<u>Cherwell District Council Responsible Authority representation with regards to</u> 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:
- 1. 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.
- 2. Surinder Singh Malhotra, the sole director of Mr Singh & Kaur Ltd was responsible for all stock purchasing.
- 3. 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.
- 4. 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, poor management competency could give rise to issues of crime and disorder and public safety.

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

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

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

for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;

for the sale or storage of smuggled tobacco and alcohol.

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

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

Exhibit 1CP PRM0813 license summary and plan issued 29/03/2021

LICENSING ACT 2003 PREMISES LICENCE



PART A - Part 1

	Licence Ref:	PRM0813
179 Warwick Road	Date Granted:	29.03.2021
Banbury OX16 1AS	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, photocard, 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

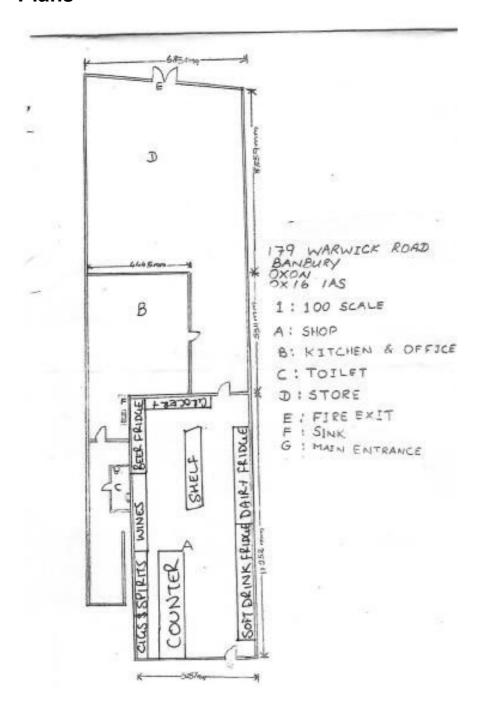




Exhibit 2CP PRM0813 license summary and plan issued 12/09/2024

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 premis	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+(DxV)

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



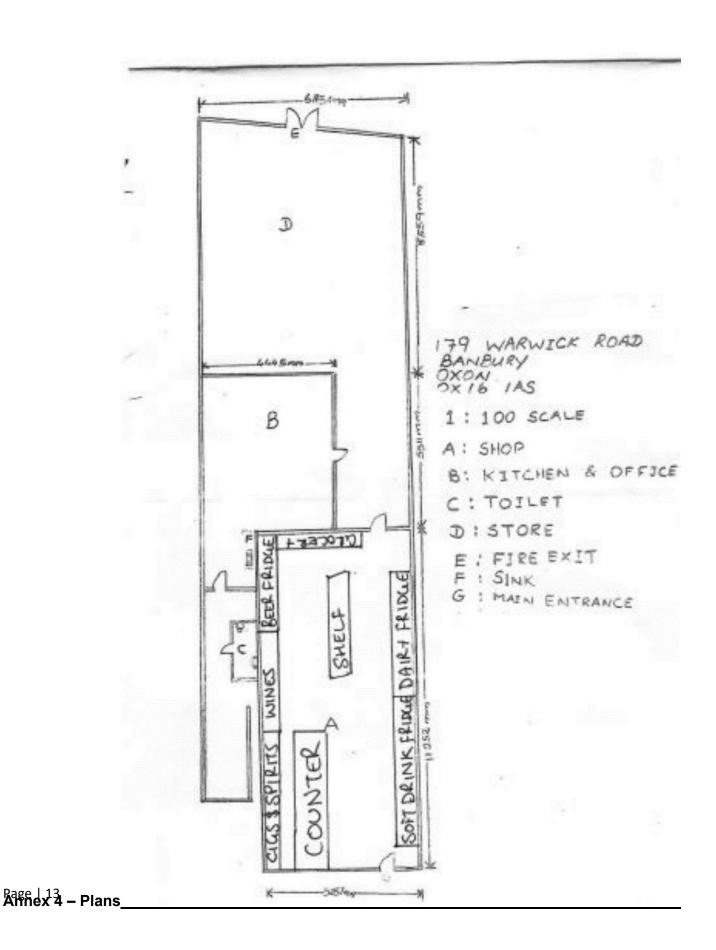
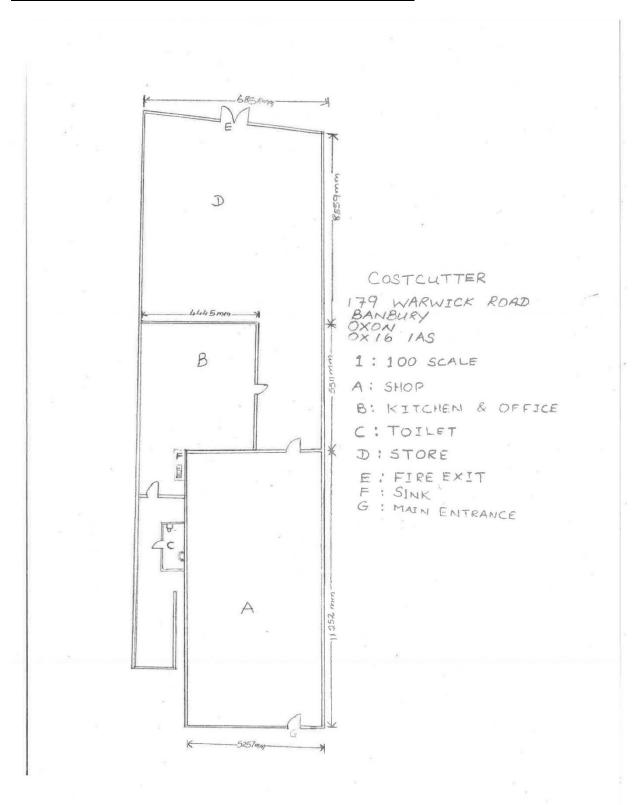




Exhibit 3CP Plan of 179 Warwick Road, under PRM0712





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

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•	Filling historytor MR Silver AND RAUR LTD (12690600)
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
18 Sep 2020	 Incorporation Model articles adopted Statement of capital on 2020-09-18 GBP 1



MR SINGH AND KAUR LTD

Company number **12890806**

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 - Morefor MR SINGH AND KAUR LTD (12890806)
- Officers
- Persons with significant control

Filter officers

Filter officersCurrent 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