



Please reply to:

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Date: 22 January 2026

Notice of meeting

Licensing Sub-Committee

Date: Tuesday, 3 February 2026

Time: 10.00 am

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames

To the members of the Licensing Sub-Committee

Councillors:

S.A. Dunn

M.J. Lee

P.N. Woodward

Note: In the event of one of the aforementioned Licensing Committee Members being unable to attend or serve on this Sub-Committee another Member of the Licensing Committee will be called to serve in their place.

Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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AGENDA

Page nos.

1. Disclosures of Interest

To receive any disclosures of interest from members in accordance with the Members' Code of Conduct.

2. To consider an application for a Review of the Premises Licence at Tony's Food and Wine, 149 High Street, Staines-upon-Thames 3 - 112

The Report of the Deputy Chief Executive is attached.

A procedure note which explains what happens at a Licensing Sub-Committee, follows.

Licensing Act 2003

Hearing procedure for Licensing Sub-Committee – Premises Licence Review

	Introductions
1.	The Chairman will open the meeting, introduce members of the Sub-Committee and officers present and explain the nature of the decision to be taken and the procedure to be followed.
2.	All persons present to introduce themselves to the Sub-Committee. *NOTE* the Applicant for a <u>review</u> is either a Responsible Authority or an Other Person. The Premises Licence Holder is a “respondent”.
	Summary of Application and Representations
3.	The Council’s Licensing Manager will outline the application, any relevant representations and highlight any points relevant to the Licensing Authority’s Statement of Licensing Policy and statutory guidance. OR summarise the salient points of the report on the agenda.
4.	The Applicant for the review or their representative may ask relevant questions of the Council’s solicitor/Licensing Manager.
5.	The Responsible Authorities may ask relevant questions of the Council’s Licensing Manager if necessary.
6.	Any Other Persons who have submitted representations about the application may ask relevant questions of the Council’s Licensing Manager if necessary.
7.	The Premises Licence Holder may ask the Licensing Manager QUESTIONS arising from what he/she has said or relating to the application. (The Applicant will have the opportunity to state his/her case later).
8.	The members of the Sub-Committee may ask relevant questions of the Council’s Licensing Manager.
9.	The Council’s Licensing Manager may respond to any new issues raised.
	The Applicant’s Case
10.	The Responsible Authorities or Other Persons applying for the review presents their case (may include evidence of witnesses if appropriate).
11.	The Responsible Authorities who have submitted representations about the application may ask any relevant questions of the applicant for the review if necessary.

12.	Any Other Persons who have submitted representations about the application may ask any relevant questions of the applicant for the review if necessary.
13.	The Premises Licence Holder asks questions of the Applicant for the review if necessary.
14.	The members of the Sub-Committee may ask relevant questions of the Applicant for the review.
15.	The Applicant for Review may respond to any new issues raised.
	The Responsible Authorities case
16.	The Responsible Authorities who have submitted representations about the application will present their case (may include evidence of witnesses if appropriate).
17.	The Applicant for the review or their representative may ask relevant questions of the Responsible Authorities.
18.	Any Other Persons who have submitted representations about the application may ask relevant questions of the Responsible Authorities.
19.	The Premises Licence Holder may ask relevant questions of the Responsible Authorities who have submitted representations about the application.
20.	The members of the Sub-Committee may ask relevant questions of the Responsible Authorities.
21.	The Responsible Authorities may respond to any new issues raised.
	The Other Persons Case
22.	Any Other Persons who have submitted representations about the application will present their case (may include evidence of witnesses if appropriate).
23.	The Applicant for Review or their representative may ask relevant questions of the Other Persons.
24.	The Responsible Authorities who have submitted representations about the application may ask relevant questions of the Other Persons who have submitted representations about the application.
25.	The Premises Licence Holder may ask relevant questions of the Other Persons who have submitted representations about the application.
26.	The members of the Sub-Committee may ask relevant questions of the Other Persons who have submitted representations about the application.
27.	The Other Persons may respond to any new issues raised.

	The Premises Licence Holder Case
28.	The Premises Licence Holder will present their case (may include evidence of witnesses if appropriate).
29.	The Applicant for the review or their representative may ask any relevant questions of the Premises Licence Holder.
30.	The Responsible Authorities who have submitted representations about the application may ask relevant questions of the Premises Licence Holder.
31.	Any Other Persons who have submitted representations about the application may ask relevant questions of the Premises Licence Holder.
32.	The members of the Sub-Committee may ask relevant questions of the Premises Licence Holder.
33.	The Premises Licence Holder may respond to any new issues raised.
	Summing Up
34.	The Chairman will invite the Licensing Enforcement Officer to clarify any technical points.
35.	The Chairman will invite any Other Persons who have submitted representations about the application to briefly summarise their case if they so wish.
36.	The Chairman will invite any Responsible Authorities who have submitted representations about the application to briefly summarise their case if they so wish.
37.	The Chairman will invite the Applicant for the review to briefly summarise their case if they so wish.
38.	The Chairman will invite the Premises Licence Holder to briefly summarise their case if they so wish.
39.	The Chairman will then ask all parties if they are satisfied they have said all they wish to. (NOTE – The Premises Licence Holder to have the last word.)

	Decision
40.	The members of the Sub-Committee will retire to reach a decision in private, accompanied by the Council's legal officer and Committee Manager.
41.	Members of the Sub-Committee return. The Chairman will announce the decision of the Sub-Committee with reasons (summary or full) for the decision.

42.	Meeting closed.
43.	The Council's legal officer will remain in the room to assist all parties should they require clarification of the decision and/or next steps.

GUIDANCE NOTES

*The Licensing Authority will allow the parties an equal maximum period of time in which to address the Sub-Committee, but request that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency. However, the overriding principle for the Licensing Authority will be to ensure that all parties receive a fair hearing.

- (a) Cross examination of parties is at the discretion of the Sub-Committee.
- (b) When the Premises Licence Holder questions the Licensing Manager or any other party he/she should not go into the merits of his/her case as he/she will have an opportunity to present it at Stage 28. He/she should only ask questions relating to what the Licensing Manager or other person has said or relating to the application as a whole.
- (c) The Applicant or any other party may be represented by a friend or a professional person to speak on his/her behalf who will follow the same procedure as described above and who may call the Applicant as a witness.
- (d) The order or proceedings may be varied by the Chairman if he/she thinks that it is necessary to do so in the interests of affording the Applicant a fair hearing or in order to take into account all relevant considerations.
- (e) If, after the Sub-Committee has withdrawn to make their decision, they decide that they need to ask a question of any of the parties involved in the proceedings or to clarify any matter then they shall do so in the presence of all parties.
- (f) Members of the Sub-Committee must be present throughout the hearing and must not communicate with any party involved in the proceedings except for when they are in the presence of all of the parties and the remainder of the Sub-Committee.

Licensing Sub-Committee

03/02/2026



Subject	Application for a review of the Premises Licence at Tony's Food and Wine, 149 High Street, Staines-upon-Thames		
Purpose	For determination		
Report of	Deputy Chief Executive	Ward	Staines
Contact	Tracey Willmott-French and Fidelma Bahoshy - Senior Environmental Health Managers		

Description and Location	<p>Tony's Food and Wine is a small convenience off licence shop located at 149 High Street, Staines-Upon-Thames TW18 4PA The Premises is on a main road with residential properties above and opposite. The Premises is on a parade of shops with a restaurant either side of it. Please see Appendix A for a copy of the location plan.</p> <p>On 29 October 2025, Buckingham and Surrey Trading Standards ("Trading Standards") , a Responsible Authority under the Licensing Act 2003 applied to the Licensing Authority to review the premises licence.</p>
The Application	<p>The application is to review the Premises Licence under the Licensing Objectives of Crime and Disorder and is made by Trading Standards.</p> <p>The current licence is attached at Appendix B, together with the current plan. The review application is attached at Appendix C.</p>
Representations	<p>Relevant representations in support of the review have been received from the below Responsible Authorities:</p> <ul style="list-style-type: none">• The Licensing Authority (Appendix D) received 19/11/2025• Child Employment from Surrey County Council (Appendix E) received 13/11/2025• Surrey Police (Appendix F) received 24/11/2025

Options	<ol style="list-style-type: none">1. The Sub-Committee is requested to consider the application for the review of a premises licence on its merits.2. Having had regard to the representations, the Sub-Committee must decide on one or more of the following options as it considers appropriate for the promotion of the licensing objectives:<ul style="list-style-type: none">• Modify the conditions• Exclude a licensable activity• Remove the Designated Premises Supervisor• Suspend the licence for up to 3 months• Revoke the licence• No action required
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1. Background

- 1.1 The Premises licence holder and Designated Premises Supervisor (DPS) is Praveen Vinayagamoorthy.
2. Tony's Food and Wine was first granted a premises licence on 17 August 2005. An application to transfer the licence and change the DPS was made on 21 November 2024 to Praveen Vinayagamoorthy.
- 2.1 The current premises licence in respect of Tony's Food and Wine allows the sale by retail of alcohol for consumption off the premises and is detailed below. The opening hours of the premises are not detailed on the licence, but are as follows:
 - (a) Monday - Saturday, other than Christmas Day, 8 a.m. to 11 p.m.
 - (b) On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
 - (c) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
 - (d) On Good Friday, 8 a.m. to 10.30 p.m.

3. Review Application

4. The Sub-Committee is asked to consider and determine an application submitted on 29 October 2025 from Trading Standards for the review of a Premises Licence for Tonys Food and Wine held by Praveen Vinayagamoorthy. The application for the review of the Premises Licence is attached at **Appendix C**.
- 4.1 The Application for the Review of the Premise Licence is made on the prevention of crime and disorder licensing objective.
- 4.2 The Applicant for a Review is required to forward copies of the application to the Responsible Authorities with a view to any of these Responsible Authorities making a supporting representation if deemed appropriate.
- 4.3 Trading Standards served the Application for Review on the Premises Licence Holder in accordance with the Licensing Act 2003.
- 4.4 The Notice of Review was displayed at the licensed premises between 29 October 2025 and 26 November 2025 and in the reception area of the Council Offices and the notice board outside the Civic Offices as well as the Council's website. Several checks have been made by Licensing Officers at the premises to ensure the required notice is always on display.

4.5 Chronology of grounds given for review

13 January 2025	Intelligence was received by Trading Standards in January 2025; intelligence was received that the premises were selling illicit vapes
24 March 2025	Intelligence was received by Trading Standards that the premises were selling vapes, alcohol and tobacco products to children.
16 April 2025	Multi-agency (Licensing Authority, Trading Standards and Surrey Police) visit was undertaken at the premises. A total of 930 sticks of cigarettes were seized. There were a mixture of illicit white cigarettes and 47 illicit vapes which were seized.

	<p>Non-compliance with imported food, food not intended for single sale (multi pack food without mandatory food information), food without English labelling, food with non-permitted additives.</p> <p>Visible display of tobacco products in breach of Trading Standards enforced legislation.</p> <p>Premises plan had changed between the two inspections without the premises licence being amended.</p>
27 August 2025	<p>The Premises sold alcohol to a child assisting with an underage sales test purchase operation.</p> <p>A Police and Trading Standards inspection was undertaken at the premises. Illicit tobacco was discovered concealed. Illicit vapes and single use vapes were also discovered on the premises.</p>
29 August 2025	<p>Trading Standards asked the female staff member whether they had Top Gun or Platinum cigarettes available and she responded “No longer selling Top Gun, Platinum cigarettes or other cheap cigarettes. Problem police came last week. Now only selling English Cigarettes”.</p>

5. Promotion of the Licensing Objectives

5.1 The relevant Licensing Objectives together with relevant examples from Government Guidance are set out below for information:

Prevention of crime and disorder

- Criminal behaviour on, or directly attributable to, the premises.
- Under age sales
- Anti-social behaviour on, or directly attributable to, the premises.

Protection of children from harm

- In relation to off sales of alcohol, the most relevant issue under this licensing objective is the prevention of sales of alcohol to under 18s

6. Representations

i) Representations from Responsible Authorities

Relevant representations in support of the review has been received from the below Responsible Authorities:

- Licensing Authority (**Appendix D**)
- Child Employment Surrey County Council (**Appendix E**)
- Surrey Police (**Appendix F**)

General – all four licensing objectives

- There has been a history of non-compliance when various breaches of the Licensing Act 2003 have been identified and the licence

holder/DPS has been made aware of these and failed to take rectify them.

Prevention of crime and disorder

- The statement from Trading Standards shows that counterfeit and smuggled tobacco have been seized from these premises. The first seizure of counterfeit and smuggled tobacco was in April 2025 and the licence holder made aware of this by Trading Standards. Again, in August 2025 Trading Standards found a larger quantity of counterfeit and smuggled tobacco on the premises.

Protection of children from harm

- Safeguarding Concerns raised.
- The statements provided within the review pack, indicates that the licence holder is not complying with the objective to ensure that age verification procedures relating to age restricted sales are in place to prevent children acquiring or consuming age restricted products. This is clearly evidenced by the failed test purchase case made in August 2025 where alcohol was sold to a child.

6.2 Issues which are not relevant to the licensing objectives and cannot be taken into account by a Licensing Sub-Committee:

- Objections on the basis of need, or lack of need, for premises to sell alcohol
- Parking, or other issues relating to general amenity rather than licensing objectives

7. Licensing Policy

7.1 The following sections of the Council's Licensing Policy are relevant. These are attached at **Appendix G**.

- Section 16 (16.1-16.14)
- Section 16 (16.41-16.50 and 16.52-16.58)
- Section 22 (22.1-22.4)
- Section 23 (23.1-23.4)

8. National Guidance

8.1 The relevant section from the National Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 on determination of a Review is attached at **Appendix H**.

8.2 In addition, the following sections of the Guidance are relevant in the consideration of this application:

- Section 1 (1.1-1.19)
- Section 2 (2.1- 2.7)
- Section 2 (2.28-2.38)
- Section 11 (11.1-11.11)

- Section 11 (11.16-11.29)

9. Making a decision

9.1 In making its decision the Sub-Committee must promote the licensing objectives only, taking into account National Guidance and Spelthorne's Statement of Licensing Policy.

9.2 The Sub-Committee must give reasons for its decision.

9.3 It is only where additional and supplementary measures are appropriate to promote the licensing objectives that there will be a requirement for appropriate, proportionate conditions to be attached.

9.4 Conditions on licences must:

- be precise and enforceable;
- be unambiguous;
- not duplicate other statutory provisions;
- be clear in what they intend to achieve; and,
- be appropriate, proportionate and justifiable.

9.5 It is important in considering the promotion of the licensing objective on prevention of public nuisance, that the Sub-Committee focuses on any disproportionate or unreasonable effect the licensable activities at the premises, have on persons living and working in the area around the premises.

9.6 Surrey Police issued a Community Resolution regarding the offence of selling alcohol to an underage person following a visit on 27 August 2025.

9.7 Trading Standards did not pursue a prosecution.

9.8 The Sub-Committee should also bear in mind the case of East Lindsey Council v Abu Hanif EWHC 1265 (Admin), which makes clear that despite criminal proceedings not being brought here for the offences of selling alcohol to children and the keeping of smuggled goods, the licensing objective relating to the prevention of crime and disorder can still be engaged.

Appendices:

Appendix A – Location Plan

Appendix B – Current Licence and plan

Appendix C – Review Application

Appendix D – Representations from Licensing Authority

Appendix E – Representations from Child Employment from Surrey County Council

Appendix F – Representation from Surrey Police

Appendix G – Extract from Statement of Licensing Policy

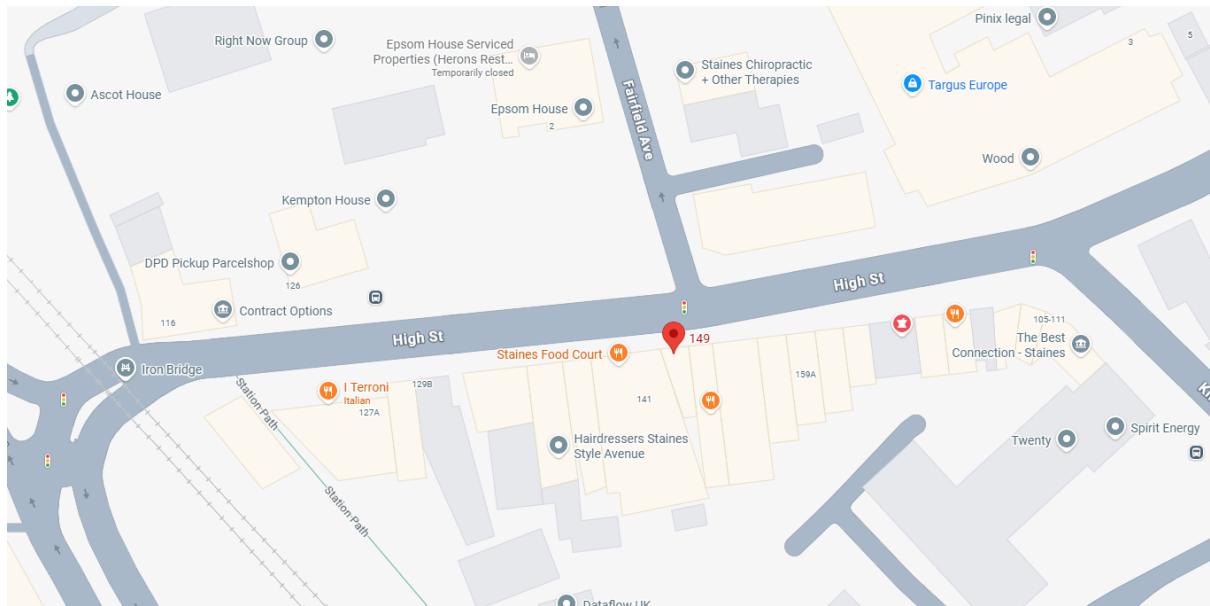
- Section 16 (16.1-16.14)
- Section 16 (16.41-16.50 and 16.52-16.58)
- Section 22 (22.1-22.4)
- Section 23 (23.1-23.4)

Appendix H – Extract from National Guidance on Reviews

- Section 1 (1.1-1.19)
- Section 2 (2.1- 2.7)
- Section 2 (2.28-2.38)
- Section 11 (11.1-11.11)
- Section 11 (11.16-11.29)

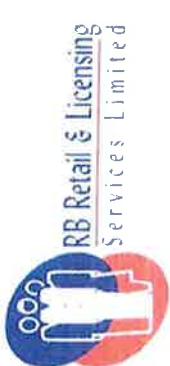
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Appendix A – Location Plan



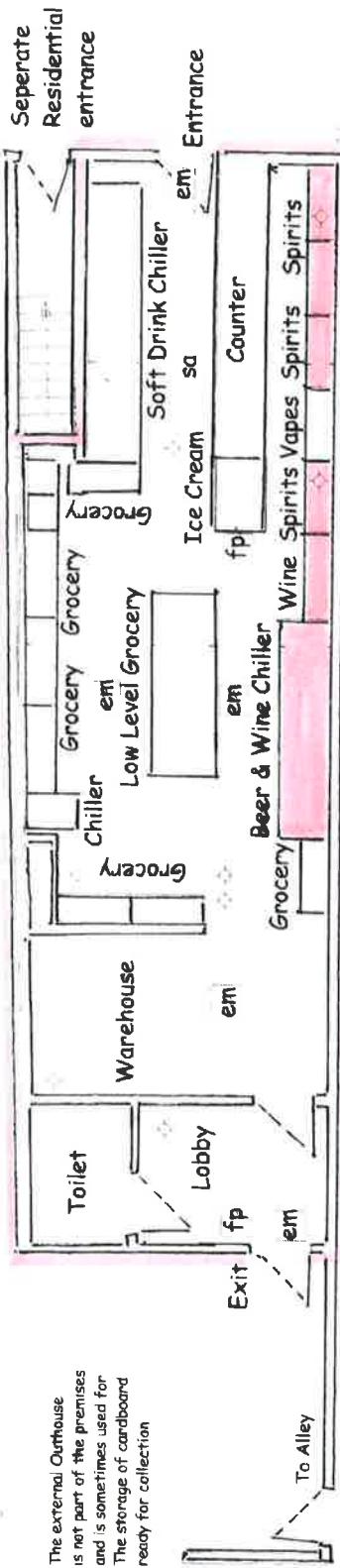
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Appendix B



Key

- em Emergency Lighting
- fp Fire Extinguisher
- sa Smoke Alarm
- CCTV camera



Tony's Food & Wine
149 High Street
Staines
TW18 4PA
Drawing Ref: RB2011
Drawn by RB Retail & Licensing Services Ltd
Date: 7 th June 2025

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PREMISES LICENCE

Premises licence number 05/00410/LAPRE
Issue Date 17 August 2005
Latest Revision 24 June 2025 (25/00406/LAPRE)

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description Tonys food and Wine 149 High Street			
Post town	Staines	Post code	TW18 4PA
Telephone number	REDACTED AS PERSONAL DATA		

Where the licence is time limited the dates
--

Licensable activities authorised by the licence Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means: a. Monday - Saturday, other than Christmas Day, 8 a.m. to 11 p.m. b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m. c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. d. On Good Friday, 8 a.m. to 10.30 p.m. The above restrictions do not prohibit: (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel; (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (c) the sale of alcohol to a trader or club for the purposes of the trade or club; (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

The opening hours of the premises
--

Where the licence authorises supplies of alcohol whether these are on and/or off supplies For consumption off the premises
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Appendix B – Current Licence

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Praveen Vinayagamoorthy
REDACTED AS PERSONAL DATA

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

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

Praveen Vinayagamoorthy
REDACTED AS PERSONAL DATA

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

REDACTED AS PERSONAL DATA

Signed _____

Principal Licensing Officer

Dated 24 June 2025

Annex 1 - Mandatory conditions

Mandatory Conditions

Mandatory Condition: where a premises licence authorises the supply of alcohol:

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 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.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2010 (Age Verification Policy)

- (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.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (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 sold alcohol, identification bearing their photograph, date of birth and either-
 - a) A holographic mark, or
 - b) An ultraviolet feature
- (4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 (Below Cost Selling Order)

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(6);
 - (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 the 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 the 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

Appendix B – Current Licence

- (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 the Value Added Tax Act 1994(7).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this 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.

(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

Annex 3 – Plans

Attached

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

I, **Personal data**, Head of Trading Standards

Apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

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

Tony's Food & Wine – 149 High Street

Post town Staines	Post code (if known) TW18 4PA
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Name of premises licence holder or club holding club premises certificate (if known)

Praveen Vinayagamoorthy

Number of premises licence or club premises certificate (if known)

05/00410/LAPRE

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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 ✓ yes

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
Personal data , Head of Trading Standards, Buckinghamshire and Surrey Trading Standards, Woodhatch Place, Cockshot Hill, Reigate. RH2 8EF
Telephone number (if any)
Personal data
E-mail address (optional)
Personal data @surreycc.gov.uk

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

Please tick one or more boxes ✓

1) the prevention of crime and disorder x

2) public safety

3) the prevention of public nuisance

4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

Buckinghamshire & Surrey Trading Standards are requesting a review of the premises licence of Tony's Food & Wine Staines on the grounds of the prevention of crime and disorder for the reasons detailed below and in the accompanying evidence.

Counterfeit and smuggled tobacco have been seized from the licensed premises.

Illicit vapes have been seized from the licensed premises.

The keeping of smuggled alcohol or tobacco on licensed premises is a breach of S144 of the Licensing Act 2003.

The Secretary of States S182 Guidance paragraph 11.27 confirms that there is certain criminal activity arising in connection with licensed premises which should be treated particularly seriously, included in the list of activities is the sale or storage of smuggled tobacco.

In the circumstances Trading Standards requests that consideration is given to the revocation of the premises licence and confirms that it is our opinion that this is necessary and proportionate to ensure that the licensing objective the prevention of crime and disorder is met.

Please provide as much information as possible to support the application (please read guidance note 3)

30 January 2024 Trading Standards visited the premises following complaints of underage sales; the business was advised about these matters and about non-compliances with imported food, food not intended for single sale (multi pack food without mandatory food information), food without English labelling, food with non-permitted additives and the open display of tobacco products in breach of the legislation. **Personal data** [REDACTED]. It was subsequently discovered that the Designated Premises Supervisor had left the business in February 2022 and that the current business had failed to transfer both the Premises Licence and Designated Premises Supervisor.

30 January 2024 a food registration form was received in the name of Everydayz VM Ltd which provided a starting date for the business of 01/06/2023, with the Director being Kajanan Vinayagamoorthy.

12 February 2024 the premises licence and Designated Premises Supervisor was transferred into the name of Monisha Vinayagamoorthy.

23 November 2024 the premises licence and Designated Premises Supervisor was transferred into the name of Mr Praveen Vinayagamoorthy.

Both the two premises licence holders and the Director share the same correspondence address.

12 February 2024, the premises passed a vapes underage sales purchase.

January 2025, intelligence was received that the premises were selling illicit vapes.

March 2025, intelligence was received that the premises were selling vapes, alcohol and tobacco products to children.

On 16 April 2025 a multi-agency visit was undertaken at the premises. A total of 930 sticks of cigarettes were seized from the premises, these were a mixture of illicit white cigarettes and counterfeit cigarettes and 47 illicit vapes were seized. All the items seized were discovered together in the kitchen area of the premises. A full Trading Standards inspection was conducted at the same time and non-compliances

with imported food, food not intended for single sale (multi pack food without mandatory food information), food without English labelling, food with non-permitted additives and the visible display of tobacco products in breach of Trading Standards enforced legislation were discovered.

The premises had been altered and the shop floor area extended between the two inspections without the premises licence being amended.

During a telephone conversation with the Director, he admitted to intentionally storing and selling illicit tobacco from the licensed premises.

Intelligence has subsequently been received, that whilst the premises stopped selling illicit tobacco for a short period of time, the premises has started to sell illicit tobacco again.

On 27 August 2025, the premises sold alcohol to a child assisting with an underage sales test purchase operation.

On 27 August 2025 a Police and Trading Standards inspection was undertaken at the premises – illicit tobacco was discovered concealed in the kitchen cupboard and concealed in a suitcase in a padlocked outbuilding, illicit vapes and single use vapes were also discovered on the premises.

Trading Standards have attempted to engage with the Director of the business providing him with guidance and instructions; the Director has failed to take action on matters raised by Trading Standards and as such Trading Standards have no confidence in his ability to run these licensed premises or to ensure that the Licensing Objectives are met.

Further detail is provided in the statement of Senior Trading Standards Officer **Personal data**.

Businesses that are willing to sell illicit tobacco products receive an unfair trading advantage over businesses trading legitimately; the sale of these products undermines Smoking Cessation policies as well as resulting in a significant loss of tax revenue to the Country.

The Secretary of States S182 Guidance paragraph 11.27 confirms that there is certain criminal activity arising in connection with licensed premises which should be treated particularly seriously, included in the list of activities is the sale or storage of smuggled tobacco.

In the circumstances Trading Standards requests that consideration is given to the revocation of the premises licence and confirms that it is our opinion that this is necessary and proportionate to ensure that the licensing objective the prevention of crime and disorder is met.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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

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

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

y

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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant, please state in what capacity.

Personal data

Signature

Date **21.10.2025**

Capacity **Head of Trading Standards**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)
Buckinghamshire and Surrey Trading Standards, Woodhatch Place, Cockshott Hill

Post town Reigate	Post Code RH2 6EF
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Tel: 01296 443 443
Email: general.enquiries@bucksand surreytradingstandards.gov.uk
General Enquiries: 0800 169 0080
www.bucksandsurreytradingstandards.gov.uk

Tony's Food + Wine
149 High Street
Lambourn
Staines

trading standards
TRADING STANDARDS
Walton Street Offices,
Aylesbury,
Buckinghamshire, HP20 1UP

Woodhatch Place, 11
Cockshot Hill, Reigate, Surrey
RH2 8EF

Your Ref:

Our Ref: CMB/UAS/VAPES

30th January 2024

Dear Sirs

**Children and Families Act 2014
The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations
2015.**

This Service has received a complaint alleging that your business has supplied a nicotine inhaling product (E-Cigarette) to a person under the age of 18 years.

You are advised that it is a criminal offence to sell nicotine inhaling products to persons under 18 years of age and can lead to a fine of up to £2500.

A nicotine inhaling product is defined in the above Regulations as a nicotine inhaler device, nicotine cartridge or nicotine refill substance.

A nicotine inhaling device means a device which—

(a) is intended to enable nicotine to be inhaled through a mouth piece (regardless whether the device is also intended to enable any other substance to be inhaled through a mouth piece), but

(b) is not tobacco, cigarette papers or a device intended to be used for the inhalation of lit tobacco;



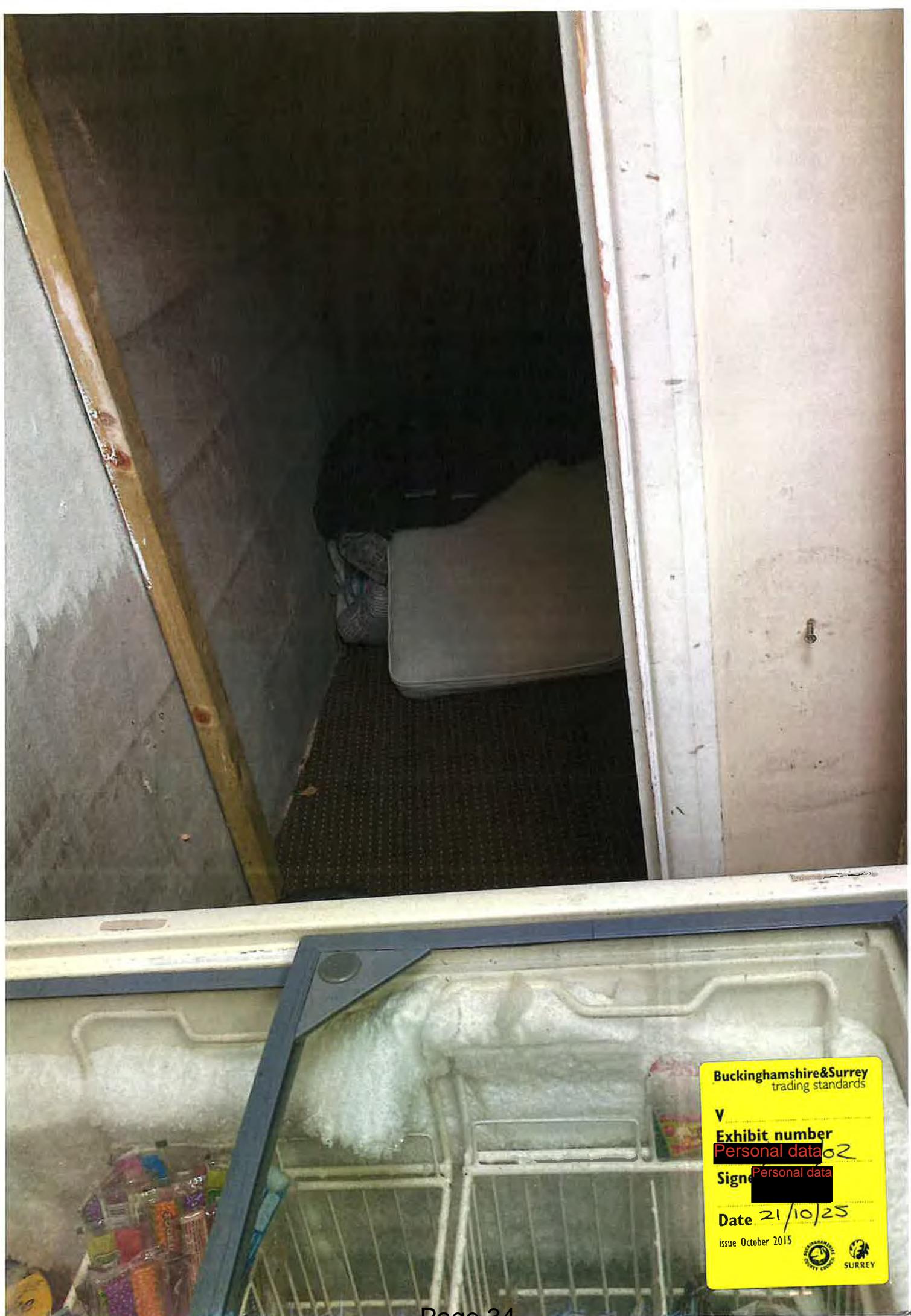
Chartered Trading
Standards Institute
corporate affiliate member

Buckinghamshire & Surrey
trading standards

V
Exhibit number
Personal data [redacted]
Signer [redacted] Personal data
Date 21/10/25
Issue October 2015





Buckinghamshire & Surrey trading standards

I have LPL guidance
re Tobacco &
vapes plus
single use vapes ban.

Trading Standards, Walton Street Offices, Aylesbury, Buckinghamshire HP20 1UA
Trading Standards, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey RH2 8EF

Telephone: 0300 123 2329

Email: trading.standards@surreycc.gov.uk
www.bucksandsurreytradingstandards.gov.uk

VISIT REPORT

Name of business Tony's Fanci-Foods Date 16/4/2025 Time 16:00 hrs

Alternative name Contact name

Address 1 High Street, Stevenage

Website E-mail

Reason for visit Inspect. Price list Tel. No.

Best practice advice/comment

+ the name + address of the UK importers you have been authorised previously - Dabone Macra, Pele Blister & Kevi Cosperario Rec, Importer cups without white labels - Indian Herbs hot chocolate, Creme brulee, USA soft drink brands. Dope balls + Kunafe. Dulce chocolate - remove from sale.
+ Mtn Dew all flavours remove from sale + disposal of this content = non-permitted additives - unsafe food
+ I am requiring you to stamp the supply of the Mtn Dew and 111 types of Kunafe Dulce chocolate to be supplied by 30/04/2025 - email as above. Failure to provide is a criminal offence.
+ lots of mostly prices = every thing you sell must be accurate & Tobacco display visible.

Potential breaches identified

1. Sale of 930 shots of cigarettes - Flavoured sugar, Top Secret, Gold Flakes + Marlboro Gold - smuggling/mini-lit, poor

2. Sale of illicit vapes off-limits max 2ml single tank size

3. 47

4. Sale on sale with non compliant food information which is not in English - remove from sale until such/all food information is in the correct format in English with all key information in the ingredients list + any hyperlinks clearly

contrary to Current & Rated Product Page, Food Information Page and you are advised/required to take corrective action within

Personal data

Officer (sign) Personal data

(print name)

Personal data

Buckinghamshire & Surrey trading standards sign)

Personal data

(print name)

Personal data

Personal data Contact Position Sales

V

Exhibit number

Personal data

Signed

Personal data

Date 21/10/25

Issue October 2015



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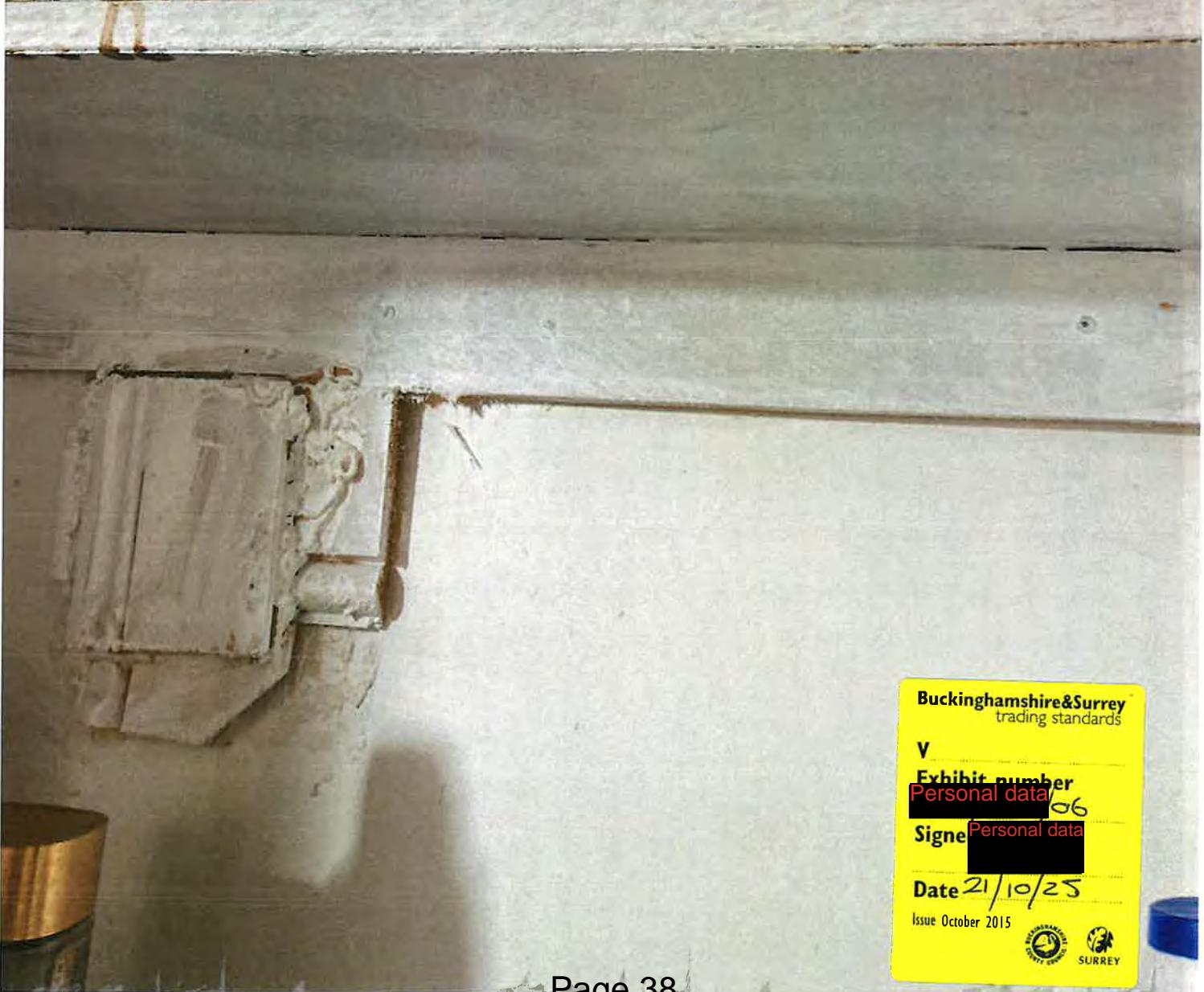


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Issue October 2015

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BUCKINGHAMSHIRE COUNTY COUNCIL
SURREY





PLATINUM

PREMIUM BLEND



BLUE

MADE IN THE U.S.A.
U.S. PROPRIETARY
FOR U.S. CONSUMERS
TOBACCO USE CAN DAMAGE HEALTH
LUNG CANCER, HEART DISEASE,
EMPHYSEMA, OTHER DISEASES







Buckinghamshire & Surrey
trading standards

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Issue October 2015





Buckinghamshire & Surrey
trading standards

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Issue October 2015





Buckinghamshire & Surrey
trading standards

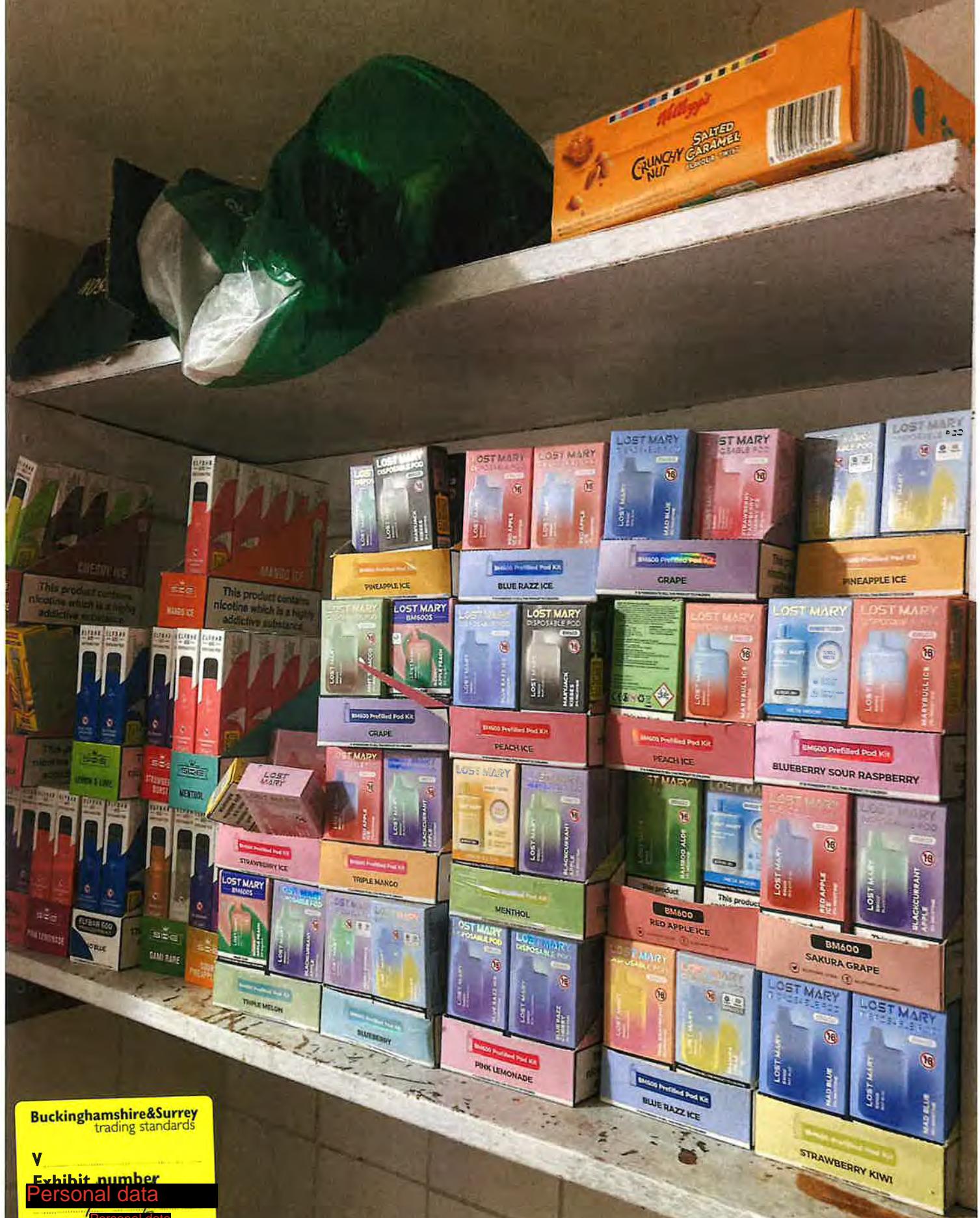
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Issue October 2015





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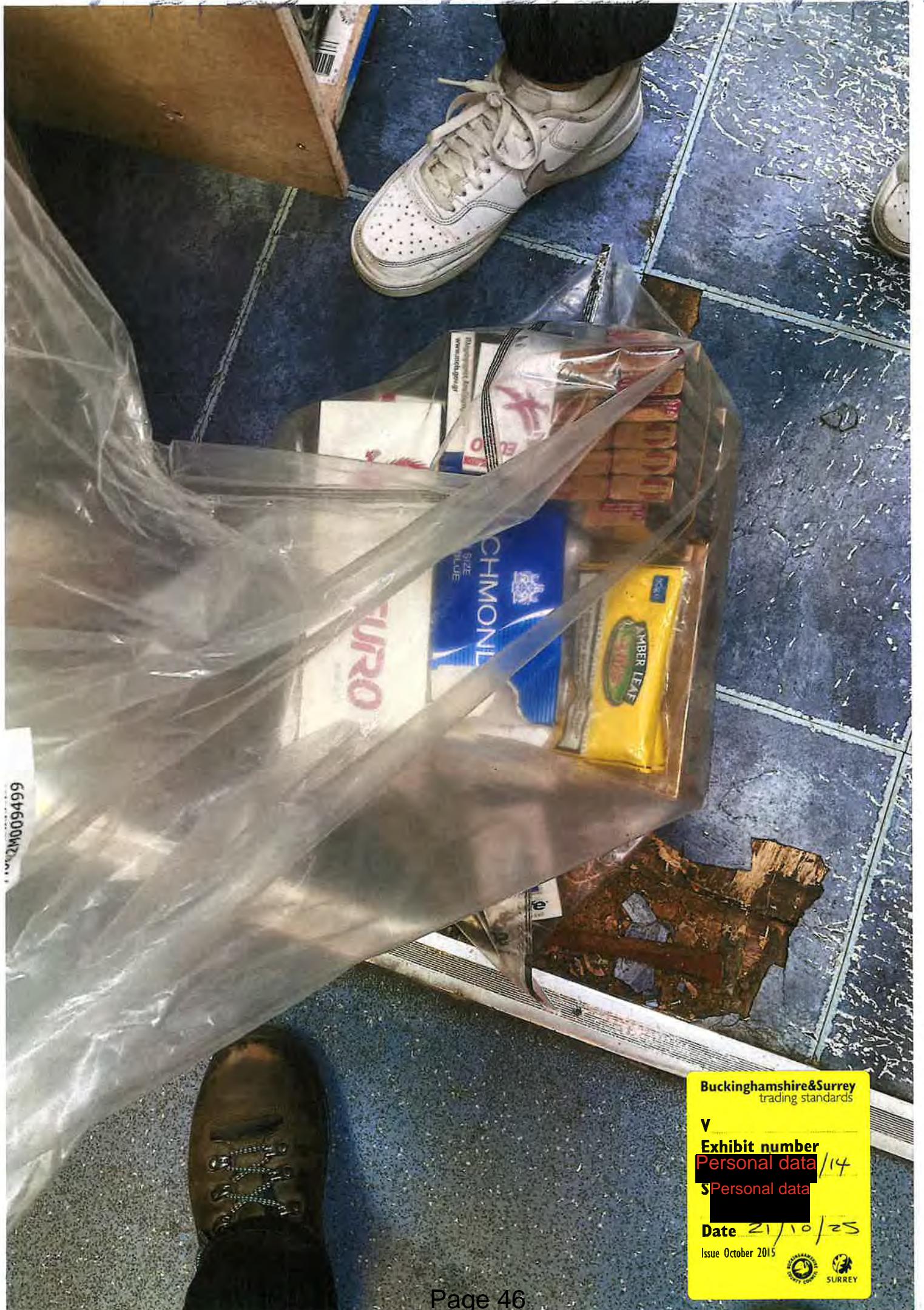
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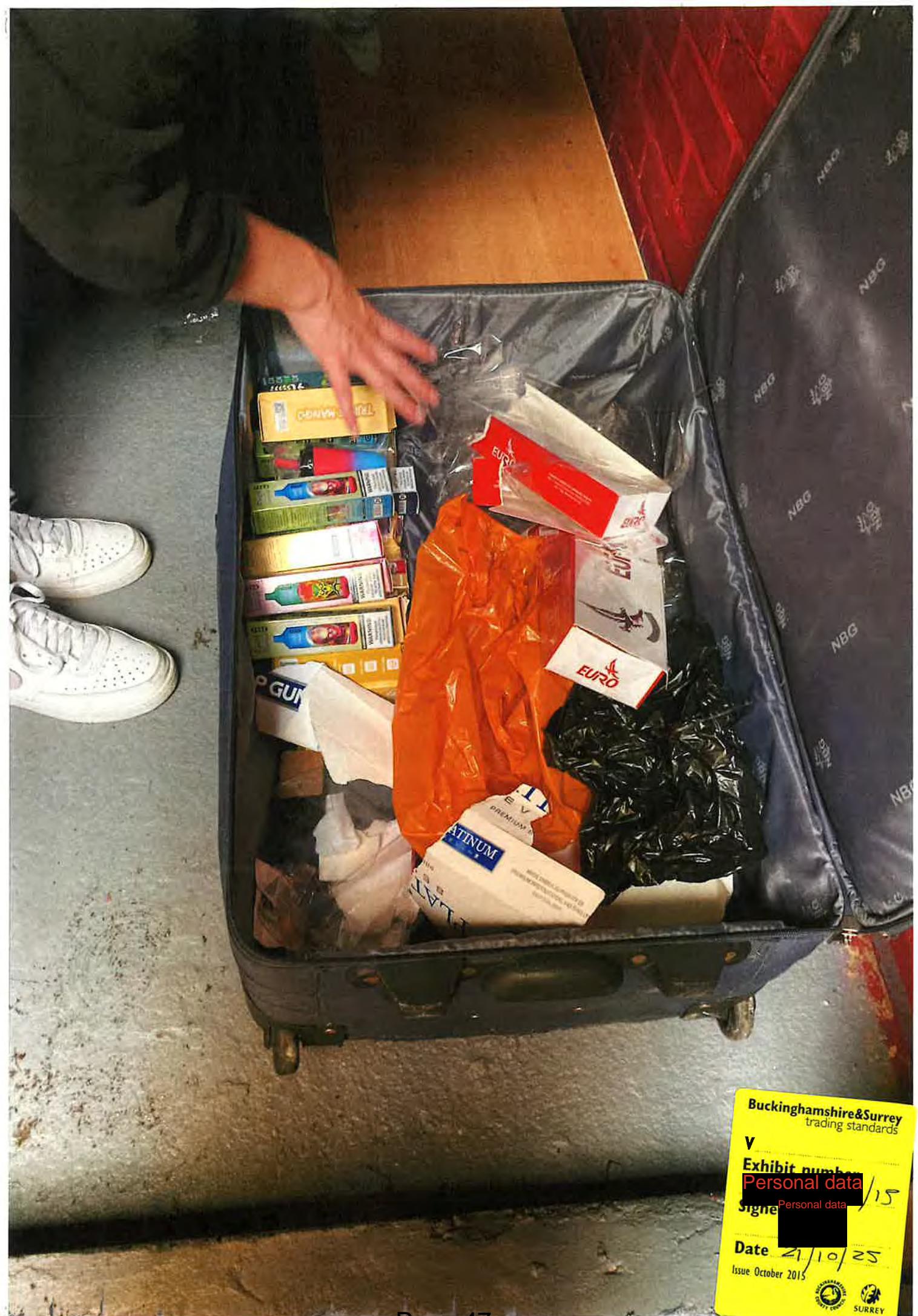
Date 21/10/25

Issue October 2015







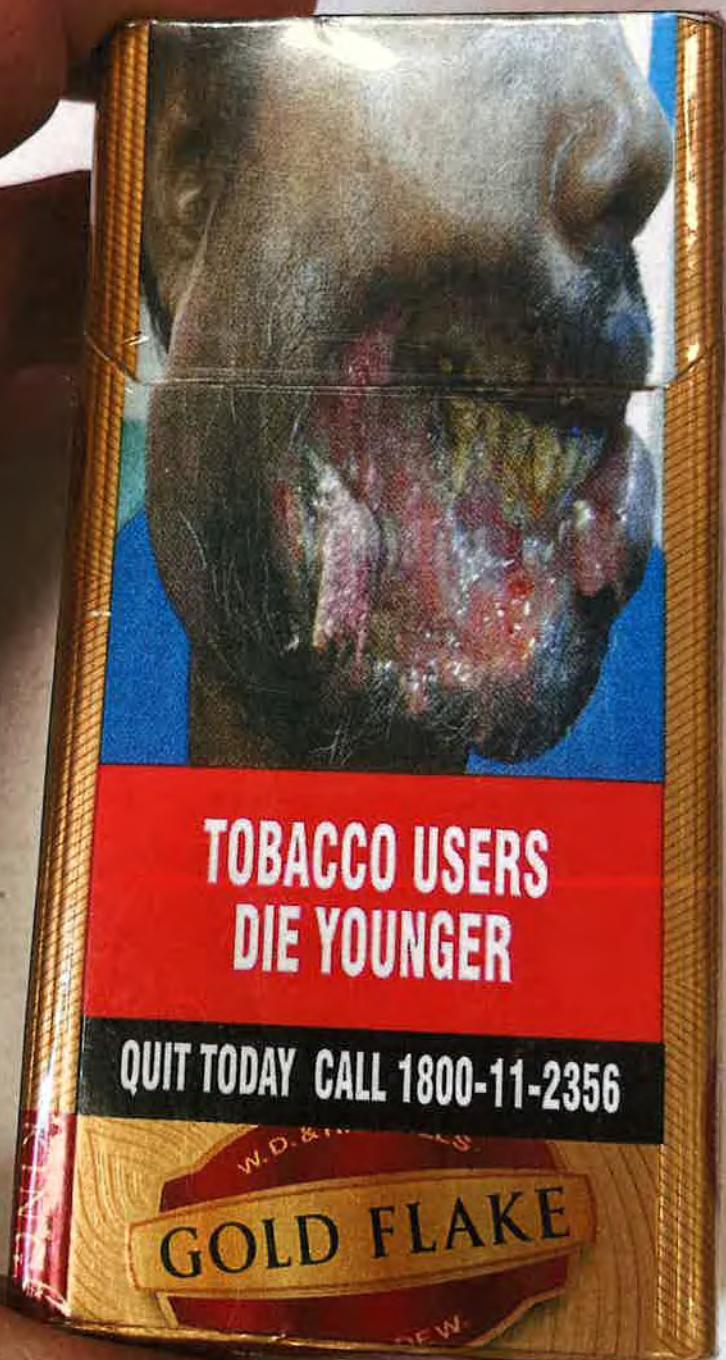






ADULTS ONLY
ALTER CIGARETTES

EUR



Buckinghamshire & Surrey
trading standards

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Date 21/10/25

Issue October 2015





OND

P
PLATINUM
SEVEN



BLUE

PREMIUM BLEND

Buckinghamshire & Surrey
trading standards

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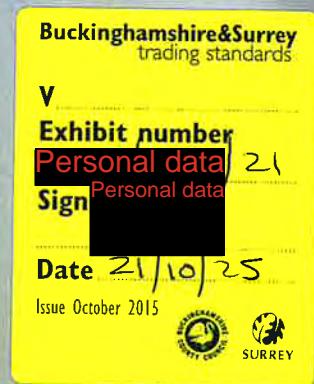
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Issue October 2015



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Continuing Witness Statement of: **Personal data**

Page 2

STATEMENT OF WITNESS

(Criminal Procedure Rules, r.16.2; Criminal Justice Act 1967, s.9)

Statement of: Personal data**Age of Witness:** Over 18
(If over 18, enter "Over 18")

This statement (consisting of 7 page(s), each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 21st October 2025

Personal data

Signature:

I am a Senior Trading Standards Officer with Buckinghamshire and Surrey Trading Standards and as such I am authorised under the Consumer Rights Act 2015; the Trade Marks Act 1994 and I am a Food Officer. I am making this statement in respect of an application seeking a review of the Premises Licence in relation to Tony's Food & Wine – 149 High Street, Staines. I can confirm that I first attended the premises on 30 January 2024 following receipt of complaints that the premises were selling nicotine inhaling devices (vapes) to children. At the time I was unaware that there had been a change in ownership of the business. I noted that the member of staff appeared to have a poor understanding of English, I provided a letter advising the business about the allegations of the sale of vapes to children together with a copy of some business guidance about underage sales, I produce and identify as **Personal data**/01 a copy of the letter provided to the business. At the time of my inspection, the tobacco products in the gantry were visible and the premises also had cigarettes on open display in the vapes display at the front of the sales counter, this is a breach of Trading Standards enforced legislation; the premises were not displaying their premises licence or the Statutory Tobacco Notice; I also noted that there appeared to be a mattress and bedding in an open cupboard, giving the impression that somebody was sleeping on the premises; I produce and identify as **Personal data**/02 a copy of the photo that I took

Personal data

Signature: _____ Signature witnessed by: _____

Continuing Witness Statement of: | Personal data

Page 3

at the time; there was chocolate confectionery on sale, which were clearly marked not for individual sale and were without mandatory food information including allergen information; food on sale without mandatory food information including allergen information in English and food on sale with non-permitted additives; I noted that the business were selling Warka Strong beer 6.3% ABV (super strength) for £1.49 and Karpackie beer and Kestrel Super beer both 9% ABV (super strength) for £1.99 and due to concerns about the price of the superstrength beers I requested copy invoices showing the supply of these products. Prior to leaving the premises I spoke to a male on the telephone who told me that he was the owner of the business and I explained to him the various issues discovered during the course of the inspection; he denied that the business sold vapes to children and instead named 3 other businesses in the vicinity which he stated sold age restricted products to children and stated that his member of staff had received abuse for refusing to serve vapes to children. I now know this male as Kajanan VINAYAGAMOORTHY. I left a copy of my inspection report detailing the non-compliances and the action required of the business before leaving the premises, I produce and identify as Personal data 03 a copy of the inspection report. On 31 January 2024, following receipt of an email from Kajanan VINAYAGAMOORTHY requesting a pdf copy of the inspection report, I sent him a typed version of the inspection report and he provided me with a number of photos confirming action taken and providing names of some of his suppliers but no invoices; I also provided him with an email address to contact Spelthorne Licensing Team to obtain a copy of the premises licence. I subsequently contacted Police Licensing and Surrey Fire & Rescue Service about the issues discovered and received confirmation from Surrey Fire & Rescue Service that they had visited the premises on 02 February 2024 and had discovered the bedding and mattress and that this had been disposed of; they provided me with a copy of the letter that had been written to Kajanan VINAYAGAMOORTHY on 13 February 2024; Police Licensing also confirmed that they had contacted the named Designated Premises Supervisor on the premises licence and he had confirmed that he had left the business in February 2022. It is unclear exactly when Kajanan VINAYAGAMOORTHY took over ownership of Tony's Food & Wine, a Food Registration form was received in the name of Everydayz VM Ltd on 30 Personal data

Continuing Witness Statement of: **Personal data**

Page 4

January 2024, showing Kajanan VINAYAGAMOORTHY as the Director and stating that the business started trading on 01 June 2023; Everydayz VM Ltd was incorporated on 14 November 2023; the Premises Licence and Designated Premises Supervisor was transferred into the name of Monisha VINAYAGAMOORTHY on 12 February 2024 and then both were transferred again into the name of Mr Praveen VINAYAGAMOORTHY on 23 November 2024; **Personal data**

Personal data it appears that at the time of the inspection, the premises was without a Designated Premises Supervisor. An underage test purchase at the premises was undertaken on 12 February 2024 and on this occasion the premises refused to sell to the child assisting with the operation. On 13 January 2025, intelligence was received that the premises were selling illicit vapes; these are vapes which breach the Regulations, exceed the maximum permitted limits for nicotine containing devices and which have not been safety assessed or registered with MHRA as required by the legislation at the time. On 24 March 2025, intelligence was received that the premises were selling age restricted products to children. On 16 April 2025 a multi-agency visit to the premises was undertaken; at the time we entered the premises, there was a female working behind the counter, it appeared that she had a poor understanding of English. I noted that the shop floor area appeared to have been extended. A significant quantity of the stock was not priced unless the goods were price marked; this is contrary to Trading Standards enforced legislation; the premises had food on sale without mandatory food information including allergens information in English; imported food on sale with non-compliant food information and food on sale containing non-permitted additives – the same products had been discovered on sale during the inspection in January 2024 and the business had been advised fully at that time. The display of tobacco was also visible to customers, contrary to legislation enforced by Trading Standards. To the rear of the shop, I discovered a kitchen area, which was being used to store stock; in the bottom cupboards of the kitchen sink unit and on a shelf above the kitchen sink, I discovered a number of carrier bags containing tobacco products and nicotine containing vapes; on examination the majority of the cigarettes appeared to be illicit whites (cigarettes not intended for the UK Market), some Marlboro Gold cigarettes had Personal data

Continuing Witness Statement of: **Personal data**

Page 5

indicators of being counterfeit and Gold Flake cigarettes were in packs of 10, in breach of Trading Standards enforced legislation, all cigarettes were in branded packaging rather than in plain packaging, in breach of Trading Standards enforced legislation and not labelled or intended for the UK market. The majority of the vapes discovered exceeded the maximum permitted single tank size and were missing required information; these vapes have also not been registered with MHRA or gone through the required safety assessments; in addition there were a small number of compliant vapes mixed in with the illicit vapes and tobacco; I seized 420 Platinum Seven Blue cigarettes; 20 Platinum Seven Red cigarettes; 200 Platinum Seven Gold cigarettes; 180 Top Gun cigarettes; 30 Gold Flake cigarettes (3 x packs of 10) and 80 Marlboro Gold cigarettes, a total of 930 sticks were seized. I seized 30 x Crystal Pro Max nicotine containing vapes; 6 x WGA Crystal nicotine containing vapes; 8 x Hayati Pro Max nicotine containing vapes, 1 x Hayati Pro Ultra nicotine containing vape; 1 x R & M Tornado nicotine containing vape and 1 x Twister Bar nicotine containing vape. I also checked the rear covered yard and outbuilding and can confirm that no further illicit stock was discovered in these areas. Whilst we were in the premises, the female member of staff was talking on her mobile phone; I spoke to the person on her phone, who confirmed he was the owner; I explained the issues I had discovered and that I would be seizing the tobacco and vapes and he provided me with an unsolicited comment that the vapes had been removed from sale as his customers were not interested in buying them and that his customers had kept asking him for cheap cigarettes and he had decided to stock them for his customers and because everyone locally were selling them. I left a copy of an inspection report at the premises before leaving; I produce and identify as **Personal data** 04 a copy of the inspection report and I produce and identify as **Personal data** 05 – **Personal data** 11 a copy of the photos I took of the tobacco and where it was being stored on the premises; shortly afterwards I received a telephone call from I believe the same male I spoke to whilst I was in the shop and I received a number of WhatsApp messages from the same number at 19.03 – 19.05 hours which stated that it was from Praveen confirming that he had received the inspection report, had removed a number of items as requested and that he had requested invoices from his supplier; I received a further message on 18th April 2025.

Personal data

Signature: _____ Signature witnessed by: _____

Continuing Witness Statement of: **Personal data**

Page 6

confirming the invoices had been sent. These documents were received by email; one invoice supplied is dated 16/04/2025, the second is dated 17/04/2025, the copy of the third invoice does not have the date in the picture. Samples of the Marlboro Gold cigarettes have been submitted to the Brand Holder who have confirmed that these cigarettes are counterfeit. Further intelligence has been received that whilst the business stopped selling illicit tobacco for a period of time, the sale of illicit tobacco from the shop started again within a few weeks. 27/08/2025 an alcohol underage sales test purchase operation was undertaken by Surrey Police in the Central Staines area; of the 5 premises tested, only Tony's Food & Wine sold alcohol to the child assisting with the operation. I joined Surrey Police Officers at the premises shortly afterwards and can confirm that I inspected the kitchen area and identified a display of Single Use Vapes displayed on the shelving unit over the sink, I produce and identify as **Personal data**12 a copy of the photograph I took of the display; I checked the cupboard under the sink, where I had discovered illicit tobacco concealed in April 2025; on this occasion, I discovered under another bag of items, a bag containing cigarettes which I can confirm are illicit whites, a total of 280 sticks of Top Gun cigarettes were discovered in the bag and 420 Single Use Vapes were discovered displayed on the shelving; Single Use Vapes have been banned since 01 June 2025; I produce and identify as **Personal data**13 a copy of the photograph I took of the bag containing the illicit cigarettes; access to the outbuilding was initially prevented as a fingerprint padlock had been installed since the inspection in April 2025; the female member of staff and manager on the telephone denied being able to open the padlock; access was achieved by the Police. Inside the outbuilding a suitcase was discovered which was found to contain both illicit tobacco (cigarettes and hand rolling tobacco) and illicit vapes, these were seized by the Police; a total of 160 sticks of Gold Flake cigarettes in packs of 10, contrary to Trading Standards enforced legislation; 564 sticks of Euro cigarettes; 200 sticks of Platinum 7 Gold cigarettes; 20 sticks of Platinum 7 Blue cigarettes; 160 sticks of Richmond cigarettes; 20 sticks of Marlboro Double Burst Menthol cigarettes (in breach of Trading Standards enforced legislation as to flavours); 100g Amber Leaf Hand Rolling Tobacco and 20 illicit vapes all above the **Personal data** maximum single tanks size and not on the MHRA database were seized; I produce and **Personal data**

Continuing Witness Statement of: **Personal data**

Page 7

identify as **Personal data** 14 – **Personal data**/15 a copy of the photographs I took of suitcase and the seized tobacco removed from the suitcase and I produce and identify as **Personal data**/16 – **Personal data**/23 a copy of the photographs I took of the various brands of tobacco that were seized. A further 1043 Single Use vapes were seized by the Police from displays on the sales counter and behind the sales counter; whilst the Designated Premises Supervisor denied that these vapes were Single Use, saying he had been told by his supplier that they were legal; these have been examined by both myself and a colleague who is a member of the National Vapes Expert Panel and have been confirmed as being Single Use. I can confirm that samples of the Richmond cigarettes and the Amber Leaf Hand Rolling Tobacco have been submitted to the Brand Holder who has confirmed that both products are counterfeit. On 03 September 2025, I emailed the business as during the course of the visit on 27 August 2025, I had noticed that the premises were selling Labubu dolls, which had indicators of being counterfeit and potentially were unsafe toys and they were also selling an imported soft drink with a non-permitted additive, in respect of which I had already advised the business about in January 2024; I instructed the business that these items had to be removed from sale and disposed of responsibly and I requested copy invoices showing the supply of these items to the business. On 15 September 2025, I emailed the business again, as they had failed to provide the traceability information by the deadline and to confirm that the vapes seized from the shop counter area breached the Environmental Protection Single Use Vapes Regulations and would not therefore be returned. I received an email response from the business on the same day, stating that they couldn't find the invoice for the Labubu dolls as they were old stock and stating that both the soft drink and the vapes were purchased from a name supplier but no actual invoices showing the supply of the products were provided. No further contact has been received from the business. On 08 August 2025 a colleague attempted a covert test purchase of illicit tobacco, but the premises was closed at 11.30 hours and remained closed for approximately an hour. A further attempt was made on 29 August 2025, the premises was closed at 10.00 hours, but was found to be trading at 11.45 hours. My colleague asked the female member of staff whether they had Top Gun or Platinum cigarettes available she responded, and I quote: "No" **Personal data**

Continuing Witness Statement of: | **Personal data**

Page 8

*longer selling Top Gun, Platinum cigarettes or other cheap cigarettes. Problem police
came last week. Now only selling English cigarettes." [REDACTED]*

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Representation Licensing Tonys Food & Wine 149 High Street, Staines-upon-Thames TW18 4PA

The Premises licence holder and DPS is Praveen Vinayagamoorthy – this has been the case since 21 November 2024.

Licensing, Trading Standards and Surrey Police visited the premises on 16 April 2025. A full licensing inspection was carried out and there were several licensing breaches. An email was sent (on 15 May 2025) to the licence holder, and this is attached at **Appendix A**. In summary:

- There was no Section 57 notice advising who the premises licence is under the control of.
- CCTV monitor was turned off. Whilst this was not a licensing breach it is reasonable to expect that it works when they have it and it shows promotion of the licensing objectives.
- No age verification policy.
- Premises floor plan had changed.
- Fire escape was blocked
- Illegal vapes and cigarettes which were seized by Trading Standards.

In response to the letter, the licence holder appointed a licensing agent to submit a minor variation application to the plan. In addition, various photographs were sent. The photos showed that:

- A challenge 25 poster was displayed at the front of the premises.
- Photo of refusal book
- Staff training – which stated ‘till work’.

The Licensing Authority visited the premises on 30 October 2025. At the visit there was various licensing issues identified at the time and a copy of our email correspondence is attached at **Appendix B**. In summary:

- Summary of premises licence was not on display
- Refusals were not comprehensive enough
- No authorisation for staff to sell alcohol in his absence.
- No staff training
- No CCTV warning signs

It was also concerning to note that the fire escape was blocked. There was also a couple of other issues in respect of the flooring was rotting and the cigarettes were not covered up. In relation to this we notified the relevant authorities.

Trading Standards have submitted a review application in respect of this premises licence. This is following multiple breaches of legislation and on the 27 August 2025 the premises sold alcohol to a child during an underage sales test purchased operation. When Trading Standards and Police inspected the same day illicit tobacco was discovered hidden within the premises.

The Section 182 Guidance states that there is ‘certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously’.

It goes on to state that 'for the sale or storage of smuggled tobacco and alcohol'.¹ The guidance goes onto state at 11.28 that "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."

The Section 182 Guidance states at 2.29 "the Government believes that it is completely unacceptable to sell alcohol to children".

The Licensing Authority's Statement of Licensing Policy states²:

- 16.57 The Licensing Authority is committed to protecting children from harm and supports the programme of **underage** test purchases arranged by the Surrey Trading Standards Service, the Licensing Team and Police. Where **underage** sales are found, the Licensing Authority supports the appropriate and proportionate use of warnings, fixed penalty notices, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act proportionately.
- 16.58 In keeping with the s.182 Guidance the Licensing Sub-Committee will treat **underage** sales as serious criminal activity and will give consideration to the suspension or revocation of a licence if a review is brought in respect of **underage** sales.

All Licence Holders and Designated Premises Supervisor must promote the licensing objectives. Due to the issues detailed in this document and the review application from Trading Standards the Licensing Authority believe that the Licensing Objectives are not being adhered to- specifically, the prevention of crime and disorder and the protection of children from harm.

The Licensing Authority recommends in line with the guidance that the premises licence should be revoked.

Lucy Catlyn – Principal Licensing Officer
Stuart Bruce-Reid – Licensing Enforcement Officer

¹ Section 11.27 Section 128 - [Revised guidance issued under section 182 of the Licensing Act 2003 \(February 2025\) \(accessible version\) - GOV.UK](#)

² [Licensing Policy 2024-2029](#)

Appendix A: Letter to Premises 14 May 2025

Praveen Vinayagamoorthy
Via email
everydayzsuperstore@gmail.com

Contact: Stuart Bruce-Reid
Service: Environmental Health
Direct line: 01784 444213
Fax: 01784 446437
E-mail: s.bruce-reid@spelthorne.gov.uk
Our ref: 24/00699/LAPRE

Date: 14 May 2025

Dear Praveen Vinayagamoorthy

Licensing Act 2003
Tonys Food And Wine Tonys Food And Wine 149 High Street, Staines, TW18 4PA

I write further to a visit carried out to the above premises on 16 April 2025 with Stuart Bruce-Reid, Licensing Enforcement Officer and Jacquie Clark, Surrey Police Licensing Officer and Surrey Trading Standards officer Catriona Macbeth and Surrey Police. In attendance at the premises was Sabapathipillai Yugeswari serving.

During the visit a full premises licence inspection was carried out and there are a number of licensing breaches which I have outlined below that must be rectified:

Section 57 Notice

Under the Licensing Act 2003, you are required to display a notice advertising who the premises licence is under the control of.

This was missing.

CCTV

Your shop has CCTV fitted with cameras clearly visible and a monitor to display images was also present. Even though the monitor was turned off there was no way of checking that the CCTV was working. Any member of the public would see these and expect them to be working.

Unless you can prove otherwise, I will take it that the CCTV was operational and as such you should have CCTV warning signs clearly displayed.

Even though your licence does not stipulate that you must have CCTV, it is all part of complying with the licencing objectives and I would strongly recommend that this remains in place and working.

Age verification policy

Under the mandatory conditions you must have a proof of age policy. You must make sure that there is signage up to inform customers that you are checking the age of persons buying alcohol.

Fire exit and fire check door

Your plan shows that there should be a fire check door between the Staff Area and the shop floor, this was missing.

There were no fire exit signs to the rear of the shop and when I went out into the storeroom and then outside the rear of this area as you would to escape a fire, the end of this outside area was blocked and not usable as a fire escape.

Illegal tobacco and vapes

In the kitchen area we found numerous illegal vapes and cigarettes, these were seized by Surrey Trading Standards Officer.

This will be recorded by licensing and may be used as evidence if we have any concerns and enforcement action is to be taken.

Your licence has no other conditions apart from the mandatory ones, but what is expected of licensed premises have changed since your licence was issued. What is considered best practice and your due diligence to comply with the licencing objectives is still your responsibility and just saying 'it's not on my licence' is no defence.

Below is a list of procedures I would ask you adopt, so in the event of any incident you can prove you took all reasonable steps to prevent it.

- The adoption of Challenge 25.
- A refusal book, showing date and time and reason for refusal. You must ensure that your staff are trained on what is expected of them for refusals and that they are required to fill out this book.
- An incident log, showing date and time and what the incident was. You should be able to demonstrate that your staff have had training and this is regularly refreshed.
- A training record for yourself and staff. You should ensure both you and the member of staff sign to say they have received the training.
- CCTV recording for 31 days and downloads to be made available to any relevant authority.

Premises Plan

The area which was originally shown as staff area is now used to sell alcohol, this is out of sight of the counter, there is a camera covering this area, but is it working. Anyone could go into this area and drink from the displayed alcohol and the staff would not be aware of this. This is an area of great concern as underage or drunk person could consume alcohol here. This must be addressed before submitting the minor variation to change the plan.

I have attached the guidance for plans at the end of this document. Minor Variations can be applied for online here: [Premise Licences - Spelthorne Borough Council](#). There is a cost of £89 and the application will need to be advertised at the premises as well. You can download a notice to display using the above link.

As your plan does not reflect how the current premises is you are operating otherwise than accordance with your premises licence and this is an offence under section 136 Licensing Act 2003.

You must ensure that your minor variation is submitted by 21 May 2025 at the very latest. You may wish to consider appointing a licensing agent as we are unable to complete applications.

Yours sincerely

Stuart Bruce-Reid

CC

Surrey Police

Surrey Fire and rescue

Trading Standards

2.9 Plans

The plan of the premises should be included with the application, and copied to the responsible authorities as part of the application. The plan of the premises needs to meet the requirements set out in the act and the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, SI 2005/42 to show the following:

1. the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises
2. the location of points of access to and egress from the premises
3. if different from (2), the location of escape routes from the premises
4. in a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity
5. fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment
6. in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor
7. in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts
8. in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms
9. the location and type of any fire safety and any other safety equipment, including if applicable, marine safety equipment
10. the location of a kitchen, if any, on the premises

Appendix B –

Dear Praveen Vinayagamoorthy

We visited your premises on 30 October 2025 to put on display the review posters following a review application by Trading Standards. At the time we visited the person working was Ms. Y Sabapathipilai.

We noticed that the summary of the premises licence was not on display at the time. Under the Licensing Act 2003 you are required to display the Summary of the Premises licence.

I noted that you were doing refusals, however they were not comprehensive enough. The logging of refusals helps you to show due diligence, should you or a member of your staff inadvertently make an illegal sale. It is important to record as many details about the individual you refused as possible. It also helps you to perhaps establish a pattern. The logging of refusals should include:

- Date
- Time
- Product
- Reason for refusal/description of incident
- Description of person/action taken
- Name and signature
- Date checked and signed by DPS.

We also could not see anything where you have authorised your staff to sell alcohol in your absence. It is recommended that the designated premises supervisor authorises staff in an authorisation form to sell and serve alcohol in his/her absence. We suggest that this be kept at the premises to confirm that individuals who are not personal licence holders are authorised to sell alcohol in the absence of the designated premises supervisor. I have attached a copy of a form that you can complete and keep on site.

There was no staff training available. It is recommended that you keep written records of staff training and ensure they are regularly trained.

You had no CCTV warning signs - you must display signage to advise people they are being recorded. You should also ensure your CCTV is registered with the Information Commissioners Office.

I look forward to hearing from you by Monday 24 November with:

- Photo of CCTV warning signs on display
- Photo of summary on display
- Photos of your written authorisation for your staff to sell alcohol in your absence
- Staff training records.
-

We were also concerned to note other issues, which we have copied other partner agencies in for their follow up:

- There were 4 bin bags covering the fire exit at the back. It is not acceptable to cover up Fire Escapes as these are required to be clear for escape purposes.
- The cigarettes were not covered up. Cigarettes in the UK are meant to be legally covered up in all shops out of public view. The enforcing authority for this would be trading standards
- The shop floor was 'spongy' and soaking wet underneath the floor covering. This is suggestive of a leak or other issue with the flooring which appears to be rotting. Underneath the rubber mat water was coming out from underneath our feet (Photos attached). I would suggest this is a public safety issue.

Kind regards

Lucy Catlyn

Dear Praveen Vinayagamoorthy.

Follow up check from visit undertaken on 30 October 2025.

The full licence was displayed, you were able to provide the summary, I believe this was a mix up and this was rectified whilst I was there as where I would expect you to keep the full licence this was where the summary was.

The refusal book is now complying with the items we requested before, and each entry has been checked by yourself and signed.

You now have an authorised sellers list and the name match those shown in the training records.

Staff training, there is now a training record and there is a written list of training you have provided. You were able to show me prepared training documents. I would recommend that these training aids be identified in the training log so they can be referred back to.

There are now clear CCTV warning signs displayed.

I checked the rear fire escape, and this was clear, the cigarettes were now covered up and the floor has a new covering and no longer 'spongy'

Stuart Bruce-Reid

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From: REDACTED

Sent: 13 November 2025 16:01

To: Licensing <licensing@spelthorne.gov.uk>

Cc: Child Employment/CSFC/SCC <childemployment@surreycc.gov.uk>

Subject: FW: Application seeking a review of the premises licence - Tony's Food and Wine - 149 High Street, Staines TW18 4PA

Please see below for support of review of premises licence, apologies for not copying you into the initial response.

Kind regards

REDACTED

REDACTED

Child Employment Team Manager

Surrey County Council

Victoria Gate

Chobham Road

Woking

GU21 6JD

Direct: REDACTED

Mobile: REDACTED

Team: REDACTED

Email: REDACTED

From: REDACTED

Sent: 13 November 2025 15:58

To: REDACTED

Cc: Child Employment/CSFC/SCC <childemployment@surreycc.gov.uk>

Subject: FW: Application seeking a review of the premises licence - Tony's Food and Wine - 149 High Street, Staines TW18 4PA

Dear REDACTED

Thank you for your recent email and information regarding the application to review the premises licence for Tony's Food and Wine, TW18 4PA.

As the responsible authority under the licencing act in regard to the objective Protection of Children from Harm; we have considered the information provided and support the request for the review of the premises licence of the above-mentioned premises due to the safeguarding concerns raised. It is expected that all premises holders run their businesses in accordance with the Surrey CC guidance to fulfil the objective of the Licensing Act.

The statements provided within the review pack, indicates that the licence holder is not complying with the objective to ensure that age verification procedures relating to age restricted sales are in place to prevent children acquiring or consuming age restricted products. This is clearly evidenced by the failed test purchase case made in August 2025 where alcohol was sold to a child.

Appendix E – Representations from Child Employment from Surrey County Council

It is our view that the licence holder has failed in their responsibility to uphold the licensing objective to act to protect children from harm. We support your request to review the premises licence.

Please do come back to me if you require anything further.

Kind regards
REDACTED
REDACTED
Child Employment Team Manager
Surrey County Council
Victoria Gate
Chobham Road
Woking
GU21 6JD

Direct: REDACTED
Mobile: REDACTED
Team: REDACTED
Email: REDACTED

Spelthorne Borough Council Licensing Authority
Licensing Act 2003
REPRESENTATION FORM FROM INTERESTED PARTIES

Your name/organisation name/name of body you represent	Insp M Walton 3180 Borough Commander Spelthorne Surrey Police
Organisation name/name of body you represent (if appropriate)	Surrey Police
Postal and email address	Surrey Police PO Box 101 Guildford GU1 9PE
Contact telephone number	
Name of the premises you are making a representation about	Tony's Food and Wine
Address of the premises you are making a representation about	149 High Street Staines upon Thames TW18 4PA

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes Or No	<i>Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary</i>
To prevent crime and disorder	Yes	
Public safety		
To prevent public nuisance		

TW18 1XB
Email: licensing@spelthorne.gov.uk

The Premises Licence summary was still in the same location as it had been on the 16th April 2025 and no Section 57 was displayed.

Attached is a statement from PC R Fall 42544 who was the police officer in plain clothes that witnessed the sale of alcohol to the underage person. (appendix 3)

On the 21st November 2025 PCSO Z Timmings visited the premises and accepted a Community Resolution regarding the offence of selling alcohol to an underage person. A Community Resolution is a means of resolving a minor offence or incident of anti-social behaviour where the person responsible has admitted their part in the incident. The aim is for offenders to understand the impact of their behaviour on others and to find a way to repair the harm caused. It was authorised by Sgt Burgess 40675 as the most appropriate way of dealing with this incident was by means of a Community Resolution.

Also on the 27th August 2025 another joint visits was conducted by Surrey Police and Trading Standards because Trading Standards had received information that an inspection was required for this store.

Attached is the record of the visits produced by Sgt Anthony Brady 40871 and statement from DC J Lobb 42531 in relation to the seizure of multiple illegal vapes, tobacco and drug paraphernalia. (appendix 4 and 5)

We support Trading Standards application to revoke the Premises Licence because the premises is not promoting the Licensing Objectives which are fundamental to the Licensing Act 2003

The Prevention of Crime and Disorder

Protection of Children from Harm

The Secretary of States S182 Guidance paragraph 2.29 states The Government believes that it is completely unacceptable to sell alcohol to children.

The Secretary of States S182 Guidance paragraph 11.27 states There is certain criminal activity that may arise in connection with licensed premises which should be treated as particularly seriously. These are the use of the licensed premises: 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.

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Summary

Premises

TONYS FOOD AND WINE

Reference

OP FORT WORTH

Date and Time

16/04/2025 14:41

Description

POLICE OFFICER, POLICE LICENSING OFFICER, SBC LICENSING OFFICER AND TRADING STANDARD OFFICER ENTERED AND CONDUCTED A LICENSING CHECK AT TONYS FOOD AND WINE AT APPROXIMATELY 14:41 HOURS.

SUMMARY WAS IN WRONG POSITION, NOT CLEARLY VISIBLE FROM DISTANCE
HOWEVER WAS PRESENTED ON WALL.

SECTION 57 MISSING AI TOGETHER.

..... WAS WORKING BEHIND THE COUNTER.

NO TRAINING RECORD CARD.

NO CCTV NOTICE.

NO ID SIGNS OR THINK 25/18 POSTERS WERE SIGHTED.

NO OLD REFUSAL LOG BOOK, THERE WAS REFUSAL LOG BOOK PRESENTED WHICH STARTED ON 12TH JANUARY 2025 AND HAD NO REFUSAL RECORDED FOR ALCOHOL, ALL THE RECORDED REFUSALS WERE FOR VAPES ONLY.

WORKER BEHIND THE COUNTER WAS NOT ABLE TO ANSWER WHO SHE CAN SALE ALCOHOL TO AND DIDN'T MENTION CANNOT SERVE ALCOHOL TO DRUNK PERSON. THERE WAS LANGUAGE BARRIER WHILE SPEAKING TO THE WORKER ON SHOP FLOOR.

CCTV MONITOR WAS NOT WORKING.

STAFF AREA ON THE PLAN IS NOW SHOP AREA AND SELLING GOOD FROM THERE.

ILLICIT CIGARETTE AND VAPES WERE FOUND BY TRADING STANDARDS IN THE BACK OF SHOP.

MAGNUM WAS ON SALE HOWEVER, THEY WERE NOT VISIBLE AND WERE ON THE COUNTER. THERE WAS A SIGN STATING MAGNUM ON SALE HERE.

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Praveen Vinayagamoorthy
Via email
everydaysuperstore@gmail.com

Contact: Stuart Bruce-Reid
Service: Environmental Health
Direct line: 01784 444213
Fax: 01784 446437
E-mail: s.bruce-reid@spelthorne.gov.uk
Our ref: 24/00699/LAPRE

Date: 14 May 2025

Dear Praveen Vinayagamoorthy

Licensing Act 2003

**Tonys Food And Wine Tonys Food And Wine 149 High Street, Staines,
TW18 4PA**

I write further to a visit carried out to the above premises on 16 April 2025 with Stuart Bruce-Reid, Licensing Enforcement Officer and Jacquie Clark, Surrey Police Licensing Officer and Surrey Trading Standards officer

and Surrey Police. In attendance at the premises was serving.

During the visit a full premises licence inspection was carried out and there are a number of licensing breaches which I have outlined below that must be rectified:

Section 57 Notice

Under the Licensing Act 2003, you are required to display a notice advertising who the premises licence is under the control of.
This was missing.

CCTV

Your shop has CCTV fitted with cameras clearly visible and a monitor to display images was also present. Even though the monitor was turned off there was no way of checking that the CCTV was working. Any member of the public would see these and expect them to be working.

Unless you can prove otherwise, I will take it that the CCTV was operational and as such you should have CCTV warning signs clearly displayed. Even though your licence does not stipulate that you must have CCTV, it is all part of complying with the licencing objectives and I would strongly recommend that this remains in place and working.

Age verification policy

Under the mandatory conditions you must have a proof of age policy. You must make sure that there is signage up to inform customers that you are checking the age of persons buying alcohol.

Fire exit and fire check door

Your plan shows that there should be a fire check door between the Staff Area and the shop floor, this was missing.

There were no fire exit signs to the rear of the shop and when I went out into the storeroom and then outside the rear of this area as you would to escape a fire, the end of this outside area was blocked and not usable as a fire escape.

Illegal tobacco and vapes

In the kitchen area we found numerous illegal vapes and cigarettes, these were seized by Surrey Trading Standards Officer.

This will be recorded by licensing and may be used as evidence if we have any concerns and enforcement action is to be taken.

Your licence has no other conditions apart from the mandatory ones, but what is expected of licensed premises have changed since your licence was issued. What is considered best practice and your due diligence to comply with the licencing objectives is still your responsibility and just saying 'it's not on my licence' is no defence.

Below is a list of procedures I would ask you adopt, so in the event of any incident you can prove you took all reasonable steps to prevent it.

- The adoption of Challenge 25.
- A refusal book, showing date and time and reason for refusal. You must ensure that your staff are trained on what is expected of them for refusals and that they are required to fill out this book.
- An incident log, showing date and time and what the incident was. You should be able to demonstrate that your staff have had training and this is regularly refreshed.
- A training record for yourself and staff. You should ensure both you and the member of staff sign to say they have received the training.
- CCTV recording for 31 days and downloads to be made available to any relevant authority.

Premises Plan

The area which was originally shown as staff area is now used to sell alcohol, this is out of sight of the counter, there is a camera covering this area, but is it working. Anyone could go into this area and drink from the displayed alcohol

and the staff would not be aware of this. This is an area of great concern as underage or drunk person could consume alcohol here. This must be addressed before submitting the minor variation to change the plan.

I have attached the guidance for plans at the end of this document. Minor Variations can be applied for online here: Premise Licences - Spelthorne Borough Council. There is a cost of £89 and the application will need to be advertised at the premises as well. You can download a notice to display using the above link.

As your plan does not reflect how the current premises is you are operating otherwise than accordance with your premises licence and this is an offence under section 136 Licensing Act 2003.

You must ensure that your minor variation is submitted by 21 May 2025 at the very latest. You may wish to consider appointing a licensing agent as we are unable to complete applications.

Yours sincerely

Stuart Bruce-Reid

CC
Surrey Police
Surrey Fire and rescue
Trading Standards

2.9 Plans

The plan of the premises should be included with the application, and copied to the responsible authorities as part of the application. The plan of the premises needs to meet the requirements set out in the act and the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, SI 2005/42 to show the following:

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2. the location of points of access to and egress from the premises
3. if different from (2), the location of escape routes from the premises
4. in a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity
5. fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment
6. in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor

7. in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts
8. in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms
9. the location and type of any fire safety and any other safety equipment, including if applicable, marine safety equipment
10. the location of a kitchen, if any, on the premises

POLICE STATEMENT**Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B****NICHE Ref No: 45250109440****Statement of: 42544, ROBERT FALL**

Age (if under 18): N/A

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature of Witness:

Date: 20-11-2025

This statement is in reference to a licencing check, as part of a covert policing operation conducted at 1700 HOURS on WEDNESDAY 27 AUGUST 2025.

On WEDNESDAY 27 AUGUST 2025, at 1700 HOURS, I was on duty, in plain clothes, assisting with a police operation targeting shops that had been identified by police information selling alcohol to persons under 18 in STAINES TOWN CENTRE.

Before this operation commenced, I was briefed by DS 40675 BURGESS in company with two police cadets, who were in plain clothes, and under the age of 18. The nature of the operation involved the cadets entering the target store, and making an attempt to purchase alcohol from the store. They possessed no ID, and if asked to provide an ID, they were to desist their actions, and exit the store. If they were able to purchase the alcohol, they were to leave the store, and inform DS 40675 BURGESS of the successful purchase. All this would be witnessed by an officer in plain clothes, who would be able to provide a statement.

At 1700 HOURS, I attended TONY'S FOOD & WINE, 149 HIGH STREET, STAINES, TW18 4PA, in company with the police cadets, who were under 18. I entered the store first at around 1700 HOURS, and kept eye-view of the front counter while appearing as if I was shopping. At this time, the police cadets entered the store, and going to the alcohol section, selected two cans of alcohol. They then took this to the counter, which was being operated by a female store worker, who I now know to be (redacted). At 1702 HOURS, the cadets attempted to pay for the alcohol, and (redacted) made no attempt to check their identification or verify their ages. The cadets were able to successfully purchase the alcohol before leaving the store. (redacted) made no attempt to stop them from leaving, and the two police cadets were able to exit the store. After roughly 1 minute, I also left the store.

Witness name: 42544, ROBERT FALL
 Statement started: 20-11-2025 16:09:52
 Form ID: Doc1763654992684-188-BJNQKXQAAAAY5HPQIF2AE6YN

Statement completed: 20-11-2025 16:12:40

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Summary

Premises

TONYS FOOD AND WINE

Reference

Date and Time

27/08/2025

Description

A JOINT VISIT BETWEEN SURREY POLICE AND TRADING STANDARDS. MANY ITEMS SEIZED DUE TO EITHER BEING ILLEGAL VAPES (I.E. NOT WITHIN THE GOVERNMENT GUIDELINES ON WHAT THEY CAN SELL) OR ILLEGAL TOBACCO/THC VAPES/DRUG PARAPHERNALIA. THE ITEMS ARE LISTED BELOW AS TO WHAT WAS SEIZED BY POLICE/TRADING STANDARDS.

TONY'S OFF LICENCE, HIGH STREET, STAINES

JL/01, 03 - FOUND IN SUITCASE IN OUTHOUSE:

1 X BOX OF PLATINUM SEVEN - 20 BOXES INSIDE

2 X SEALED EURO CIGARETTES - 20 INSIDE EACH

8 X INDIVIDUAL EURO CIGARETTE BOXES

8 X INDIVIDUAL RICHMOND CIGARETTE BOXES INSIDE LARGER BOX

16 X GOLD FLAKE INDIVIDUAL BOXES

1 X HAYATI VAPE

4 X EURO CIGARETTES

2 X AMBER LEAF TOBACCO POUCHES

1 X PLATINUM SEVEN BOX OF CIGARETTE

JL/02 - FOUND IN SUITCASE:

1 X BOX OF MARLBORO CIGARETTES

TWISTER BAR VAPES - 5

R&M TORNADO VAPES - 13

VAPE SLUSHY – 1

JL/04, 05, 06 - FOUND ON SHELF IN KITCHEN AREA:

170 X LOST MARY VAPES

52 X CRYSTAL BAR VAPES

181 X ELFBAR VAPES

JL/07, 08, 09, 10, 11, 12, 13, 14, 15, 16 - FOUND BEHIND SALES COUNTER

CRYSTAL BAR VAPES- 532

LOST MARY VAPES - 36

ELF BAR VAPES - 87

650 PUFF VAPE - 1

MISCELLANEOUS VAPES - 300

MISCELLANEOUS VAPES FROM BEHIND COUNTER - 87

DRUG PARAPHERNALIA – 19

BONGS – 11

Review Date

Retain

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16 Promoting the Four Licensing Objectives

- 16.1 The promotion of the four objectives is fundamental to the Act. Every applicant for a premises licence must provide a fully completed and detailed operating schedule. This schedule must be in the prescribed format.
- 16.2 The most effective means for an applicant to assess what measures are needed to promote the licensing objectives is by risk assessment, which can then be used to form the basis of the operating schedule.
- 16.3 Providing as much information as possible in the operating schedule demonstrates that the applicant has seriously considered the issues, is aware of their duty to promote the licensing objectives at all times and is aware of how this may be best achieved.
- 16.4 The operating schedule forms the basis of any conditions placed on a licence other than those which are mandatory. It provides valuable information to interested parties and responsible authorities assisting their assessment of the impact of the licensed activity on the licensing objectives and provides information about how the applicant will address these issues. It is likely to form the basis of any decision to submit a representation against the application.
- 16.5 The Licensing Authority considers the effective and responsible management of the premises, including instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these measures should be specifically considered, detailed and addressed within an applicant's operating schedule.
- 16.6 Failure to comply with licence conditions can lead to formal enforcement action or an application for a review of the licence, or both.

16.7 Prevention of Crime and Disorder

- 16.8 Licensed premises of any description, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people can be a source of crime and disorder. The Licensing Authority expect operating schedules to satisfactorily address these and any other potential issues, from the design of the premises through to the daily operation of the business.

- 16.9 Applicants are recommended to engage with and seek advice from the Police and other Responsible Authorities taking into account, as appropriate, local planning and transport policies in addition to tourism and crime prevention strategies when preparing their operating plans and schedules prior to submission.
- 16.10 It is recognised that late night takeaways can be the focus of anti-social behaviour, and in Staines Town Centre the use of CCTV, licensed door supervisors at peak times, and signing up to the town centre radio may be considered necessary to address this.
- 16.11 Where objections are received and the Licensing Sub Committee considers it appropriate to do so, conditions may be attached to licences to prevent crime and disorder both inside and in the vicinity of the premises.
- 16.12 The Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering applications for the grant or variation of a licence, serious consideration will be given to the dispersal arrangements, the potential effect that granting the licence might have on dispersal arrangements from other licensed premises or the cumulative impact in the area.
- 16.13 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 16.14 Consideration will be given where appropriate to the powers available under the Violent Crimes Reduction Act 2006 and the use of Public Spaces Protection Orders.

16.41 Protection of Children from Harm

16.42 The Council is committed to the safeguarding of children and vulnerable persons. The Licensing Act 2003 places legal responsibilities on holders of Premises Licences and Club Premises Certificates, and those who work in licensed premises to ensure that children are protected from harm at all times when on licensed premises.

16.43 In exercising the Council's powers under Section 182 of the Act to designate a body which is competent to advise the Council about the protection of children from harm, the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

16.44 Having regard to the above principles and the guidance issued by the Home Office, the Council designates the Surrey County Council Children's Service for this purpose.

16.45 The wide range of different premises that require licensing under the Act means that children may be expected to visit many of these, often on their own, for food and / or entertainment. Where no representations are received and an applicant's operating schedule details restrictions in relation to the admission of children, these may become conditions attached to the licence. Apart from the specific restrictions set out in the Licensing Act 2003, there is no presumption of either permitting or refusing access to licensed premises. Each application and its unique circumstances must be considered on its own merits.

16.46 The Authority is committed to protecting children from harm. Local authorities have an overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. While local authorities play a lead role, safeguarding children and protecting them from harm is everyone's responsibility. Everyone who comes into contact with children and families has a role to play.

16.47 The Licensing Authority will only seek to limit the access of children to licensed premises where it is necessary for the prevention of physical, moral or psychological harm. The Licensing Authority will consult the Surrey Safeguarding Children Board for advice on any application that indicates there may be concerns over access for children. In the event of representations, the Licensing Sub-Committee will consider the merits of each application before deciding whether to impose conditions limiting the access of children.

16.48 The following are examples of premises that are likely to raise concern;

- Where entertainment or services of an adult or sexual nature are commonly provided.
- Where there have been convictions of the current staff at the premises for serving alcohol to minors or premises with a reputation for underage drinking.
- Where a remote delivery service for alcohol is offered, with the potential for minors to order/be delivered alcohol
- Where age restricted films are shown
- A known association with drug taking or drug dealing
- Where there is a strong element of gambling on the premises
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

16.49 Examples of entertainment or services of an adult or sexual nature might include;

- Topless bar staff, striptease, lap, table or pole dancing
- Performances involving feigned violence or horrific incidents
- Feigned or actual sexual acts or fetishism
- Entertainment involving strong or offensive language.

16.50 The Licensing Sub-Committee may consider any of the following options when dealing with a licence application where limiting the access of children is considered appropriate to prevent harm to children;

- Limitations on the hours when children may be present
- Limitations on the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children might be given access
- Limitations on ages below 18
- Requirements for an accompanying adult
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

16.52 Consideration will be given to promoting initiatives which may assist in preventing the sale of alcohol to children such as Home Office campaigns. The Licensing Authority is supportive of and actively encourages recognised proof of age schemes and 'Challenge 25'

Page | 30



polices in all licensed premises as a fundamental means of preventing under age sales. The Licensing Authority has an expectation that all licence holders will maintain accurate record keeping of refusals and ensure that all staff are suitably trained.

16.53 Applicants seeking a licence that would enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:

- the person they are selling alcohol to is over 18;
- that alcohol is only delivered to a person over 18;
- that a clear document trail of the order process from order to delivery is maintained (with times and signatures) and available for inspection by an authorised officer;
- the time that alcohol is sold on the website / over the phone and the time; and
- that the alcohol is delivered is within the hours stated on the licence for the sale of alcohols.

16.54 Many children go to see and/or take part in entertainment arranged especially for them, for example children's film shows, discos, dance or drama school productions and additional arrangements are required to safeguard them while at the premises.

16.55 Where an application for a Premises Licence or Club Premises Certificate includes the provision of entertainment for children or by children, the Licensing Authority will expect the operating schedule to include arrangements for protecting children.

16.56 Where representations are made and the Licensing Sub-Committee consider it appropriate to do so, they may make full use of Licensing Conditions to secure the protection of children from harm.

16.57 The Licensing Authority is committed to protecting children from harm and supports the programme of underage test purchases arranged by the Surrey Trading Standards Service, the Licensing Team and Police. Where underage sales are found, the Licensing Authority supports the appropriate and proportionate use of warnings, fixed penalty notices, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act proportionately.

16.58 In keeping with the s.182 Guidance the Licensing Sub-Committee will treat underage sales as serious criminal activity and will give consideration to the suspension or revocation of a licence if a review is brought in respect of underage sales.

22 Licence Holder Responsibilities

22.1 Being a licence holder carries special responsibilities, and we expect all licence holders to give meaningful effect to the terms and conditions of the licence with a view to preventing problems arising.

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22.2 If management issues do arise, it is essential that licence holders proactively engage with responsible authorities, local people and us in order to address them. In particular, the licence holder should listen to concerns and seek to identify specific steps they can take to deal with problems in a way that promotes the licensing objectives.

22.3 Where possible, we will try to give licence holders early warning of concerns about problems and the need for improvement. In some cases, (where time allows) we may also be able to facilitate mediation between the licence holder and people who are concerned about the operation of the premises. However, the responsibility for addressing problems lies with the licence holder. We will expect licence holders to take immediate action to deal with problems that are seriously affecting the quality of life of local people.

22.4 Failure on the part of the licence holder to respond proactively to management issues may lead us to take enforcement action (see Chapter 11). It may also trigger a party seeking a review of the licence. In considering such a review, we will have regard to the actions of the licence holder and the extent to which they have co-operated with other parties in attempting to deal with the issues.

23 The Review Process

- 23.1 Residents have the power to apply for a licence to be called in for review if the premises are causing problems. There is no requirement to live or work in the vicinity. Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the Council's licensing department may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that the Council will act as a responsible authority in applying for reviews on behalf of other persons or where the basis for intervention falls within the remit of another responsible authority.
- 23.2 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority

it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly. The Council's licensing department will work closely with officers from Immigration Enforcement to enable them to carry out their functions as effectively as possible.

- 23.3 A review application needs to be in writing on the statutory form. There will need to be clear and factual evidence to support the application and this should show that incidents are not isolated and that there is a direct link with the premises. Grounds for review must also be based on one or more of the licensing objectives.
- 23.4 Full details of the review process may be found in the Section 182 Licensing Act 2003 Revised Guidance on the Home Office website and in the Licensing Act 2003.

1. Introduction

The Licensing Act 2003

1.1 The Licensing Act 2003 (referred to in this Guidance as the 2003 Act), its explanatory notes and any statutory instruments made under it may be viewed online at www.legislation.gov.uk. The statutory instruments include regulations setting out the content and format of application forms and notices. The Home Office has responsibility for the 2003 Act. However, the Department for Culture, Media and Sport (DCMS) is responsible for regulated entertainment, for which there is provision in Schedule 1 to the 2003 Act (see Chapter 16).

Licensing objectives and aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

The guidance

1.6 Section 182 of the 2003 Act provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act. This revised guidance takes effect as soon as it is published. Where a licence application was made prior to the publication of the revised guidance, it should be processed in accordance with the guidance in effect at the time at which the application was made; the revised guidance does not apply retrospectively. However, all applications received by the licensing authority on or after the date the revised guidance was published should be processed in accordance with the revised guidance.

Purpose

1.7 This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

1.8 The police remain key enforcers of licensing law. This Guidance does not bind police officers who, within the parameters of their force orders and the law, remain operationally independent. However, this Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

Legal status

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. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this 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.

1.10 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

Licensing policies

- 1.11 Section 5 of the 2003 Act requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act.
- 1.12 However, determining and publishing a statement of its policy is a licensing function and as such the authority must have regard to this Guidance when taking this step. A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. But once again, it is important that it should be able to give full reasons for departing from its published statement of licensing policy. Where revisions to this Guidance are issued by the Secretary of State, there may be a period of time when the licensing policy statement is inconsistent with the Guidance (for example, during any consultation by the licensing authority). In these circumstances, the licensing authority should have regard, and give appropriate weight, to this Guidance and its own existing licensing policy statement.

Licensable activities

- 1.13 For the purposes of the 2003 Act, the following are licensable activities:
 - The sale by retail of alcohol;
 - The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
 - The provision of regulated entertainment; and
 - The provision of late night refreshment.

Further explanation of these terms is provided in Chapter 3.

Authorisations or permissions

- 1.14 The 2003 Act provides for four different types of authorisation or permission, as follows:
 - Premises licence – to use premises for licensable activities.
 - Club premises certificate – to allow a qualifying club to engage in qualifying club activities as set out in Section 1 of the Act.
 - Temporary event notice – to carry out licensable activities at a temporary event.
 - Personal licence – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence.

General principles

- 1.15 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions. It is recommended that licence applicants contact responsible authorities when preparing their operating schedules.

Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Additional guidance

1.18 From time to time, the Home Office may issue additional supporting guidance to licensing authorities and other persons on the Gov.uk website. This supporting guidance is good practice guidance and should be viewed as indicative and subject to change. Such supporting guidance will broadly reflect but will not be part of the statutory guidance issued by the Secretary of State under section 182 of the 2003 Act. Licensing authorities may wish to refer to, but are under no statutory duty to have regard to such supporting guidance issued by the Home Office.

Other relevant legislation

1.19 While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

2. The licensing objectives

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 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.

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2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

2.7 The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:

- Putting alcohol into someone's drink without their knowledge or permission
- Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission
- Injecting another person with prescription or illegal drugs without their knowledge or permission
- Putting prescription or illegal drugs into another person's food without their knowledge or permission
- Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission

Protection of children from harm

2.28 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.29 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.30 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism,

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or entertainment involving strong and offensive language.

2.31 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.32 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.33 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.34 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.35 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

2.36 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the

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licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

2.37 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.38 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate. The licensing authority is required to advertise a review application.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should

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achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as relevant unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, consideration may be given as whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the licensing authority may be asked to consider whether it would be appropriate to publish a cumulative impact assessment. Further guidance on cumulative impact assessments can be found in Chapter 14 of this Guidance.
- 11.9 Responsible authorities and other persons may make representations in respect of an application to review a premises licence or club premises certificate. They must be relevant (i.e., relate to one or more of the licensing objectives) and, in the case of other persons, must not be frivolous or vexatious. Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account

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when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

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, 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.

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 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.

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