

Public Document Pack



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: **Licensing Sub Committee**

Date: **Thursday 10 October 2024**

Time: **10.00 am**

Venue: **Bodicote House, Bodicote, Banbury, Oxon OX15 4AA**

Membership

Councillor Ian Middleton
Councillor Chris Pruden

Councillor Rebecca Biegel

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 Monitoring Officer in advance so that arrangements may be made for an alternate Member to attend.

3. Premises Licence Review Hearing (Pages 3 - 118)

Report of Health Protection, Compliance and 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, licensed under PRM0813.

Recommendations

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 Meeting

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 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@cherwell-dc.gov.uk, 01295 221534

Shiraz Sheikh
Monitoring Officer

Published on Wednesday 2 October 2024

| | |
|--|--|
| This report is public | |
| Premises Licence Review Hearing | |
| Committee | Licensing Sub-Committee |
| Date of Committee | 10 October 2024 |
| Report of | Jan Southgate, Health Protection, Compliance and 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, licensed under PRM0813.

1. 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. Executive Summary

- 2.1 To consider an application to review a premises licence submitted by Oxfordshire Trading Standards (OTS).

Implications & Impact Assessments

| Implications | Commentary |
|------------------------|---|
| Finance | There are no financial implications arising directly from this report. Kelly Wheeler, Finance Business Partner, 17 September 2024 |
| Legal | The determination of this application must be made in accordance with the relevant legislation, statutory guidance and the Council's licensing policy. Alan Parr, Solicitor, 17 September 2024 |
| Risk Management | There are no implications arising directly from this report. All proposals and decisions are developed in line with our Equalities, Diversity and Inclusion Framework, in accordance with the Equality Act 2010. Celia Prado-Teeling, Performance & Insight Team Leader, 19 September 2024 |

| Impact Assessments | Positive | Neutral | Negative | Commentary |
|--|--|---------|----------|------------|
| Equality Impact | | | | N/A |
| A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality? | | | | N/A |
| B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users? | | | | N/A |
| Climate & Environmental Impact | | | | N/A |
| ICT & Digital Impact | | | | N/A |
| Data Impact | | | | N/A |
| Procurement & subsidy | | | | N/A |
| Council Priorities | N/A | | | |
| Human Resources | N/A | | | |
| Property | N/A | | | |
| Consultation & Engagement | <p>When an application to review a premises license 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.</p> <p>Representations have been received from the following responsible Licensing authorities: Cherwell District Council</p> <p>Details of all representations are attached to this report as Appendix 4.</p> | | | |

It should be noted, under section 13(4) of the Act the Licensing Authority may submit representations as one of the responsible authorities.

Environmental Health, Planning, Health Protection, Oxfordshire Fire and Rescue Service, Oxfordshire Safeguarding Children's Board, and the Secretary of State responded with either 'no objections' or "no comments" to make', or did not respond to the consultation.

All information and evidence from the License holder, interested parties, and responsible Authorities will be presented to the committee by the respective

Supporting Information

3. Background

- 3.1 Banbury Express Food and Wine is a small convenience store on the Warwick Road in Banbury. The store currently benefits from Two premises licences issued in accordance with the Licensing Act 2003 ("the Act"). Currently the site is licensed under PRM0813 and PRM0712. Both licences permit 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.
- 3.3 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.
- 3.4 A copy of the Licence PRM0813, listing the licensing conditions, is attached to this report as appendix 1.
- 3.5 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.
- 3.6 The premises licence PRM0813 was first granted on 29 March 2021. The license was granted to Amerjit Singh acting as both the licensee and the DPS.

4. Details

- 4.1 On 8 July 2024 the Licensing Authority received an application to transfer the license from Amerjit Singh to Mr Singh & Kaur Ltd, company registration number 12890806. As part of this application the licensee also applied to change the DPS from Amerjit Singh to Surinder Singh Malhotra. A new license was issued on 19 August 2024 listing the DPS change to Mr Malhotra. The license transfer to Mr Singh & Kaur Ltd was completed and issued on 12 September 2024, **Appendix 2**.
- 4.2 On 19 August 2024 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.
- 4.3 A copy of the licence review application submitted by OTS is attached to this report as **Appendix 3**; the details of which will be presented to the committee by the review applicant.

5. Alternative Options and Reasons for Rejection

- 5.1 The steps the Sub-Committee can take are set out at paragraph 6.2.

6 Conclusion and Reasons for Recommendations

- 6.1 There is no recommendation. 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.

Decision Information

| | |
|---------------------------|-----|
| Key Decision | N/A |
| Subject to Call in | N/A |

| | |
|---|-----------------|
| If not, why not subject to call in | N/A |
| Ward(s) Affected | Banbury Ruscote |

Document Information

| | |
|--------------------------------------|--|
| Appendices | |
| Appendix 1 | PRM0813 Banbury Express License |
| Appendix 2 | PRM0813 Transferred and DPS change premises license issued on 12/09/2024 (current license) |
| Appendix 3 | Oxfordshire Trading Standards Licensing review application and associated documents |
| Appendix 4 | Cherwell District Council licensing review representation |
| Report Author | Mr Jan Southgate, Health Compliance and Licensing Manager |
| Report Author contact details | 01295 753744 licensing@cherwell-dc.gov.uk |

This page is intentionally left blank



Licensing Act 2003 Premises Licence

| | | |
|--|----------------------------|-------------------------|
| The Local One Shop 179 Warwick Road, Banbury, Oxfordshire, OX16 1AS | Licence Ref: | PRM0813 |
| | Date First Granted: | 29-03-2021 |
| | Valid to: | Not Time Limited |
| | Issue date: | 19-08-2024 |

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

The Local One Shop, 179 Warwick Road, Banbury, Oxfordshire, OX16 1AS

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Amerjit Singh
[REDACTED]
[REDACTED]

Registered number of holder, for example company number, charity number (where applicable)

Name and address of designated premises supervisor where the premises licence authorises the supply of alcohol

Surinder Singh Malhotra
[REDACTED]

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: [REDACTED]
 Issuing Authority: Hillingdon



Part 1 – Premises Details

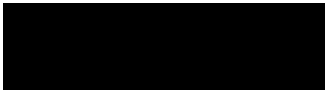
Sale of Alcohol by Retail:

| Day | Start Time | End Time |
|------------|-------------------|-----------------|
| Monday | 07:00:00 | 23:00:00 |
| Tuesday | 07:00:00 | 23:00:00 |
| Wednesday | 07:00:00 | 23:00:00 |
| Thursday | 07:00:00 | 23:00:00 |
| Friday | 07:00:00 | 23:00:00 |
| Saturday | 07:00:00 | 23:00:00 |
| Sunday | 07:00:00 | 23:00:00 |

Where the licence authorises supplies of alcohol whether these are on and /or off supplies
Off the premises

The opening hours of the premises

| Day | Start Time | End Time |
|------------|-------------------|-----------------|
| Monday | 07:00:00 | 23:00:00 |
| Tuesday | 07:00:00 | 23:00:00 |
| Wednesday | 07:00:00 | 23:00:00 |
| Thursday | 07:00:00 | 23:00:00 |
| Friday | 07:00:00 | 23:00:00 |
| Saturday | 07:00:00 | 23:00:00 |
| Sunday | 07:00:00 | 23:00:00 |



Sian Parsons
Licensing Officer
19-08-2024



Annex 1 – Mandatory conditions

Annex 1 – Mandatory conditions

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

a) General - all four licensing objectives (b,c,d,e)

1. Strict implementation of challenge 25 policy
2. CCTV to be installed and 28 days recoding system
3. All staff to be trained in responsible alcohol retailing
4. Training manual will be available at the premises

b) The prevention of crime and disorder

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

c) Public safety

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

d) The prevention of public nuisance

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

e) The protection of children from harm

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



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

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

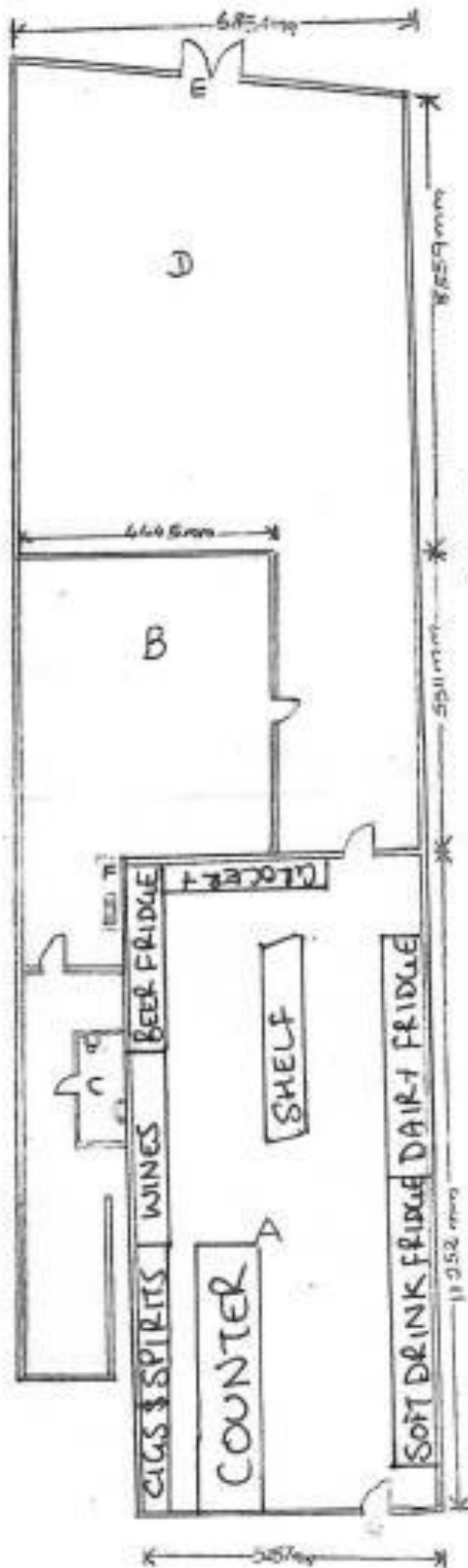
Conditions Required by Committee



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Annex 4 – Plans



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

| | | |
|--|----------------------------|-------------------------|
| The Local One Shop 179 Warwick Road, Banbury, Oxfordshire, OX16 1AS | Licence Ref: | PRM0813 |
| | Date First Granted: | 29-03-2021 |
| | Valid to: | Not Time Limited |
| | Issue date: | 19-08-2024 |

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

The Local One Shop, 179 Warwick Road, Banbury, Oxfordshire, OX16 1AS

Part 2

Name, (registered) address (where relevant) of holder of premises licence

Amerjit Singh

Name and address of designated premises supervisor where the premises licence authorises the supply of alcohol

Surinder Singh Malhotra

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: LBHIL4354
Issuing Authority: Hillingdon**



Part 1 – Premises Details

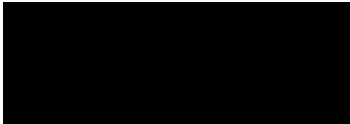
Sale of Alcohol by Retail:

| Day | Start Time | End Time |
|------------|-------------------|-----------------|
| Monday | 07:00:00 | 23:00:00 |
| Tuesday | 07:00:00 | 23:00:00 |
| Wednesday | 07:00:00 | 23:00:00 |
| Thursday | 07:00:00 | 23:00:00 |
| Friday | 07:00:00 | 23:00:00 |
| Saturday | 07:00:00 | 23:00:00 |
| Sunday | 07:00:00 | 23:00:00 |

Where the licence authorises supplies of alcohol whether these are on and /or off supplies
Off the premises

The opening hours of the premises

| Day | Start Time | End Time |
|------------|-------------------|-----------------|
| Monday | 07:00:00 | 23:00:00 |
| Tuesday | 07:00:00 | 23:00:00 |
| Wednesday | 07:00:00 | 23:00:00 |
| Thursday | 07:00:00 | 23:00:00 |
| Friday | 07:00:00 | 23:00:00 |
| Saturday | 07:00:00 | 23:00:00 |
| Sunday | 07:00:00 | 23:00:00 |



Sian Parsons
Licensing Officer
19-08-2024

This page is intentionally left blank



Licensing Act 2003 Premises Licence

| | | |
|--|----------------------------|-------------------------|
| The Local One Shop 179 Warwick Road, Banbury, Oxfordshire, OX16 1AS | Licence Ref: | PRM0813 |
| | Date First Granted: | 29-03-2021 |
| | Valid to: | Not Time Limited |
| | Issue date: | 12-09-2024 |

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

The Local One Shop, 179 Warwick Road, Banbury, Oxfordshire, OX16 1AS

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

MR SINGH AND KAUR LTD
179 Warwick Road, Banbury, Oxfordshire, OX16 1AS
[REDACTED]

Registered number of holder, for example company number, charity number (where applicable)

Company Number: 12890806

Name and address of designated premises supervisor where the premises licence authorises the supply of alcohol

Surinder Singh Malhotra
[REDACTED]

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: [REDACTED]
 Issuing Authority: Hillingdon



Part 1 – Premises Details

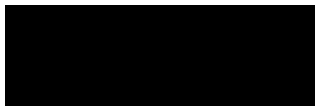
Sale of Alcohol by Retail:

| Day | Start Time | End Time |
|------------|-------------------|-----------------|
| Monday | 07:00:00 | 23:00:00 |
| Tuesday | 07:00:00 | 23:00:00 |
| Wednesday | 07:00:00 | 23:00:00 |
| Thursday | 07:00:00 | 23:00:00 |
| Friday | 07:00:00 | 23:00:00 |
| Saturday | 07:00:00 | 23:00:00 |
| Sunday | 07:00:00 | 23:00:00 |

Where the licence authorises supplies of alcohol whether these are on and /or off supplies
Off the premises

The opening hours of the premises

| Day | Start Time | End Time |
|------------|-------------------|-----------------|
| Monday | 07:00:00 | 23:00:00 |
| Tuesday | 07:00:00 | 23:00:00 |
| Wednesday | 07:00:00 | 23:00:00 |
| Thursday | 07:00:00 | 23:00:00 |
| Friday | 07:00:00 | 23:00:00 |
| Saturday | 07:00:00 | 23:00:00 |
| Sunday | 07:00:00 | 23:00:00 |



Sian Parsons
Licensing Officer
12-09-2024



Annex 1 – Mandatory conditions

Annex 1 – Mandatory conditions

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

a) General - all four licensing objectives (b,c,d,e)

1. Strict implementation of challenge 25 policy
2. CCTV to be installed and 28 days recoding system
3. All staff to be trained in responsible alcohol retailing
4. Training manual will be available at the premises

b) The prevention of crime and disorder

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

c) Public safety

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

d) The prevention of public nuisance

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

e) The protection of children from harm

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



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

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

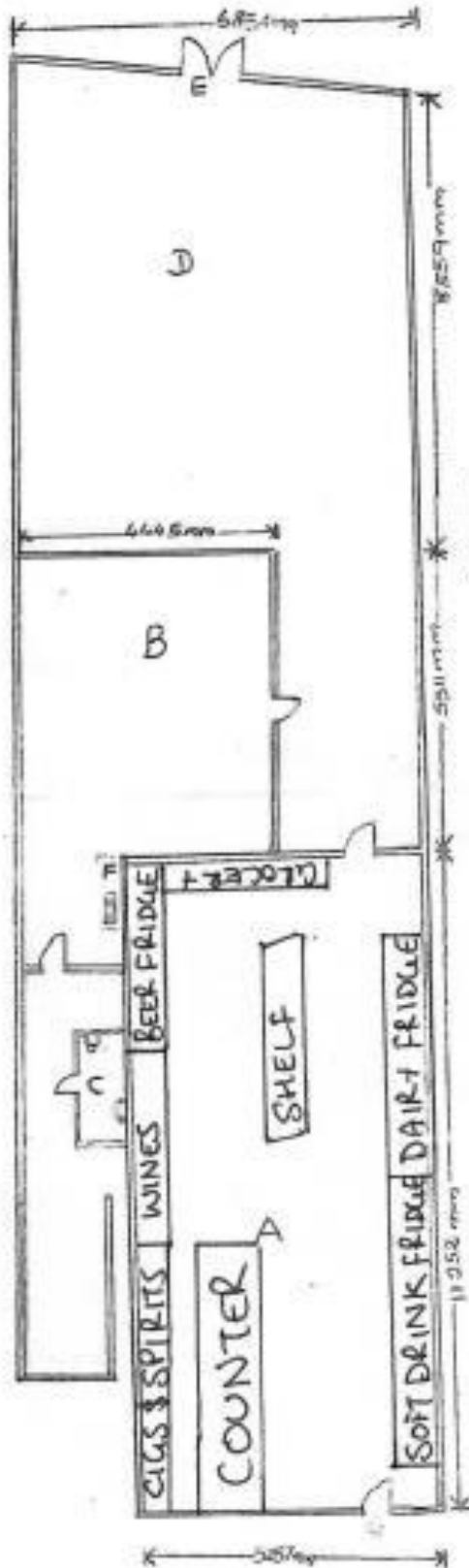
Conditions Required by Committee



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Annex 4 – Plans



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

| | | |
|--|----------------------------|-------------------------|
| The Local One Shop 179 Warwick Road, Banbury, Oxfordshire, OX16 1AS | Licence Ref: | PRM0813 |
| | Date First Granted: | 29-03-2021 |
| | Valid to: | Not Time Limited |
| | Issue date: | 12-09-2024 |

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

The Local One Shop, 179 Warwick Road, Banbury, Oxfordshire, OX16 1AS

Part 2

Name, (registered) address (where relevant) of holder of premises licence

MR SINGH AND KAUR LTD

Name and address of designated premises supervisor where the premises licence authorises the supply of alcohol

Surinder Singh Malhotra

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: XXXXXXXXXX
Issuing Authority: Hillingdon



Part 1 – Premises Details

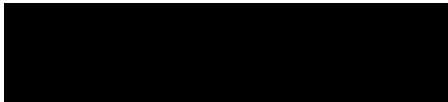
Sale of Alcohol by Retail:

| Day | Start Time | End Time |
|------------|-------------------|-----------------|
| Monday | 07:00:00 | 23:00:00 |
| Tuesday | 07:00:00 | 23:00:00 |
| Wednesday | 07:00:00 | 23:00:00 |
| Thursday | 07:00:00 | 23:00:00 |
| Friday | 07:00:00 | 23:00:00 |
| Saturday | 07:00:00 | 23:00:00 |
| Sunday | 07:00:00 | 23:00:00 |

Where the licence authorises supplies of alcohol whether these are on and /or off supplies
Off the premises

The opening hours of the premises

| Day | Start Time | End Time |
|------------|-------------------|-----------------|
| Monday | 07:00:00 | 23:00:00 |
| Tuesday | 07:00:00 | 23:00:00 |
| Wednesday | 07:00:00 | 23:00:00 |
| Thursday | 07:00:00 | 23:00:00 |
| Friday | 07:00:00 | 23:00:00 |
| Saturday | 07:00:00 | 23:00:00 |
| Sunday | 07:00:00 | 23:00:00 |



Sian Parsons
Licensing Officer
12-09-2024

This page is intentionally left blank

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 on behalf of Oxfordshire County Council Trading Standards
(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

| | |
|--|--------------------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description Banbury Express 179 Warwick Road | |
| Post town Banbury | Post code (if known) OX16 1AS |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) Amerjit Singh (application to transfer to "Mr Singh & Kaur Ltd" has been made) |
|---|

| |
|--|
| Number of premises licence or club premises certificate (if known) PRM0813 |
|--|

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 On behalf of Oxfordshire County Council: 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 27th April 2024, an officer from Oxfordshire County Council Trading Standards conducted a covert test purchase visit to the premises and purchased a unit pack of illegal shisha. Unit packs of shisha, being a tobacco product, were also on open display, which is unlawful.
2. On 4th June 2024, Oxfordshire County Council Trading Standards conducted an announced inspection of the premises when illegal shisha and illegal electronic cigarettes were identified and seized. Non-compliant nicotine pouches were also identified and seized. Tobacco products were again on open display.
3. On 8th July 2024, Oxfordshire County Council Trading Standards met with the current premises licence holder (PLH) and designated premises supervisor (DPS). Also present was the director of the Company trading as Banbury Express. It was established that the then PLH/DPS had no active role in the operation of the business whilst the director was responsible for all decisions relating to the purchase of stock, training staff and for the systems in place.
4. Existing conditions attached to the premises licence appear to have been breached.
5. Three intelligence reports have been received between February 2022 – April 2023 alleging the supply of nitrous oxide from the rear of the premises, including supply to school children.
6. In 2021, this premises has been the subject of seizures of illegal electronic cigarettes, cigars and herbal shisha. In addition, tobacco products were seen on open display and a complaint received regarding the unlawful advertising of illegal cigarettes by outdoor flashing signage. Verbal and written advice was provided in each case.

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 has been used to sell and store illegal tobacco, illegal electronic cigarette products and non-compliant nicotine pouch products in breach of the licensing objective of preventing crime and disorder. In addition the unlawful open display of tobacco products has been observed in breach of the licensing objective of protection of children from harm.

2. On 27th April 2024 a trainee trading standards officer made a test purchase of a unit pack of Al Fakher coconut-flavoured shisha (100g) for £7.50. The current tobacco duty rate for this product is £17.37 per 100g. (See Annex).

3. The product labelling contained none of the statutory pictorial and text health warnings and information. There were also no instructions for use, ingredients, or manufacturer's contact details. The labelling made explicit and implicit claims regarding a taste or smell (i.e. coconut) which is unlawful. (See Annex). The product was also displayed in a glass cabinet by the till point and so on open display, which is also unlawful.

4. On 4th June 2024, a trainee trading standards officer and tobacco control officer, conducted an announced visit at the premises in order to inspect it for tobacco and related products.

5. Further illegal shisha products were identified in the same display cabinet. Also identified were illegal electronic cigarettes on open display and non-compliant unit packs of nicotine pouches. It was also noted that tobacco products were on open display.

6. A total of 7 unit packs of Al Fakher shisha (100g) were seized. Again, the labelling of each unit pack contained none of the statutory pictorial and text health warnings and information. There were also no instructions for use, ingredients, or manufacturer's contact details. The labelling of each unit pack made explicit and implicit claims regarding a taste or smell (i.e. coconut, raspberry, lemon, blue berry, strawberry mint, and berry) which are all unlawful (See Annex)

7. A total of 8 x Hayati Pro Max 4000+ electronic cigarettes were also seized. These products were labelled with a capacity of 10ml, which is 5 times the legal limit of 2ml. Four multipack display cases were observed on display. Each multipack usually contain 10 electronic cigarettes in each (See Annex)

8. A total of 47 x unit packs of nicotine pouches were also seized due to labelling non-compliances including no name, address and telephone number of a UK supplier/importer, no tactile warning triangle and/or incorrect safety warning information. (See Annex)

9. It was also identified that shisha products, heated tobacco products and tobacco blunts/blunt wrap products were also on open display, which is unlawful. (See Annex).

10. Trainee trading standards officer [REDACTED] issued an Inspection & Action Report Form. Included within this document was a statutory request for the invoices and receipts for all the seized products to be produced by 18th June. (See Annex)

11. It is noted that conditions currently attached to the premises licence include:

- All goods, including those subject to duty payments i.e. alcohol and tobacco products will be brought from cash and carries only an invoices (sic) and they will be available upon request
- No alcoholic drinks or tobacco will be purchased by the premises from unannounced sellers calling at the premises
(See Annex)

12. Officer [REDACTED] formally wrote to Mr Surinder Singh Malhotra, the director of Mr Singh & Kaur Ltd t/a Banbury Express, and Mr Amerjit Singh, Premises Licence Holder & Designated Premises Supervisor, on 21st June. This letter made clear that the Authority was minded to institute a review of the premises licence but requested a meeting prior to any decision being made. Officer [REDACTED] also repeated the request for the invoices/receipts to be provided and extended the deadline to 2nd July. (See Annex).

13. On 8th July, Mr Malhotra and Mr Singh attended a meeting at trading standards offices in Oxford. The key points of the meeting can be summarised as follows:

Mr Malhotra:

- on behalf of the Company, he signed an acknowledgement form and voluntary surrender form in respect of the seized items. (See Annex)
- he stated that the shisha tobacco products were from 6 months ago or more but he did not/could not identify the supplier.
- he sells Amber Leaf hand-rolling tobacco for £39.50 per 50g unit pack yet the shisha tobacco unit packs were being sold for £7.50 per 100g.
- he provided invoices accounting for 30 of the 47 seized nicotine pouch products but nothing for the shisha and electronic cigarette seized products.
- the Hayati electronic cigarettes were supplied by [REDACTED] from High Wycombe approximately 2 months ago on a sale or return basis.
- he claimed only 24 units were supplied by [REDACTED] and with 8 seized this means a minimum of 16 illegal electronic cigarettes were sold (this is contradicted by the evidence).
- he stated that this was the first time he had dealt with this supplier, no receipt was issued, no contact details were provided and the supplier has not returned to the premises for payment (this appears to breach one or more of the licence conditions).
- he explained that the tobacco products on open display were due to a space issue, which he has now resolved.
- he acknowledged that he had received verbal and written advice in 2021 regarding similar issues and had signed acknowledgment forms at that time.
- he is a personal licence holder, which he has held since 30th July 2020
- when asked why he didn't apply for the premises licence in his own or company name and become the designated premises supervisor himself, he explained that at the time of the application he was on medication and so did not consider this as an option
- he declined to comment on what, if any, connection there is to the previous premises licence holder, Mr Narinder Singh Malhotra, who was subject of a previous review relating to illegal tobacco products

Mr Singh:

- He stated that he was not involved in the Company/business
- He became the premises licence holder and designated premises holder in 2021 to help his friend
- He is a personal licence holder since 2020 or 2021 and did so because originally he thought about getting his own shop but changed his mind

- In terms of new stock, he does not know what Mr Malhotra buys or brings to the shop and is not involved in the choice of goods or what is purchased
- He was last in the shop approximately 6 months ago
- He is not involved in monitoring the performance of staff or training of staff

14. It was explained to both parties that, if this Authority did decide upon a review, it would seek certain conditions (as set out in this review application), which were then discussed. Mr Malhotra expressed his initial view that he may be amenable to accepting these conditions. Mr Malhotra also signed voluntary surrender and acknowledgement forms on behalf of the Company (see Annex).

15. A summary of the meeting was sent to both parties on 11th July. Within this it stated that "after giving you the opportunity to consider everything and to respond to this Authority with any proposed course of action that you may wish us to consider, I will then appraise the Trading Standards Leadership team, who will ultimately make the decision on the appropriate way of resolving this matter". (See Annex). No further contact was received from either party. This Authority was notified of the transfer of the premises licence and designated premises supervisor by the Licensing Authority on 1st August.

16. This matter is aggravated by the previous history of the premises whilst under the ownership of Mr Malhotra's company and under Mr Singh's tenure as premises licence holder and designated premises supervisor.

17. On 24th August 2021 trading standards officers visited Banbury Express. Mr Malhotra was the sole person working at the premises at this time. 111 electronic cigarette products were seized for non-compliance, namely:

- 42 x Elf Bar (various flavours)
- 14 x Bang XXL (Cool Mint & Orange Soda)
- 55 x Vapeman Solo+ (various flavours)

Of the seized items, 14 had excessive nicotine content of 3 times the maximum amount allowed. 27 of the seized items had excessive capacity of between 2.4 to 3 times the maximum capacity allowed.

18. Also identified and seized due to the absence of statutory health warnings were the following tobacco products and herbal smoking products:

- 13 x Blackwoods Cigars
- 36 x Soex Herbal Molasses (various flavours)

19. A large amount of tobacco products including blunts, cigars, cigarettes and hand-rolling tobacco was on open display on general shelving/display (outside of the tobacco gantry).

20. The statutory tobacco notice warning that it was illegal to sell tobacco products to anyone under 18 years was also not displayed.

21. Detailed letters were sent to Mr Malhotra dated 17th September 2021 and 23rd September 2021 respectively which provided all the information necessary to ensure the issues did not reoccur in the future. Mr Malhotra agreed to forfeiture and signed acknowledgment forms (See Annex).

22. On 15th December 2021, as a result of a consumer complaint regarding outdoor flashing/revolving signage above the shop, a tobacco control officer had cause to warn Mr Malhotra verbally and write to him the same day. The signage itself did not

have the required express consent and so this aspect was referred to the Local Planning Authority. The content of the outdoor signage constituted an unlawful advertisement in that it advertised and promoted tobacco products, which is strictly prohibited. Of particular concern was that all of the cigarettes displayed in the advertisement are illegal to sell in the UK. (See Annex).

23. Three intelligence reports have been received between February 2022 – April 2023 alleging the supply of nitrous oxide from the rear of the premises and including to school children. Nitrous oxide is now classified as a Class C drug under the Misuse of Drugs Act 1971 if it is to be inhaled and, as such, is now a matter enforced by the Police. (See Annex)

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

At para 11.27 it states:

"There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. The list includes the use of the licensed premises:

- 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."

(See Annex).

25. There is also decided case law to assist. In R (Bassetlaw District Council) v Worksop Magistrates' Court (2008) EWHC 3530, MJ Slade found that 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. (See Annex).

26. The sale of illegal tobacco products are regarded as serious criminal offences and are given particular prominence within the guidance. They are sold at prices well below the legally compliant versions, giving premises doing so a commercial advantage over their competitors that trade legally.

27. The severe health risks associated with smoking are widely reported and accepted. Smoking costs the National Health Service in England approximately £2 billion a year for treating diseases caused by smoking. The availability of cheap, illegal tobacco products may undermine the efforts of a current smoker to quit as price is often a key driver and, in fact, may encourage some smokers to smoke more. The sale of cheap tobacco products making unlawful claims regarding smell/taste, whilst also being on open display so they can easily be seen, may also attract children and young people's attention.

28. Following consultation, the UK, Welsh and Scottish Governments announced in February 2024, their intention to introduce legislation to ban the sale and supply of all disposable electronic cigarettes, with the UK Government explaining that they "have been a key driver behind the alarming rise in youth vaping, with the proportion of 11 to 17 year old vapers using disposables increasing almost ninefold in the last 2

years". The sale of electronic cigarettes that are already illegal is of concern due to their greater capacities and/or nicotine content.

29. The Trading standards service regards the failure to heed detailed previous advice as an aggravating factor of particular concern. Given the statutory guidance and supporting precedent, it is the recommendation of this service that revoking the premises licence should be strongly considered.

30. 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 are proposed as follows:

1. Tobacco and Nicotine-containing Products

1.1 All staff who are authorised to buy tobacco and nicotine-containing 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 such products must only purchase such goods from legitimate and established wholesalers who provide full receipts at the time of the delivery

b) The authorised buyers shall ensure that all receipts for tobacco and nicotine-containing 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 trading standards officers on request.

1.3 Where anyone working within the premises becomes aware that any illegal tobacco or nicotine-containing products may have been offered for purchase, they shall inform trading standards immediately and keep a written record of such action.

1.4 Smuggled or counterfeit tobacco products or non-compliant electronic cigarettes and nicotine pouch 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 (to be supplied by trading standards)

3. Challenge 25

The premises shall operate in accordance with the "Challenge 25" scheme. This scheme operates on the basis that whilst tobacco or electronic cigarette products 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.

4. 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 tobacco or electronic cigarette products 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.

5. Training

All staff working at the premises (whether paid or unpaid) who sell tobacco or nicotine-containing products shall receive training in the responsible retail of such products and this training will be repeated on at least an annual basis. The premises licence holder will consult with trading standards 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).

ANNEX

- 1 - Current tobacco duty rate
- 2 - Unit pack of Al Fakher coconut-flavoured shisha (100g)
- 3 - Unit packs of Al Fakher shisha (various flavours) (100g)
- 4 - Unit packs of Hayati Pro Max 4000+ electronic cigarettes
- 5 - Unit packs of Nicotine pouches
- 6 - Tobacco products on open display
- 7 - Inspection & Action Report Form
- 8 - Extract from Premises Licence showing relevant existing conditions
- 9 - Letter dated 21st June 2024
- 10 - Voluntary Surrender and Acknowledgment Form
- 11 - Summary of meeting sent 11th July 2024
- 12 - Letter dated 17th September 2021
- 13 - Letter dated 23rd September 2021
- 14 - Voluntary Surrender and Acknowledgment Forms
- 15 - Unlawful outdoor advertisement
- 16 - Letter dated 15th December 2021
- 17 - Intelligence reports February 2022 - April 2023
- 18 - Extract from statutory guidance
- 19 - R (Bassetlaw District Council) v Workshop Magistrates' Court (2008)

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

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 1 | 7 | 0 | 9 | 2 | 0 | 1 | 9 |
|---|---|---|---|---|---|---|---|

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

The hearing took place on 29th October 2019 and the basis of the review was as follows:

The grounds for review are as follows:

1. On 16th 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 3rd 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 9th 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 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  - TRADING STANDARDS OFFICER)

Date 19th August 2024

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) russell.sharland@oxfordshire.gov.uk | |

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.

ANNEX

Supporting Documents

- 1 - Current tobacco duty rate (1 page)**
- 2 - Unit pack of Al Fakher coconut-flavoured shisha (100g) (2 page)**
- 3 - Unit packs of Al Fakher shisha (various flavours) (100g) (1 page)**
- 4 - Unit packs of Hayati Pro Max 4000+ electronic cigarettes (3 pages)**
- 5 - Unit packs of Nicotine pouches (2 pages)**
- 6 - Tobacco products on open display (1 page)**
- 7 - Inspection & Action Report Form (1 page)**
- 8 - Extract from Premises Licence showing relevant existing conditions (1 page)**
- 9 - Letter dated 21st June 2024 (9 pages)**
- 10 - Voluntary Surrender and Acknowledgment Form (2 pages)**
- 11 - Summary of meeting sent 11th July 2024 (2 pages)**
- 12 - Letter dated 17th September 2021 (8 pages)**
- 13 - Letter dated 23rd September 2021 (5 pages)**
- 14 - Voluntary Surrender and Acknowledgment Forms (4 pages)**
- 15 - Unlawful outdoor advertisement (2 pages)**
- 16 - Letter dated 15th December 2021 (1 page)**
- 17 - Intelligence reports February 2022 - April 2023 (3 pages)**
- 18 - Extract from statutory guidance (2 pages)**
- 19 - R (Bassetlaw District Council) v Workshop Magistrates' Court (2008) (9 pages)**

Tobacco Products Duty rates

Updated 22 November 2023

Contents

Duty rate

Minimum Excise Duty for
cigarettes

Further information

 [Print this page](#)

Duty rate

| Tobacco product | Duty rate from 6pm 27 October 2021 | Duty rate from 6pm 15 March 2023 | Duty rate from 6pm 22 November 2023 |
|---|------------------------------------|----------------------------------|-------------------------------------|
| Other smoking tobacco and chewing tobacco | £144.17 per kg | £161.62 per kg | £173.68 per kg |



Coconut

جوز الهند

100 gm

£7.50P







Share

Edit

Lens

Delete

HATATI[®] PRO MAX

PRO MAX
4000+ PUFFS

FIZZY CHERRY

This product contains nicotine which is a highly addictive substance

HATATI[®] PRO MAX

PRO MAX
4000+ PUFFS

MANGO PEACH PINEAPPLE

This product contains nicotine which is a highly addictive substance

HATATI[®] PRO MAX

PRO MAX
4000+ PUFFS

STRAWBERRY HUBBA BUBBA

This product contains nicotine which is a highly addictive substance

HATATI[®] PRO MAX

PRO MAX
4000+ PUFFS

STRAWBERRY WATERMELON

This product contains nicotine which is a highly addictive substance

4000+ PUFFS

**MANGO PEACH
PINEAPPLE**

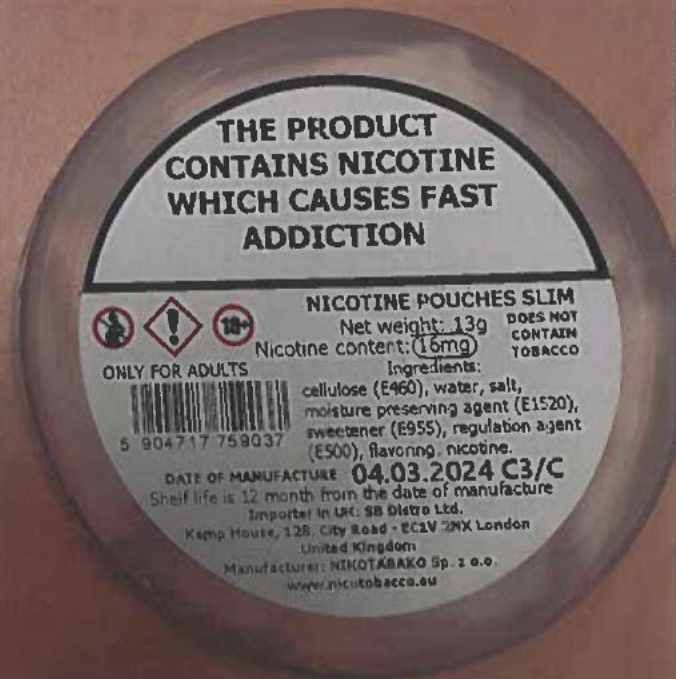
**This product
contains nicotine
which is a
highly addictive**



4000+ PUFFS

FIZZY CHERRY

**This product
contains nicotine
which is a
highly addictive**







Trading Standards Service
 Graham Hill House, Electric Avenue
 Ferry Hinksey Road, Oxford, OX2 0BY
 Tradingstandards@oxfordshire.gov.uk
 Tel: 01865 895999 Option 2



INSPECTION & ACTION REPORT

| | |
|-------------------------------|---|
| Date: 04/06/2024 | Business Owner: MR SINGH + KAUR LTD |
| Trading Name: BANBURY EXPRESS | Address, Telephone & Email: 179 WARWICK ROAD, BANBURY, OX16 1AS |

This intervention was carried out under the legislation ticked below:

| | | | |
|--|-------------------------|------------------------|-------------|
| Children and Young Persons (Protection from Tobacco) Act | Consumer Protection Act | Prices Act | |
| Consumer Protection from Unfair Trading Regulations | Companies Act | Weights & Measures Act | |
| Animal Health Act | Food Safety Act | Other | see below ✓ |
| Agriculture Act | Licensing Act | | |

| Areas examined/Issues discussed/Matters requiring action | Legal Requirement | Best Practice |
|---|-------------------|---------------|
| Consumer Rights Act 2015 | ✓ | |
| Tobacco + Related Products Regulations 2016 | | |
| Standardised Packaging of Tobacco Products Regulations 2015 | | |
| - 8 unit packs shisha | | |
| - 8 unit packs Hugal Pro Max e-cigarettes | | |
| - Quantity of nicotine pouches | | |
| Seized for non-compliance | ✓ | |
| Tobacco Advertising + Promotion Act 2002 | ✓ | |
| Tobacco Products including 'blunt wraps' + IQOS Neets, must not be on display | | |
| Consumer Rights Act 2015 | ✓ | |
| Formal request to produce supplier documentation (i.e invoices or receipts) for seized items by 18/06/2024. | | |
| Please note it is an offence not to comply with this requirement | | |
| Letter to follow. | | |

Timescale for rectifying matters above:

This report covers the specific areas inspected at the time of the inspection. It does not indicate compliance with any legal provisions, nor does it give general approval to your business.

| | |
|--------------------------------------|----------------------------|
| Inspecting Officer Name: [Redacted] | Recipient Name: [Redacted] |
| Signature: [Redacted] | Signature: [Redacted] |
| Job Title: TRADING STANDARDS OFFICER | Job Title: STORE ASSISTANT |

ANNEX 8 (1 PAGE)

Annex 2 – Conditions consistent with the operating schedule

a) General - all four licensing objectives (b,c,d,e)

1. Strict implementation of challenge 25 policy
2. CCTV to be installed and 28 days recording system
3. All staff to be trained in responsible alcohol retailing
4. Training manual will be available at the premises

b) The prevention of crime and disorder

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

c) Public safety

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

d) The prevention of public nuisance

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

e) The protection of children from harm

1. A challenge 25 policy will be in force, where any person looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol and signs to this effect will be displayed at the premises. Challenge 25 posters displayed where alcohol is sold.
2. The only acceptable ID will be those with photographic identification documents; including passport, photo-card, driving license or proof of age card bearing the PASS hologram.
3. An incident/refusal log shall be kept at the premises, and made available for inspection on request to an authorised officer of the council of the police which will record the following;
 - a) All crimes reported at the venue

ANNEX 9 (9 PAGES)



Reference: ED/39447

Mr Surinder Singh Malhotra
Mr Singh & Kaur Ltd t/a Banbury Express
179 Warwick Road
Banbury
OX16 1AS

Trading Standards Service
Graham Hill House
Electric Avenue
Ferry Hinksey Road
Oxford OX2 0BY

Jody Kerman
Head of Trading Standards

21st June 2024

Dear Mr Malhotra

1. **Tobacco and Related Products Regulations 2016**
2. **Standardised Packaging of Tobacco Products Regulations 2015**
3. **Tobacco Advertising and Promotion Act 2002**
4. **General Product Safety Regulations 2005**
5. **Consumer Protection Act 1987**
6. **Classification, Labelling and Packaging of Substances and Mixtures Regulation (EC) 1272/2008 (as amended and retained in UK Law)**

As you are aware, on 4th June 2024 officers from Oxfordshire County Council Trading Standards visited your business premises, Banbury Express, to check compliance of tobacco and related products. During this visit, a number of products were identified and seized due to suspected non-compliance with the above-mentioned legislation.

Total Items Seized:

- 7 unit packs of shisha tobacco
- 47 unit packs of nicotine pouches
- 8 unit pack of e-cigarettes

Please refer to Annex 1 (pages 7-8) for a full breakdown of items seized with an explanation of their non-compliances.

As non-compliance was detected, the purpose of this letter is to explain the requirements of the legislation and to assist you in trading lawfully in the future.

1 – Legal Requirements Relating to the Supply of Shisha Tobacco

You can only sell waterpipe tobacco (hereby referred to as shisha) that has been officially notified to the Government. This also applies to herbal shisha. The official list of notified shisha products (manufacturer and brand name) can be found here:

<https://www.gov.uk/government/publications/notification-of-tobacco-or-herbal-products-for-smoking> (open "List of tobacco and related products notified" excel spreadsheet)

It is highly likely that any other manufacturer/brand of shisha not on this list is illegal and liable to seizure.

Labelling of Shisha Tobacco Products

It is an offence to supply or sell shisha tobacco products which do not carry health warnings nor have the appropriate packaging details. For shisha tobacco products this must contain a "combined health warning" which contains a text warning and a graphic health warning. It also must be in English, fully visible, indelible, irremovably printed, printed on the pack and surrounded by a black border. The combined health warning must cover 65% of the surface area of the front and back of the product. It must also be accompanied by a general health warning and information message with the phrase "Get help to stop smoking at www.nhs.uk/quit" and one of the following text warnings:

1. Smoking causes 9 out of 10 lung cancers
2. Smoking causes mouth and throat cancer
3. Smoking damages your lungs
4. Smoking causes heart attacks
5. Smoking causes strokes and disability
6. Smoking clogs your arteries
7. Smoking increases the risk of blindness
8. Smoking damages your teeth and gums
9. Smoking can kill your unborn child
10. Your smoke harms your children, family and friends
11. Smokers' children are more likely to start smoking
12. Quit smoking stay alive for those close to you
13. Smoking reduces fertility
14. Smoking increases the risk of impotence

Below is a summary of the health warning and packaging requirements for shisha tobacco products:

| Requirement |
|---|
| No discounts, 2-for-1 offers, reductions or similar |
| No indications that less harmful /lifestyle or environmental benefits / vitalising, healing natural or organic properties |
| No mentions or depictions of taste, smell or any flavour or additive or the absence thereof |
| Smoking cessation information |
| Text warning |
| General health warning (i.e. Smoking Kills – Quit Now) |
| Information message (i.e. Tobacco smoke contains over 70 substances known to cause cancer) |
| Graphic health warning |

2 – Legal Requirements Relating to the Supply of Nicotine Pouch Products

Labelling Requirements

It is an offence to supply or sell nicotine pouch products which do not comply with the following requirements:

- Labelling in English
- The name, address and telephone number of the UK supplier or importer is stated
- The nominal quantity of the nicotine content per pouch is stated
- The hazard pictogram and signal word are displayed as shown in Annex 2: CLP hazard classification table (page 9)
 - o Hazard pictograms must cover at least one fifteenth of the surface area of the label and the minimum area shall not be less than 1 cm squared
 - o The packaging must also bear a tactile warning triangle

3 – Legal Requirements Relating to the Supply of E-cigarettes Containing Nicotine

Requirement for products to be notified to MHRA prior to sale

You can only sell pre-filled disposable e-cigarettes or any other vaping liquid that contains nicotine which have been notified to the Medicines and Healthcare products Regulatory Authority (MHRA). When sourcing new supplies of any e-cigarette or e-liquid product, check that a compliant notification has been published in one of the Notified Product lists that can be found on the MHRA's website: (<https://cms.mhra.gov.uk/>).

If you cannot find the product on the MHRA's website, ask your supplier to confirm that it has been published and provide details to enable you to confirm the products status. If a product has yet to achieve publication status, they may not supply it to you. Any stock offered for sale without said MHRA publication status is liable to seizure.

The Maximum Capacity & Strength of E-Cigarettes

Nicotine containing liquid which is presented for sale in a disposable electronic cigarette **must not be in a volume exceeding 2ml**. Please note that the HAYATI PRO MAX (4000+ puffs/10 ml) disposable e-cigarettes seized from your premises contained over 2ml of nicotine containing liquid.

The maximum nicotine content of any type of e-cigarette be it a re-fillable or a disposable device is 2% (or 20mg/ml in liquid form). Devices with a nicotine content higher than 2% cannot be sold in the UK.

Labelling of E-Cigarettes

Each unit pack (individual e-cigarette) must include a leaflet which provides the following information. If the required leaflet information can fit on the pack and other

labelling within the pack without loss of legibility to the consumer, a separate leaflet insert is not required. Such information should include:

- Instructions for use and storage of the product, including a reference that the product is not recommended for use by young people and non-smokers;
- Contra-indications;
- Warnings for specific risk groups;
- Possible adverse effects;
- Addictiveness and toxicity;
- Contact details of the producer. The producer is any person who, in the course of a business, with a view to supplying the product for consumption in the United Kingdom or through the travel retail sector
 - manufactures the product
 - puts a name, trade mark or other distinguishing mark on it by which the person is held out to be its manufacturer or originator; or
 - imports it into any part of the United Kingdom

Each unit pack and any container pack (packaging containing one or more unit pack) must include:

- A list of all ingredients contained in the product set out in descending order by weight;
- An indication of the nicotine content of the product and the delivery per dose;
- The batch number
- A recommendation to keep the product out of reach of children.
- The relevant hazard pictogram, signal word, and statement. Please refer to Annex 2: CLP Hazard Classification Table (page 9).
- A tactile warning triangle that complies with BS EN ISO 11683 PACKAGING - TACTILE WARNINGS OF DANGER - REQUIREMENTS
- A warning on the front and back surfaces of the pack stating: **“This product contains nicotine which is a highly addictive substance”**. This wording must be used exactly as stated, occupy the greatest possible proportion of the space reserved for it and must cover 30% of the surface.

Please note: Any alternative wordings are not compliant with UK packaging regulations and products with any alternative wording must not be offered for sale. If they are then you may commit an offence and the products are liable to be seized. If you are offered stock by a supplier bearing any warning that deviates from the above statutory wording it is recommended that you do not purchase and notify trading standards.

4 – Legal Requirements Relating to the Display of Tobacco Products

Tobacco Advertising and Promotion Act 2002

Since 2015 all open tobacco displays in shops must be covered and any tobacco products must not be on general display to the public. The law does not set out exactly how you have to cover your tobacco display but it must be covered completely and when you retrieve the tobacco, the maximum area that can be displayed is 1.5 square

meters. Retailers are free to choose for themselves the most appropriate and efficient means of removing tobacco products from sight.

During our visit to your premises, it was noted that a quantity of 'IQOS Heets' heated tobacco sticks and blunts/blunt wraps were on open display. Blunts or blunt wraps are manufactured rolling papers made from processed, and sometimes flavoured, tobacco. As these products are classified as tobacco products they must not be on open display. Smoking-related products such as cigarette papers, lighters or non-tobacco blunts are not tobacco products and so can continue to be on open display. You should take care to check the labels carefully and distinguish between products containing tobacco and those that do not.

5 – Enforcement

The non-compliances explained above constitute alleged criminal offences. Subject to certain conditions being met, on this occasion, this Authority does not intend to investigate with this matter criminally.

However, it is noted that similar issues were identified at a previous visit and advice was provided. As such, this Authority is now minded to institute a review of the premises licence.

Before any formal decision is made, it is requested that you, as director of the Company, and Mr Amerjit Singh, Premises Licence Holder and Designated Premises Supervisor, attend an in person meeting to discuss the matter further.

6 – Meeting Details

The meeting will take place at **15:00 on Monday 8th July** at Graham Hill House, Electric Avenue, Ferry Hinksey Road, Oxford. Subject to availability, there is free parking at Graham Hill House. Please confirm your intention to attend by **2nd July**.

During this meeting, you will be asked to complete the following documents:

- i. Voluntary Surrender Form — Authorising the seized products to be voluntarily surrendered in order that they can be destroyed
- ii. Acknowledgment Form — Acknowledging that verbal and written advice has been received and will be implemented

Additionally, as per the request detailed in the Inspection & Action Report Form left at the premises on 4th June, in accordance with the requirements of the Consumer Rights Act 2015, please provide a true copy of the invoice(s) or receipt(s) for the purchase of the seized items by **2nd July 2024**. This can be done by posting copies to the address stated in this letter or, alternatively, photographing and emailing them to me via [REDACTED]

Please note that a criminal offence may be committed by failing to respond to this request.

If you require any further clarification regarding any of the points raised in this letter, please do not hesitate to contact me. Please note, I am on leave from 24th June and return to work on 2nd July 2024. You may wish to seek legal advice in the meantime.

Yours sincerely

[Redacted signature]

[Redacted name]

Trainee Trading Standards Officer

Direct line: [Redacted]

Email: [Redacted]

Enc.

cc. Amerjit Singh, Premises Licence Holder & Designated Premises Supervisor, [Redacted]

[Redacted]

COPY

Annex 1: Full breakdown of items seized

| Quantity | Type of Product | Product | Reason for non-compliance |
|---------------|------------------|---------------------------------------|---|
| 1 unit pack | Shisha Tobacco | AL FAKHER, Raspberry | <ul style="list-style-type: none"> - Packaging indicates flavour - Labelling does not meet any health warning or packaging requirements |
| 1 unit pack | Shisha Tobacco | AL FAKHER, Lemon | <ul style="list-style-type: none"> - Packaging indicates flavour - Labelling does not meet any health warning or packaging requirements |
| 1 unit pack | Shisha Tobacco | AL FAKHER, Blue Berry | <ul style="list-style-type: none"> - Packaging indicates flavour - Labelling does not meet any health warning or packaging requirements |
| 1 unit pack | Shisha Tobacco | AL FAKHER, Coconut | <ul style="list-style-type: none"> - Packaging indicates flavour - Labelling does not meet any health warning or packaging requirements |
| 1 unit pack | Shisha Tobacco | AL FAKHER, Strawberry Mint | <ul style="list-style-type: none"> - Packaging indicates flavour - Labelling does not meet any health warning or packaging requirements |
| 2 unit packs | Shisha Tobacco | AL FAKHER, Berry | <ul style="list-style-type: none"> - Packaging indicates flavour - Labelling does not meet any health warning or packaging requirements |
| 7 unit packs | Nicotine Pouches | KILLA, Cola (12.8 mg nicotine) | <ul style="list-style-type: none"> - No name, address, and telephone of UK supplier/importer - No tactile warning triangle |
| 11 unit packs | Nicotine Pouches | KILLA, Cold X mint (12.8 mg nicotine) | <ul style="list-style-type: none"> - No name, address, and telephone of UK supplier/importer - No tactile warning triangle |
| 8 unit packs | Nicotine Pouches | KILLA, Banana Ice (12.8 mg nicotine) | <ul style="list-style-type: none"> - No name, address, and telephone of UK supplier/importer - No tactile warning triangle |
| 5 unit packs | Nicotine Pouches | KILLA, Blueberry (12.8 mg nicotine) | <ul style="list-style-type: none"> - No name, address, and telephone of UK supplier/importer - No tactile warning triangle |
| 3 unit packs | Nicotine Pouches | CUBA, Watermelon (43mg nicotine) | <ul style="list-style-type: none"> - Incorrect hazard classification - Hazard pictogram too small - No hazard statement |
| 2 unit packs | Nicotine Pouches | CUBA, Pineapple (16 mg nicotine) | <ul style="list-style-type: none"> - Hazard pictogram too small - No hazard statement |



| | | | |
|--------------|------------------|--|---|
| 8 unit packs | Nicotine Pouches | CUBA, Cola (16 mg nicotine) | - Hazard pictogram too small - No hazard statement |
| 3 unit packs | Nicotine Pouches | CUBA, Cherry (16 mg nicotine) | - Hazard pictogram too small - No hazard statement |
| 2 unit packs | E-cigarettes | HAYATI PRO MAX, Fizzy Cherry | Exceeds maximum capacity of 2ml |
| 1 unit pack | E-cigarettes | HAYATI PRO MAX, Mango Peach Pineapple | Exceeds maximum capacity of 2ml |
| 3 unit packs | E-cigarettes | HAYATI PRO MAX, Strawberry Hubba Bubba | Exceeds maximum capacity of 2ml |
| 2 unit packs | E-cigarettes | HAYATI PRO MAX, Strawberry Watermelon | Exceeds maximum capacity of 2ml |

Total Seized:

- 7 unit packs of shisha tobacco
- 47 unit packs of nicotine pouches
- 8 unit pack of e-cigarettes

Annex 2: CLP Hazard Classification Table

For products containing concentrations above 0.3% of nicotine or salts of nicotine

| 0.0% to 0.2% nicotine | 0.3% to 1.6% nicotine | 1.7% to 2.0% nicotine |
|--|---|---|
| Not classified | Harmful, Oral tox. Category 4 | Toxic, Oral tox. Category 3 |
| Signal Word: N/A | Signal Word: Warning | Signal Word: Danger |
| Hazard Pictogram: None |  |  |
| Hazard Statement: N/A | Hazard Statement: H302: Harmful if swallowed | Hazard Statement: H301: Toxic if swallowed |
| Recommended precautions that should be present on the label: | | |
| It is not compulsory, but advised, to use the following: P101: If medical advice is needed, have product container or label to hand. P102: Keep out of reach of children. P405: Store locked up | P101: If medical advice is needed, have product container or label to hand. P102: Keep out of reach of children. P264: Wash ... thoroughly after handling. P270: Do not eat, drink or smoke when using this product. P301 & P312: IF SWALLOWED: Call a POISON CENTER or doctor/physician if you feel unwell. P330: Rinse mouth. P501: Dispose of contents/container to... | P101: If medical advice is needed, have product container or label to hand. P102: Keep out of reach of children. P264: Wash ... thoroughly after handling. P270: Do not eat, drink or smoke when using this product. P301 & P310: IF SWALLOWED: Immediately call a POISON CENTER or doctor/physician. P321: Specific treatment (see... on this label). P330: Rinse mouth. P405: Store locked up P501: Dispose of contents/container to... |

Regulation on the Classification, Labelling and Packaging of Substances & Mixtures 2008

ANNEX 10 (2 PAGES)

VOLUNTARY SURRENDER FORM



**OXFORDSHIRE
COUNTY COUNCIL**

Trading Standards Service
Graham Hill House
Electric Avenue
Ferry Hinksey Road
Oxford OX2 0BY

I agree that the items listed below do not conform to the requirements of the:

Tobacco and Related Products Regulations 2016,
Standardised Packaging of Tobacco Products Regulations 2015,
Classification, Labelling and Packaging of Substances and Mixtures Regulation (EC)
1272/2008 (as amended and retained in UK Law),
General Product Safety Regulations 2005, and/or
Consumer Protection Act 1987

and therefore cannot legally be supplied by me.

7x Al Fakher Shisha Tobacco
31x Killa Nicotine Pouches
16x Cuba Nicotine Pouches
8x Hayati Pro Max E-cigarettes

I hereby abandon all rights to these items. I do not wish to have any claim in respect of them, nor do I have any objection to them being disposed of by Oxfordshire County Council as they see fit.

Signed



Date: 08/07/24

Name: Surinder Singh MALHOTRA

On behalf of: Mr Singh & Kaur Ltd

Address: 179 Warwick Road, Banbury, OX16 1AS

Reference: ED/39447

Note: The voluntary surrender of these items does not absolve you from liability for any offences committed in connection with them.

ACKNOWLEDGEMENT FORM

I hereby acknowledge that verbal and written advice has been received regarding the relevant legislative controls that relate to the supply of tobacco and related products.

I confirm I have taken the necessary remedial action to address the matters I have been advised upon.

Business: Mr Singh & Kaur Ltd

Address: 179 Warwick Road, Banbury, OX16 1AS

Name: Surinder Singh MALHOTRA

Position: Director

Signed:  _____

Date: 08/07/24

Reference: ED/39447

ANNEX 11 (2 PAGES)

Sharland, Russell - Oxfordshire County Council

From: Sharland, Russell - Oxfordshire County Council
Sent: 11 July 2024 15:41
To: [REDACTED]
Cc: [REDACTED] Oxfordshire County Council; [REDACTED] - Oxfordshire County Council
Subject: Banbury Express - summary of meeting
Attachments: Proposed Conditions.docx

Importance: High

Categories: Egress Switch: Unprotected

Dear Mr Singh & Mr Malhotra

Thank you for attending the meeting earlier this week, which I found to be a helpful discussion.

As a result of the seizure of the non-compliant tobacco and nicotine products, as you know, the initial position of this Authority is that it is minded to institute a review of the premises licence and, as a result, the meeting was to discuss the relevant issues, which I summarise as follows:

Mr Malhotra

1. On behalf of the Company, you signed an acknowledgement and voluntary forfeiture form in respect of the seized items. No further action will be taken in relation to the criminal offences identified but if any future offences are detected, it is highly unlikely that this Authority will take a lenient approach again.
2. You stated that the shisha tobacco products were from 6 months ago or more but you chose not to identify the supplier.
3. You sell 50g Amber Leaf hand-rolling tobacco for £39.50 per unit pack yet the shisha tobacco unit packs were being sold for £7.50 per 100g and it was explained to you that the tobacco duty and VAT alone would mean a lawful product could not be sold for this price without making a significant loss.
4. You have provided invoices for the nicotine pouch products and have been provided with verbal and written advice to help you ensure you only buy legally compliant product in the future.
5. You explained that the Hayati electronic cigarettes were supplied by '[REDACTED]' from High Wycombe approximately 2 months ago on a sale or return basis.
6. 24 units were supplied with 8 seized, meaning 16 were sold.
7. You stated that this was the first time you had dealt with this supplier, no receipt was issued, no contact details were provided and the supplier has not returned to the premises for payment
8. You explained that the tobacco products on open display were due to a space issue, which you have now resolved.
9. You acknowledged that you had received verbal and written advice in 2021 regarding similar issues to the above and had signed acknowledgment forms at that time.
10. You are a personal licence holder, which you have held since 30th July 2020
11. When asked why you didn't apply for the premises licence in your own or company name and become the designated premises supervisor yourself, you explained that at the time of the application you were on medication and so did not consider this as an option
12. You declined to comment on what, if any, connection there is to the previous premises licence holder

Mr Singh

1. You stated that you have no involvement in the Company/business
2. You became the premises licence holder and designated premises holder in 2021 to help your friend
3. You are a personal licence holder since 2020 or 2021 and did so because originally you thought about getting your own shop but you changed your mind
4. In terms of new stock, you don't know what Mr Malhotra buys or brings to the shop and you have no involvement in the choice of goods or what is purchased
5. You were last in the shop approximately 6 months ago
6. You have no involvement in monitoring the performance or training staff
7. You are considering whether you may choose to cease your involvement as designated premises supervisor and/or premises licence holder

It was explained to you both that, if this Authority did decide upon a review, it would seek certain conditions, which we then discussed. You expressed your initial view that you may be amenable to accepting these conditions. I attach a copy of the proposed conditions for your consideration.

I also explained that after giving you the opportunity to consider everything and to respond to this Authority with any proposed course of action that you may wish us to consider, I will then appraise the Trading Standards Leadership team, who will ultimately make the decision on the appropriate way of resolving this matter.

I trust this summary is helpful. If you feel I have made any misrepresentation, please do let me know. Similarly, if there is any further information you wish to be considered, please feel free to contact me.

You may wish to seek legal advice in the meantime.

Yours sincerely

Russell Sharland
Trading Standards Tobacco Control Officer
Community Safety Services | Trading Standards Service
Oxfordshire County Council

www.oxfordshire.gov.uk



ANNEX 12 (8 PAGES)



Reference: E064358

Mr Surinder Singh MALHOTRA
Mr Singh & Kaur Ltd t/a Banbury Express
179 Warwick Road
Banbury
OX161AS

Trading Standards Service
Graham Hill House
Electric Avenue
Ferry Hinksey Road
Oxford OX2 0BY

Jody Kerman
Head of Trading Standards

17th September 2021

Dear Mr Malhotra

1. **Tobacco and Related Products Regulations 2016**
2. **Classification, Labelling and Packaging of Substances and Mixtures Regulation (EC) 1272/2008 (as amended and retained in UK Law)**
3. **The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012**
4. **General Product Safety Regulations 2005**

As you are aware, on 24th August officers from Oxfordshire County Council Trading Standards visited your business premises to check compliance of disposable e-cigarettes (aka vapes) with the above-mentioned legislation. These are e-cigarette devices used for the consumption of nicotine-containing vapour.

As non-compliance was detected, the purpose of this letter is to explain the requirements of the legislation and to assist you in trading lawfully in the future.

This letter also sets out what will now happen with the products which were seized from your premises on the suspicion that they were in breach of the above Regulations and the grounds on which you may secure the return of these products.

1 – Legal requirements relating to the supply of e-cigarettes containing nicotine

Tobacco and Related Products Regulations 2016

Requirement for products to be notified to the MHRA prior to sale

You can only sell pre-filled disposable e-cigarettes or any other vaping liquid that contains nicotine which have been notified to the Medicines and Healthcare Products Regulatory Authority (MHRA). When sourcing new supplies of any e-cigarette or e-liquid product, check that a compliant notification has been published in one of the Notified Product lists that can be found on the MHRA's website (<https://cms.mhra.gov.uk/>).

If you cannot find the product on the MHRA's website, ask your supplier to confirm that it has been published and provide details to enable you to confirm the products status. If a product has yet to achieve publication status, they may not supply it to you. Any stock offered for sale without said MHRA publication status is liable to seizure.

The Maximum Capacity & Strength of E-Cigarettes

Nicotine containing liquid which is presented for sale in a disposable electronic cigarette must not be in a volume exceeding 2ml. Some of the products seized contained over 2ml of nicotine containing liquid.

The maximum nicotine content of any type of e-cigarette, be it a re-fillable or a disposable device, is 2% (or 20mg/ml in liquid form). Devices with a nicotine content higher than 2% cannot be sold in the UK. Please be aware that many manufacturers, for example Geek Bar, produce different versions of the same brand/flavour for both the EU/UK market where the limit is 2% and also for other markets (i.e. the USA) where the limit is higher-typically 5%. You must make sure that any stock you order, particularly if you are ordering online, is intended for supply to the UK market.

Labelling of E-Cigarettes

Each unit pack (individual e-cigarette) must include a leaflet which provides the following information. If the required leaflet information can fit on the pack and other labelling within the pack without loss of legibility to the consumer, a separate leaflet insert is not required. Such information should include:

- Instructions for use and storage of the product, including a reference that the product is not recommended for use by young people and non-smokers;
- Contra-indications;
- Warnings for specific risk groups;
- Possible adverse effects;
- Addictiveness and toxicity;
- Contact details of the producer. The producer is any person who, in the course of a business, with a view to supplying the product for consumption in the United Kingdom or through the travel retail sector
 - manufacturers the product
 - puts a name, trade mark or other distinguishing mark on it by which the person is held out to be its manufacturer or originator; or
 - imports it into any part of the United Kingdom

Each unit pack (individual e-cigarette) and any container pack (packaging containing one or more unit pack) must include:

- A list of all ingredients contained in the product set out in descending order by weight;
- An indication of the nicotine content of the product and the delivery per dose;
- The batch number
- A recommendation to keep the product out of reach of children.
- A warning on the front and back surfaces of the pack stating: **“This product contains nicotine which is a highly addictive substance”**. This wording must be used exactly as stated, occupy the greatest possible proportion of the space reserved for it and must cover 30% of the surface.

Please note: On a number of devices found during recent inspections this phrase is incorrectly given as “This product contains nicotine which is a highly addictive chemical”. This is not compliant with UK packaging regulations and products with this alternative



wording must not be offered for sale. Incorrectly labelled products are liable to be seized. If you are provided with stock bearing any warning that deviates from the statutory wording we recommend that you return it to your supplier immediately. Packs may not contain anything that:

- Promotes the product by creating an erroneous impression about its characteristics, health effects, risks or emissions.
- Suggests the product is less harmful, has health benefits or environmental advantages.
- Resembles a food or a cosmetic product (though images of the flavourings are acceptable).
- Suggests economic advantage – e.g. vouchers, offering discounts, free distribution, two-for-one, etc.

Where the packaging of the devices being returned to you does not meet these requirements you must ensure that it does before it is offered for sale. This may be accomplished by the addition of stickers/labels to the products which provide the necessary information; by new packaging being provided or some other alternative method carried out by the Producer/Manufacturer/Importer, provided that it brings the product into compliance with the above. If this is not possible then we would recommend that you seek to return these items to your supplier.

CLP (classification, labelling and packaging) Regulation (CE) 1272/2008

Nicotine, or salts of nicotine are, in most but not all, cases the only hazardous substance contained in e-liquids. The labelling of the product therefore commonly depends on the concentration of nicotine or salts of nicotine it contains. The table below indicates the CLP hazard classification that might be required for mixtures containing different concentrations of nicotine and salts of nicotine. Where products contain concentrations above 0.3% the label should include the relevant pictogram, signal word, hazard statement and up to six of the precautionary statements. It is for the producer to assess which precautionary statements should be present. The packaging should also be fitted with a tactile warning triangle that complies with BS EN ISO 11683 PACKAGING - TACTILE WARNINGS OF DANGER - REQUIREMENTS

| 0.0% to 0.2% nicotine | 0.3% to 1.6% nicotine | 1.7% to 2.0% nicotine |
|--|---|---|
| Not classified | Harmful, Oral tox. Category 4 | Toxic, Oral tox. Category 3 |
| Signal Word: N/A | Signal Word: Warning | Signal Word: Danger |
| Hazard Pictogram: None |  |  |
| Hazard Statement: N/A | Hazard Statement: H302: Harmful if swallowed | Hazard Statement: H301: Toxic if swallowed |
| Recommended precautions that should be present on the label: | | |
| It is not compulsory, but advised, to use the following: P101: If medical advice is needed, have product container or label to hand. P102: Keep out of reach of children. P405: Store locked up | P101: If medical advice is needed, have product container or label to hand. P102: Keep out of reach of children. P264: Wash ... thoroughly after handling. P270: Do not eat, drink or smoke when using this product. | P101: If medical advice is needed, have product container or label to hand. P102: Keep out of reach of children. P264: Wash ... thoroughly after handling. P270: Do not eat, drink or smoke when using this product. |

| | | |
|--|---|---|
| | <p>P301 & P312: IF SWALLOWED: Call a POISON CENTER or doctor/physician if you feel unwell. P330: Rinse mouth. P501: Dispose of contents/container to...</p> | <p>P301 & P310: IF SWALLOWED: Immediately call a POISON CENTER or doctor/physician. P321: Specific treatment (see... on this label). P330: Rinse mouth. P405: Store locked up P501: Dispose of contents/container to...</p> |
|--|---|---|

Other requirements for e-cigarettes

Manufacturers, Importers and Distributors of e-cigarettes also need to comply with the **Restriction of Hazardous Substances in Electrical and Electronic Equipment Regulations 2012** (known as RoHS). These regulations limit the amount of certain hazardous substances in specific electrical and electronic equipment (EEE), of which e-cigarettes are included. They place obligations onto Manufacturers, Importers and Distributors of e-cigarette models. Details can be found here: <https://www.gov.uk/guidance/rohs-compliance-and-guidance>. This regulation is enforced by the Office for Product Safety and Standards, part of the Department for Business, Energy and Industrial Strategy (which includes Trading Standards). Items which do not comply with these regulations are liable for seizure by Trading Standards.

Distributors (anyone in the supply chain who is not a manufacturer or importer e.g. retailers and wholesalers) who makes EEE available on the market must ensure that the following are clearly identifiable on the products:

- The required "conformity mark". This is a CE mark or UKCA mark until 1st January 2022. After that date only the UKCA mark is allowed), and
- information identifying the manufacturer and importer (name, registered trade name or registered trademark and a single address),

If the information cannot fit on the product itself then the name and address can be given on the packaging or any accompanying documents. The conformity marking must be given on both. These products should now include a UK address following Brexit as the manufacturer/their authorised representative or the importer should be established in the UK and hold the relevant technical documentation to show compliance.

Many of the products seized were not marked with a name or address or did not carry the CE or UKCA mark. This must be rectified if the products are to be put back into the supply chain.

Please note Producers, Manufacturers, Importers and Distributors of e-cigarettes may also be subject to other legislative requirements, some of which are not enforced by Trading Standards and are not covered in this letter. This letter is not a comprehensive guide to all legislative requirements applicable to e-cigarettes.

2 – What happens now to the products seized from your premises?

The products seized from your premises due to non-compliance with the above legislation are detailed in the Annex to this letter.

The non-compliances detected are likely to amount to criminal offences. If prosecuted and found guilty, you could face an unlimited fine and even imprisonment.

However, on this occasion this Authority does not intend to take such formal action and is willing to work with you so that you understand the law on the strict proviso that no non-compliant products may be supplied, by you, at retail or returned into the supply chain. In addition, your premises will be visited again in the future to assess compliance. If further breaches of the above legislation are detected, it is unlikely that a lenient approach will be taken again.

Return of Seized Products

This Authority is prepared to return the items shown in the attached Annex contingent on the following conditions being met. Please note that any items with a nicotine content above 20mg/ml (2%) or that contain more than 2ml of liquid will not be returned as these cannot be brought into compliance:

i. You provide invoices/receipts and supplier contact details for the specific products that were seized. You are obliged to provide this information under Regulation 8 of the General Product Safety Regulations 2005 and failure to do so could lead you to commit further criminal offences for which the penalty is a fine and or up to 3 months imprisonment. Failure to provide this information could result in formal enforcement action being taken.

ii. You take the steps set out below to rectify the defects with the labelling on the packaging as explained above. You can only do this in co-operation with the UK Producer/Manufacturer/Importer as they are also responsible for compliance of these products and have additional responsibilities over and above those of a "distributor". You must not re-label these products yourself without specific authorisation and instructions from the Producer/Manufacturer/Importer. If this is not possible you should arrange to return these items to your supplier.

These steps should consist of:

(a) the provision to us of evidence showing how the packaging is to be brought up to the required standard; or

(b) if you intend to return non-compliant products to your supplier you must provide your supplier with enough information to show that the products are not legal to supply in the UK in the state in which they are returned. We will want to see evidence that you have provided such information to your supplier and that they have agreed for them to be returned by you.

iii. If you do not wish to rectify the defects with the labelling or return them to your supplier then you can voluntarily sign over the stock to us for destruction.

iv. You return a signed copy of the acknowledgement form that accompanies this letter.

v. You agree to surrender to Trading Standards the seized products containing excess levels of nicotine, or that exceed 2ml in capacity, in order that they can be destroyed. A voluntary forfeiture form is attached to this letter so that you can do this.

If you agree with this course of action, you should complete the acknowledgement form and voluntary forfeiture form and return them to me, along with the information required in points i. & ii. above, by the 1st October. At this point arrangements can be made to return the stock to you.

Due to the length of this letter, I will write to you under separate cover regarding the tobacco and related products that were also seized on 24th August.

I look forward to hearing from you. You may wish to seek legal advice in the meantime.

Yours sincerely,

Russell Sharland
Tobacco Control Officer


www.oxfordshire.gov.uk/tradingstandards

ANNEX- ITEMS SEIZED ON 24/08/2021

Premises: Mr Singh & Kaur Ltd t/a Banbury Express, 179 Warwick Road, Banbury OX16 1AS

| Brand: | Flavour: | Compliant re traceability? | Compliant re CLP markings? | Excess nicotine?* | Excess capacity?*** | Number: |
|-----------------------------------|--|----------------------------|----------------------------|-------------------|---------------------|---------|
| Vape with a Bang XXL - Disposable | Orange Soda -6ml - 6% Nicotine | No | No | Yes | Yes | 1 |
| Elf Bar Lux800 | Mango - 2ml - 20mg (2%) | No | No | No | No | 9 |
| Elf Bar 1500 | Spearmint - 4.8ml - 20mg (2%) | No | No | No | Yes | 1 |
| Vapeman Solo+ 600 | Guava Ice - 2% 2ml | No | No | No | No | 9 |
| Vapeman Solo+ 600 | Lush Ice -2% 2ml | No | No | No | No | 2 |
| Vapeman Solo+ 600 | Lychee Ice - 2% 2ml | No | No | No | No | 9 |
| Vapeman Solo+ 600 | Dual Apple - 2% 2ml | No | No | No | No | 7 |
| Vapeman Solo+ 600 | P.M.G. (Passionfruit, Mango, Guava) - 2% 2ml | No | No | No | No | 10 |
| Vapeman Solo+ 600 | Peach Mango Watermelon | No | No | No | No | 8 |
| Vape with a Bang XXL - Disposable | Orange Soda -6ml - 6% Nicotine | No | No | Yes | Yes | 5 |
| Vape with a Bang XXL - Disposable | Cool Mint - 6ml - 6% Nicotine | No | No | Yes | Yes | 8 |

| | | | | | | | |
|-------------------|--|----|----|----|----|--------|-----|
| Elf Bar 600 | Blueberry -2ml - 20mg (2%) | No | No | No | No | No | 2 |
| Elf Bar 600 | Strawberry Ice -2ml -20mg (2%) | No | No | No | No | No | 2 |
| Vapeman Solo+ 600 | Guava Ice - 2% 2ml | No | No | No | No | No | 10 |
| Elf Bar Lux800 | Mango - 2ml - 20mg (2%) | No | No | No | No | No | 3 |
| Elf Bar Lux800 | Peach Ice - 2ml -20mg (2%) | No | No | No | No | No | 4 |
| Elf Bar Lux800 | Kiwi Passion Fruit Guava - 2ml - 20mg (2%) | No | No | No | No | No | 2 |
| Elf Bar Lux800 | Pineapple Peach Mango - 2ml - 20mg (2%) | No | No | No | No | No | 7 |
| Elf Bar 1500 | Cola - 4.8ml - 20mg (2%) | No | No | No | No | Yes | 3 |
| Elf Bar 1500 | Spearmint - 4.8ml - 20mg (2%) | No | No | No | No | Yes | 4 |
| Elf Bar Lux1500 | Coffee Tobacco - 4.8ml - 20mg (2%) | No | No | No | No | Yes | 5 |
| | | | | | | TOTAL: | 111 |

* NB any items containing in excess of 2% nicotine will not be returned.

** NB any items with a capacity in excess of 2ml will not be returned.

ANNEX 13 (5 PAGES)



Reference: E064358

Trading Standards Service
Graham Hill House
Electric Avenue
Ferry Hinksey Road
Oxford OX2 0BY

Mr Surinder Singh MALHOTRA
Mr Singh & Kaur Ltd t/a Banbury Express
179 Warwick Road
Banbury
OX161AS

Richard Webb
Head of Community Protection
Services

23rd September 2021

Dear Mr Malhotra

**Tobacco and Related Products Regulations 2016
Standardised Packaging of Tobacco Products Regulations 2015
Tobacco Advertising and Promotion Act 2002**

As you are aware, on 24th August officers from Oxfordshire County Council Trading Standards visited your business premises ostensibly in relation to e-cigarettes but which incorporated compliance checks of tobacco and related products with the above-mentioned legislation.

As non-compliance was detected, the purpose of this letter is to explain the requirements of the legislation and to assist you in trading lawfully in the future.

Labelling of Shisha Tobacco Products & Herbal Shisha Products

You can only sell shisha tobacco that has been officially notified to the Government. This also applies to herbal shisha. The official list of notified shisha tobacco products (manufacturer and brand name) can be found here:

<https://www.gov.uk/government/publications/notification-of-tobacco-or-herbal-products-for-smoking> (open "List of tobacco and related products notified" excel spreadsheet)

It is highly likely that any other manufacturer/brand of shisha tobacco not on this list is illegal and liable to seizure.

It is an offence to supply or sell shisha tobacco or herbal shisha products which do not carry health warnings nor have the appropriate packaging details. For shisha tobacco products this must contain a "combined health warning" which contains a text warning and a graphic health warning. It also must be in English, fully visible, indelible, irremovably printed, printed on the pack and surrounded by a black border. The combined health warning must cover 65% of the surface area of the front and back of the product. It must also be accompanied by a general health warning and information message with the phrase "Get help to stop smoking at www.nhs.uk/quit" and one of the following text warnings:

1. Smoking causes 9 out of 10 lung cancers
2. Smoking causes mouth and throat cancer
3. Smoking damages your lungs
4. Smoking causes heart attacks
5. Smoking causes strokes and disability
6. Smoking clogs your arteries
7. Smoking increases the risk of blindness
8. Smoking damages your teeth and gums
9. Smoking can kill your unborn child
10. Your smoke harms your children, family and friends
11. Smokers' children are more likely to start smoking
12. Quit smoking stay alive for those close to you
13. Smoking reduces fertility
14. Smoking increases the risk of impotence

For herbal shisha products, health warnings must comply with the "modified health warning" requirement where the front and back area of each product must be 30% covered by a warning with the phrase "Smoking this product damages your health" and back surface area of each product must be 30%

Below is a summary of the health warning and packaging requirements for shisha tobacco and herbal shisha products:

| Requirement | Shisha Tobacco | Herbal Shisha |
|---|----------------|---------------|
| No discounts, 2-for-1 offers, reductions or similar | Yes | No |
| No information about nicotine, tar or carbon monoxide | Yes | Yes |
| No indications that less harmful /lifestyle or environmental benefits / vitalising, healing natural or organic properties | Yes | Yes |
| No mentions or depictions of taste, smell or any flavour or additive or the absence thereof | Yes | No |
| Smoking cessation information | Yes | No |
| Text warning | Yes | No |
| General health warning (i.e. Smoking Kills – Quit Now) | Yes | No |
| Information message (i.e. Tobacco smoke contains over 70 substances known to cause cancer) | Yes | No |
| Graphic health warning | Yes | No |
| Modified health warning | No | Yes |

Wholesale Price of Shisha Tobacco and Herbal Shisha

For the purposes of tobacco product duty tax, herbal shisha is classified as a tobacco product. The current tobacco product duty rate for shisha tobacco and herbal shisha is £134.24 per kilogram. Both are also liable for VAT. As such, there is a tax burden of £161.09 per kilogram of both products before any profit margin is added.

This means that the price per kilogram you purchase such products from your supplier should reflect this and you should be highly suspicious of anyone able to offer a price below the tax requirement as it is likely the product has been smuggled into the UK without duty being paid.

Labelling of Cigars

Combined health warnings:

- a unit pack (single pack) and any container pack (multi-pack) of a tobacco product for smoking must carry a combined health warning consisting of a text warning and a corresponding approved colour warning photograph as well as the smoking cessation statement 'Get help to stop smoking at www.nhs.uk/quit'
- it must appear on the front and back surfaces of the unit pack as well as any container pack using the same warning and photograph on each surface; it must be in a format that includes the requirement to cover 65% of the area of the surface on which it appears
- the technical specifications for the layout, design and shape of the combined health warnings are set out in Schedule A1 to the Tobacco and Related Products Regulations 2016

General warnings and information messages:

- a unit pack and any container pack of a tobacco product for smoking must carry the general health warning, 'Smoking kills - quit now', and an information message, 'Tobacco smoke contains over 70 substances known to cause cancer'
- the format for the health warning includes a requirement that it must cover 50% of the area of the surface on which it appears.
- on most unit packs of cigars this means the general warning must appear on one secondary surface of the pack and the information message must appear on the other secondary surface

Display of Tobacco Products

Since 2015 all open tobacco displays in shops must be covered and any tobacco products must not be on general display to the public. The law does not set out exactly how you have to cover your tobacco display but it must be covered completely and when you retrieve the tobacco, the maximum area that can be displayed is 1.5 square meters. Retailers are free to choose for themselves the most appropriate and efficient means of removing tobacco products from sight.

As shisha and cigars are both classified as tobacco products they must not be on open display. Smoking-related products such as cigarette papers, lighters or non-tobacco blunts are not tobacco products and so can continue to be on open display.

Enforcement

The products seized from your premises due to non-compliance with the above legislation are detailed in the Annex to this letter.

The non-compliances detected are criminal offences. If prosecuted and found guilty, you could face an unlimited fine and even imprisonment.

However, on this occasion this Authority does not intend to take any enforcement action but will work with you so that you understand the law. However, your premises will be visited again in the future to assess compliance. If further breaches of the above legislation are detected, it is unlikely that a lenient approach will be taken again.

Next Steps

The proposal outlined above is contingent on the following:

- i. Providing invoices / receipts and supplier contact details for the seized products.
- ii. Authorising the seized products to be voluntarily surrendered in order that they can be destroyed.
- iii. Returning a signed copy of the Acknowledgment Form

If you agree with this course of action, you should complete both the acknowledgement form and voluntary surrender form included with this letter and return them to me by **8th October**.

I look forward to hearing from you. You may wish to seek legal advice in the meantime.

Yours sincerely



Russell Sharland
Tobacco Control Officer



ANNEX

Seized items

13 x Blackwoods Cigars

36 x Soex Herbal Molasses (various flavours)

ANNEX 14 (4 PAGES)

RECEIVED 11 OCT 2021

OXFORDSHIRE COUNTY COUNCIL

Trading Standards Service
Graham Hill House, Electric Avenue, Oxford OX2 0BY

Telephone: 01865 895999
Trading_standards@oxfordshire.gov.uk

VOLUNTARY FORFEITURE OF GOODS

| | | | |
|---|-------------------------------------|-----|-----|
| Name: | Surinder Singh | | |
| Address: | 179 Warwick Road, Banbury, OX16 1A5 | | |
| Telephone Number: | [REDACTED] | | |
| Email: | [REDACTED] | | |
| Trading Standards Reference: | E064358 | | |
| I confirm that I am the owner of the following goods: | | | |
| Vape with a Bang XXL - Disposable | Orange Soda -6ml - 6% Nicotine | | x 1 |
| Elf Bar 1500 | Spearmint - 4.8ml - 20mg (2%) | | x 1 |
| Vape with a Bang XXL - Disposable | Orange Soda -6ml - 6% Nicotine | | x 5 |
| Vape with a Bang XXL - Disposable | Cool Mint - 6ml - 6% Nicotine | 8ml | x 8 |
| Elf Bar 1500 | Cola - 4.8ml - 20mg (2%) | | x 3 |
| Elf Bar 1500 | Spearmint - 4.8ml - 20mg (2%) | | x 4 |
| Elf Bar Lux1500 | Coffee Tobacco - 4.8ml - 20mg (2%) | | x 5 |

I hereby voluntarily assign ownership and all rights in the above described goods to Oxfordshire County Council and request that the goods be destroyed/disposed of in an appropriate manner.

Print Full name... Surinder Singh

Signature... [REDACTED]

Date... 07/10/21

Signature witness by (print full name)... [REDACTED]


Signature of witness... [REDACTED]

OCC32

ACKNOWLEDGEMENT FORM

I hereby acknowledge that written advice has been received regarding the relevant legislative controls that relate to the supply of e-cigarettes.

I also acknowledge that continuing to sell disposable e-cigarettes previously seized by Trading Standards (if returned) without taking the remedial action as outlined in the letter accompanying this form constitutes a criminal offence for which the company and its directors may be liable

Business: Banbury Express Food & Wine
Address: 179 Warwick Road, Banbury, OX16 1AS
Print name: Surinder Singh
Position: Director
Signed: 
Date: 07/10/21
Ref: E064358

VOLUNTARY SURRENDER FORM



**OXFORDSHIRE
COUNTY COUNCIL**

Trading Standards Service
Graham Hill House
Electric Avenue
Ferry Hinksey Road
Oxford OX2 0BY

I agree that the items listed below do not conform to the requirements of the:

Tobacco and Related Products Regulations 2016 and/or
Standardised Packaging of Tobacco Products Regulations 2015

and therefore cannot legally be supplied by me.

13 x Blackwoods Cigars
36 x Soex Herbal Molasses (various flavours)

I hereby abandon all rights to these items. I do not wish to have any claim in respect of them, nor do I have any objection to them being disposed of by Oxfordshire County Council as they see fit.

Signed

Date: 25/11/21

Name: Mr Surinder Singh MALHOTRA

On behalf of: Mr Singh & Kaur Ltd t/a Banbury Express

Address: 179 Warwick Road, Banbury OX16 1AS

Reference: E064358

Note: The voluntary surrender of these items does not absolve you from liability for any offences committed in connection with them.

ACKNOWLEDGEMENT FORM

I hereby acknowledge that verbal and written advice has been received regarding the relevant legislative controls that relate to the supply of tobacco products.

Business: Mr Singh & Kaur Ltd t/a Banbury Express

Address: 179 Warwick Road, Banbury OX16 1AS

Name: Mr Surinder Singh MALHOTRA

Position: Director

Signed:  _____

Date: 25/11/21 _____

Reference: E064358

ANNEX 15 (2 PAGES)





ANNEX 16 (1 PAGE)



Reference: 135997

Mr Surinder Singh MALHOTRA
Mr Singh & Kaur Ltd t/a Banbury Express
179 Warwick Road
Banbury
OX161AS

Trading Standards Service
Graham Hill House
Electric Avenue
Ferry Hinksey Road
Oxford OX2 0BY

Jody Kerman
Head of Trading Standards

15th December 2021

Dear Mr Malhotra

Tobacco Advertising & Promotion Act 2002

Further to our telephone conversation earlier today, it has come to my attention that electronic display signage has recently been installed outside the store, some of the contents of which appears to be in breach of the above-mentioned legislation.

The Act creates an offence if any person who in the course of a business publishes a tobacco advertisement or causes one to be published. A tobacco advertisement is defined as one whose purpose is to promote a tobacco product, or whose effect is to do so, and 'tobacco product' means a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked or chewed.

"Advertisement" is not defined in the above legislation and so will be given its ordinary meaning. In Planning law, advertisement is defined as including "any word, letter, model, sign, placard, board, notice, awning, blind, device or representation".

As such, you must remove all references within the electronic display that promotes tobacco products. In the meantime, I strongly advise you to turn the signage off until this can be done to ensure that further breaches of the above legislation are not detected.

If you have not done so already, I would also advise you to liaise with the Cherwell District Council Planning Team to ensure that the advertisement's height, luminescence, and flashing nature comply with any deemed consent or existing planning consent conditions.

I look forward to hearing from you. You may wish to seek legal advice in the meantime.

Yours sincerely,

[REDACTED]

Russell Sharland
Tobacco Control Officer

[REDACTED]

www.oxfordshire.gov.uk/tradingstandards

ANNEX 17 (3 PAGES)

[REVIEW THIS LOG](#) [NOTIFY](#) [REPORT](#) [HOME](#)

INTELLIGENCE LOG - I553338 : INCIDENT DATE -
18/04/2023

INTELLIGENCE | BUSINESS AREAS | PROVENANCE | INTERVENTIONS |
AUDIT |

Intelligence

S: 1 I: C H: P

INTELLIGENCE DETAILS



The male owner of the Banbury Express Food & Wine shop on the Warwick Road, Banbury has been selling NOS canisters from the store. He sells two different sizes of cannister, these being a smaller one for £40 which is roughly the size of a 2 pint milk carton and a larger cannister for £80. The cannister are not kept in the actual shop but in a rear office/store room. Customers wait in the store and the owner will collect the cannisters from the back of the shop on request.

OPERATION NAME

PRODUCT INFO

Brand: ---

Items: ---

LEVEL OF CONFIDENCE

MEDIUM

GSCP RATING

OFFICIAL-SENSITIVE

PERSONAL

INTELLIGENCE

NOMINALS

VEHICLE

PHONE

BUSINESS

URN: [I27, E7] **B040530**
Banbury Express food and wine
Created: 12/05/2017

ADDRESS

URN: [I22, E4] **A051582**
179 Warwick Road Banbury
OX161AS
Created: 12/05/2017

INTERNET

FINANCIAL

INTELLIGENCE LOG - I503091 : INCIDENT DATE - 08/06/2022

- INTELLIGENCE
- BUSINESS AREAS
- PROVENANCE
- INTERVENTIONS
- DISSEMINATION (2)
- AUDIT

Intelligence

S : 2 I : D H : P

INTELLIGENCE DETAILS



Intelligence received that the Banbury Express Food and Wine convenience store on 179 Warwick Road Banbury OX16 1AS has been selling Nitrous Oxide cannisters in singular issue to members of public and mainly school aged children.They are allegedly being told to come at a convenient time at the rear of the store/stock room and ask for "Balloons"

OPERATION NAME

PRODUCT INFO

Brand: ---

Items: ---

LEVEL OF CONFIDENCE

LOW

GSCP RATING

OFFICIAL-SENSITIVE

PERSONAL

INTELLIGENCE

NOMINALS

VEHICLE

PHONE

BUSINESS

URN: [I27, E7] **B040530**
 Banbury Express food and wine
 Created: 12/05/2017

ADDRESS

URN: [I22, E4] **A051582**
 179 Warwick Road Banbury
 OX161AS
 Created: 12/05/2017

INTERNET

FINANCIAL

INTELLIGENCE LOG - I487751 : INCIDENT DATE - 07/02/2022

INTELLIGENCE | BUSINESS AREAS | PROVENANCE | INTERVENTIONS |
AUDIT |

Intelligence

S : 2 I : B H : P

INTELLIGENCE DETAILS



Banbury Express Food and Wine on Warwick Road BANBURY are selling Nitrous Oxide cannisters from the back of the shop.

OPERATION NAME

PRODUCT INFO

Brand: ---

Items: ---

LEVEL OF CONFIDENCE

HIGH

GSCP RATING

OFFICIAL-SENSITIVE

PERSONAL

INTELLIGENCE

NOMINALS

VEHICLE

PHONE

BUSINESS

URN: [I27, E7] **B040530**
Banbury Express food and wine
Created: 12/05/2017

ADDRESS

URN: [I22, E4] **A051582**
179 Warwick Road Banbury
OX161AS
Created: 12/05/2017

INTERNET

FINANCIAL

ANNEX 18 (2 PAGES)

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

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

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

ANNEX 19 (9 pages)

366

[2010] LLR

**R (BASSETLAW DISTRICT COUNCIL) v WORKSOP
MAGISTRATES' COURT
[2008] EWHC 3530 (Admin)**

Queen's Bench Division

Slade J

7 November 2008

*Premises licence – Unauthorised sales to under age persons – Review –
Appeal – Licensing objectives – Licensing Act 2003*

Following test purchases conducted by trading standards officers of Bassetlaw District Council (the council) at the off-licence premises of Mr and Mrs Jones, when alcohol was sold to two 14-year-old girls on four occasions, the council instituted a review of the premises licence. The licensing committee suspended the licence for 1 month. Mr and Mrs Jones appealed to the magistrates' court where the district judge allowed the appeal and instead imposed what were said by him to be additional conditions on the licence. He stated that it was not the function of the licensing authority to punish licensees for an infringement of licensing law and that the authority's powers were restricted to guidance or remedial action. The council sought judicial review of that decision for the purposes only of clarification as to the correctness in law of the decision.

Held – granting judicial review –

(1) The district judge had considered solely the provisions of the Guidance which were not specific to reviews arising in connection with crime. A proper reading and application of the Guidance, which governs the approach which the licensing authority must take in discharging its duties, requires where the circumstances render it applicable, the consideration of the paragraphs relating to reviews in connection with crime. Where criminal activity is applicable wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances deterrence is an appropriate objective and one contemplated in the Guidance issued by the Secretary of State.

(2) The Guidance contains specific provisions as to the approach to be adopted where criminal activity connected with the licensed premises is concerned. Plainly an appellate body must operate similar principles to those applicable to the licensing authority. The district judge failed to give reasons for a departure from the applicable guidance.

Statutory provisions considered

Licensing Act 2003, ss 4(2), (3), 51, 52(3), (4), 146(1), 182

Cases referred to in judgment

Stepney Borough Council v Joffe; *Stepney Borough Council v Diamond*; *Stepney Borough Council v White* [1949] 1 KB 599, [1949] 1 All ER 256, QBD

James Quirke for the claimant

The defendant did not appear and was not represented

Cur adv vult

SLADE J:

[1] Bassetlaw District Council applies for judicial review of the judgment and decision of a district judge allowing an appeal from decisions made on a

licensing authority's review of a licence held by Mr and Mrs Jones. The licensing committee of the district council had reviewed the premises licence of the premises where Mr and Mrs Jones operated, in the light of offences which had taken place on 10 March 2007 namely the unlawful sale of alcohol on the premises to two 14-year-old girls. The girls were sent to the premises for test purchases in accordance with arrangements made by the trading standards office. The sales took place over a relatively short period of time. Each girl made a separate purchase or purchases, was served by one of two different young cashiers. Having regard to these matters, on review the licensing authority suspended the licence for the premises for 1 month. There was an appeal to the district judge. The district judge overturned the decision of the licensing authority and instead imposed what were said by him to be, 'additional conditions on the licence'.

[2] Mr Quirke appears for the licensing authority. The district judge has served two statements in connection with this hearing, but otherwise takes no further part in it. The interested parties, Mr and Mrs Jones, were served with the notice of application but have not served an acknowledgement of service. I am also told that the licensing authority are not going to seek to overturn the determination of the district judge as to penalty. They seek, however, declarations as to the correctness in law of the decision and the judgment of the district judge.

[3] The grounds for judicial review may be analysed as falling under five headings. As will become apparent later on in this judgment, two of those matters can, in my judgment, be taken together.

[4] First, it is said that the district judge erred in holding that, in accordance with the Guidance issued by the Secretary of State, it is not the function of the licensing authority to punish licensees for an infringement of licensing law and provisions on its licence. Further, it is said that the district judge was in error in holding that, on a proper construction of the licensing provisions and guidance applicable, the licensing authority powers were restricted to guidance or remedial action which was the approach of the district judge. It is said that the steps which the licensing authority and the district judge on appeal may take include a range of powers which must be deployed according to the particular circumstances of the case.

[5] Secondly, it is said that the orders made by the district judge which were in substitution for the suspension of the licence imposed by the licensing authority were, in effect, not additions to the conditions of the licence which applied up to that point. Save in one respect they were merely a reiteration of steps which were already being taken or were already in fact conditions of the licence.

[6] Thirdly, it is said that the district judge erred in his approach to his own decision-making on appeal. It is said that he adopted a too generous approach to his powers on appeal in that he appears at 2, para 5 of his judgment to direct himself that he could take a decision standing in the shoes of the licensing authority having regard to the particular circumstances and considering whether the licensing authority's decision was justified. It is said that the district judge failed to give proper regard to the Guidance issued under s 182 of the Licensing Act 2003 in that he did not state that he was

departing from such guidance in certain respects. Since, it is said, that he departed from such guidance, he erred in failing to state why he was departing from such guidance.

[7] Fourthly, it is said that the district judge failed properly to apply and have regard to para 5.115 of the Guidance given under s 182 of the Licensing Act 2003. This sets out and categorises as criminal certain activities which may arise in connection with licensed premises and which the Secretary of State considers should be treated particularly seriously. Included in the use of licensed premises for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and prosperity for crime of young people. It is said that the district judge failed to pay proper regard to that. Where there has been a compliant of an incident which is categorised rightly as criminal activity in connection with licensed premises, it is said that the district judge failed to take into account para 5.113 of the guidance. This provides that the licensing authority's duty, in circumstances such as these, is:

'... to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.'

[8] Finally, it is said that the district judge failed in his approach to pay proper regard to the guidance of Lord Goddard in the case of *Stepney Borough Council v Joffe*; *Stepney Borough Council v Diamond*; *Stepney Borough Council v White* [1949] 1 KB 599 which the judge himself referred to at 2 of his judgment, para 5. In *Joffe* it was said that although on an appeal, such as this, there is a right to a re-hearing. The appellate court should pay regard to the fact that the duly constituted and elected local authority have come to an opinion on the matter. The appellate body ought not lightly to reverse their opinion.

[9] *Discussion*

[10] I will briefly outline some of the relevant statutory provisions and guidance. Pursuant to the Licensing Act 2003, s 4, the licensing authority must carry out its function under the Act with a view to promoting the licensing objectives. Subsection (2) provides that:

'The licensing objectives are—

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.'

[11] Importantly, s 4(3) provides:

'In carrying out its licensing functions, a licensing authority must also have regard to—

...

(b) any guidance issued by the Secretary of State under section 1.282.'

[12] Section 52 of the Licensing Act 2003 applies where an application for a review of licence under s 51 has been made. Section 52(3) provides:

'The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection 4, if any, as it considers necessary for the promotion of the licensing objectives.'

[13] Those objects are set out in s 4.

[14] Section 52(4) provides that the steps are:

(a) to modify the conditions of the licence ...
(d) to suspend the licence for the period not exceeding three months.
(e) to revoke the licence.
For this purpose the conditions of the licence are modified. If any of them is altered or omitted or any new condition is added.'

[15] It is to be noted that s 146(1) of the Licensing Act 2003 provides:

'A person commits an offence if he sells alcohol to an individual aged under 18.'

[16] Pursuant to s 182 of the Licensing Act 2003 guidance is issued. I have already outlined the requirement for the licensing authority in carrying out its functions to do so in accordance with the Guidance and to have regard to it. The background and the approach which should be taken to that guidance is set out in para 2.3 of the Guidance itself which was applicable at the relevant date. The Guidance was revised with effect from June 2007. Reference is made in para 2.3 to s 4 of the Licensing Act 2003 which provides that:

'In carrying out its functions, a licensing authority must have regard to guidance issued by the Secretary of State under section 182. The requirement is therefore binding on all licensing authorities to that extent.'

[17] It is recognised that the Guidance cannot anticipate every possible scenario or set of circumstances that may arise. So long as the Guidance has been properly and carefully understood and considered, licensing authorities may depart from it, if they have reason to do so. When doing so, licensing authorities will need to give full reasons for their decisions. Departure from the Guidance could give rise to an appeal or judicial review and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

[18] I will set out here the passages in the Guidance material to this application. Paragraph 5.99 provides:

'Proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems

associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. It is the existence of these procedures which should, in general, allow licensing authorities to apply a light touch bureaucracy to the grant and variation of premises licence by providing a review mechanism when concerns relating to the licensing objectives arise later in respect of individual premises.'

[19] The provisions relating to the power of the licensing authorities in conducting a review are set out in para 5.107 and following. Paragraph 5.107 provides:

'The 2003 Act provides a range of powers for the licensing authority on determining and review that it may exercise where it considers them necessary for the promotion of the licensing objectives.'

[20] At para 5.109, there are set out the steps which may be taken by the licensing authority where it considers that actions under its statutory powers are necessary. Those include modification of the condition of the premises licence, suspension of the licence and revocation of the licence; the suspension, being for a period not exceeding 3 months.

[21] Paragraph 5.110 provides that:

'In deciding which of the powers to invoke the licensing authority should so far as possibly seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.'

[22] Paragraph 5.111 refers to the need for any detrimental financial impact of a licensing authority's decision, in particular of suspension of a licence, to be considered.

[23] A separate section in the Guidance deals with reviews arising in connection with crime. In my judgment these provisions are particularly material to this case. Paragraph 5.112 states:

'A number of reviews may arise in connection with crime that is not directly connected with licensable activities.'

[24] It is agreed by Mr Quirke that the sale of alcohol on the premises to under age drinkers is connected with licensable activities. Indeed, in para 5.115 such activity is expressly referred to in the following terms:

'There is certain criminal activity that may arise in connection with licensed premises which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises [and there are enumerated a number of crimes ... which include] for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people.'

[25] Of importance to the consideration of the case before me is also para 5.113 which provides:

‘Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps are necessary to be taken in connection with the premises licence for the promotion of the crime prevention objective.’

[26] The paragraph continues:

‘The licensing authority’s duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.’

[27] At para 5.114, there is a reference to the fact that it is not the role of the licensing authority to determine guilt or innocence, but it is stated that:

‘At the conclusion of the review, it will be for the licensing authority to determine, on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing act objectives in respect of the licence in question regardless of any subsequent judgment in the courts about the behaviour of individuals.’

[28] I now turn to a consideration of the various heads of challenge which Mr Quirke, on behalf of the licensing authority, makes to the judgment and determination of the district judge in this case. In the course of the discussion I may refer not just to the district judge’s judgment but also, albeit maybe briefly, to a statement filed by him in these proceedings. Taking grounds 1 and 4 of challenge together, the main issue raised by those grounds is that the district judge misdirected himself in considering that the function of the authority and his function as the appellate body was not punitive but in effect was remedial. It is submitted that the approach of the district judge was to confine his consideration to remedy of the cause of the breach of the licence provisions and of the law.

[29] At paras 4 and 5 of the judgment in the section headed, ‘Discussions’, at 10 the district judge said that:

‘The function of the local authority, and now this court, must be first to establish why the four sales of the alcohol to girls A and B occurred on 10 March 2007. Secondly, to take such steps, if any, under section 52 of the Act as are necessary to ensure that no further sales occur thereby promoting the two licensing objectives principally engaged by this case: namely, the prevention of crime and disorder, and the protection of children from harm. The step or steps taken must be the minimum intervention necessary to achieve those aims. What is necessary is a question of value and judgment which will involve the local authority or the court taking account of all the circumstances of the case.’

[30] In my judgment, the language of para 5 indicates clearly that the district judge was considering solely the provisions of the Guidance which were not specific to reviews arising in connection with crime. In my judgment, a proper reading and application of the guidance which governs the approach that a licensing authority must take in discharging its duties requires, where the circumstances render it applicable, the consideration of the paragraphs relating to reviews in connection with crime. While it may be said that in reviews which do not engage a requirement to consider the paragraphs giving guidance on the approach where there is activity in connection with crime related to licensed premises, the general provisions which apply to all reviews may result in the approach outlined in para 5 being the appropriate one to follow. Indeed, para 5.110, which applies generally to the exercise by a licensing authority of its powers on review, does state a requirement, so far as possible, on the authority to establish the cause or causes of the concerns and that remedial action taken should be directed generally to these causes and should always be no more than a necessary and proportionate response. That observation, in my judgment, is directed to the overall approach to the exercise by the licensing authority of its powers on a review. When considering reviews arising in connection with crime, decisions of the licensing authority would have to be reasonable in all the circumstances and that would necessarily engage a requirement to consider necessity and proportionality.

[31] However, in my judgment the district judge failed to have regard to the requirement on a licensing authority conducting a review on the grounds that the premises had been used for criminal purposes to take steps with view to the promotion of licensing objectives in the interests of the wider community. That is a requirement set out in para 5.113. For reasons given earlier, and in particular by reason of the fact that para 5.115 clearly specifies criminal activity which may arise in connection with the use of the licensed premises for the purchase and consumption of alcohol by minors, that provision is engaged in this case.

[32] Accordingly, in my judgment, the district judge misdirected himself by confining his consideration of the case to the test which would be appropriate where no criminal activity was concerned. Where criminal activity is applicable, as here, wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances, deterrence, in my judgment, is an appropriate objective and one contemplated by the guidance issued by the Secretary of State.

[33] The district judge held that the provisions are not to be used and cannot be used for punishment. That may strictly speaking be correct. However, in my judgment 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. Therefore, when the district judge confined himself, as in my judgment he did, to the considerations of remedying, and adopted only the language of para 5.110 in his considerations, he erred in law. In my judgment, that error is sufficient to undermine the basis of his decision. On those two grounds alone, grounds 1 and 4 as I have outlined, I allow this application for judicial review.

[34] However, I continue to consider under the various headings the other grounds raised. The orders made by the district judge are challenged. He added to the existing conditions of the licence six matters as to which I am told that five were already present but not properly implemented. The sixth new provision was acceptable identification to establish the age of a purchaser shall be a driving licence with photographs, passport or proof of age scheme card recognised by or acceptable by the licensing authority. I am told these provisions were already in place, but not properly implemented. No doubt those are perfectly sensible and appropriate provisions to be included on a licence. However it is said that the action taken on appeal being confined in effect to reiterating existing practice with a minimal addition was entirely inappropriate to meet the situation where there have been sales of alcohol to 14-year-old girls. In effect this is a perversity challenge to the decision of the district judge. Even if the approach of the district judge had been correct, which in my judgment it was not, it may well be that the order he made was perversely minimal to meet the circumstances and gravity of the case.

[35] Under the third general head of challenge, it is said that the district judge failed to pay proper regard to the decision of the licensing authority. Whereas he directed himself in accordance with the dictum of Lord Goddard in *Joffe* which he set out at 2, para 5 of his judgment, nonetheless, it is said that he failed to pay regard to the initial decision of the licensing authority when coming to his decision. Since in my judgment the district judge erred in other respects I determine this judicial review challenge on other grounds.

[36] It is finally said that the district judge erred in that he departed from the Guidance issued under s 182 of the Licensing Act 2003 but failed, as he was obliged to do, to state that he was so departing and failed to give reasons for so departing. The departure, it is said, is constituted by the failure to give recognition and carry into effect the provisions of paras 5.113, 5.115 and 5.116.

[37] Earlier in this judgment I set out the basis upon which licensing authorities must pay regard and be governed by guidance issued. Plainly an appellate body must operate similar principles to those applicable to the licensing authority. The guidance contains specific provisions as to the approach to be adopted where criminal activity connected with licensed premises is concerned. He failed to give reasons for a departure from applicable guidance. The district judge in reaching his decision simply referred to the circumstances of the case and the fact that what is necessary is a question of the valuation and judgment which will involve the local authority or the court taking into account all the circumstances of the case, that is at 10 of his judgment, para 5. The district judge in my judgment failed to identify why and in what respects he was departing from the guidance. I find that the district judge erred in failing to give reasons for departing from the applicable guidance.

[38] Accordingly, for the reasons set out in this judgment I allow this application for judicial review and find that the district judge erred in law in his approach to determining the appeal of the licensees in this case.

374 Slade J R (Bassetlaw DC) v Worksop Mag Ct (QBD) [2010] LLR

No need for a declaration that the district judge erred in law in his approach to the appeal. No order for costs.

Solicitors: *Local authority solicitor*

KERRY BARKER
Barrister

Cherwell District Council Responsible Authority representation with regards to the licence review of:

Banbury Express PRM0813, 179 Warwick Road, Banbury OX16 1AS (aka Local One Shop)

I am Christine Pegler, Lead Licensing Enforcement Officer employed by Cherwell District Council within the Regulatory Services 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.

- On 23/02/2021 Mr Amerjit Singh applied to the licensing authority requesting a new premises license located at 179 Warwick Road, Banbury, OX16 1AS, as part of this application Mr Amerjit Singh also applied to be the nominated Designated Premises Supervisor (DPS) for the premises.

This application offered the following conditions of license which are relevant to this licensing review:

Prevention of crime and disorder objective –

5. All goods, including those subject to duty payments i.e. alcohol and tobacco products will be brought from cash and carries only an invoices and they will be available upon request. All alcohol will be purchased from AWRS registered cash & carry or wholesalers.

6. No alcoholic drinks or tobacco will be purchased by the premises from unannounced sellers calling at the premises

This premises license was issued to Mr Amerjit Singh on 29/03/2021.

– License summary and premises plan attached as **Exhibit 1CP**

- On 04/06/2024 Oxfordshire Trading Standards had inspected and seized illegal tobacco and electronic smoking products from the said licensed premises, and subsequently completed a thorough investigation into this licensed premises. During this investigation Trading Standard established:
 - The license holder and DPS, Mr Amerjit Singh had no active role in the running of the licensed premises, and had no responsibility for the purchasing of stock.
 - Surinder Singh Malhotra, the sole director of Mr Singh & Kaur Ltd was responsible for all stock purchasing.
 - Neither the premises license holder or Surinder Singh Malhortra were able to provide all invoicing or stock purchasing documentation for the illegal products seized by Trading Standards.
 - Tobacco products were illegally displayed within the shop, and externally.
The findings of the Trading Standards investigation represent direct breaches of the conditions of the premises license and represent noncompliance of the licensing objectives in relation to The Prevention of Crime and Disorder, The Protection of Children from Harm, and Public Safety.
- On the 21st June 2024 Trading Standards notified the license premises of their intent to request a licensing review of PRM0813.
- On 8th August 2024 Surinder Singh Malhotra submitted an application to transfer the licensee of this premises into his company's name of Mr Singh & Kaur Ltd, and he applied for a change of DPS from Amerjit Singh to Surinder Malhotra.
The change of DPS license was issued on 19th August 2024, and the change of the licensee for this premises was issued to Mr Singh & Kaur Ltd on 12th September 2024. This license summary is attached as **Exhibit 2CP**.

The licensing Authority noted that the company Mr Singh & Kaur Ltd was first registered as a limited company on 18th September 2020. Since that date Companies house had issued compulsory strike off notices to the company in 2022 and 2023. Companies house data is attached to this report, **Exhibit 3CP**.

The Committee should note that OTS had notified the licensee of their intention to call that premises to a licensing review on 21st June 2024, and the license transfer to Mr Singh & Kaur Ltd was initiated after that initial review notification.

Based on the details presented today the licensing Authority would question whether this transfer of the license to Mr Singh & Kaur Ltd would ensure that the licensed premises were able to meet their licensing conditions and uphold the licensing objectives.

- The Committee should be made aware that 179 Warwick is a single shop unit, which has another premises license issued to the site under PRM0712. This license was transferred to Narinder Singh Malhotra on 04.09.2019.

On 29/10/2019 this license was subject to a licensing review by trading standards under very similar circumstances relating to the procurements and retail sale of illegal tobacco products. The review resulted in the premises license being suspended for a period of 12 weeks, the removal of Narinder Singh Malhotra as the DPS and additional licensing conditions relating to the sale of tobacco products inclusive of:

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

Following this review Narinder Singh Malhotra pleaded guilty at Court as an individual and sole company director of Banbury Express Food & Wine Ltd in relation to the sale of illegal tobacco products from 179 Warwick Road, Banbury.

-Premises license PRM0712 Plan is attached as **Exhibit 4CP**

When Trading Standards interviewed Mr Surinder Singh Malhotra he declined to disclose to Trading Standards his association, if any, with the licensee of PRM0712, Mr Narinder Singh Malhotra.

Despite the fact that PRM0712 is not the subject of this licensing review the licensing authority believe that the similarities of circumstances relating to one single shop located at 179 Warwick Road, Banbury should be a consideration in this licensing review.

As such the licensing Authority would ask the committee to consider the effectiveness of PRM0712 licensing review determination in relation to the upholding the licensing objectives when considering this review for PRM0813.

- When considering this licensing review I would draw the committee's 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, 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.

Review consideration

There is evidence from OTS which indicates that Mr Surinder Singh Malhotra, the sole director of Mr Singh & Kaur Ltd, had been responsible for all licensing aspects of the site, and therefore is responsible for the breaches of licensing conditions, had potentially committed criminal offences in relation to the sales of illegal tobacco products, and had failed to meet the fundamental requirements of the licensing objectives.

Specifically, these illegal tobacco sales meant the licensed premises had failed to Protect Children from Harm, failed ensure Public Safety, and had failed to prevent Crime.

The overall evidence presented to the committee outlines the historic and current conditions of license which specifically relates to legitimate purchasing of tobacco products, and therefore legal retailing of tobacco products (condition b (5)), had been allegedly breached by Mr Surinder Singh Malhotra.

Companies House data outlines Mr Surinder Singh Malhotra had been unable to meet the requirements of a Limited Company on several occasions during the companies limited registration period, and Companies House had issued several 'Strike off' notices to Mr Surinder Singh Malhotra as the sole director.

The evidence presented to the committee questions if this licensee is able to meet his legal requirements under the 2003 Licensing Act.

Based on the details presented to the committee Cherwell District Council Licensing, acting under the requirements of a Responsible Authority, believe that a license suspension and/or additional licensing conditions would be ineffective in ensuring that the premises would meet their licensing requirements.

In line with the Licensing Act and guidance, and specifically being mindful of 11.27 and 11.28, the licensing Authority considers that it would be appropriate and proportionate for the committee to consider the revocation of this premises licence.

Chris Pegler

28.08.2024

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

**LICENSING ACT 2003
PREMISES LICENCE**



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

PART A – Part 1

| | | |
|--|----------------------------------|------------------|
| 179 Warwick Road Banbury OX16 1AS | Licence Ref: | PRM0813 |
| | Date Granted: | 29.03.2021 |
| | Valid from: Valid to: | Not Time Limited |
| | Issue date: | 29.03.2021 |
| | Tel No.: | |

| | |
|--------------------------------|----------------------|
| Premises Licence Holder | Amerjit Singh |
|--------------------------------|----------------------|

Licensable Activities - Alcohol Sales

| Activity | Days of Week | Open | Close |
|------------------------|---------------------|-------------|--------------|
| Sale of Alcohol | Monday to Sunday | 07:00 | 23:00 |

Opening Hours

| Days of Week | Open | Close |
|---------------------|-------------|--------------|
| Monday -Sunday | 07:00 | 23:00 |

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

| |
|------------------|
| Mr Amerjit Singh |
|------------------|

Lucy Hetherington
Licensing Officer 6
October 2021

Annex 2 – Conditions consistent with the operating schedule

a) General - all four licensing objectives (b,c,d,e)

1. Strict implementation of challenge 25 policy
2. CCTV to be installed and 28 days recoding system
3. All staff to be trained in responsible alcohol retailing
4. Training manual will be available at the premises

b) The prevention of crime and disorder

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

c) Public safety

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

d) The prevention of public nuisance

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

e) The protection of children from harm

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

Annex 4 – Plans

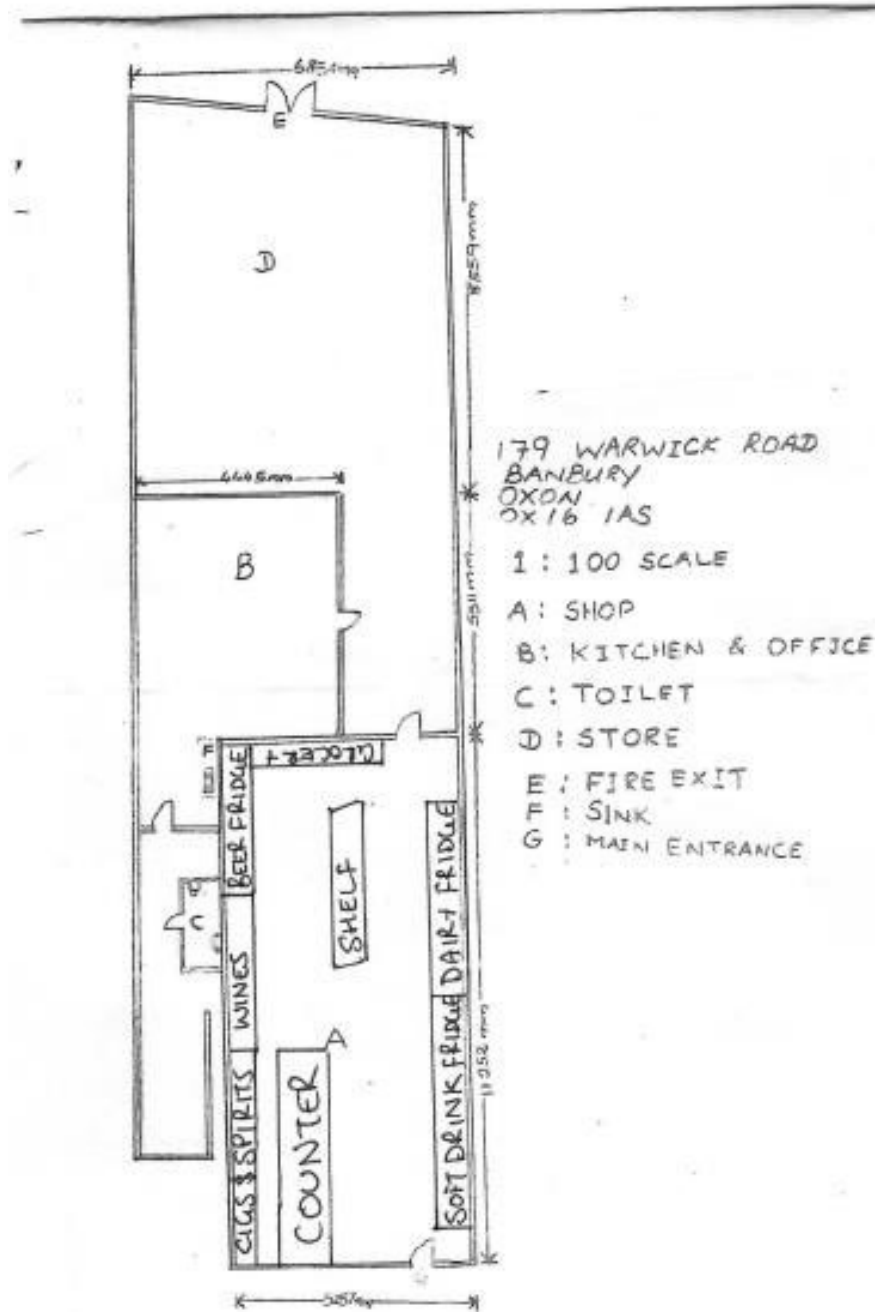




Exhibit 2CP PRM0813 license summary and plan issued 12/09/2024

**Licensing Act 2003
Premises Licence**

| | | |
|--|----------------------------|-------------------------|
| The Local One Shop 179 Warwick Road, Banbury, Oxfordshire, OX16 1AS | Licence Ref: | PRM0813 |
| | Date First Granted: | 29-03-2021 |
| | Valid to: | Not Time Limited |
| | Issue date: | 12-09-2024 |

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

The Local One Shop, 179 Warwick Road, Banbury, Oxfordshire, OX16 1AS

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

**MR SINGH AND KAUR LTD
179 Warwick Road, Banbury, Oxfordshire, OX16 1AS**

Registered number of holder, for example company number, charity number (where applicable)

Company Number: 12890806

Name and address of designated premises supervisor where the premises licence authorises the supply of alcohol

Surinder Singh Malhotra

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: ██████████
Issuing Authority: Hillingdon



Part 1 – Premises Details

Sale of Alcohol by Retail:

| Day | Start Time | End Time |
|------------|-------------------|-----------------|
| Monday | 07:00:00 | 23:00:00 |
| Tuesday | 07:00:00 | 23:00:00 |
| Wednesday | 07:00:00 | 23:00:00 |
| Thursday | 07:00:00 | 23:00:00 |
| Friday | 07:00:00 | 23:00:00 |
| Saturday | 07:00:00 | 23:00:00 |
| Sunday | 07:00:00 | 23:00:00 |

Where the licence authorises supplies of alcohol whether these are on and /or off supplies
Off the premises

The opening hours of the premises

| Day | Start Time | End Time |
|------------|-------------------|-----------------|
| Monday | 07:00:00 | 23:00:00 |
| Tuesday | 07:00:00 | 23:00:00 |
| Wednesday | 07:00:00 | 23:00:00 |
| Thursday | 07:00:00 | 23:00:00 |
| Friday | 07:00:00 | 23:00:00 |
| Saturday | 07:00:00 | 23:00:00 |
| Sunday | 07:00:00 | 23:00:00 |

Sian Parsons
Licensing Officer
12-09-2024



Annex 1 – Mandatory conditions

Annex 1 – Mandatory conditions

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

a) General - all four licensing objectives (b,c,d,e)

1. Strict implementation of challenge 25 policy
2. CCTV to be installed and 28 days recording system
3. All staff to be trained in responsible alcohol retailing
4. Training manual will be available at the premises

b) The prevention of crime and disorder

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

c) Public safety

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

d) The prevention of public nuisance

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

e) The protection of children from harm

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

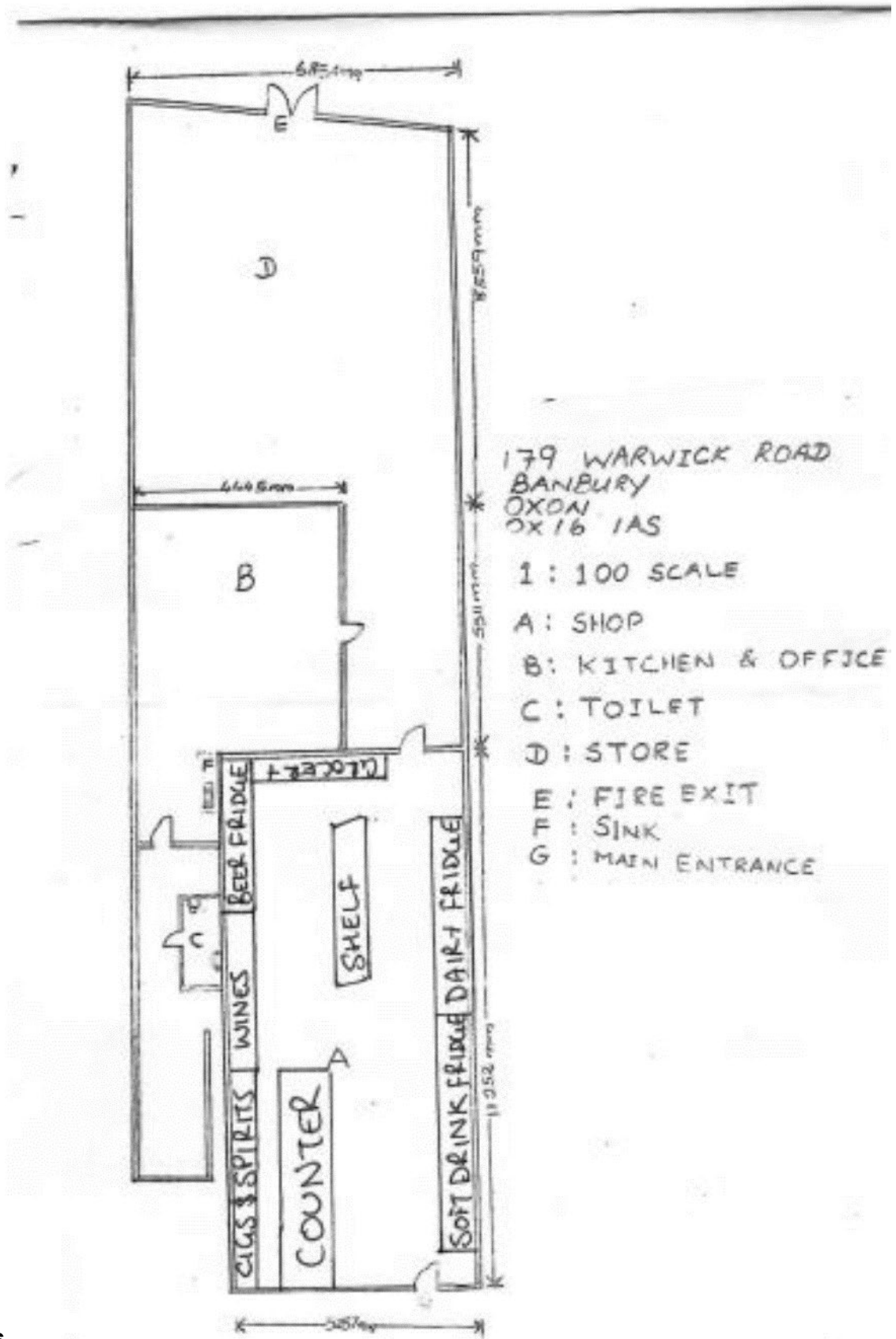
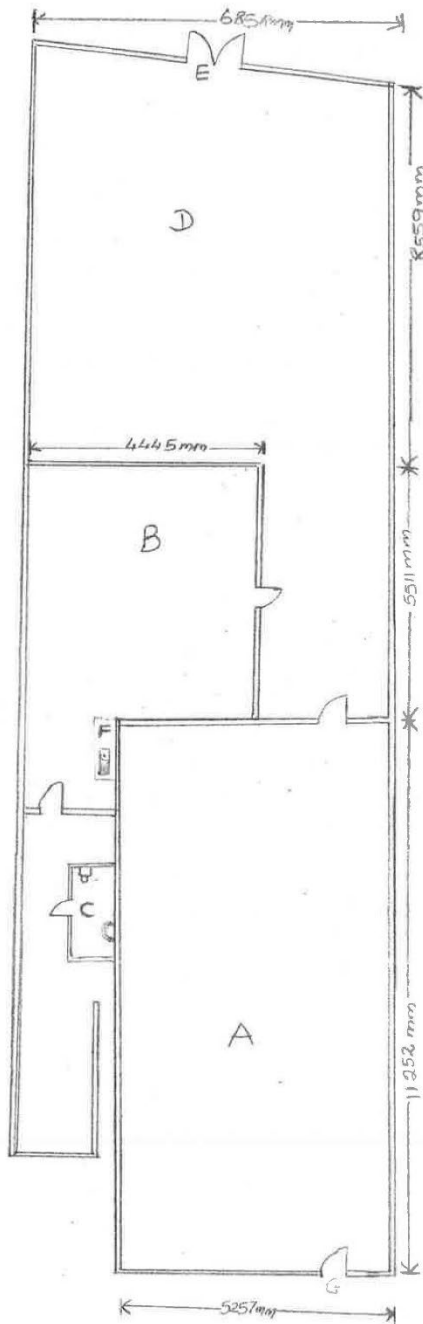




Exhibit 3CP Plan of 179 Warwick Road, under PRM0712



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



Companies House data Exhibit 4CP

MR SINGH AND KAUR LTD

Company number **12890806**

[Follow this company](#)

[File for this company](#)

Overview

[Filing history](#)

[People](#)

[More](#)

Registered office address

179 Warwick Road, Banbury, England, OX16 1AS

Company status

Active

Company type

Private limited Company

Incorporated on

18 September 2020

Accounts

Next accounts made up to **30 September 2024**
due by **30 June 2025**

Last accounts made up to **30 September 2023**

Confirmation statement

Next statement date **2 September 2024**
due by **16 September 2024**

Last statement dated **2 September 2023**

Nature of business (SIC)

47110 - Retail sale in non-specialised stores with food, beverages or tobacco predominating



MR SINGH AND KAUR LTD

Company number **12890806**

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

- [Company Overview for MR SINGH AND KAUR LTD \(12890806\)](#)

- [Filing history for MR SINGH AND KAUR LTD \(12890806\)](#)

**Date (document
was filed at
Companies
House)**

Description (of the document filed at Companies House)

| | |
|-------------|--|
| 30 Jun 2024 | Unaudited abridged accounts made up to 30 September 2023 |
| 09 Dec 2023 | Compulsory strike-off action has been discontinued |
| 08 Dec 2023 | Confirmation statement made on 2 September 2023 with no updates |
| 21 Nov 2023 | First Gazette notice for compulsory strike-off |
| 14 Aug 2023 | Amended total exemption full accounts made up to 30 September 2022 |
| 30 Jun 2023 | Unaudited abridged accounts made up to 30 September 2022 |
| 03 Sep 2022 | Compulsory strike-off action has been discontinued |
| 02 Sep 2022 | Unaudited abridged accounts made up to 30 September 2021 |
| 02 Sep 2022 | Confirmation statement made on 2 September 2022 with no updates |
| 16 Aug 2022 | First Gazette notice for compulsory strike-off |
| 23 Nov 2021 | Confirmation statement made on 17 September 2021 with no updates |
| | Incorporation |
| 18 Sep 2020 | <ul style="list-style-type: none">• Model articles adopted Statement of capital on 2020-09-18 <ul style="list-style-type: none">• GBP 1 |



MR SINGH AND KAUR LTD

Company number **12890806**

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

- [Company Overview for MR SINGH AND KAUR LTD \(12890806\)](#)
 - [Filing history for MR SINGH AND KAUR LTD \(12890806\)](#)

- [People for MR SINGH AND KAUR LTD \(12890806\)](#)
 - [More for MR SINGH AND KAUR LTD \(12890806\)](#)

- [Officers](#)

- [Persons with significant control](#)

Filter officers

Filter officers Current officers

Officers: 1 officer / 0 resignations

[MALHOTRA, Surinder Singh](#)

Correspondence address

179 Warwick Road, Banbury, England, OX16 1AS

Role **ACTIVE**

Director

Date of birth

June 1996

Appointed on

18 September 2020

Nationality

British

Country of residence

England

Occupation

Retailer

This page is intentionally left blank