

Licensing Sub-Committee

17/12/2025



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

6.1 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)