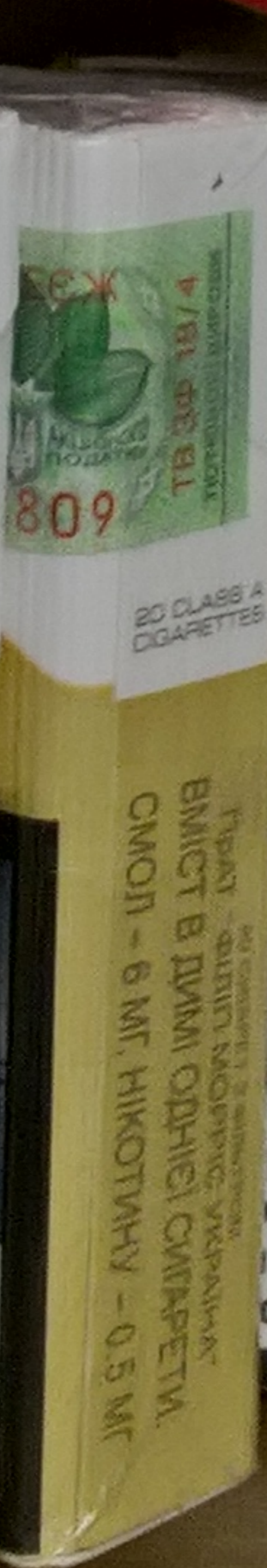
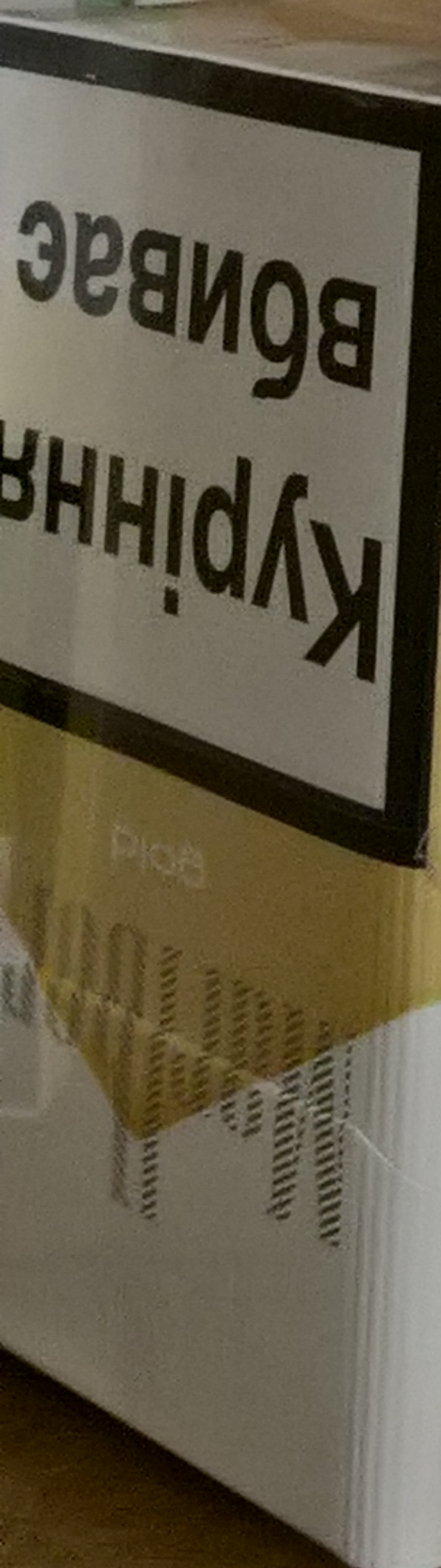
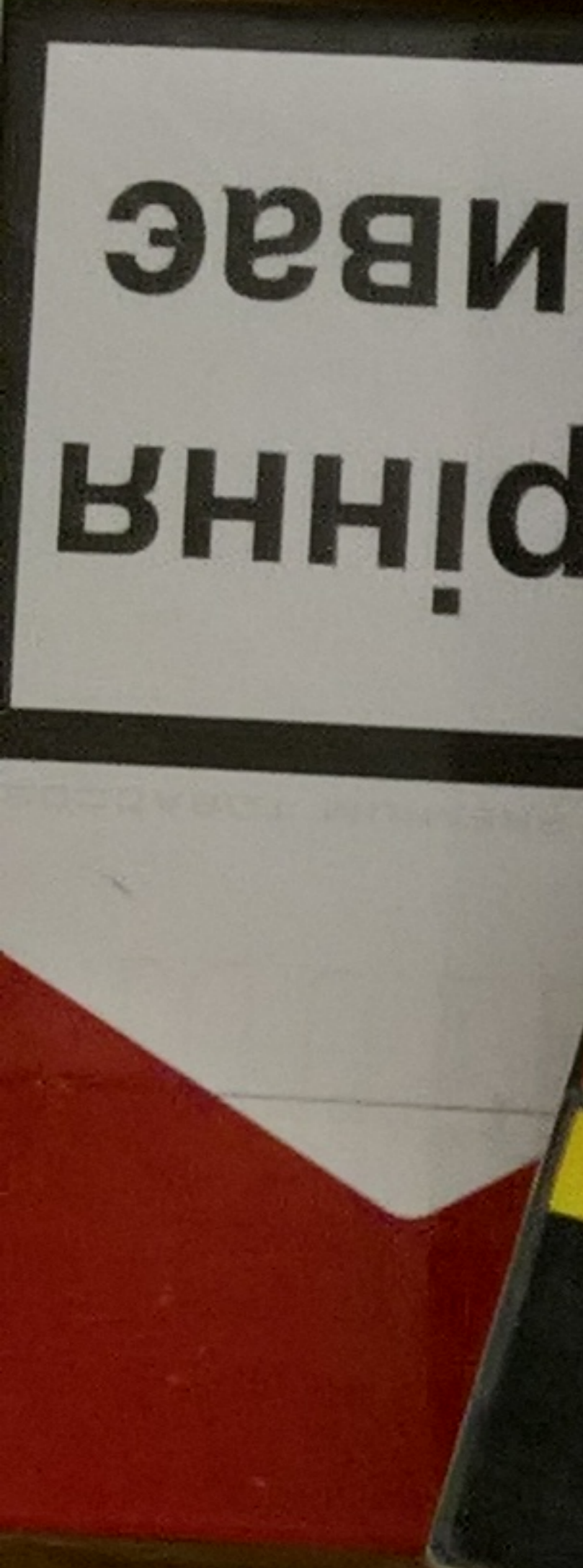
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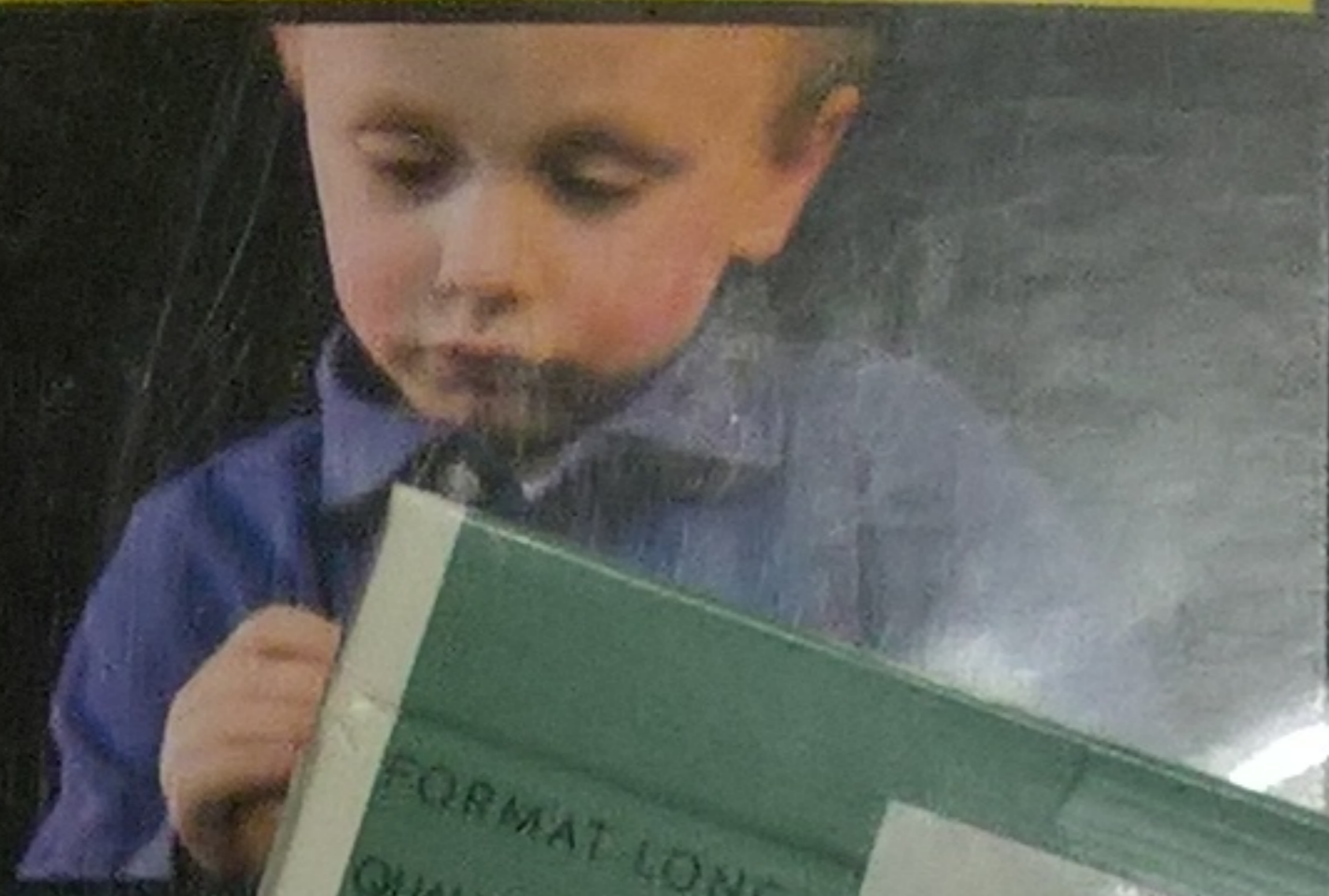






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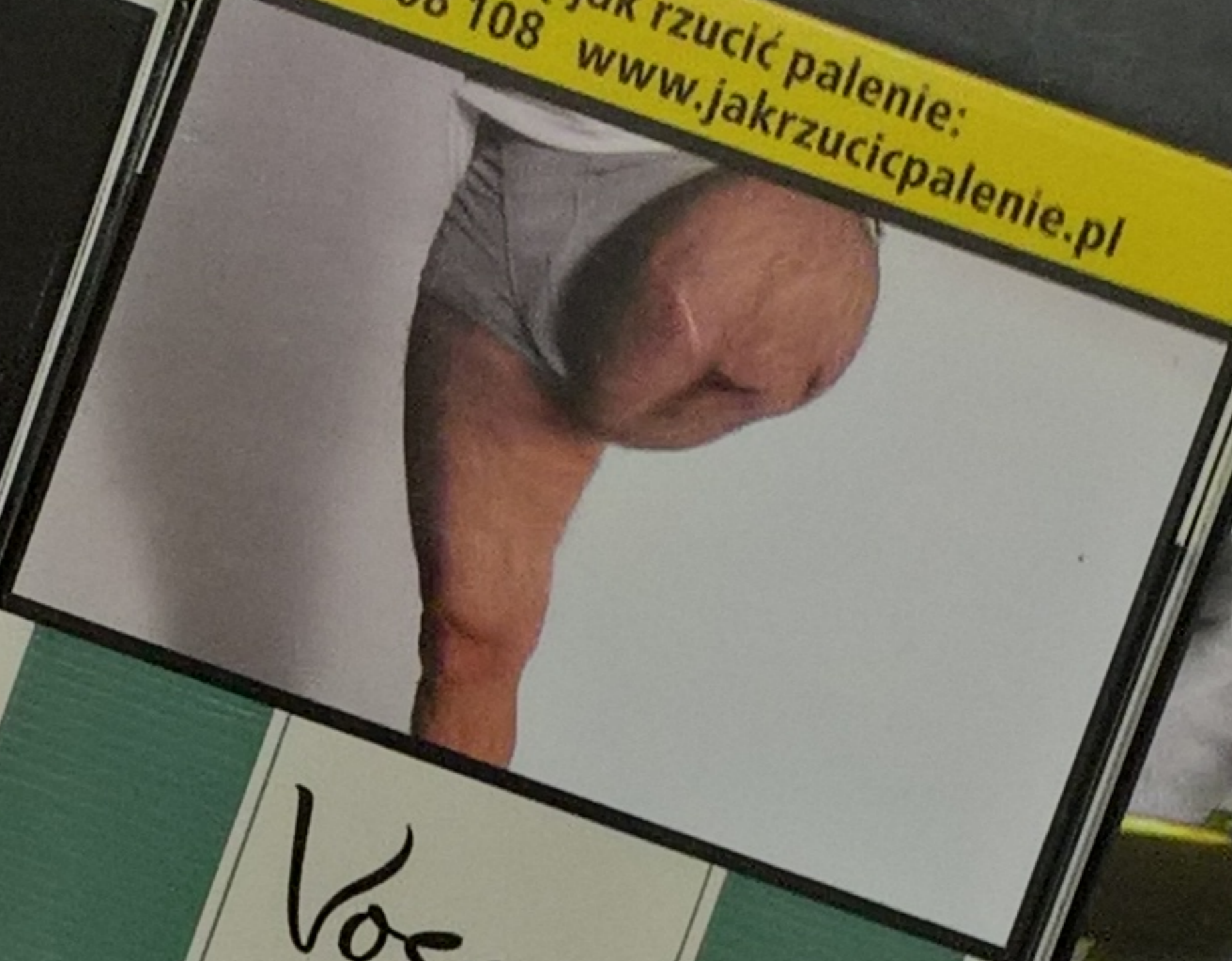
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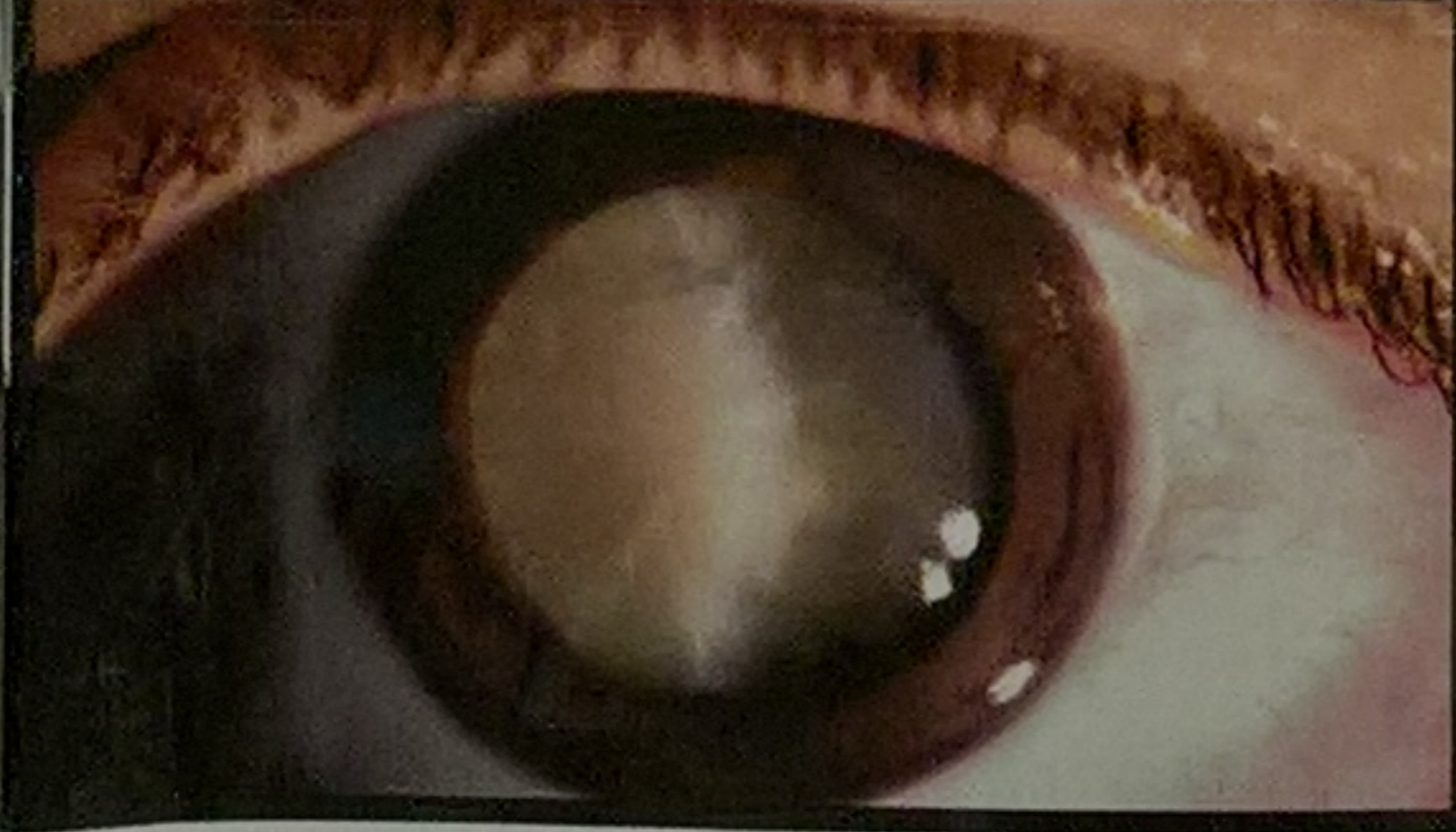
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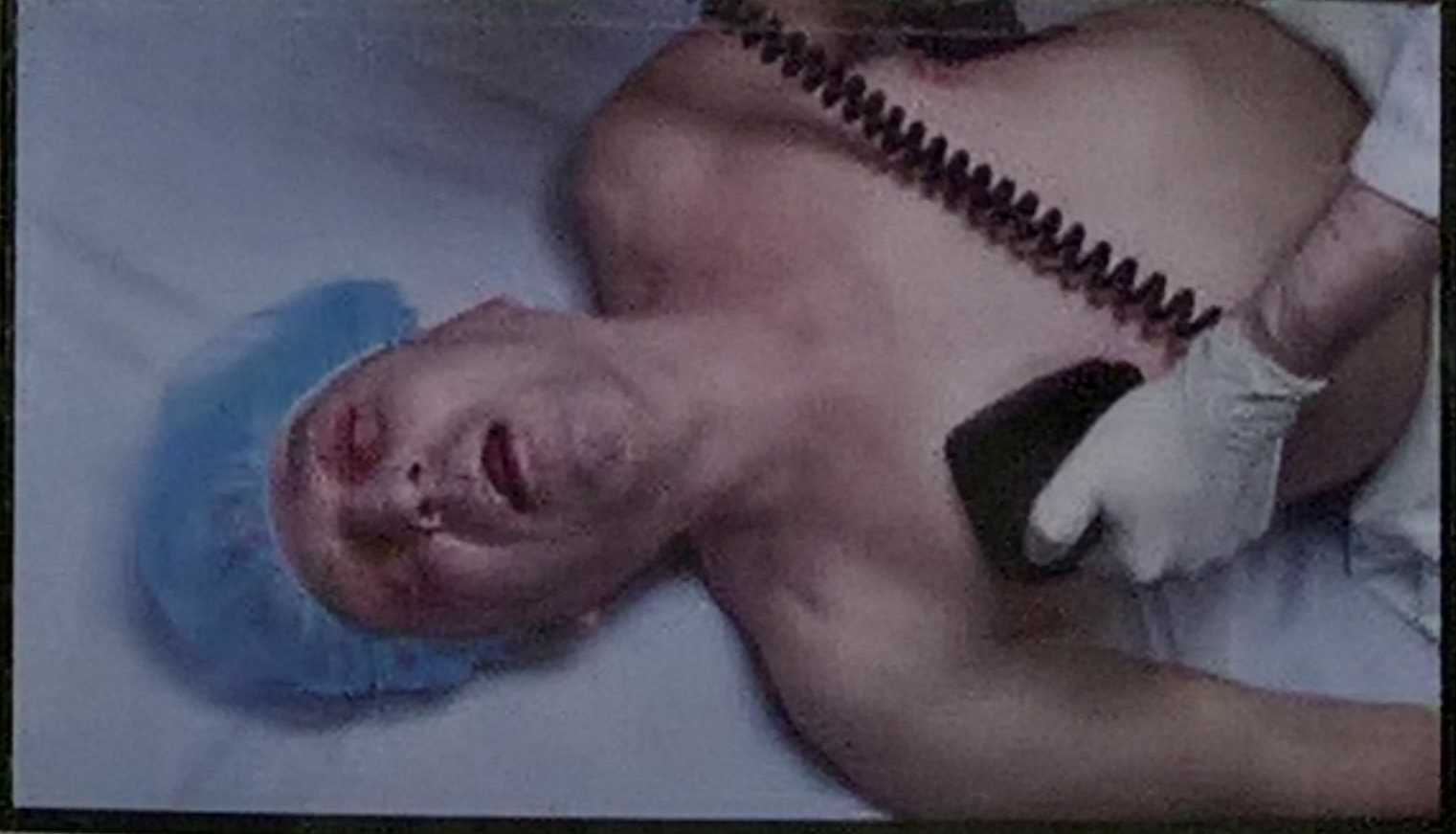
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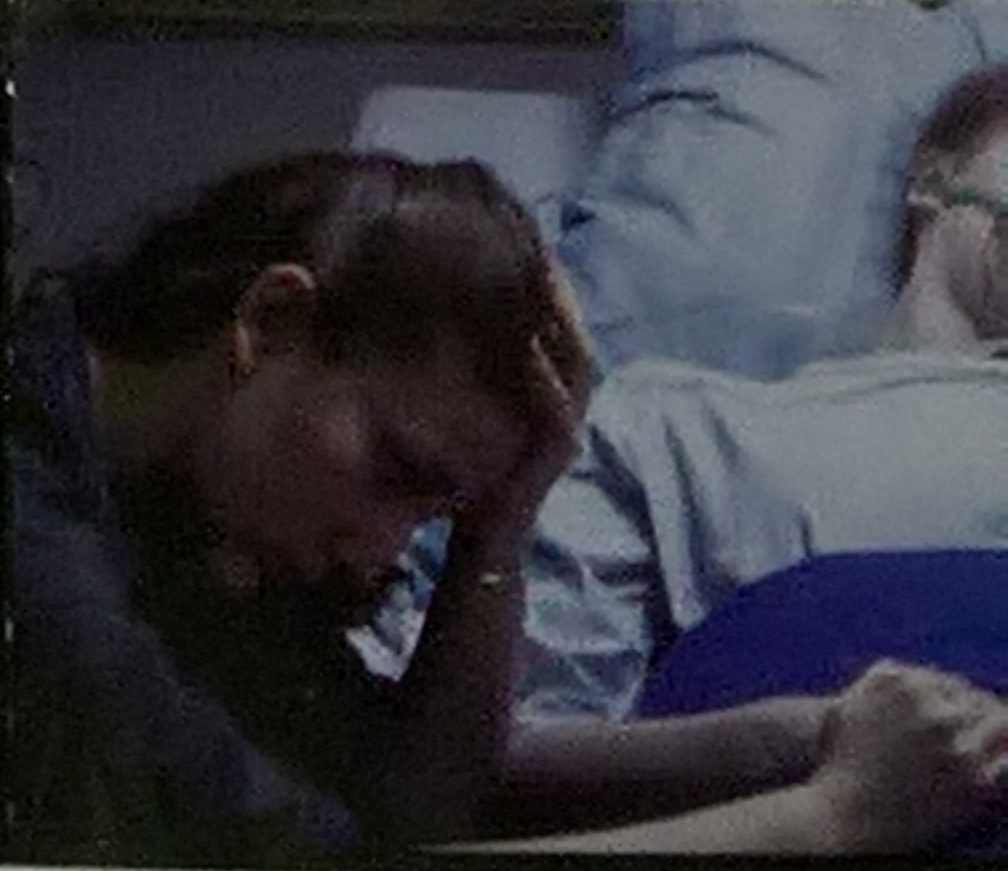
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KEEP SAFE



**From:** Sharland, Russell - Trading Standards <[Russell.Sharland@Oxfordshire.gov.uk](mailto:Russell.Sharland@Oxfordshire.gov.uk)>

**Sent:** 18 October 2019 12:55

**To:** Michael Sands <[Michael.Sands@Cherwell-DC.gov.uk](mailto:Michael.Sands@Cherwell-DC.gov.uk)>

**Subject:** RE: Banbury Express Report

**Importance:** High

Hi Michael

My colleague has drawn my attention to the fact that Mr Malhotra was effectively interviewed a second time as he was also interviewed as representative of the limited company.

Within that second interview the following is discussed:

DB: So can you give me an explanation from the company about those seizures?

NSM: Seizures. As in the company shouldn't really be selling these products that is not UK duty paid. So

DB: What precautions does the company take to ensure that illegal tobacco is not sold from the premises?

NSM: Basically, only buying from the supplier that is VAT registered. So, we shouldn't really be selling the illegal tobacco or cigarettes in the shop

DB: And does the company understand that having those products on the premises does not comply with the licensing rule and the licence it holds?

NSM: Yes it does know. It's not allowed to sell these under the premises licence as well.

DB: So, if the company understands that, can you just explain to me briefly why those products were purchased.

NSM: As a few customers asked for me so that's why I got from one person and I just made a very big mistake to be honest. We shouldn't really be selling this. It's not duty paid tobacco and cigarettes.

I believe this is relevant and should be included in the review. I don't think it can be dealt with by amplification of my the original application and so should be considered as supporting information in accordance with Regulation 18 of The Licensing Act 2003 (Hearings) Regulations 2005.

Many thanks and apologies for any inconvenience caused.

Best wishes

Russell

Russell Sharland

Trading Standards Tobacco Control Officer

Community Safety Services | Communities Directorate

Oxfordshire County Council

[russell.sharland@oxfordshire.gov.uk](mailto:russell.sharland@oxfordshire.gov.uk)

[www.oxfordshire.gov.uk](http://www.oxfordshire.gov.uk)

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The Licensing Dept.  
Thames Valley Police Headquarters  
Kidlington  
Oxfordshire  
OX5 2NX

Tel: 01865 541851

Email: [licensing@thamesvalley.pnn.police.uk](mailto:licensing@thamesvalley.pnn.police.uk)

[www.thamesvalley.police.uk](http://www.thamesvalley.police.uk)

11<sup>th</sup> October 2019

To the Licensing Authority- Cherwell District Council

**Subject: Trading Standards Review of Banbury Express Food & Wine (179 Warwick Road, Banbury), Licence Number: PRM0712**

Having been made aware of the recent application by Oxfordshire Trading Standards to review the premises licence for Banbury Express, Thames Valley Police as a named responsible authority under the Licensing Act 2003 wish to submit a representation in support of Trading Standards.

Whilst our evidenced concerns at this time are not as extensive as that of Trading Standards the premises does pose some concerns which we believe the Sub-committee should also take into consideration when deciding on the matter.

From 2018 the premises has been the subject of a handful of intelligence reports suggesting that young persons of the local area attend the premises because it is known to sell both cigarettes and alcohol to children.

From these intelligence reports Thames Valley Police conducted an underage alcohol test purchase operation on the 26<sup>th</sup> of January 2018. The premises failed and a member of staff was witnessed by plain clothes police officers to sell a bottle of wine to the volunteer children aged 15 and 16 years without challenging for proof of age or refusing the sale outright. As this member of staff had no previous convictions for this offence, had stated to officers this was their first shift and they had received no training on the legal requirements to sell alcohol the officer's decision was to give words of advice.

However as is the overarching process with regard to the matter of the premises licence which runs concurrent with the criminal offence on the night against the individual member of staff, a meeting was held with the premises on the 19<sup>th</sup> of February 2018 to discuss this failure and afford the premises the opportunity to put steps in place to mitigate future underage sale.

The meeting also sought to discuss a number of issues regarding compliance with some of the conditions of the grant contained in annex 2 that were also noted on the evening of the test purchase failure when the officers re-entered the store.

Whilst this was under the tenure of Gurmeet Singh who was the previous named premises licence holder and designated premise supervisor, Trading Standards state there is a family connection between Gurmeet Singh and the current designated premise supervisor Narinder Malhotra (and director of Banbury Express Food & Wine Ltd- the premises licence holder). Further a search on the Companies House public access portal establishes Narinder Malhotra's involvement with the premises prior to his nomination on the licence. As such Narinder Malhotra has been in a position of responsibility regarding the operation of the licence for a number of years. Therefore the alcohol test purchase failure and other matters in 2018 are relevant to the matter at hand.

Since the test purchase failure we have received the intelligence reports from Trading Standards from 2018 and 2019 and one report from the public to the police station in Banbury detailing an allegation of further underage sales (enclosed).

The review report submitted by Trading Standards is very concerning. The police have found that where there is an issue with one age restricted product there are likely to be similar issues with another.

All of this calls into question the management of the premises and its ability to promote the licensing objectives.

Given the seriousness of the offences evidenced by Trading Standards they are calling for revocation of the licence.

However Trading Standards go on to state that if the sub-committee were minded not to revoke, they outline a number of appropriate conditions they believe will help mitigate this matter, and ensure the promotion of the four licensing objectives.

Thames Valley Police also request that if the Sub-committee decide not to revoke the premises licence, they please consider one further condition with the raft put forward by Trading Standards.

This condition relates to the provision of CCTV. This would ensure there is a suitable system in place to help both with the evidence gathering process should there be further offences as those referred to in this review, but also to help the premises in deterring antisocial behaviour and crime that is often linked with underage sales.

This condition is:

*A CCTV system will be installed and maintained. The CCTV system will incorporate the following basic requirements:*

- *Be switched on and fully operational when the licensable activities are being carried out.*
- *Record for a minimum rolling period of 31 days*
- *Have a camera covering any entrance which will provide a facial shot of identification quality.*



- *Have cameras covering any pertinent public areas (internally and externally) to the shop including areas where alcohol and tobacco are merchandised as well as the point of sale*
- *Have clear and prominent signage at all entrance, exits and pertinent locations within the shop including areas where alcohol and tobacco are merchandised advising customers that there is a CCTV system in operation*
- *Have a means of copying any footage to another medium as evidence if requested by the Police, Licensing Authority and/or Trading Standards.*
- *Have a member of staff working at all times whilst the licence is in operation that is able to operate the system and in particular be able to provide copies of any footage requested by The Police, Licensing Authority and/or Trading Standards.*

*A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed.*

If the sub-committee does agree to the inclusion of the above, we suggest that reference to CCTV already on the existing licencing will need to be removed to avoid confusion or repetition, namely:

*'staff at all times will have knowledge how to operate the CCTV and download images if needed CCTV to be installed and 31 days recording system  
CCTV working at all times  
Posters to be displayed to show CCTV monitoring anti-social behaviour'*

----- End of Report -----

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Laura Warner  
Licensing Officer  
Thames Valley Police  
HQ South  
Kidlington  
OX5 3DX

Tel: 01865 541850

Gurmeet Singh

30<sup>th</sup> January 2018

Dear Sir/ Madam,

**Banbury Express food & wine, Warwick rd**      **Premises Licence Number**  
**0712**

On the evening of 26<sup>th</sup> January 2018, a Test Purchasing Operation was carried out by Thames Valley Police, in Banbury.

Unfortunately your premises failed the test, and alcohol was served to two females, aged fifteen and sixteen years. 1 Bottle of Rose wine was sold by a member of staff.

It is an offence under the Licensing Act 2003, sections 146 – 147, to sell or allow the sale of alcohol to anyone under the age of eighteen years. The penalty for this can be up to £5000 fine.

The offence committed on the evening of 26<sup>th</sup> January was dealt with via a warning to the person who made the sale as it was their first day and they had not had any training. At this time, the Police will not seek a prosecution against the Designated Premises Supervisor (DPS), Gurmeet Singh. However, the Licensing Authority at Cherwell District Council will be informed of the offence.

As this is the first occasion that the premises have failed a Test Purchase, it can now be seen that this is an initial warning, and that any future failures will be met with a more robust response. This will in the form of an Application to Review the License and/or a prosecution under the Licensing Act 2003.

Due to a number of issues noted with compliance of your licence on the evening in question a meeting is to be held with yourself at your premise at 11.00 on Tuesday 13<sup>th</sup> February 2018. If there are any issues with this time or date please contact myself on the above numbers.

If you have any questions or comments about the Operation, please contact the Thames Valley Police Licensing Office.

Yours sincerely

Laura Warner  
Licensing Officer  
Oxfordshire BCU  
Thames Valley Police

[www.thamesvalley.police.uk](http://www.thamesvalley.police.uk)

179, WARWICK ROAD, BANBURY, OX16 1AS

URN: 843 Date: 18/06/2019 Time: 15:01 Location Reference: [REDACTED]  
 Beat Code: [REDACTED]  
 Caller: [REDACTED]  
 Classification: MISCELLANEOUS INTELLIGENCE  
 Response: TELEPHONE RESOLUTION  
 Result: ENQUIRY COMPLETED  
 Closing Type L2: MESSAGES  
 Closing Type L3: NO QUALIFIER  
 Brief Details:

INTEL FROM SDO - COUPLE REPORTED ON 17/06/2019

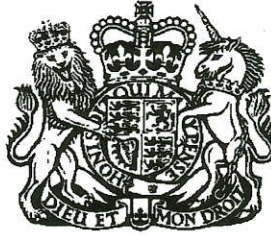
Time(mins) from +IC: Despatch = n/a At Scene = n/a Leave Scene = n/a  
 Force ID: Res Type: RD: AS: LS: RC: AI: DW: CI:  
**No Response Data Found**

Details from incident log:

15:07 18/06/2019 C4120 COUPLE CAME IN TO REPORT THAT SIG ARE SELLING ALCOHOL TO  
 15:07 18/06/2019 C4120 MINORS.  
 15:07 18/06/2019 C4120 -  
 15:07 18/06/2019 C4120 THEIR CHILD WHO IS 14 YEARS OLD WAS KNOWN TO GO TO THE  
 15:07 18/06/2019 C4120 SHOP WITH FRIENDS BEFORE RETURNING HOME AND CALLER HAS  
 15:07 18/06/2019 C4120 NOTICED VODKA IN THEIR BAG.  
 15:07 18/06/2019 C4120 -  
 15:07 18/06/2019 C4120 [REDACTED] DIDNT CHALLENGE THEM ON IT BUT WANTED TO  
 15:07 18/06/2019 C4120 REPORT IT TO US  
 15:07 18/06/2019 C4120 -  
 15:07 18/06/2019 C4120 [REDACTED] IS ALSO CONCERNED BECAUSE IT IS APPARENTLY A  
 15:07 18/06/2019 C4120 PLACE KNOWN TO GO FOR CHILDREN IF THEY WANT TO BE SERVED  
 15:07 18/06/2019 C4120 ALCOHOL.  
 15:07 18/06/2019 C4120 -  
 15:07 18/06/2019 C4120 I AM AWARE THAT THIS AREA OF WARWICK ROAD IS ON BRIEFING  
 15:07 18/06/2019 C4120 WITH CONCERNS OF YOUNG PEOPLE HANGING AROUND THE AREA [REDACTED]  
 15:07 18/06/2019 C4120 [REDACTED]  
 15:07 18/06/2019 C4120 -  
 15:07 18/06/2019 C4120 THE CHILDREN WHO WERE BEING SERVED IN THIS OCCASION WERE  
 15:07 18/06/2019 C4120 14-15 YEARS OLD.  
 15:07 18/06/2019 C4120 -  
 15:08 18/06/2019 C4120 THIS HAPPENED ON 15TH JUNE - BETWEEN 2100-2130.  
 15:08 18/06/2019 C4120 -  
 15:08 18/06/2019 C4120 COUPLE WERE ALSO CONCERNED ABOUT LONG TERM EFFECTS OF  
 15:08 18/06/2019 C4120 THEM SERVING CHILDREN WITH ALCOHOL. APPARENTLY IT IS  
 15:08 18/06/2019 C4120 KNOWN AMONGST YOUNG CHILDREN FOR THE LAST 6-12 MONTHS  
 15:08 18/06/2019 C4120 THAT YOU CAN BE SERVED ALCOHOL HERE.  
 15:08 18/06/2019 C4120 -  
 15:09 18/06/2019 C4120 \*ATTEMPTED TO ADD TO LICENSING BRIEFING BUT UNSURE WHICH  
 15:09 18/06/2019 C4120 ONE IS THE CORRECT ONE FOR JA.  
 15:09 18/06/2019 C4120 -  
 15:09 18/06/2019 C4120 LIO INFORMED.  
 15:09 18/06/2019 C4120 -  
 15:09 18/06/2019 C4120 PLS CAN THIS BE CLOSED. LIO INFORMED. I WILL EMAIL JA  
 15:09 18/06/2019 C4120 LICENSING REGARDING THIS URN ALSO .  
 \*\*\*\* NO TEXT IN CLOSED LOG \*\*\*\*



**FILE COPY**



**CERTIFICATE OF INCORPORATION  
OF A  
PRIVATE LIMITED COMPANY**

Company Number **10365830**

The Registrar of Companies for England and Wales, hereby certifies that

**BANBURY EXPRESS FOOD & WINE LTD**

is this day incorporated under the Companies Act 2006 as a private company, that the company is limited by shares, and the situation of its registered office is in England and Wales

Given at Companies House, Cardiff, on **8th September 2016**



\* N10365830D \*



**Companies House**



**THE OFFICIAL SEAL OF THE  
REGISTRAR OF COMPANIES**

## *Proposed Officers*

---

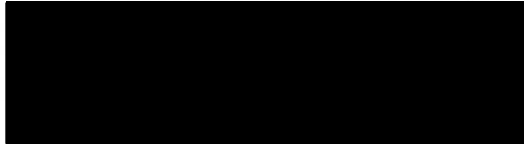
*Company Director*      **1**

*Type:*                      **Person**

*Full Forename(s):*        **MR NARINDER SINGH**

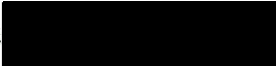
*Surname:*                **MALHOTRA**

*Service Address:*



*Country/State Usually Resident:*      **UNITED KINGDOM**

*Date of Birth:*



*Nationality:*      **BRITISH**

*Occupation:*      **DIRECTOR**

*The subscribers confirm that the person named has consented to act as a director.*

## *Statement of Capital (Share Capital)*

---

<i>Class of Shares:</i>	<b>ORDINARY</b>	<i>Number allotted</i>	<b>1</b>
<i>Currency:</i>	<b>GBP</b>	<i>Aggregate nominal value:</i>	<b>1</b>
<i>Prescribed particulars</i>			

**ORDINARY SHARES HAVE FULL RIGHTS IN THE COMPANY WITH RESPECT TO VOTING, DIVIDENDS AND DISTRIBUTIONS.**

---

### **Statement of Capital (Totals)**

---

<i>Currency:</i>	<b>GBP</b>	<i>Total number of shares:</i>	<b>1</b>
		<i>Total aggregate nominal value:</i>	<b>1</b>
		<i>Total aggregate unpaid:</i>	<b>0</b>

## *Initial Shareholdings*

---

*Name:*           **NARINDER SINGH  
MALHOTRA**

*Address*



*Class of Shares:*           **ORDINARY**

*Number of shares:*           **1**

*Currency:*                   **GBP**

*Nominal value of each  
share:*                       **1**

*Amount unpaid:*               **0**

*Amount paid:*                 **1**



## *Persons with Significant Control (PSC)*

---

---

### **Statement of initial significant control**

---

**On incorporation, there will be someone who will count as a Person with Significant Control (either a registerable person or relevant legal entity (RLE)) in relation to the company**

---

## *Individual Person with Significant Control details*

---

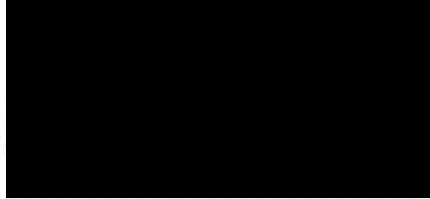
*Names:* **MR NARINDER SINGH MALHOTRA**

*Country/State Usually* **UNITED KINGDOM**

*Resident:*

*Date of Birth:*  *Nationality:* **BRITISH**

*Service Address:*



*The subscribers confirm that each person named as an individual PSC in this application knows that their particulars are being supplied as part of this application.*

*Nature of control*

**The person holds, directly or indirectly, 75% or more of the shares in the company.**

## Statement of Compliance

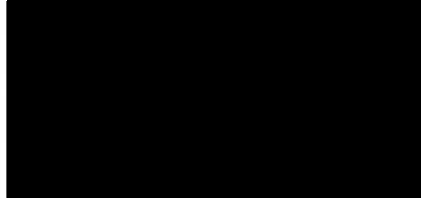
---

*I confirm the requirements of the Companies Act 2006 as to registration have been complied with.*

*memorandum delivered by an agent for the subscriber(s):*      **YES**

*Agent's Name:*                      **COMPANIES MADE SIMPLE LTD**

*Agent's Address:*



---

## Authorisation

*Authoriser Designation:*    **agent**

*Authenticated*    **YES**

*Agent's Name:*                      **COMPANIES MADE SIMPLE LTD**

*Agent's Address:*



# Companies Act 2006

## SCHEDULE 1 COMPANY HAVING A SHARE CAPITAL Memorandum of Association of BANBURY EXPRESS FOOD & WINE LTD

Each subscriber to this memorandum of association wishes to form a company under the Companies Act 2006 and agrees to become a member of the company and to take at least one share each.

Subscriber:

---

NARINDER SINGH MALHOTRA

Authentication: Authenticated Electronically

Dated: 7 Sep 2016



Companies House

**CH01** (ef)

**Change of Particulars  
for Director**



X6GW4M55

*Company Name:* **BANBURY EXPRESS FOOD & WINE LTD**

*Company Number:* **10365830**

*Received for filing in Electronic Format on the:* **12/10/2017**

---

*Details Prior to Change*

*Original Name:* **MR NARINDER SINGH MALHOTRA**

*Date of Birth:* [REDACTED]

---

*New Details*

*Date of Change:* **12/10/2017**

*New Service Address:* **179 WARWICK ROAD  
BANBURY  
ENGLAND  
OX16 1AS**

## *Authorisation*

*Authenticated*

*This form was authorised by one of the following:*

Director, Secretary, Person Authorised, Administrator, Administrative Receiver, Receiver, Receiver Manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor.

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**Cherwell District Council representation as a Responsible Authority regarding the licence review of:**

**Banbury Express Food and Wine, 179 Warwick Road, Banbury, OX16 1AS**

I am Christine Pegler, Lead Licensing Enforcement Officer employed by Cherwell District Council within the Environmental Health and Licensing Directorate. As part of my role I am responsible for the Licensing of premises, and have delegated powers, under the Licensing Act 2003.

For the purpose of this licensing review I am representing Cherwell District Council as a responsible Authority, acting independently to other Cherwell District Council Licensing Officers facilitating this licensing review.

1. On 10/06/2019 I received intelligence regarding the Licensed premises of Banbury Express Food and Wine, 179 Warwick Road, Banbury, OX16 1AS, Premises licence number PRM0712.

This intelligence was from Oxfordshire Trading Standards and suggested that the premises were selling illegal tobacco products at the premises, along with other illegal goods. I exhibit this intelligence as **APPENDIX 1**.

One of the licensed premises conditions is that all stock would be purchased from a reputable, VAT registered source, and as such the premises may have breached their licensing conditions and failed to adhere to the licensing objectives.

2. As a result of this intelligence, on 21/06/2019 I inspected the licensed premises. Whilst there I spoke to Mr Narinder Singh who was at that time the premises designated premises supervisor (DPS), and the following further conditions of licence were established as having been breached:
  - Any staff training, which may have taken place, had not been recorded or evidenced in a training manual.
  - The Fire Exits sign were missing.
  - Not all staff were trained to use the shops CCTV system, and therefor would be unable to provide footage if requested by an authorised officer.

I exhibit a copy of this premise's inspection as **APPENDIX 2**.

3. As a result of the said breaches of the conditions of the premises licence the licence holder was issued with a formal warning and requested to rectify all the listed breaches of licence. This letter was dated 11/07/2019.

I exhibit a copy of this warning letter as **APPENDIX 3**.

4. On 30/09/2019 I inspected the said premises again. Whilst there I spoke to Mr J Crawford. Mr Crawford stated that he had not been trained to use the CCTV and did not have access to it. He had a small amount of training when he was first employed, about 8 weeks ago, but he did not see a training manual, or sign any training records.

I exhibit this licensed premises inspection as **APPENDIX 4**.

5. I have noted that 20/08/2019 the licensing Authority received an application to change the name of the premises licence holder from Mr Narinder Singh to Banbury Express Food and Wine Ltd.

It should be noted the application form to make this change to the premises licence were dated 13/08/2019 but were not received by the Licensing Authority until 20/08/2019.

I exhibit the application form to vary the premises licence as **APPENDIX 5**.

6. Having checked Banbury Food and wine Ltd on Companies House, Mr Narinder Singh is the sole director of that company. I exhibit a copy of my Companies House search as **APPENDIX 6**.

7. I would like to draw attention to the following:

Home Office Revised Guidance under Section 182 of the Licensing Act 2003

*1.9 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent.*

*2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.*

*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.*

*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 or storage of smuggled tobacco and alcohol.*

*11.28 It is envisaged that licensing authorities, the police 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.*

In light of the specified guidance, and when considering the information presented, it appears that Mr Singh is solely responsible for the running of this business, and the premises licence.

Mr Singh was allowed adequate time following my licensed premises inspection to correct all the outlined breaches of licence, and he had failed to rectify these condition breaches.

Mr Singh appears to be either unable or unwilling to adhere to the Licensing objectives, and the conditions attached to this licence.

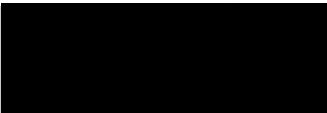
This evidence questions if the licensed premises would ever be legally compliant under the requirements of the 2003 Licensing Act, and further questions whether Mr Singh is fit, proper, and suitable to retain such a licence.

Based on the evidence put before you Cherwell District Council Licensing, acting under the requirements of a Responsible Authority, requests that the members consider the revocation of this premises licence.

Chris Pegler  
Lead Licensing Enforcement Officer  
Cherwell District Council  
Boddcote House  
Banbury  
Oxon  
OX15 4AA

02/10/2019





Organisation and officer	Trading Standards - South East England Oxfordshire County Council		Time/date of report	10/06/2019 11:17 AM			
Report URN: 1110462							
Source Evaluation	1: Reliable	2: Untested	3: Not reliable (Risk Assessment)				
Information/ Intelligence Assessment	A: Known directly to the source	B: Known indirectly to the source but corroborated	C: Known indirectly to the source	D: Not known	E: Suspected to be false (Risk Assessment)		
Person record:	N/A		DoB:	N/A		PNC ID:	N/A
Operation name/number:					Evaluation Code		
Information Received					S	I	H
<p>During a search of BANBURY EXPRESS FOOD &amp; WINE, 179 Warwick Road, Banbury, OX16 1AS for illicit tobacco on 09/06/19 a quantity of nitrous oxide (NO2) cannisters were discovered in the rear store room. Whilst these have a legitimate use in whipped cream guns or drinks infusers they are more commonly sold as a "legal high" and are prohibited from sale for this purpose under the Psychoactive Substances Act 2016. Five boxes each containing 24x8g cannisters were found in the store room. They were in their original packaging box that would have held approx 25 of these boxes (5 rows of 5) - the packaging on the outer box and all the individual smaller boxes all indicate that their sale for inhalation is an offence &amp; potentially harmful. The brand name appears to be "INSTANT INFUSION" but also has the company names "MOSA" and "BESTWHIP" on them. No company address but indicated that they were produced in Taiwan. Two web addresses given: WWW.INSTANTINFUSIONS.COM and WWW.GICREAM.COM. See attached photos for further details.</p> <p>During the search in the glass display case immediately inside the door of the store (also used to display a selection of cannabis grinders, water pipes and other smoking paraphernalia) a quantity of finger or micro-mobile phones were on display. These are commonly known as "HMP" or "BEAT THE BOSS" phones and are frequently smuggled into prisons. Several different types on display including the V-2 and the 3in1 J8 World Smallest Mobile Phone. Photos of the phones on display are attached.</p> <p>One of the smaller store rooms at the side of the shop also appears to be in use as a bedroom. There was a mattress and blanket on the floor, a new mattress (still in the packaging) against the wall and a quantity of bedding/clothing at the rear of the storeroom. The staff WC also had toiletries and cosmetics (toothbrushes, deoderant etc) that had been used in a cabinet under the sink. There was a quantity of stock (coffee, vodka &amp; infant formula) on top of the mattresses but these were all kept in baskets/bags so they could be removed easily.</p>					1	A	P
Handling code	P: Lawful sharing permitted		C: Lawful sharing permitted with conditions (Risk Assessment)				
To be reviewed on dissemination							
<b>Action</b>							
A1 Covert development - Intelligence may be combined or corroborated with other intelligence but action cannot be taken directly. Permission must be sought from the originator before action is taken on any derived intelligence.	A2 Covert use - Covert action may be taken on this intelligence although the source, technique and any wider investigative effectiveness must be protected. This intelligence may not be used in isolation as evidence, in judicial proceedings or to support arrest.		A3 Overt use - Overt action is permitted on this intelligence. This information can be used for:				
<b>Sanitisation</b>							
S1 Delegated authority - The originator of the intelligence permits the unsupervised sanitisation of the material in order to allow dissemination to a wider audience.	S2 Consult originator - The originator of the intelligence does not permit the sanitisation of the material for wider dissemination without consultation being sought.						

Attachments Appendix



Instant20Infusion20NO220cannisters202.jpg



Instant20Infusion20NO220cannisters201.jpg



Instant20Infusion20NO220cannisters203.jpg



Instant20Infusion20NO220cannisters204.jpg

### Attachments Appendix



Instant20Infusion20NO220cannisters205.jpg



Micro20mobile20phones201.jpg



Micro20mobile20phones202.jpg

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Cherwell District Council Licensed premises Inspections

Premises name	Barbury Express Food & Wine	Street: 179 Warwick Rd. Town: Banbury
Licensing Officer/s	1. C Pagler	2.
Police Officer/s	1. P Smith	2.
Date	21/6/19	Time:

PRM 712

Names of Persons on premises	Nawinda Singh	
Premises licence displayed	✓	
DPS Name	✓	
DPS Contactable	✓	
Details of personal licences seen	—	
Refusal/reject book on site	on belt	
<ul style="list-style-type: none"> <li>No smoking signs displayed</li> <li>Please leave quietly signs</li> </ul>	✓	
Age verification policy/posters	Where: entrance + belt prompts	
Documented staff training?	NO	
Tables and chairs on the highway (How many)	N/A	
Outside smoking area?	N/A	
Are Door Staff Employed, if so when	N/A	
Which company supplies the door staff	↓	
Is there a door staff register & SIA registration details	✓	

Where is there CCTV/ how many cameras	Complete Shop floor Coverage	
Do staff members know how to review CCTV footage	NO: Mr Singh only	
<p><b>ARE THERE GAMING MACHINES ON THE PRM</b>  Gaming machines permitted: Category C and D gaming machines in line with allowances detailed under the premises permission.  Category C = £1 stake / £100 prize  Category D = 10p stake / £5 money prize or 30p stake / £8 non-money prize or 10p stake / £8 prize of which £5 maximum is money.  Coin pusher only: 20p stake / £20 prize of which £10 maximum is money  Crane grabs only: £1 stake/ £50 non-money prize  (GA05 Sections 282 or 283).</p>	List:	
<p><u>Do the gaming machines comply with:</u>  Gaming machines satisfy SI 2007 / 2319 and SI 2007 / 2320 requirements that gaming machines display:</p> <ul style="list-style-type: none"> <li>• what category it is?</li> <li>• the name and telephone number for assistance with problem gambling</li> <li>• Age restriction sticker(unless cat D)</li> <li>• % return to player</li> <li>• Suppliers details- please detail</li> </ul>		
<p><u>Supervision of Gaming Machines</u>  A, B, C, cat gaming machines must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means</p>		
Does the PRM have a gaming machine permit displayed		
<p>Does the PRM have:</p> <ul style="list-style-type: none"> <li>• A gamblers self-exclusion policy</li> <li>• Are the staff trained in spotting gambling problems, and assisting</li> </ul>		

Does the premises have any problems with drug use, are they working with TVP on this problem	NO	
Do the toilets have surfaces which may be used for drug use	N/A	
Does the PRM have guest accommodation	NO	
Is there a cash point machine on the premises/ where is it	N/A	
Any other observations/comments	<ul style="list-style-type: none"><li>- Challenge 25 full prompts + refusal</li><li>- No staff training records + manual not available for inspection</li><li>- Condition of all stock to be purchased from a reputable source breached as T.S. report of illegal tobacco products</li><li>- Fire exit sign missing at rear storage entrance.</li><li>- Not all staff trained in use of CCTV system</li></ul>	



Mr Gurmeet Singh  
Banbury Express Food And Wine  
179 Warwick Road  
Banbury  
OX16 1AS

*Bodicote House*  
*Bodicote*  
*Banbury*  
*Oxfordshire*  
*OX15 4AA*  
*www.cherwell.gov.uk*

Please ask for: Licensing

Direct Dial: 01295 753744

Email: [licensing@cherwell-dc.gov.uk](mailto:licensing@cherwell-dc.gov.uk)

Our Ref: PRM0712

11 July 2019

Dear Mr Gurmeet Singh

**Licensing Act 2003 – Breach of Premises Licence Conditions, Banbury Express Food And Wine, 179 Warwick Road, Banbury**

Following an inspection of the above listed licensed premises on 21/06/2019, it was noted that you were not complying with the following conditions of your licence:

- staff at all times will have knowledge how to operate the CCTV and download images if needed
- All Staff to be trained in responsible alcohol retailing
- Training manual will be available at the premises
- Training records in place for inspection of staff, staff training refreshed every 6 months
- Staff to be trained regularly in underage sales prevention

Please note that a person commits an offence under Section 136 (1) (a) of the Act if they carry on or attempt to carry on licensable activities on or from any premises otherwise than under and in accordance with an authorisation and is liable upon summary conviction to imprisonment of up to 6 months or to a fine of up to £20,000 or to both.

In addition it is also your responsibility to ensure that the four Licensing Objectives are promoted, these are:

- the prevention of Crime and Disorder;
- Public Safety;
- the Prevention Public Nuisance; and
- the protection of Children from Harm.

Cont.



The above listed breaches of licence will have a direct impact on your ability to promote these objectives.

**As a result of the breaches of your licence conditions the Licensing Authority is issuing you with a tier one warning.**

All of the listed breaches of licence must be rectified forthwith.

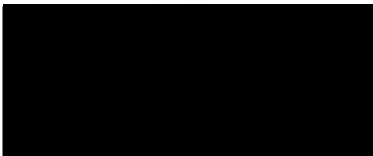
Please ensure that you to read through all of the conditions attached to the Premises Licence (enclosed) and to ensure that any person charged with the responsibility of operating the Premises is aware of the importance of compliance with these conditions.

Further information relating to breaches will be fully investigated and may result in formal action being taken.

A copy of this letter has also been forwarded for the attention of Thames Valley Police Licensing

Should you have any queries regarding this matter or should you need any advice to assist in resolving these issues please contact a member of the Licensing Team on 01295 753744.

Yours faithfully



Chris Pegler  
Lead Licensing Enforcement Officer

**Cherwell District Council Licensed premises Inspections**

Premises name	Banbury Express	Street: 179 Warwick Rd Town: Banbury
Licensing Officer/s	1. C Pegler	2.
Police Officer/s	1.	2.
Date	30/9/19	Time: 14:32

INSPECTION AREAS	Yes/No DETAILS	COMMENTS
Names of Persons on premises		P/T Trained when started 2 weeks ago - no training record sale.
Premises licence displayed	✓	Does not have access to CCTV
DPS Name	✓	Challenged 25 Star Trains
DPS Contactable	✓	
Details of personal licences seen	Direct Till →	ID checked.
Refusal/reject book on site		
<ul style="list-style-type: none"> <li>No smoking signs displayed</li> <li>Please leave quietly signs</li> </ul>	✓ ✓	
Age verification policy/posters	Where: Till + prompt	
Documented staff training?	No	<del>Yes</del>
Tables and chairs on the highway (How many)	N/A	
Outside smoking area?		
Are Door Staff Employed, if so when		
Which company supplies the door staff		
Is there a door staff register & SIA registration details	✓	

Where is there CCTV/ how many cameras	all 'shop floor'	
Do staff members know how to review CCTV footage	NO	<del>NO</del>
<p><b>ARE THERE GAMING MACHINES ON THE PRM</b></p> <p>Gaming machines permitted: Category C and D gaming machines in line with allowances detailed under the premises permission.</p> <p>Category C = £1 stake / £100 prize</p> <p>Category D = 10p stake / £5 money prize or 30p stake / £8 non-money prize or 10p stake / £8 prize of which £5 maximum is money.</p> <p>Coin pusher only: 20p stake / £20 prize of which £10 maximum is money</p> <p>Crane grabs only: £1 stake/ £50 non-money prize (GA05 Sections 282 or 283).</p>	List:	
<p><u>Do the gaming machines comply with:</u></p> <p>Gaming machines satisfy SI 2007 / 2319 and SI 2007 / 2320 requirements that gaming machines display:</p> <ul style="list-style-type: none"> <li>• what category it is?</li> <li>• the name and telephone number for assistance with problem gambling</li> <li>• Age restriction sticker(unless cat D)</li> <li>• % return to player</li> <li>• Suppliers details- please detail</li> </ul>		
<p><u>Supervision of Gaming Machines</u></p> <p>A, B, C, cat gaming machines must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means</p>		
Does the PRM have a gaming machine permit displayed		
<p>Does the PRM have:</p> <ul style="list-style-type: none"> <li>• A gamblers self-exclusion policy</li> <li>• Are the staff trained in spotting gambling problems, and assisting</li> </ul>		



Does the premises have any problems with drug use, are they working with TVP on this problem	None known	
Do the toilets have surfaces which may be used for drug use	N/A	
Does the PRM have guest accommodation	N/A	
Is there a cash point machine on the premises/ where is it	inside	
Any other observations/comments	⊗ compliance not met after last inspection.	



# Application to transfer a premises licence 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.

We NARINDER SINGH MALHOTRA  
*(Insert name of applicant)*  
apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PRM0712

#### Part 1 – Premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
179 WARWICK ROAD BANBURY	THIS IS A CONVENIENCE STORE/ SHOP (RETAIL)
<b>Post town</b> BANBURY	<b>Post code</b> OX16 1AS
<b>Telephone number at premises (if any)</b>	

<b>Please give a brief description of the premises (see note 1)</b>
THIS IS A CONVENIENCE STORE/ OFF LICENCE SHOP.

<b>Name of current premises licence holder</b>
GURMEET SINGH

#### Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- |   |   |
|---|---|
| <p>a) an individual or individuals*</p> <p>b) a person other than an individual *</p> <p style="margin-left: 20px;">i. as a limited company</p> <p style="margin-left: 20px;">ii. as a partnership</p> <p style="margin-left: 20px;">iii. as an unincorporated association or</p> | <p>Please tick yes</p> <p><input type="checkbox"/> please complete section (A)</p> <p><input checked="" type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> |
|---|---|

- iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

**Surname**

**First names**

**Date of birth**

I am 18 years old or

Please tick yes

**Nationality**

Where applicable (if demonstrating a right to work in via the Home Office online right to work checking service), the 9-digit "share code" provided to the applicant by that service (please see note 2 of information).

**Current residential address if different from premises address**

Post town  Post code

Daytime contact telephone number

E-mail address (optional)

**SECOND INDIVIDUAL APPLICANT (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

Surname  First names

Date of birth  I am 18 years old or  Please tick yes

Nationality   
Where applicable (if demonstrating a right to work in via the Home Office online right to work checking service), the 9-digit "share code" provided to the applicant by that service (please see note 2 of information)

Current residential address if different from premises address

Post town  Post code

Daytime contact telephone number

E-mail address (optional)

**(B) OTHER APPLICANTS**

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

Name	NARINDER SINGH MALHOTRA
Address	179 WARWICK ROAD, BANBURY, OX16 1AS

Registered number (where applicable) 10365830
Description of applicant (for example partnership, company, unincorporated association etc.) PRIVATE LIMITED COMPANY, BANBURY EXPRESS FOOD AND WINE LTD
Telephone number (if any)
E-mail address (optional)

**Part 3**

tick || yes

Please

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

tick || yes

Please

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick if yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

I have enclosed the premises licence

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today
- Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but no companies or limited liability partnerships, I have included documents, or my Home Office online right to work checking service share code, to demonstrate my entitlement to work in the United Kingdom (please read note 2)

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

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

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

**Part 4 – Signatures** (please read guidance note 3)

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

Signature

.....

Date 13/08/2019

.....

Capacity DIRECTOR

.....

**For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent** (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

.....

Capacity

.....

If you have not enclosed premises licence referred to above please give the reasons why not.

THE PREMISES LICENCE IS BEING  
USED IN THE SHOP PREMISES.





DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Consent of premises licence holder to transfer**

I/we [full name of premises licence holder(s)] GURMEET SINGH

the premises licence holder of premises licence number [insert premises licence number] PMRO 712

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

Banbury Express Food and Wine  
179 Warwick Road, Banbury, OX16 1AS

hereby give my consent for the transfer of premises licence number

[insert premises licence number] \_\_\_\_\_

to [full name of transferee]. NARINDER SINGH MALHOTRA

Signed .....

Name (please print) GURMEET SINGH

Dated 13/08/19

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)</b> NARINDER SINGH MALHOTRA 179 WARWICK ROAD BANBURY, OX16 1AS	
<b>Post town</b> BANBURY	<b>Post Code</b> OX16 1AS
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> N...	

**Your application and supporting documents need to be sent to the authority in which your premises is situated:**

Licensing Team Cherwell District Council Bodicote House Bodicote OX15 4AA Licensing@cherwell-dc.gov.uk 01295 753744
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1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.

**2. Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensing activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the following documents (which do not need to be certified), or 2) by providing their "share code" to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.



# Application to vary a premises licence to Specify an individual as a designated premises supervisor under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/we NARINDER SINGH MALHOTRA  
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number  
PRM0712

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description  
179 WARWICK ROAD,  
BANBURY OX16 1AS

Post town <u>BANBURY</u>	Post code (if known) <u>OX16 1AS</u>
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Telephone number (if any)

Description of premises (please read guidance note 1)  
CONVENIENCE STORE | OFF LICENCE SHOP

**Part 2**

**Full name of proposed designated premises supervisor**  
NARINDER SINGH MAHOTRA

**Nationality**

**Place of birth**

**Date of birth**

**Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)**  
1913

**Full name of existing designated premises supervisor (if any)**  
GURMEET SINGH

**Please tick yes**

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

**Reasons why I have failed to enclose the premises licence or relevant part of it**  
THE PREMISES LICENCE IS BEING USED IN THE SHOP.

**Please tick yes**

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will notify the existing premises supervisor, if any, of this application (please read guidance note 4)
- I understand that if I do not comply with the above requirements my application will be rejected



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

NARINDER SINGH MALHOTRA  
*[name of applicant]*

concerning the supply of alcohol at

Banbury Express Food and Wine  
179 Warwick Road, Banbury  
OX16 1AS

*[name and address of premises to which application relates]*

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

Personal licence number

913

*[insert personal licence number, if any]*

Personal licence issuing authority

Hillingdon Council

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

Signed

Name (please print)

NARINDER SINGH MALHOTRA

Date

13/08/2019

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

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS.**

**THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE TO ENTER OR REMAIN IN THE UK OR AN ADULT WHO IS SUBJECT TO CONDITIONS WHICH WOULD PREVENT THAT PERSON FROM TAKING UP EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED BY VIRTUE OF THEIR IMMIGRATION STATUS.**

**Part 3 – Signatures** (please read guidance note 2)

**Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 13/08/2019

.....

Capacity DIRECTOR

.....

**For joint applicants signature of 2<sup>nd</sup> applicant 2<sup>nd</sup> applicant’s solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

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

NARINDER SINGH MALHOTRA  
179 WARWICK ROAD

**Post town** BANBURY

**Post Code** OX16 1AS

**Telephone number (if any)**

**If you would prefer us to correspond with you by e-mail your e-mail address (optional)**

**Your application needs to be sent to the authority in which your premises is situated:**

Licensing Team  
Cherwell District Council  
Bodicote House  
Bodicote  
OX15 4AA  
Licensing@cherwell-dc.gov.uk  
01295 753744

**Guidance notes**

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.



BANBURY EXPRESS FOOD & WINE LTD

Company number **10365830**

[Follow this company File for this company](#)

- [Company Overview for BANBURY EXPRESS FOOD & WINE LTD \(10365830\)](#)
- [Filing history for BANBURY EXPRESS FOOD & WINE LTD \(10365830\)](#)

- **People for BANBURY EXPRESS  
FOOD & WINE LTD (10365830)**

- [Officers](#)
- [Persons with significant control](#)

## Filter officers

Filter officers  Current officers  [Apply filter](#)

**1 officer / 0 resignations**

### **MALHOTRA, Narinder Singh**

Correspondence address

179 Warwick Road, Banbury, England, OX16 1AS

Role Active

Director

Date of birth

██████████

Appointed on

8 September 2016

Nationality

██████████

Country of residence

United Kingdom

Occupation

Director

Registered office address

179 Warwick Road, Banbury, Oxfordshire, England, OX16 1AS

Company status

Active

Company type

Private limited Company

Incorporated on

8 September 2016

## **Accounts**

Next accounts made up to **30 September 2019**  
due by **30 June 2020**

Last accounts made up to **30 September 2018**

## **Confirmation statement**

Next statement date **7 September 2019**  
due by **21 September 2019**

Last statement dated **7 September 2018**

## **Nature of business (SIC)**

- 82990 - Other business support service activities not elsewhere classified

## Companies House

Companies House does not verify the accuracy of the information filed  
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#complInfo>)

BANBURY EXPRESS FOOD & WINE LTD

Company number **10365830**

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/10365830/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/10365830/persons-with-significant-control)

## Filter officers

Current officers

Apply filter

## 1 officer / 0 resignations

### MALHOTRA, Narinder Singh

Correspondence address **179 Warwick Road, Banbury, England, OX16 1AS**

Role Active **Director**

Date of birth [REDACTED]

Appointed on **8 September 2016**

Nationality [REDACTED]

Country of residence **United Kingdom**

Occupation **Director**

[Tell us what you think of this service\(link opens a new window\) \(https://www.research.net/r/S78XJMV\)](https://www.research.net/r/S78XJMV) [Is there anything wrong with this page?\(link opens a new window\)](#)  
([https://beta.companieshouse.gov.uk/help/feedback?](https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://beta.companieshouse.gov.uk/company/10365830/officers))





Companies House

**CH01** (ef)

**Change of Particulars  
for Director**



X6GW4M55

*Company Name:* **BANBURY EXPRESS FOOD & WINE LTD**

*Company Number:* **10365830**

*Received for filing in Electronic Format on the:* **12/10/2017**

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*Details Prior to Change*

*Original Name:* **MR NARINDER SINGH MALHOTRA**

*Date of Birth:* [REDACTED]

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*New Details*

*Date of Change:* **12/10/2017**

*New Service Address:* **179 WARWICK ROAD  
BANBURY  
ENGLAND  
OX16 1AS**

## *Authorisation*

*Authenticated*

*This form was authorised by one of the following:*

Director, Secretary, Person Authorised, Administrator, Administrative Receiver, Receiver, Receiver Manager, Charity Commission Receiver and Manager, CIC Manager, Judicial Factor.

**Reference: PRM0712**

**Oxfordshire County Council  
County Hall  
New Road  
Oxford  
OX11ND**

Licensing Department  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury

**Director's name: Ansaf Azhar  
Public Health**

**04.10. 2019**

To Whom It May Concern

**Re: Banbury Express Food and Wine Licence Review**

This representation is made on behalf of the Director for Public Health, Oxfordshire County Council in his role as a responsible authority under the Licensing Act 2003, in support of the representation made by Trading Standards, Oxfordshire County Council's application to review the above premises licence on the following grounds:

1. The prevention of crime and disorder
2. The protection of children from harm

The premises have been storing and selling cigarette packages which were not labelled in English as required by Regulation 11(4) a and thereby constitute offences under Regulation 48 (a)(i).

Additionally, the cigarettes were not UK Duty Paid, and it is an offence under Section 144 (1) of the Licensing Act of 2003 to keep smuggled goods on licensed premises.

Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018) 11.27 states:

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 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 authorities determines that the crime prevention objectives are 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."

Public Health data and policy is clear on the dangers of tobacco, and the Department for Health has produced a Tobacco Control Plan in the report 'Towards a Smoke Free Generation' which sets out actions which include

- Ensure the effective operation of legislation such as proxy purchasing, and standardised packaging designed to reduce the uptake of smoking by young people
- Maintain high duty rates for tobacco products to make tobacco less affordable

All the cigarettes that were seized from the site did not comply with standardised plain packaging requirements and were not marked “UK Duty Paid”. This has the consequence of making tobacco more affordable which reduces the impact of policies designed to reduce the health harms of tobacco, therefore undermining both tax and public health policy. These illicit whites are regulated much less in their country of origins and have the potential to be more dangerous than tobacco produced to the standards required by UK law, both because of their contents and the potential increased risk of them causing domestic fires. Standardised packaging also has international support from the World Health Organisation as part of their Framework for Tobacco Control, and illicit tobacco undermines this work.

The easy availability of illegal tobacco at reduced cost results in residents, including young people purchasing and smoking more cigarettes /day as well as undermines the efforts of those who are trying to quit. Maintaining high duty rates on tobacco is a proven and effective means through which to reduce smoking, both by providing an incentive to quit, and a disincentive for young people to begin smoking in the first place.

The cost of smoking to society is huge. Smoking causes 79,000 preventable deaths in England and is estimated to cost our economy in excess of £11 billion per year. Treating smoking related diseases cost the NHS more than £2.5 billion each year. In Oxfordshire, smoking costs society approximately £136.9 million. There are 852 early deaths due to smoking in Oxfordshire, totalling 1201 years of lost economic activity.

JSNA, 2019 states that smoking is the leading cause of preventable ill health and premature mortality in the UK, with about half of all life long smokers dying prematurely, losing an average about 10 years of their life. It is also a major risk factor for many diseases, such as lung cancer, chronic obstructive pulmonary disease (COPD), heart disease and many cancers. Some areas in Banbury are significantly worse than England on most/ all health indicators.

Smoking prevalence is more concentrated among more disadvantaged communities. There are several areas in Banbury which rank amongst the 20% most deprived in the country (IMD, 2019). 22.6% of the current smokers in Cherwell are in routine and manual occupation, even though the smoking prevalence in this category is decreasing. Smokers from lower socio-economic groups face greater barriers to quit smoking, experience higher levels of addiction and increased stress related to material hardship. (Hiscock R et al, 2015). This further exacerbates health inequalities by increasing the likelihood of experiencing smoking -related death and disease. Cheap illegal tobacco fuels teen smoking and is linked to wider organised crime (ASH, 2019).

For these wide- ranging reasons, we would strongly support this review.

Yours faithfully

Merlyn Mistry  
Health Improvement Practitioner

Email: [REDACTED] | Website: [www.oxfordshire.gov.uk](http://www.oxfordshire.gov.uk)





Banbury Taxi Company

The Stationary Warehouse collect point

Warwick Rd

A422

Warwick Rd

Warwick Rd

A422

GradedGem

Ruscote Ave

MoneyGram

Parklands

Parklands

Page 89

A & C Fish Bar

Banbury Express Food and Wine

Sue Ryder

Hannahs Big Cookies

Parklands

Parklands

Parklands

Parklands

Abbey Rd

Cromwell Rd

Warwick Rd

Greig Care

Orchard Way

Warwick Rd

Cromwell Rd

Orchard Cl

Beesley Rd

1 Way

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