

Licensing (Licensing and Gambling) Sub-Committee

Thursday, 11th August, 2011
at 9.30 am

PLEASE NOTE TIME OF MEETING

Committee Rooms 1 and 2 - Civic Centre

This meeting is open to the public
Members

Councillor Cunio
Councillor Drake
Councillor Parnell

Contacts

Democratic Support Officer
Sharon Pearson
Tel: 023 8083 4597
Email: sharon.pearson@southampton.gov.uk

Head of Legal and Democratic Services
Richard Ivory
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PUBLIC INFORMATION

Terms of Reference

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act, 2003 and Gambling Act 2005, including:-

- Personal licences for the sale of liquor Licensing Act 2003;
- Premises licences, various permits, variations and reviews (Licensing Act 2003 and Gambling Act 2005);
- Club certificates, variations and reviews Licensing Act 2003;
- Registration and deregistration of designated premises supervisors Licensing Act 2003;
- Determination of police objections to temporary event notices Licensing Act 2003

Relevant Representations

Those who have made relevant representations may address the meeting about the matter in which they have an interest.

When dealing with Licensing Act matters the Sub-Committee can only take into account the following statutory Licensing Objectives:-

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

Likewise, when dealing with Gambling Act matters the Sub Committee can only take into account the statutory Licensing Objectives below:-

- Preventing gambling being a source of crime
- That gambling is conducted in a fair and open way
- To protect children and other vulnerable children from harm

Southampton City Council's Seven Priorities

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support to the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

Smoking policy

The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones –

Please turn off your mobile telephone whilst in the meeting.

Fire Procedure –

In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access –

Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Potential Meetings: Municipal Year 2011/12

2011	3 NOVEMBER
19 MAY	17 NOVEMBER
2 JUNE	1 DECEMBER
16 JUNE	15 DECEMBER
30 JUNE	2012
14 JULY	5 JANUARY
28 JULY	12 JANUARY
11 AUGUST	9 FEBRUARY
25 AUGUST	23 FEBRUARY
8 SEPTEMBER	8 MARCH
22 SEPTEMBER	22 MARCH
6 OCTOBER	5 APRIL
20 OCTOBER	19 APRIL

CONDUCT OF MEETING

Terms of Reference

The terms of reference are contained in the Council's Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Quorum 3

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

Disclosure of Interests

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

Personal Interests

A Member must regard himself or herself as having a personal interest in any matter

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
 - (a) any employment or business carried on by such person;
 - (b) any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
 - (c) any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

Continued/.....

Prejudicial Interests

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are available via the Council's website.

1 ELECTION OF CHAIR

To appoint a Chair for the purposes of this meeting.

2 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

3 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

In accordance with the Local Government Act 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer prior to the commencement of this meeting.

4 STATEMENT FROM THE CHAIR

5 EXCLUSION OF THE PRESS AND PUBLIC

At a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The press and the public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

6 VARIATION APPLICATION FOR A PREMISES LICENCE - DPS VARIATION - SPAR, 114 EAST STREET, SOUTHAMPTON, S014 3HD

Report of the Head of Legal and Democratic Services, detailing an application by Hampshire Constabulary for a DPS variation of a premises licence in respect of Spar, 114 East Street, Southampton, S014 3HD, attached.

**7 APPLICATION FOR A REVIEW OF A PREMISES LICENCE - BITTERNE VILLAGE -
PREMIER EXPRESS, 415 BITTERNE VILLAGE, SO18 5EE**

Report of the Head of Legal and Democratic Services, detailing an application by Trading Standards for a review of a premises licence in respect of Bitterne Village – Premier Express, 415 Bitterne Village, Bitterne, SO18 5EE, attached.

Wednesday, 3 August 2011

HEAD OF LEGAL AND DEMOCRATIC
SERVICES

Agenda Item 6



Reference: 2011/01769/01SPRD

Hearing:

11th August 2011

Variation Application for Premises Licence - DPS Variation

Premises Name: Spar
 Premises Address: 114 East Street
 Southampton
 SO14 3HD

Application Date: 5th July 2011
 Application Received Date: 11th July 2011

Application Valid Date: 11th July 2011



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Representations From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Hampshire Constabulary - Licensing	No	

Legal Implications

1. Where the Police give notice (stating that the Chief Officer of Police is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective and stating their reasons) the authority must –
 - (a) hold a hearing to consider it, unless the authority, the applicant and the Chief Officer of Police who gave the notice agree that a hearing is unnecessary, and
 - (b) having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.
2. The decision making panel, in considering an application, must have regard to the notice, adopted Statement of Licensing Policy and any relevant representations of the applicant.
3. An applicant, whose application has been rejected, may appeal against the decision to the Magistrates' Court. Likewise the Chief Officer of Police may appeal against a decision to grant the application.
4. Where an application is granted or rejected, the relevant licensing authority must give a notice to that effect to –
 - (a) the applicant,
 - (b) the proposed individual and
 - (c) the Chief Officer of Police for the police area (or each police area) in which the premises are situated.

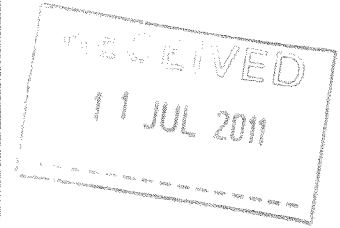
The notice must state the authority's reasons for granting or rejecting the application. Where the application is granted, the notice must specify the time when the variation takes effect.
5. In considering this application the panel will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the panel must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

The panel must also have regard to:-

6. *Crime and Disorder Act 1998*
Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
7. *Human Rights Act 1998*
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

Insert name and address
of relevant licensing
authority and its
reference number
(optional)

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Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

~~I/XX~~ Meten Kishore Lakhani
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

2005/00115/01/SPRC

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
114 East Street	
Post town Southampton	Post code SO14 3HD
Telephone number (if any)	

Description of premises (please read guidance note 1)
Convenience Store

Part 2

Full name of proposed designated premises supervisor

Meten Kishore Lakhani

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

2005/00869/02SPEC

Full name of existing designated premises supervisor (if any)

Richard Inglis
Parkview Retail Ltd

Please tick Yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick Yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or the relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 - Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature

Date 5/7/11

Capacity Solicitor

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5) Paris Smith LLP 1 London Road Southampton Hampshire	
Post town	Post code SO15 2AE
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

(full name of prospective premises supervisor)
(home address of prospective premises supervisor)

I, Meten Kishore Lakhani
of

(of application)

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for a Transfer

(name of applicant)

by

(number of existing licence, if any)

relating to a premises licence 2005/00115/01/SPRC

(name and address of premises to which the application relates)

for 114 East Street,
Southampton
SO14 3HD

(name of applicant)

and any premises licence to be granted or varied in respect of this application made by

(name and address of premises to which application relates)

concerning the supply of alcohol at
114 East Street
Southampton
SO14 3HD

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

(insert personal licence number, if any)

Personal licence number 2005/00869/02SPEC

(insert name and address and telephone number of personal licence issuing authority, if any)

Personal licence issuing authority Southampton City Council

Signed

Name MR METEN KISHORE LAKHANI
(please print)

Dated _____



**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

Hampshire Constabulary is a responsible authority and wish to make a representation regarding under the Licensing Act 2003, regarding the:

<input type="checkbox"/> 1: Grant for a personal licence	(Object within 14 days)
<input type="checkbox"/> 2: Grant for a temporary event notice (TEN)	(Object within 2 days)
<input type="checkbox"/> 3: Transfer of a premises licence	(Object within 14 days)
<input checked="" type="checkbox"/> 4: Variation of designated premises supervisor	(Object within 14 days)
<input type="checkbox"/> 5: Grant/Variation of a premises licence/club prem' certificate	(Object within 28 days)

Name of Applicant:	Meten Kishore Lakhani
Name of Proposed DPS:	Meten Kishore Lakhani

Details of relevant conviction (Personal Licence Applications ONLY)
n/a

Postal address of premises:	114 East Street Southampton
Postcode:	SO14 3HD

Details of responsible authority applicant

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank:	PC
Surname: PRIOR	First Names: Natasha
Current postal address :	Southampton Central Police Station Southern Road Southampton
Postcode:	SO15 1AN
Daytime telephone number:	023 8067 4768
E-mail address: (optional)	southampton.licensing@hampshire.pnn.police.uk

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003





New grant or variation of premises licence Or club premises certificate Form for representations from Hampshire Constabulary

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

- | | | |
|---|-------------------------------------|--|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> | |
| 2) Public safety | <input checked="" type="checkbox"/> | <i>Please select
one or more
boxes</i> |
| 3) The prevention of public nuisance | <input checked="" type="checkbox"/> | |
| 4) The protection of children from harm | <input checked="" type="checkbox"/> | |

Please state the ground(s) for representation:

The police are concerned that the DPS making the application, Meten Lakhani, is currently the DPS at Clovelly Post Office 110 St Mary's Road and St Mary's Food and Wine 101 St Mary's Road. The concern is that whilst he sets up and runs this new business in East Street he will not have the current level of involvement in his others stores or he will neglect his responsibilities at East Street in favour of the stores he currently runs.

The DPS was visited at Clovelly Post Office in June 2011 due to some information received about young drunk females being served which the DPS denied. The CCTV was requested to be viewed and this was not working and had not been for a couple of months. The refusals book was also requested and a book last used on the 23/12/10 was produced and the DPS stated that there was a newer book but he was not sure where it was at the present time. The DPS was advised accordingly with regards to the refusals book and CCTV and how they protect him and his staff from allegations such as the one received. This information and not being able to investigate it fully raises concerns under the protection of children from harm, the prevention of public nuisance and public safety. The CCTV being broken causes concerns under crime and disorder. This clearly shows that the DPS is struggling to maintain standards and support licensing objectives at the two premises he currently runs.

Maintaining the refusals book and CCTV along with training records for staff is an important part of being a DPS and the police believe that managing three premises would result in further examples of poor management at one or all three premises.

It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation

Police recommendations (including any conditions)

That another personal licence holder be named as DPS at this or one of the other premises

Signature of Officer Completing



**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

Name Natasha Prior Collar Number: 20920
Signature: _____ Date: 20/07/2011

Signature of Authorising Officer

Name INSPECTOR Dave Aspinwall Collar Number: 3427
Signature: _____ Date: 22/7/11

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Agenda Item 7



Reference: 2011/01620/01SRAP

Hearing:

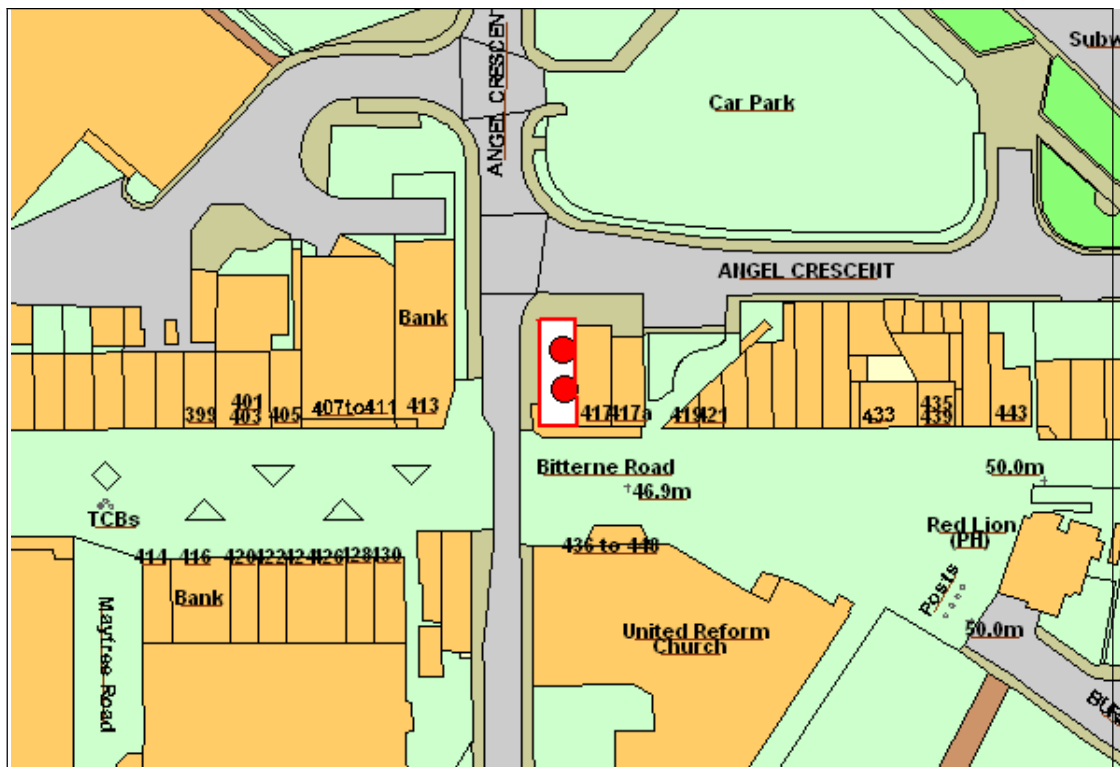
11th August 2011

Application for Review of Premises Licence

Premises Name: Bitterne Village - Premier Express Application Date: 23rd June 2011

Premises Address: 415 Bitterne Village Application Received Date: 23rd June 2011
 Bitterne Road
 Bitterne
 Southampton
 SO18 5EE

Application Valid Date: 23rd June 2011



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Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	No response received	

Hampshire Fire And Rescue - Licensing	Yes	
Environmental Health - Licensing	No response received	
Planning & Sustainability - Building Control - Licensing	No response received	
Planning & Sustainability - Development Control - Licensing	No response received	
Hampshire Constabulary - Licensing	No response received	
Trading Standards - Licensing	No	

Other Representations

Name	Address	Contributor Type
None		

Legal Implications

1. Part 3 of the Licensing Act 2003 provides that a responsible authority of a resident or business in the vicinity (interested party) may apply for review of a premises licence.
2. The grounds of review applications must relate to one or more of the licensing objectives.
3. In such circumstances, the applicant for the review must serve a copy of the review application on the holder of the premises licences, the City Council and each of the responsible authorities.
4. On receipt of the application for review, the officers will consider its validity, under delegated powers. Reasons for rejection, in whole or in part, include:
 - that the grounds for review are not relevant to one of more of the licensing objectives and;
 - (in the case of an application not made by a responsible authority), that the application is frivolous, vexatious or repetitious.
5. The City Council must, within one day of receiving the application for review, display a prescribed notice of the review application on the outside or adjacent the premises; the notice must remain on display for 28 days and any interested party in the vicinity

6. Unless the applicant, licence holder, interested parties and responsible authorities agree that a hearing is unnecessary, the City Council is then required to hold a hearing to consider the review.
7. The sub-committee, in considering the application for review, must have regard to the adopted Statement of Licensing Policy and evidence before it at the hearing.
8. The Licensing Act 2003 provides that, in determining an application for review, the sub-committee may take any (or none) of the following steps, as it considers necessary:
 - modify the conditions of the licence;
 - exclude a licensable activity from the scope of the licence;
 - remove the designated premises supervisor;
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
9. The Licensing Act 2003 makes provision for appeal to the Southampton Magistrates' Court against the sub-committee's decision in relation to an application for review.
10. In considering this application the sub-committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
11. Copies of the application for review and the Police objection are annexed to this report.
12. The sub-committee must also have regard to:-
13. *Crime and Disorder Act 1998*

Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
14. *Human Rights Act 1998*

The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.

SOUTHAMPTON CITY COUNCIL



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Southampton City Council Trading Standards Service

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Premier Express, 415 Bitterne Village, Bitterne Road, Southampton,	
Post town Southampton	Post code (if known) SO18 5ND

Name of premises licence holder or club holding club premises certificate (if known) Kalwant Singh
--

Number of premises licence or club premises certificate (if known) 2008/02230/01SPRN
--

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Lucas Marshall Trading Standards Service Southampton City Council Civic Centre Road Southampton SO14 7LY
Telephone number (if any) 02380 834930
E-mail address (optional) lucas.marshall@southampton.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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The Prevention of Crime and Disorder
The Prevention of Public Nuisance
The Protection of Children from Harm

Southampton Trading Standards Service carries out routine test purchasing exercises at retailers within Southampton to ensure that age restricted products, including alcohol and cigarettes, are not being sold to persons under the age of 18.

On 18th April 2011 a 16 year old girl acting under the instructions of an Inspector of Weights and Measures purchased alcohol and cigarettes from Premier Express, 415 Bitterne Village, Bitterne Road, Southampton. It is an offence under Section 146 of the Licensing Act 2003 to supply alcohol to a person under the age of 18, and Section 7(1) of the Children and Young Persons Act 1933 (as amended) to sell cigarettes to a person under the age of 18.

It is considered that the holder of the premises licence has not fulfilled the duty under the Licensing Act 2003 to prevent crime and disorder and public nuisance, and to protect children from harm. We are therefore applying to review the licence.

In the supporting information we give more details and state the conditions we would wish to see added to the licence in order to promote the above licensing objectives.

Please provide as much information as possible to support the application
(please read guidance note 2)

On 18th April 2011 a 16 year old girl acting under the instructions of an Inspector of Weights and Measures purchased alcohol and cigarettes from Premier Express, 415 Bitterne Village, Bitterne Rd, Southampton.

On 16th May 2011 I interviewed Kalwant Singh, the Premises Licence Holder and owner of the business regarding the alleged offences. During interview it became clear that basic systems to prevent underage sales were lacking: there was not a Challenge 21 or 25 policy in place; records of training of staff were not kept; records of refused sales were not routinely recorded.

Kalwant Singh has considerable history with Southampton Trading Standards Service: he was prosecuted in March 2010 regarding under age sales of alcohol and cigarettes at another business which he owns, Spring Road News Food & Wine, Spring Rd, Southampton. He has previously accepted a caution regarding sale of cigarettes which occurred at that business in May 2008. His son, Gurvinder Singh, who is the Designated Premises Supervisor at this Premier store, has also accepted a Simple Caution regarding sale of fireworks to a 15 year old, which took place in October 2006. Advice regarding prevention of under age sales, including verbal advice, fact sheets, training resources, posters, and refusals logs has been provided by this Service to Kalwant Singh's businesses on at least 8 occasions, however he has consistently failed to heed that advice.

Trading Standards Officers are not confident that reasonable precautions are being taken at Premier to prevent the sale of alcohol and cigarettes to persons under the age of 18 and would therefore request that the following conditions are imposed on the premises licence so as to assist the licence holder and the designated premises supervisor in the effective management of the premises, and to promote the licensing objectives:

- "The holder of the premises licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the Licensing Authority proving that individual to be 18 years of age or older. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person. Notices regarding the store's "Challenge 25" policy must be displayed"

- "All staff who sell alcohol will be trained to NCPLH (National Certificate of Personal Licence Holder) level. All sales of alcohol must be directly supervised and authorised by a Personal Licence Holder until such staff have achieved training to NCPLH level."

- "That staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; that records are kept of such training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training every six months as a minimum and that records, signed and dated by the member of staff, are kept of this refresher training. Records of training will be available for inspection by Hampshire Constabulary, the Licensing Authority, Trading Standards and other Responsible Authorities on request."

- "The holder of the premises licence shall keep a written record, namely a refusals book, of those incidents where a person who a member of staff believes to be under the age of 18, and is unable to produce acceptable means of identification proving that they are of 18 years or more, attempts to purchase alcohol and is refused. The

record shall include details, in English, of the date, time, a brief description, including estimated age, of the person who attempted to purchase the alcohol, the type of alcohol and the name of the person who refused the sale. Staff shall be trained in the use of the refusals book and it should be kept in a readily accessible place known by all members of staff. The record will be regularly checked by the premises licence holder or the designated premises supervisor to ensure that all staff are completing records, and this person will sign and date the record as evidence that they have checked it. The refusals book will be immediately available for inspection at the premises by Hampshire Constabulary, the Licensing Authority and Trading Standards, on request."

- "A CCTV system shall be installed and maintained in the licensed premises. As a minimum, it shall enable surveillance of both external and internal areas of the premises including entrances and exits. Recordings from the system shall be of a quality acceptable as evidence in a court of law and shall be securely retained at the licensed premises for a minimum period of 30 days after the recording, and shall be surrendered to Hampshire Constabulary, the Licensing Authority, or Trading Standards immediately on request."

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

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

N/A

Please tick yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 23rd June 2011

.....

Capacity Trading Standards Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Lucas Marshall
Trading Standards Service
Southampton City Council
Civic Center Rd

Post town
Southampton

Post Code
SO14 7LY

Telephone number (if any) 02380 834930

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) lucas.marshall@southampton.gov.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.
6. See separate guidance for responsible authorities' details.

TRADING STANDARDS SERVICE WITNESS STATEMENT

C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2010 (Rule 27)

STATEMENT OF: **Rebecca Adams**

AGE IF UNDER 18: **OVER 21**

This statement (consisting of 1 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 the 20th day of June 2011 Signature: ..

..... being unable to read the statement,

I..... of

.....read it to him/her before he/she signed it.

Dated the day of 2011 Signature:

A My name is Rebecca Adams. I am employed by Southampton City Council as a Fair Trading Officer.
 On 18th April 2010 I was involved in an underage sales operation in Southampton. The volunteer who
 we used for the operation was called Roseanne and was 16 years old. I produce a sanitised copy of her
 B passport as Exhibit RA/1. I produce 2 photos of Roseanne as Exhibits RA/2 and RA/3. In the photos she
 is wearing the same clothes as she wore for the exercise. I can confirm that these photos are an
 accurate representation of Roseanne and have not been enhanced or amended in any way. At
 C approximately 9:45 Roseanne entered Premier, 415 Bitterne Village, Bitterne Road, Southampton. I
 entered shortly after and, acting as a customer, I witnessed Roseanne purchase a bottle of Blue WKD
 drink and a packet of 10 Mayfair cigarettes, from a female of Asian appearance. The seller did not ask
 D Roseanne to show any identification, or her age. Roseanne then left the shop with the alcohol and
 cigarettes. I purchased some sundry items and left the shop shortly after Roseanne. Shortly after the
 sale I returned to the shop with Trading standards Officer Lucas Marshall. I announced myself to the
 E female who had sold the alcohol to Roseanne and told her that she had sold alcohol to a 16 year old girl.
 The seller identified herself as Jaswar Kaur, date of birth 22-04-1956, address: 1 St Elizabeth Avenue,
 Southampton, SO18 5ND.

Signature: ...



INVESTOR IN PEOPLE

TRADING STANDARDS SERVICE WITNESS STATEMENT

C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2010 (Rule 27)

STATEMENT OF: **LUCAS MARSHALL**

AGE IF UNDER 18: **OVER 21**

This statement (consisting of 1 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 the 22 day of JUNE 2011 Signature:

..... being unable to read the statement,
I..... of
.....read it to him/her before he/she signed it.

Dated the ___ day of _____ 2011 Signature:

- A My name is Lucas Marshall. I am employed by Southampton City Council as a Trading Standards Officer. On 18th April 2011 I was involved in an underage sales operation in Southampton. At approximately 9:45 am I witnessed 16 year old volunteer Roseanne enter Premier Express, 415 Bitterne
- B Village, Bitterne Road, Southampton, followed by Fair Trading Officer Rebecca Adams. Shortly after Roseanne came out of the shop and gave a bottle of Blue WKD and a packet of 10 Mayfair cigarettes to me, which I produce as exhibits LM/1 and LM/2. Ms Adams and I then entered the store. Ms Adams
- C identified the seller, who have her name as Jaswar Kaur. I asked to see the store's refusals book, which she gave to me. It appeared to have been used sporadically, and there had been no entries in February and March 2011. On 16th May 2011 I interviewed Kalwant Singh, the Premises Licence Holder of the
- D business, in accordance with the Police and Criminal Evidence Act 1984 and associated Codes of Practice. The interview was conducted in the interview room at Trading Standards Service, 7 Civic Centre Road, Southampton. I produce the CD of the interview as Exhibit LM/3.
- E Signature: ...



INVESTOR IN PEOPLE

RA/1

30

United Kingdom of Great Britain and Northern Ireland



Passport / Passeport

Type/Type Code of Issuing State/Code de l'Etat émetteur

P GBR

Passport No. / Passeport No.



Given names/Prénoms (2)

ROSEANNE

Nationality/Nationalité (3)

BRITISH CITIZEN

Date of birth/Date de naissance (4)

06 JAN / JAN 95

Sex/Sexe (5)

F

Place of birth/Lieu de naissance (6)

Date of issue/Date de délivrance (7)

Authority/Autorité (8)

UKPA

Holder's signature/Signature du titulaire (10)

THE HOLDER IS NOT REQUIRED TO SIGN



XXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX02

REAL LEATHER



Trading Standards Service

Incident reference

11/00703/4A5

Exhibit reference

GM/1

Description of article

BAGS WHO ALCOHOL

Signature of person originally identifying

Name of person originally identifying (block letters)

LUCAS MARSHALL

EH.126 07.10.22561



Trading Standards Service

Incident reference

11/00703/4AS

Exhibit reference

LM/2

Description of article

10 x MAYFAIR
CIGARETTES

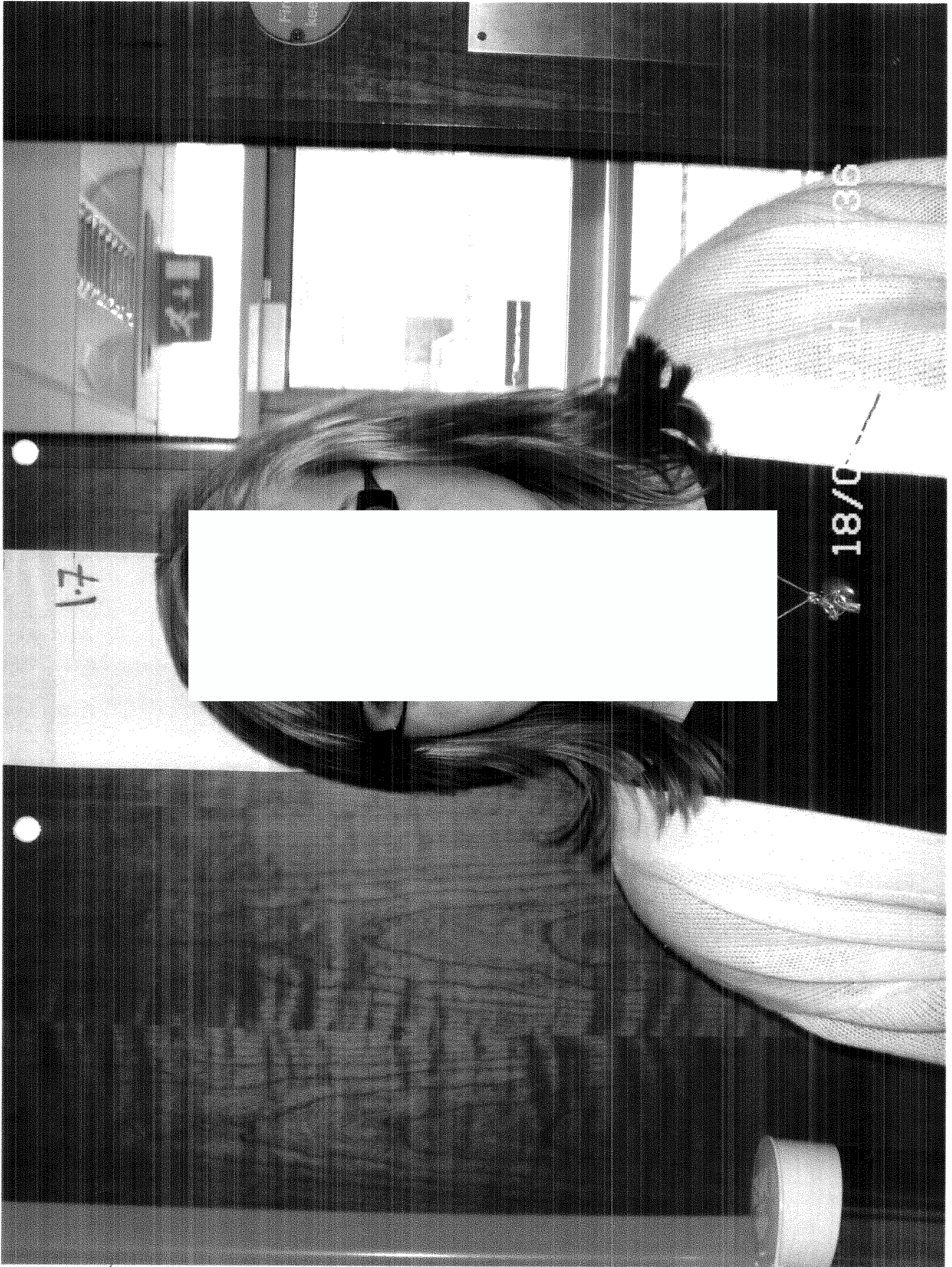
Signature of person originally identifying

L

Name of person originally identifying (block letters)

LUCAS MARSHALL

EH.126 0710.22561



7.1

18/0

36

RA/2



1 13:37

1

8.1

7.1

Please do not touch the door handle

Edison

R013