

**LICENSING PANEL  
3 OCTOBER 2019  
10.00 - 11.25 AM**



**Present:**

Councillors Allen (Chairman), Porter and Tullett

**Also Present:**

Gary Clarke, Thames Valley Police  
Heather Fleming, Trading Standards  
Amanda Ward, Licensing Officer  
Mr Lamba, Designated Premises Supervisor  
Mr Bhanjal, representing SS Food and Wines

**4. Declarations of Interest**

There were no Declarations of Interest.

**5. The Procedure for Hearings at Licensing Panels**

The procedure for hearings of Licensing Panels was noted.

**6. Application of review of premises licence SS Food and Wine Limited**

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- the Applicant (Thames Valley Police, supported by Trading Standards),
- the licence holder and representative;

The Panel reached its decision with a view to promoting the four Licensing objectives under the Licensing Act 2003, which they agreed were all pertinent to this case:

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

In reaching its decision the Panel had regard to the provisions of the Licensing Act 2003, the Home Office Guidance, as issued under section 182 of that Act, and Bracknell Forest Council's own Statement of Licensing Policy.

At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all they wished to say.

The Panel determined that to allow the Premises Licence to continue in its current form would have an adverse impact on the promotion of the four Licensing objectives.

After careful consideration, the Panel's decision was to remove the Designated Premises Supervisor, Mr Preet Singh Lamba, from that role, and to suspend the Premises Licence for a period of 3 months.

In addition, the Panel determined to add a further condition to the Premises Licence to require that all and any containers of alcohol sold by the premises, whether cans, bottles or otherwise, must be individually price tag labelled, with the label affixed to the side of each individual alcohol container and the label stating the name of the business premises as at the point of sale (as it was noted that there had been a number of changes to the business name in recent years).

The above decision of the Panel (to suspend the Premises Licence for a period of three months, to remove the current Designated Premises Supervisor from that role and the requirement for the additional condition to be added to the Premises Licence as to individual alcohol container labelling with business premises name) **will take effect at the end of 21 days from the date of this decision letter, on the 29 October 2019 or on such date of determination of any Appeal against the decision of the Panel that is lodged within 21 days of the date of this decision letter.**

The Licensing Officer will send you a copy of the amended Licence in due course.

### **Reasons**

The Panel noted that there were a number of alcohol related incidents recorded by Thames Valley Police involving street drinkers within the Public Space Protection Order area of Bracknell town centre within which the premise is located and that, on several occasions, the consumed alcohol in question was suspected to have been purchased from S.S Food and Wine Limited.

The Panel noted that Thames Valley Police had previously requested that Mr Lamba take steps to assist the Police in establishing from where alcohol in street-drinking related incidents reported as occurring in the immediate and nearby area was being purchased, by way of introducing price tag labelling of all individual cans of alcohol sold, with such labelling to also state the name of the business premises from where it was sold. Mr Lamba had voluntarily agreed to implement such measures and advised the Panel that he had now purchased such a labelling system. However, whilst such news was welcomed, the purchase invoice shown to the Panel at the Hearing indicated that this had only been ordered on the 30 September 2019, just days before the Panel Hearing itself on 3 October 2019. Mr Lamba had long since previously agreed to such implementation during a meeting held with Thames Valley Police on the 7 March 2019. The Panel considered that Mr Lamba's action in that regard had been much too late and not pro-active enough to demonstrate his ready willingness to co-operate with Thames Valley Police and to promote the licensing objectives.

The Panel also noted that Thames Valley Police had visited the premises on several occasions and found that staff had not been able to readily access CCTV footage when required by officers to do so. The Panel noted this was in breach of the mandatory conditions and the Panel agreed that this lack of staff training in that regard did not support the Licensing objective of prevention of crime and disorder or of the promotion of public safety.

The Panel also noted that Trading Standards had submitted comments in support of Thames Valley Police's application for the review. The substance of these comments centred around a failed test purchase, in which a 21-year-old had been sold alcohol

at S.S Food and Wine Limited without being challenged by staff to present any identification, contrary to the Challenge 25 policy. The Panel agreed that this failure during a test purchase indicated that the Challenge 25 policy was not being rigorously implemented at the premises and that this was a breach of the mandatory conditions. It was noted that there had also been previous occasions of alcohol test purchase failures at the same premises, whilst operating under a different business name, with Mr Lamba still as the Designated Premised Supervisor. The Panel thus noted the concern of Trading Standards that the licensing objective to protect children from harm was not being met.

The Panel did not feel that the current Premises Licence and management regime was adequately supporting the four Licensing objectives, and that the responsibility for this primarily lay with the Designated Premises Supervisor. It was recognised that Thames Valley Police had made numerous attempts to meet with Mr Lamba to explain their concerns and to give advice to mitigate against them. Whilst Mr Lamba had agreed to voluntarily implement additional procedures and safeguards to help promote the licensing objectives, as well as to rectify breaches of mandatory conditions, not all of which had been implemented or not implemented fast enough and the Panel felt that this was unsatisfactory for a Designated Premises Supervisor.

The Panel felt that the current Designated Premises Supervisor had been remiss in his duties by failing to swiftly rectify breaches of the Premises Licence, including staff training in the operation of the Challenge 25 policy, the retrieval and provision of CCTV footage to Thames Valley Police or other authorised officers and with regard to the in-store display of Premise Licence documentation. The Panel also noted the inconsistent results of alcohol test purchases as carried out at the premises and considered this a failure of the current Designated Premises Supervisor to fulfil his obligations under the Licence, including as to staff training.

The Panel agreed that the current Designated Premises Supervisor, Mr Preet Singh Lamba, was no longer suitable to hold that position and reached the determination for his removal from that position.

In addition, in light of all that had been presented to and considered by the Panel, including noting that certain previous Licence condition breaches and voluntary procedural changes had been implemented, albeit late in the day and only after further chasing, the Panel determined it appropriate to suspend the Premises Licence for a period of 3 months.

In order to comply with mandatory conditions of the Premises Licence and to promote the four licensing objectives, a new Designated Premises Supervisor will need to be proposed and trained to the satisfaction of the Licensing Authority and be in place prior to the expiry of the 3-month suspension of the Premises Licence once it comes in to effect.

The Panel considered that there had been unjustifiable delay in implementing the business name price tag labelling on individual alcohol containers that Mr Lamba had voluntarily agreed to implement during the meeting with Thames Valley Police on 7 March 2019. As such, the Panel determined that the previously voluntary agreement rather be made a formal condition of the Premises Licence. In doing so, the Panel also considered it appropriate from what it had heard of problem street drinking in the area and of representations made as to the suspected origin of sale of some of that alcohol, to extend the requirement from just being for cans of beer, cider and lager, to being for all sold containers of alcohol, whether cans, bottles or otherwise.

In summary, the Panel agreed the following:

1. The Panel agreed that it was appropriate to make it a condition of the Premises Licence that all such sold containers of alcohol be individually price tag labelled on their side, stating the name of the current business premises as at the point of sale. Having been informed that an initial purchase order for such labelling had already been placed by Mr Lamba and, in light of all that had been presented to the Panel, including the referenced street drinking related incidents in immediate and nearby area, the Panel considered such additional Premise Licence condition to be reasonable, proportionate and capable of being met in the promotion of the four licensing objectives.
2. The Panel agreed that the current Designated Premises Supervisor, Mr Preet Singh Lamba, would be removed from the position at SS Food and Wines. The premises are reminded that a replacement DPS must be in place if the premises intends to sell alcohol following the suspension period.
3. The Panel agreed to suspend the premises licence for a period of 3 months.

The Panel's decisions above will **take effect at the end of 21 days from the date of this decision letter, on the 29 October 2019** or on such date of determination of any Appeal against the decision of the Panel that is lodged within 21 days of the date of the decision letter.

**CHAIRMAN**