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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 26th 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 19th 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 -----